



## **Stratford City Council Regular Council Open Session MINUTES**

Meeting #:	4651st
Date:	Monday, April 12, 2021
Time:	3:00 P.M.
Location:	Electronic Meeting
Council Present in Council Chambers:	Mayor Mathieson - Chair Presiding
Council Present Electronically:	Councillor Beatty, Councillor Bunting, Councillor Burbach, Councillor Clifford, Councillor Gaffney, Councillor Henderson, Councillor Ingram, Councillor Ritsma, Councillor Sebben, Councillor Vassilakos
Staff Present in Council Chambers:	Joan Thomson - Chief Administrative Officer, Tatiana Dafoe - City Clerk, Chris Bantock - Deputy Clerk
Staff Present Electronically:	David St. Louis - Director of Community Services, Ed Dujlovic - Director of Infrastructure and Development Services, Kim McElroy - Director of Social Services, John Paradis - Fire Chief, Alyssa Bridge – Manager of Planning, Marilyn Pickering – Manager of Tax Revenue, Spencer Steckley – Manager of Financial Services, Allison Jordan – Events Coordinator

### **1. Call to Order:**

Mayor Mathieson, Chair presiding, called the Council meeting to order.

Moment of Silent Reflection

**2. Declarations of Pecuniary Interest and the General Nature Thereof:**

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and to otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

No declarations of pecuniary interest were made by a member at the April 12, 2021, Regular Council meeting.

**3. Adoption of the Minutes:**

R2021-164

**Motion by** Councillor Henderson

**Seconded by** Councillor Bunting

**THAT the Minutes of the Regular Meeting of Council of The Corporation of the City of Stratford dated March 22, 2021 be adopted as printed.**

**Carried**

**4. Adoption of the Addenda to the Agenda:**

R2021-165

**Motion by** Councillor Gaffney

**Seconded by** Councillor Vassilakos

**THAT the Addenda to the Regular Agenda of Council and Standing Committees dated April 12, 2021 to add item 5.4, 11.10, 11.11 and 11.12 be added to the Agenda.**

**Carried**

**5. Report of the Committee of the Whole In-Camera Session:**

**5.1 From the March 22, 2021 Session, under the Municipal Act, 2001, as amended, a matter concerning the following item was considered:**

Committee Chair and Vice-chair Appointments

- Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)).

R2021-166

**Motion by** Councillor Beatty

**Seconded by** Councillor Burbach

**THAT Councillor Gaffney be appointed the Chair of the Finance and Labour Relations Sub-committee and Committee;**

**THAT Councillor Clifford be appointed the Vice-Chair of the Finance and Labour Relations Sub-committee and Committee;**

**THAT Councillor Ritsma be appointed the Chair of the Planning and Heritage Sub-committee and Committee;**

**THAT Councillor Ingram be appointed the Vice-Chair of the Planning and Heritage Sub-committee and Committee;**

**AND THAT these appointments be for the remainder of the four year term to November 14, 2022.**

**Carried**

**5.2 At the April 7, 2021 Session, under the Municipal Act, 2001, as amended, a matter concerning the following item was considered:**

- Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)).

At the In-camera Session, direction was given.

**5. Report of the Committee of the Whole In-Camera Session:**

**5.3 At the April 12, 2021 Session, under the Municipal Act, 2001, as amended, matters concerning the following items were considered:**

- Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));
- Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));
- Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)).

At the In-camera Session, direction was given on all items.

