



Middlesex Centre Council Minutes
Regular Meeting of Council

October 27, 2021, 4:30 p.m.
Electronic Council Meeting

COUNCIL PRESENT: Mayor DeViet, Deputy Mayor Brennan, Councillor Heffernan, Councillor Shipley, Councillor Aerts, Councillor Scott, Councillor Cates,

STAFF PRESENT: Michael Di Lullo - Chief Administrative Officer, Arnie Marsman - Director of Building Services / Chief Building Official, Rob Cascaden - Director of Public Works and Engineering, Scott Mairs - Director of Community Services, Tiffany Farrell - Director of Corporate Services, James Hutson - Municipal Clerk, Tim Williams - County Senior Planner, Marion Cabral - County Planner, Dan Fitzgerald - County Planner, Heather Kepran - Communications Specialist

1. CALL TO ORDER

Mayor DeViet to call the meeting to order at 4:30 p.m.

In response to COVID-19 we continue to hold Council meetings electronically.

Members of the public are invited to participate in this meeting of Council by accessing the meeting which will be live-streamed on our Middlesex Centre YouTube channel.

2. ADDITIONS TO THE AGENDA

There are no additions to the October 27, 2021 Council Agenda.

3. DISCLOSURE OF PECUNIARY INTEREST

There are no disclosures of pecuniary interest to note for the October 27, 2021 Agenda items.

4. COURT OF REVISION - 4:30 p.m.

Resolution # 2021-289

Moved by: Councillor Aerts

Seconded by: Deputy Mayor Brennan

THAT Council adjourn its regular meeting in order to sit as the Court of Revision under Section 97 of the Drainage Act, as amended, to consider the Komoka Drain - Union Avenue Branch with members Councillor Aerts, Councillor Cates and Mayor DeViet in the Chair.

CARRIED

4.1 Court of Revision for the Komoka Drain - Union Avenue Branch (2nd Sitting)

Resolution # 2021-290

Moved by: Councillor Cates

Seconded by: Councillor Aerts

THAT the Middlesex Centre Court of Revision approves the Schedule of Assessment for the Komoka Municipal Drain – Union Avenue Branch as noted on the Revised Schedule of Estimated Assessments dated September 8, 2021;

AND THAT the schedule of assessment provisionally adopted via By-Law 2021-076 be replaced with the Revised Schedule of Estimated Assessments dated September 8, 2021 and the corresponding by-law be forwarded to Council for a final reading.

CARRIED

Resolution # 2021-291

Moved by: Councillor Aerts

Seconded by: Councillor Cates

THAT the Court of Revision adjourn at 4:37 and Council resume their regular meeting.

CARRIED

The Engineer's Report for the Komoka Drainage Works - Union Avenue Branch was previously considered at the August 11, 2021 meeting of Council. The first sitting of the Court of Revision was held on September 8, 2021. This sitting of the Court of Revisions is to hear any new appeals that have arisen from the revised schedule of assessments that was mailed out September 15, 2021.

The Court of Revision will proceed as follows:

1. CALL TO ORDER

All appeals are required to be received in writing 10 days prior to the date of the Court of Revisions as per the notice provided.

2. ORDER OF APPEALS - no appeals received

2.1 Engineering Evidence

The Engineer will give evidence regarding each appeal before the Court.

2.2 Appellant Comments

Appellants that have submitted an appeal are permitted to address the Court. Written appeals will be heard in the order they were received. The landowners will orally make a case for why their land was improperly assessed before the members of the Court.

3. QUESTIONS FROM THE MEMBERS

Members of the Court of Revision may ask questions of the Engineer or staff.

4. DELIBERATIONS OF THE COURT OF REVISION

The Court of Revision members (if required) will retreat to deliberate the appeals and make the decision in private.

If the Court is considering reducing an assessment adding it to a property whose owner is not present, then the Court of Revision will adjourn and notice sent to the absent parties to allow them to appeal the change, then reconvene per s. 53 of the Act.