**5.4 ADDED - From the April 12, 2021 Session, under the Municipal Act, 2001, as amended a matter concerning the following item was considered:**

Appointment to Stratford City Centre Business Improvement Area Board of Directors

- Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))

R2021-167

**Motion by** Councillor Ingram

**Seconded by** Councillor Ritsma

**THAT Shawn Malvern be appointed as a citizen representative to the Stratford City Centre Business Improvement Area Board of Directors for the remainder of the four year term to November 14, 2022, or until successors are appointed.**

**Carried**

**6. Hearings of Deputations and Presentations:**

**6.1 Presentation by Jessie Votary**

R2021-168

**Motion by** Councillor Burbach

**Seconded by** Councillor Henderson

**THAT the presentation by Jessie Votary be heard.**

**Carried**

Ms. Jessie Votary advised of her unique situation in having two restaurants located across the street from each other. Ms. Votary stated she has applied for a pop-up patio to be located adjacent to Red Rabbit and initially submitted a request to share that patio, at separate times, with Old Man & Son across the street. Since Wellington Street only has parking on one side, Old Man & Son does not have any adjacent parking. With a limited sidewalk width this means there are no permitted patio options in front of this restaurant. Ms. Votary stated the City Clerk's Office had advised it would be unsafe for restaurant staff to cross Wellington Street with food and beverage. Ms. Votary noted that members of the public are able to do this through the Al-Fresco dining program. It was requested that a motion be brought forward to allow businesses in the

downtown to cross the street in order to serve food and non-alcoholic beverages, similar to the Al-Fresco project.

The Deputy Clerk advised consideration for this request should be related to this request only and not for all downtown businesses as it is currently required that approved patios be adjacent to the business.

A question and answer period ensued with respect to:

- the request being for restaurant staff to carry food and beverage across the street and not customers;
- the request being prohibited under the 2021 patio guidelines prepared by staff;
- safety and insurance considerations for serving food and beverage across the street compared to the Al-Fresco program;
- the impact of this request on the Al-Fresco program and looking for more information from staff and restaurant owners; and,
- a reduction in traffic volume should Wellington Street become one-way temporarily.

Ms. Votary advised that her situation is unique as she owns properties across the street from each other. There are staff that work at both properties which cross the street regularly. Ms. Votary stated she understands the risk of liability but feels the City is encouraging the public to cross the street to eat and drink within the Al-Fresco program. Mayor Mathieson confirmed that members of the public are not being encouraged to cross the road and should use crosswalks when participating in the Al-Fresco program.

Discussion continued with respect to:

- restaurant staff not currently carrying food and drink when crossing regularly now; and,
- staff taking back this request for further review.

**Motion by** Councillor Burbach

**Seconded by** Councillor Gaffney

THAT the request to allow downtown businesses to cross the street with food and non-alcoholic beverages to serve approved patio locations be

referred to staff to review any safety concerns and impact on Al-Fresco dining.

Defeated

**Motion by** Councillor Ingram

**Seconded by** Councillor Burbach

THAT the request be approved for Old Man & Son to serve food and non-alcoholic beverages across the street to the patio location at Red Rabbit.

Discussion ensued with respect to:

- having the City's insurer review liability around crossing the street with food and beverages;
- the liability for the City potentially being too high;
- the request not including the serving of alcoholic beverages across the street; and,
- the requestor being willing to meet liability requirements and naming the City as co-insured.

A member requested a friendly amendment to the motion to include that the request be to the satisfaction of the City's insurer.

Discussion continued with respect to:

- the request not going ahead if the City's insurer does not approve; and,
- a standard patio not being permitted at Old Man & Son due to the minimum setback requirements and maintaining a 1.5m path of travel for accessibility.

Mayor Mathieson called the question on the motion, as amended.

Defeated

## 7. Orders of the Day:

### 7.1 Proclamation - BeADonor Month

R2021-169

**Motion by** Councillor Burbach

**Seconded by** Councillor Vassilakos

**THAT City Council hereby proclaims April 2021 as "BeADonor Month" in the City of Stratford.**

Carried

A member asked that Council reconsider the referral motion dealt with under item 6.1.

**Motion by** Councillor Sebben

**Seconded by** Councillor Gaffney

THAT the April 12, 2021 Council resolution regarding referral to staff to review any safety concerns and impact on Al-Fresco dining related to the request to allow downtown businesses to cross the street with food and non-alcoholic beverages to serve approved patio locations, be reconsidered.

Defeated

## **7.2 Correspondence - Emergency Management Ontario**

Each year, municipalities are required to submit a compliance package to Emergency Management Ontario (EMO) to ensure they are in compliance with the Emergency Management and Civil Protection Act (EMCPA). EMO reviewed the documentation submitted and has determined the City was compliant with the EMCPA in 2020.

For the information of Council.

## **7.3 Resolution - Duke Street and Mornington Street Road Widening (COU21-037)**

R2021-170

**Motion by** Councillor Ingram

**Seconded by** Councillor Burbach

**THAT the City of Stratford accept Parts 1 and 13 Plan 44R-5866 as public highway and dedicate them as forming part of Mornington Street;**

**AND THAT the City of Stratford accept Part 12 Plan 44R-5866 as public highway and dedicate it as forming part of Duke Street.**

Carried

## **7.4 Resolution - Fire Safety Grant (COU21-038)**

R2021-171

**Motion by** Councillor Gaffney

**Seconded by** Councillor Vassilakos

**THAT City Council approve the application to the Ontario Fire Marshal to receive \$12,300 from the 2021 Government of Ontario**

**Fire Grant Program to off-set fire training and/or fire prevention programs impacted due to Covid-19;**

**AND THAT the Mayor and Clerk be authorized to execute the agreement.**

**Carried**

**7.5 Proclamation - Human Values Day**

R2021-172

**Motion by** Councillor Ingram

**Seconded by** Councillor Bunting

**THAT City Council hereby proclaims April 24, 2021 as "Human Values Day" in the City of Stratford.**

**Carried**

**7.6 Resolution - Appoint Acting Building Inspector (COU21-039)**

R2021-173

**Motion by** Councillor Sebben

**Seconded by** Councillor Ritsma

**THAT By-law 8-2009, as amended, be further amended to appoint Grant Schwartzentruber of RSM Building Consultants as Inspectors under the Building Code Act for The Corporation of the City of Stratford commencing April 13, 2021, until there is a permanent replacement for the Municipal Building Official II.**

**Carried**

**7.7 Resolution - Renewal of Fire Dispatching Agreements with Central Huron and Bluewater (COU21-040)**

R2021-174

**Motion by** Councillor Henderson

**Seconded by** Councillor Vassilakos

**THAT the Mayor and Clerk be authorized to execute the renewal of the full time dispatching services agreements with the Municipality of Central Huron and the Municipality of Bluewater for a further two-year term to December 31, 2022.**

**Carried**

**8. Business for Which Previous Notice Has Been Given:**

None scheduled.



## **9. Reports of the Standing Committees:**

### **9.1 Report of the Planning and Heritage Committee:**

R2021-175

**Motion by** Councillor Ritsma

**Seconded by** Councillor Ingram

**THAT the Report of the Planning and Heritage Committee dated April 12, 2021 be adopted as printed.**

**Carried**

#### **9.1.1 Draft Plan of Condominium Application 31CDM21-001, 3194 Vivian Line 37 (PLA21-008)**

A. THAT the City of Stratford pursuant to Section 51(31) of the Planning Act grant draft approval to Plan of Condominium 31CDM-21001 subject to the following conditions:

I. This approval applies to the draft plan submitted by POL Quality Homes Inc., prepared by MTE Ontario Land Surveyors Ltd., certified by Peter G. Moreton, OLS, File No. 45922-100-R1 (L), drawing file name 45922-100-D1.DWG, dated November 30 2020. The Plan contains a total of 62 units including 28 residential units and 34 parking units.

II. This draft approval is for a Standard (Phased) Plan of Condominium under Part XI of the Condominium Act, 1998.

III. The development is to be registered as one condominium corporation.

IV. This approval of the draft plan applies for a period of five (5) years, and if final approval is not given within that time, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.