5. DECISION

All parties to the drain will receive written notice of the Court of Revision decision which will contain additional information on the process to appeal the decision of the Court of Revision to the Ontario Drainage Tribunal.

6. ADJOURNMENT OF THE COURT OF REVISION

5. DELEGATIONS, PRESENTATIONS AND PETITIONS

6. ADOPTION OF THE MINUTES

6.1 Minutes of the October 13, 2021 Council Meeting

Resolution # 2021-292

Moved by: Councillor Shipley

Seconded by: Councillor Cates

THAT the minutes of the Middlesex Centre Council meeting held on October 13, 2021 be adopted as printed.

CARRIED

7. CONSENT AGENDA

Resolution # 2021-293

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Cates

THAT Items 7.1 through 7.8 listed on the Consent Agenda for October 27, 2021 be adopted as recommended.

CARRIED

7.1 Community Futures Program – Distribution of Funding in 2020

THAT Report CAO-27-2021, re: Community Futures Program – Distribution of Funding in 2020 be received for information.

7.2 Regulatory Proposals under the Conservation Authorities Act

THAT Report CAO-28-2021, re: Regulatory Proposals under the Conservation Authorities Act be received for information.

7.3 Third Quarter 2021 Building Activity Summary

THAT the Third Quarter 2021 Building Activity Summary be received for information.

7.4 Middlesex Centre Winter Operations Plan

THAT Council endorse the Winter Operations Planning Document for the Municipality of Middlesex Centre as attached in Appendix A;

AND THAT Council endorse the Viral Pandemic Emergency Winter Maintenance Operations Plan as attached in Appendix B.

7.5 Temporary Vehicle Utilization due to the COVID-19 Pandemic

THAT Report PWE 36-2021 regarding Temporary Vehicle Utilization due to the COVID-19 Pandemic be received;

AND THAT staff be authorized to carry forward with the temporary use of vehicle 7107 (Grey 2014 Dodge Ram 2500 Crew Cab SXT) for PWE-Transportation until a new $\frac{3}{4}$ ton truck has been delivered after which time it will be disposed of in accordance with Council Policy.

7.6 Sidewalk and Street Light Survey Results

THAT Report PWE-38-2021, re: Sidewalk and Street Light Survey Results be received for information.

7.7 Encroachment By-Law

THAT Council receive for information Report PWE 30-2021 Encroachment By-Law;

AND THAT Council endorse the Encroachment By-Law as found in Appendix A;

AND THAT Council delegate; approval, rejection, or termination of encroachment agreements to the Director of Public Works and Engineering for the Municipality of Middlesex Centre;

AND THAT Council approve amendments to the Fees and Charges By-law consistent with the fees and charges as identified in the Encroachment By-Law Report PWE 31-2021, and encroachment By-Law found in Appendix A ;

AND FURTHER THAT Council approve that the annual rental charge be added to the property taxes.

7.8 Application for Plan of Condominium Exemption for Design for Happiness Phase 1 filed by Design for Happiness (DFH) Inc. on behalf of Middlesex Centre (File: 39T-MC-CDM2102)

THAT Council passes a resolution in support of the requested exemption from the condominium approval process as set out in 9(6) and 9(10) of the *Condominium Act* as requested by Design for Happiness for the lands legally described as Phase I Part of Lot 6, Concession 2, being Part 4, Plan 33R-21081, Municipality of Middlesex Centre, County of Middlesex Being Part of PIN 09664-059, Municipality of Middlesex Centre;

AND THAT the Clerk forward the resolution to Middlesex County Council for consideration of the exemption request.

8. STAFF REPORTS

8.1 Municipal Lighting

Resolution # 2021-294

Moved by: Councillor Cates

Seconded by: Deputy Mayor Brennan

THAT Report PWE 32-2021, re: Municipal Lighting be received;

AND THAT Council confirms utilization of existing standards and By-laws as it relates to Municipal Lighting.