V. Prior to final approval for the initial registration or any subsequent phase of the development as a condominium corporation by the Approval Authority, the Manager of Planning, City of Stratford, is to be advised in writing by the Municipal Building Official, that:

- i. all buildings are substantially complete, safe and functional and ready for occupancy within the phase limits;

- ii. site works in the common elements are substantially complete, the Owner's consulting engineer has submitted a final lot grading certificate which has been accepted by the City within the phase limits;
- iii. the proposed plan of condominium showing any "as constructed" buildings and structures has been submitted and accepted by the City as in compliance with all applicable zoning by-law regulations; within the phase limits; and,
- iv. the fire route and fire route signs have been installed to the satisfaction of the City.

VI. Prior to final approval for the registration of the Condominium Plan, the Manager of Planning is to be satisfied that the Condominium Declaration shall contain the appropriate provisions to ensure:

- i. unitized parking spaces are to be owned by residential unit owners.

VII. Prior to final approval for the registration of any phase of the condominium corporation within this development, a list of apartment numbers and the corresponding legal descriptions that will be in place upon registration of the plan of condominium shall be submitted to the City to the satisfaction of the Manager of Planning.

VIII. The Condominium Declaration shall contain appropriate provisions requiring municipal addressing and/or door point numbers to be posted on the façade of each Unit in accordance the City's Municipal Addressing By-law 47-2008 to the satisfaction of the Manager of Planning.

IX. Prior to final approval for the initial registration or any subsequent phase of the development as a condominium corporation by the Approval Authority, the Manager of Planning, City of Stratford, is to be advised in writing by the City of Stratford Corporate Services Department, Tax Division that all financial obligations/encumbrances on the said lands have been paid in full, including property taxes and local improvement charges.

X. Prior to final approval by the Approval Authority, the Manager of Planning, is to be advised in writing, by Union Gas, that its requirements with respect to easements and rights-of-way for services have been met.

XI. Prior to final approval for the registration or the development as a condominium corporation, the Manager of Planning is to be advised in writing by Canada Post that the Owner has confirmed mail delivery equipment has been supplied and installed to the satisfaction of Canada Post.

XII. The Condominium Declaration shall contain a provision that outlines that telecommunications, mail delivery equipment, water lines and appurtenances, hydro, perimeter fencing, parking, sanitary sewer lines and appurtenances are to be described as a common element and may include items that are external to the buildings and items that service more than one Unit or the Units and common elements and are to be operated, repaired, and maintained by the Condominium Corporation to the satisfaction of the Manager of Planning.

XIII. The digital copy of the plans provided are required containing the plan of condominium in Auto CAD native format (.dwg), stored as a single file, with all of the classes of features (eg. building footprint, Unit boundaries, interior roadways, access to public street, retaining walls, noise attenuation walls, fences, etc.) separated into different layers. For further information, please contact City of Stratford Infrastructure and Development Services Department.

XIV. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the City of Stratford a complete submission consisting of all required clearances and final plans, and to advise the City of Stratford in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the City of Stratford, such submission will be returned to the Owner without detailed review by the City.

Notes:

1. Pursuant to Section 51(59) of the Planning Act, if a plan approved under Section 51(58) of the Planning Act is not registered within 30 days of approval, the City of Stratford may withdraw its approval.
2. If final approval is not given to this Plan, within 5 years of the draft approval date, and no extensions have been granted, draft approval shall lapse under subsection 51(32) of the Planning Act, R.S.O., 1990. If the Owner wishes to request an extension to draft approval, a written explanation, together with a resolution from the local municipality, must be received by the Approval Authority 60 days prior to the lapsing date.
3. All plans are to be prepared using total station survey and compatible with the latest version of AutoCAD. The final plan submitted for registration, engineered design drawings and construction record drawings are to be provided in print and digital format referenced to a control network compiled to the satisfaction of the City of Stratford Engineering Department in accordance with Ontario Basic Mapping (U.T.M. Grid 1:2000), for future use within the City's geographical information system.
4. The Owner is advised that clearances from the following agencies is required:
  - City of Stratford Corporate Services Department, Tax Division
  - City of Stratford Infrastructure and Development Services Department, Manager of Planning
  - City of Stratford Infrastructure and Development Services Department, Chief Building Official
  - City of Stratford Infrastructure and Development Services Department, Engineering Division
  - Canada Post
  - Union Gas