CARRIED

9. COMMITTEE OF ADJUSTMENT - 6:00 P.M.

Resolution # 2021-295

Moved by: Councillor Cates

Seconded by: Councillor Shipley

THAT Council adjourn its regular meeting at 6:00 pm in order to sit as a Committee of Adjustment under Section 45 of The Planning Act R.S.O., 1990, as amended, to consider the Minor Variance applications listed on the October 27, 2021 Agenda.

CARRIED

9.1 Application for Minor Variance (File No. A-25/2020)

Resolution # 2021-296

Moved by: Councillor Scott

Seconded by: Councillor Cates

THAT Minor Variance Application A-25/2020, filed by Callon Dietz Land Surveyors on behalf of David Walker for relief from the Comprehensive Zoning By-law's maximum size, and height of an accessory building, where the applicant is requesting a maximum size of 200 m² (2,152.7 ft²), whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of 50.0 m² (538.0 ft²) of gross floor area or three percent (3%) lot coverage for all accessory buildings, and to permit a maximum height of 8.8m (28.8 ft), whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum height of 5.5m (18 ft), for a lot legally described as Part of Lot 14, Plan 305, in the Municipality of Middlesex Centre, in the County of Middlesex, and municipally known as 147 Harris Road, be GRANTED subject to the following conditions;

AND THAT the accessory buildings be constructed in the same general location as specified in the application submission;

AND FURTHER THAT the reasons for granting Minor Variance Application A-25/2020 include:

- The request complies with the general intent and purpose of Middlesex Centre's Official Plan;
- The request complies with the general intent and purpose of Middlesex Centre's Comprehensive Zoning By-law;
- The request is minor in nature; and
- The request represents appropriate development on the subject property.

CARRIED

Dan FitzGerald, County Planner is present to provide an overview of the staff report.

Paul Crocker is present to provide comments on the application on behalf of the applicant.

9.2 Application for Minor Variance (File No. A-31/2021)

Resolution # 2021-297

Moved by: Councillor Cates

Seconded by: Councillor Shipley

THAT Minor Variance Application A-31/2021, filed by Frank Lepore, for relief from the Comprehensive Zoning By-law in order to establish a maximum size of 125 square metres (1,345 square feet) or 6 percent lot coverage for all accessory buildings, whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of 50.0 m² (538.0 ft²) of gross floor area or three percent (3%) lot coverage, for a property legally described as Lot 11 to 12, Block B, Plan 76, in the Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 111 Erie Ave, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-31/2021:

- The request complies with the general intent and purpose of Middlesex Centre's Official Plan;
- The request complies with the general intent and purpose of Middlesex Centre's Comprehensive Zoning By-law;
- The request is minor in nature; and
- The request represents appropriate development on the subject property.

CARRIED

Dan FitzGerald, County Planner, is present to provide an overview of the staff report.

9.3 Application for a Minor Variance (A-32/2021); 21462 Clarke Road

Resolution # 2021-298

Moved by: Councillor Cates

Seconded by: Deputy Mayor Brennan

THAT Minor Variance Application A-32/2021, filed by Zelinka Priamo Ltd. (Matt Campbell), on behalf of Try Recycling (S/L) Inc, for relief from the Comprehensive Zoning By-law in order to permit an interpretation of a defined use, that being a Recycling Facility, to permit organics recycling, including materials such as food waste, in addition to those products currently included in the definition, for a property legally described as Part

of Lot 4, Concession 6 North, in the Township of Middlesex Centre, County of Middlesex, and municipally known as 21462 Clarke Road, be GRANTED, subject to the following conditions:

THAT the interpretation applied to the term 'organics' shall not include the recycling of biosolids (e.g. sanitary waste) and / or deadstock.

AND THAT the reasons for granting Minor Variance Application A-32/2021:

- The request complies with the general intent and purpose of Middlesex Centre's Official Plan;
- The request complies with the general intent and purpose of Middlesex Centre's Comprehensive Zoning By-law;
- The request is minor in nature; and
- The request represents appropriate development on the subject property.