B. THAT the above is recommended for the following reasons:

- i. the request is consistent with the Provincial Policy Statement; and
- ii. the request conforms with the goals, objectives and policies of the Official Plan.

## **9.2 Report of the Social Services Committee**

R2021-176

**Motion by** Councillor Henderson

**Seconded by** Councillor Bunting

**THAT the Report of the Social Services Committee dated April 12, 2021 be adopted as printed.**

**Carried**

### **9.2.1 A New Provincial-Municipal Vision for Social Assistance (SOC21-001)**

THAT "A New Provincial-Municipal Vision for Social Assistance (SOC21-001)" be received for information by the City Council.

## **10. Notice of Intent:**

### **10.1 Notice of Public Meetings under the Planning Act**

Stratford City Council will hold public meetings on Monday, April 19, 2021 at 6:00 p.m. to hear all interested persons with respect to the following planning applications:

- Zone Change Application Z02-21 for 55-65 Lorne Ave. E.
- Zone Change Application Z03-21 for 14 Milton Street
- Zone Change Application Z04-21 for 34 Brunswick Street

## **11. Reading of the By-laws:**

The following By-laws required First and Second Readings and Third and Final Readings and were taken collectively upon unanimous vote of Council present:

R2021-177

**Motion by** Councillor Vassilakos

**Seconded by** Councillor Ingram

**THAT By-laws 42-2021 to 52-2021 be taken collectively.**

**Carried unanimously**

R2021-178

**Motion by** Councillor Clifford

**Seconded by** Councillor Beatty

**THAT By-laws 42-2021 to 52-2021 be read a First and Second Time.**

**Carried** two-thirds support

R2021-179

**Motion by** Councillor Gaffney

**Seconded by** Councillor Henderson

**THAT By-laws 42-2021 to 52-2021 be read a Third Time and Finally Passed.**

**Carried**

**11.1 Conveyance from Pol Quality Homes of Part 7, Plan 44R-5160 – By-law 42-2021**

To authorize acceptance of a conveyance from Pol Quality Homes Inc. of certain lands described as Part Lot 3, Concession 2 being all of P.I.N 53276-0418 (LT), now designated as Part 7 on Plan 44R-5160.

**11.2 Amendments to Appointments By-law 178-2018 – By-law 43-2021**

To amend By-law 178-2018, as amended, to make amendments to the Chair and Vice-Chair of the Finance and Labour Relations and Planning and Heritage Sub-committee and Committee.

**11.3 Transfer Payment Agreement for Fire Safety Grant – By-law 44-2021**

To authorize the execution of the Transfer Payment Agreement for the Fire Safety Grant between Her Majesty the Queen in right of the Province of Ontario as represented by the Office of the Fire Marshal and The Corporation of the City of Stratford.

**11.4 Conveyance from Wolfes of Parts 1 and 13, Plan 44R-5866 – By-law 45-2021**

To accept the transfer (conveyance) from Greg and Wanda Wolfe of Parts 1 and 13, Reference Plan 44R-5866 as a condition of consent application B01-21 for 180 Mornington Street.

**11.5 Dedication of Parts 1 and 13, Plan 44R-5866 as Public Highway – By-law 46-2021**

To dedicate Parts 1 and 13 on Reference Plan 44R-5866, as a public highway forming part of Mornington Street in the City of Stratford.

**11.6 Conveyance from Wolfes of Part 12, Plan 44R-5866 – By-law 47-2021**

To accept the transfer (conveyance) from Greg and Wanda Wolfe of Part 12, Reference Plan 44R-5866 as a condition of consent application B01-21 for 180 Mornington Street.

**11.7 Dedication of Part 12, Plan 44R-5866 as Public Highway – By-law 48-2021**

To dedicate Part 12 on Reference Plan 44R-5866, as a public highway forming part of Duke Street in the City of Stratford.

**11.8 Appoint Inspector under the Building Code Act – By-law 49-2021**

To amend By-law 8-2009, as amended, to appoint Grant Schwartzentruber of RSM Building Consultants as Inspector under the *Building Code Act* for The Corporation of the City of Stratford.

**11.10 ADDED - Fire Dispatching Agreement with Municipality of Central Huron – By-law 50-2021**

To authorize the entering into and execution of an agreement with The Corporation of the Municipality of Central for certain fire dispatching services for a further two years until December 31, 2022.

**11.11 ADDED - Fire Dispatching Agreement with Municipality of Bluewater – By-law 51-2021**

To authorize the entering into and execution of an agreement with The Corporation of the Municipality of Bluewater for certain fire dispatching services for a further two years until December 31, 2022.

**11.12 ADDED - Amend Appointments By-law 178-2018 – By-law 52-2021**

To amend By-law 178-2018, as amended, to make an appointment to the Stratford City Centre Business Improvement Area Board of Directors.

**12. Consent Agenda: CA-2021-044 to CA-2021-053**

Council did not advise of any items to be considered on the Consent Agenda.

**13. New Business:**

There were no new business items discussed at the meeting.

**14. Adjournment to Standing Committees:**

The next Regular Council meeting is April 26, 2021.

R2021-180

**Motion by** Councillor Vassilakos

**Seconded by** Councillor Ingram

**THAT the Council meeting adjourn to convene into Standing Committees as follows:**

- **Finance and Labour Relations Committee [3:05 p.m. or thereafter following the Regular Council meeting];**
- **Planning and Heritage Committee [3:10 p.m. or thereafter following the Regular Council meeting];**
- **Infrastructure, Transportation and Safety Committee [3:15 p.m. or thereafter following the Regular Council meeting];**

**and to Committee of the Whole if necessary, and to reconvene into Council.**

**Carried**

**15. Council Reconvene:**

**15.1 Declarations of Pecuniary Interest made at Standing Committees**

The Municipal Conflict of Interest Act requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the Act.

Declarations of Pecuniary Interest made at Standing Committee meetings held on April 12, 2021 with respect to the following Items and re-stated at the reconvene portion of the Council meeting:

Name, Item and General Nature of Pecuniary Interest

No declarations of pecuniary interest were made by a member at the April 12, 2021 reconvene Council meeting.

**15.2 Reading of the By-laws (reconvene):**



The following By-law required First and Second Reading and Third and Final Reading:

**By-law 11.9 Confirmatory By-law – By-law 53-2021**

To confirm the proceedings of Council of The Corporation of the City of Stratford at its meeting held on April 12, 2021.

R2021-181

**Motion by** Councillor Sebben

**Seconded by** Councillor Burbach

**THAT By-law 53-2021 be read a First and Second Time.**

**Carried** two-thirds support

R2021-182

**Motion by** Councillor Beatty

**Seconded by** Councillor Gaffney

**THAT By-law 53-2021 be read a Third Time and Finally Passed.**

**Carried**

**15.3 Adjournment of Council Meeting**

R2021-183

**Motion by** Councillor Bunting

**Seconded by** Councillor Ingram

**THAT the April 12, 2021 Regular Council meeting adjourn.**

**Carried**

Meeting Start Time: 3:00 P.M.

Meeting End Time: 3:33 P.M.

Reconvene Meeting Start Time: 3:57 P.M.

Reconvene Meeting End Time: 3:58 P.M.

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Mayor - Daniel B. Mathieson

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Clerk - Tatiana Dafoe