CARRIED

Dan FitzGerald, County Planner, is present to provide an overview of the staff report.

Matt Campbell is present to provide comments on the application on behalf of the applicant.

Jim Graham is in attendance on behalf of Try Recycling (S/L) inc. to provide comments on the application.

9.4 Application for Minor Variance (File No. A-33/2021)

Resolution # 2021-299

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

THAT Minor Variance Application A-5/2021, filed by Luke Oslizlo on behalf of Jason Borbath, for relief from the Comprehensive Zoning By-law in order to establish an interior side yard and rear yard setback of 0.6 metres (2 feet) on the north interior side yard and rear yard setback of 0.6 metres (2 feet) for an accessory building, whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum interior side yard and rear yard setback for an accessory building of 1.5 metres (4.9 feet); and to permit a maximum size of 42.3 square metres (455 square feet) for the accessory building, whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of 50.0 m² (538.0 ft²) of gross floor area or three percent (3%) lot coverage, for a property legally described as Lot 11, Plan 33M572 in the Municipality of Middlesex Centre,

County of Middlesex, and Municipally known as 126 Prince Street, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-33/2021:

- The request complies with the general intent and purpose of Middlesex Centre's Official Plan;
- The request complies with the general intent and purpose of Middlesex Centre's Comprehensive Zoning By-law;
- The request is minor in nature; and
- The request represents appropriate development on the subject property.

CARRIED

Dan FitzGerald, County Planner, is present to provide an overview of the staff report.

9.5 Application for Minor Variance (File No. A-34/2021)

Resolution # 2021-300

Moved by: Councillor Cates

Seconded by: Councillor Aerts

THAT Minor Variance Application A-34/2021, filed by Thomas Weishar, on behalf of Reinier and Debra Janssen, for relief from the Comprehensive Zoning By-law, in order to establish a reduced Minimum Distance Separation I for a new single detached dwelling from an existing livestock facility at 78.72 metres, whereas Middlesex Centre Comprehensive Zoning By-law based on Minimum Distance Separation I calculations would require a minimum of 181 metres to a new single detached dwelling, for a property legally described as Part of Lot 5, Concession 13, in the Municipality of Middlesex Centre, County of Middlesex, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-34/2021:

- The request complies with the general intent and purpose of Middlesex Centre's Official Plan;
- The request complies with the general intent and purpose of Middlesex Centre's Comprehensive Zoning By-law;
- The request is minor in nature; and

- The request represents appropriate development on the subject property.

CARRIED

Dan FitzGerald, County Planner, is present to provide an overview of the staff report.

Thomas Weishar, the applicant, is present to provide comments on the application.

Reinier and Debra Janssen, the property owners, are in attendance to provide comments on the application.

10. PUBLIC MEETINGS

Resolution # 2021-301

Moved by: Councillor Scott

Seconded by: Councillor Cates

THAT Committee of Adjustment reconvene as Council to move into Planning Public Meetings pursuant to the Planning Act, R.S.O. 1990, as amended, to consider the planning applications listed on the October 27, 2021 Council Agenda.

CARRIED

10.1 Applications for Official Plan Amendment (OPA 56) and Zoning By-law Amendment (ZBA-14-2021), filed by Logan Burnett on behalf of Robert Walker

Resolution # 2021-302

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

THAT Report PLA-82-2021 regarding the Official Plan Amendment No. 56 and ZBA-14-2021 for the lands known as 10432 Melrose Drive, be RECEIVED FOR INFORMATION.

CARRIED

Marion Cabral, County Planner, is in attendance to provide an overview of the staff report.

Walter Lenny, a member of the public, is in attendance to comment on the application.

10.2 Zoning By-law Amendment (File: ZBA 17-2021); 10915, 10929 and 11157 Longwoods Road

Resolution # 2021-303

Moved by: Councillor Scott

Seconded by: Deputy Mayor Brennan

THAT the direction by Council to place a Holding Symbol (h-2), which the precondition for the removal of the holding symbol shall be a site plan agreement entered into with the Municipality, on the lands known as 10915, 10929 and 1157 Longwoods Road, and legally known as Concession 1 Part Lot 6 RP 33R17432 Part 9, former Township of Delaware, Middlesex Centre, be APPROVED.

CARRIED

Marion Cabral, County Planner, is in attendance to provide an overview of the staff report.

Kyle McIntosh is in attendance to comment on behalf of the applicants.

Sharon Beaumont, a member of the public, is in attendance to comment on the application.

10.3 Applications for Plan of Subdivision (39T-MC0204) and Zoning By-law Amendment (ZBA 2017); Springer Pond Developments Inc.; 45 Springer Street

Resolution # 2021-304

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT Report PLA-92-2021 regarding the proposed Plan of Subdivision (File: 39T-MC0204) and Zoning By-law Amendment (File: ZBA 2017) for lands known as 45 Springer Street, be RECEIVED FOR INFORMATION.

CARRIED

Marion Cabral, County Planner, is in attendance to provide an overview of the staff report.

Scott Allen is in attendance to comment on behalf of the applicants.

Charlie Fowler, a member of the public, is in attendance to comment on the application.

Rob Taggart, a member of the public, is in attendance to comment on the application.

Ric Knutson, a member of the public, is in attendance to comment on the application.

10.4 Application for Zoning By-law Amendment (ZBA-18-2021) for 14176 Twelve Mile Road; Filed by Paul Willer on behalf of Margaret Corsaut

Resolution # 2021-305

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

THAT Zoning By-law Amendment Application (ZBA-18-2021), filed by Paul Willer on behalf of Margaret Corsaut for the severed and retained lands of consent application B-23/20 in order to implement the severance of a surplus farm residence, be APPROVED.

CARRIED

Marion Cabral, County Planner, is in attendance to provide an overview of the staff report.

10.5 Applications for Official Plan Amendment (OPA 46) and Zoning By-law Amendment (ZBA 20 2019); Filed by Ric Knuston, on behalf of 1571145 Ontario Limited c/o Todd and Cole Powell; 22447 Komoka Road.

Resolution # 2021-306

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Cates

THAT Report PLA-81-2021 regarding the Official Plan Amendment (OPA 46) and Zoning By-law Amendment (File: ZBA 20 2019) for lands known as 22447 Komoka Road, be RECEIVED FOR INFORMATION.

CARRIED

Marion Cabral, County Planner, is in attendance to provide an overview of the staff report.

Ric Knutson, the applicant, is in attendance to comment on behalf of the application.

The following members of the public are in attendance to comment on the application:

Chris Dell, Rodd Lucier, John Lean, Anna Teves, Mike Park, Tracey and Gari Gordon, Richard Zelinka, Ralph Citro, Jim Graham, Rob Jonkhans, Larry Davis.

10.6 Applications for Plan of Condominium (39T-MC-CDM2101), Official Plan Amendment (OPA 57) and Zoning By-law Amendment (ZBA-16-2021) for lands known as 6, 10, and 14 Elmhurst Street (Kilworth); Filed by LDS Consultants Inc. (Anthony Gubbels)

Resolution # 2021-307

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

THAT Report PLA-83-2021 regarding Zoning By-law Amendment application (ZBA-16-2021), Official Plan Amendment application (OPA 57), and Plan of Condominium application (39T-MC-CDM2101) filed by LDS Consultants Inc. on behalf of Sweid Holdings Inc., for lands known as 6, 10, and 14 Elmhurst Street in Kilworth be RECEIVED FOR INFORMATION.

CARRIED

Marion Cabral, County Planner, is in attendance to provide an overview of the staff report.

Anthony Gubbels, the applicant, is in attendance to comment on behalf of the application.

The following members of the public are in attendance to comment on the application:

Win and Nick Braunsch, Alexis and John van Logtenstein, Larry Davis, John Simpson, Rebekah Hebbert, Eric Clinton, Kyle Cooper, Craig Quenneville and Susie Schulert-Quenneville, Anne VanGilst, Ann Quinn, Mark Sarkany, Dave Thompson, Joel Dodd, Bert Vermeulen.

11. NOTICE OF MOTION

There are no notices of motion to note for the October 27, 2021 Council meeting.

12. CORRESPONDENCE

Resolution # 2021-308

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

THAT the Correspondence items 12.1 through to 12.6 be received as information.

CARRIED

12.1 Ausable Bayfield Conservation Authority - September 16, 2021 Board Minutes

12.2 Ausable Bayfield Conservation Authority - October 14, 2021 Board Minutes

12.3 St. Clair Region Conservation Authority - General Manager Announcement

12.4 Enbridge Gas - Natural Gas Rates Notification

12.5 Ministry of Municipal Affairs and Housing - Enhanced COVID-19 Vaccine Certificate

12.6 Middlesex County Office of the Warden - 2021 Middlesex County Warden's Charity Golf Tournament

13. COUNTY COUNCIL UPDATE

Deputy Mayor Brennan provides the following update from Middlesex County Council held on October 26, 2021:

Under New Business, it was noted that there are some new businesses which have come to Middlesex County, including in Thames Centre and Strathroy. Both of these businesses will see significant employment opportunities;

The Middlesex Centre Boot Drive held on Saturday, October 2nd raised \$26,130.50 which will be donated to Muscular Dystrophy Canada;

Granton Gardens donated 760 pounds of food to the Ailsa Craig Food Bank;

A Boundary Road Agreement with County of Huron was renewed for a five year term;

Council authorized and directed the Chief of Middlesex-London Paramedic Service to execute a contract with the successful proponent for a new Paramedic Master Plan;

McLean Taylor Construction Limited's bid in the amount of \$137,868.59 for the emergency repairs to the Nairn Bridge was approved;

Approved additional staffing for Middlesex-London Paramedic Service from October 26 until Dec 31st for the addition of three (3) 12-hour ambulances at a cost up to \$310,000;

On November 15th from 7:30 to 8:30 p.m., the Thames Valley District School Board will hold a public meeting at Dorchester Arena;

Council approved Strathmere Lodge entering into an agreement with Empire Window Covering Ltd. in order to replace The Lodge's resident room window curtains.

For full highlights of this meeting, please visit the Middlesex County website.

14. OTHER BUSINESS

There are no matters of other business to note for the October 27, 2021 Council meeting.

15. BY-LAWS

Resolution # 2021-309

Moved by: Councillor Heffernan

Seconded by: Councillor Scott

THAT By-Law 2021-087 and By-Laws 2021-095 through 2021-098 be adopted as printed.

CARRIED

- 15.1 2021-087 Being a by-law of the Corporation of the Municipality of Middlesex Centre to provide for a drainage works to be known as the Vande Borne Municipal Drain**

Third and Final Reading

- 15.2 2021-095 Being a by-law of the Corporation of the Municipality of Middlesex Centre to permit encroaching upon public highways and lands through agreement**

- 15.3 2021-096 Being a by-law to authorize the borrowing of \$40,000.00 upon debentures towards the cost of constructing certain drains and drainage works**

- 15.4 2021-097 Being a by-law to amend the Middlesex Centre comprehensive Zoning By-law number 2005-005 with respect to Concession 12 S Part Lot 18 (geographic Township of London), Municipality of Middlesex Centre, roll number: 393903408007400**

- 15.5 2021-098 Being a by-law to adopt and confirm all actions and proceedings of the Council of the Municipality of Middlesex Centre at the Council meeting held on October 27, 2021**

16. ADJOURNMENT

Resolution # 2021-310

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Cates

THAT the Council for the Municipality of Middlesex Centre adjourns the October 27, 2021 Council meeting at 10:12 p.m.

CARRIED

Aina DeViet, Mayor

James Hutson, Municipal Clerk