



Middlesex Centre Council Minutes
Regular Meeting of Council

December 15, 2021, 4:00 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, Colin Toth - Director of Emergency Services / Fire Chief, Rob Cascaden - Director of Public Works and Engineering, Scott Mairs - Director of Community Services, Tiffany Farrell - Director of Corporate Services, James Hutson - Municipal Clerk, Megan Kamermans - Corporate Records and Planning Services, Dan Fitzgerald - County Planner, Marion Cabral - County Planner

1. CALL TO ORDER

Mayor DeViet calls the meeting to order at 4:00 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

Item 10.4 Consent Application B-20/2021, CN Rail Lands, will be heard at the February 16, 2021 Council meeting.

3. DISCLOSURE OF PECUNIARY INTEREST

3.1 Councillor Aerts - Application for Minor Variance (File No. A-40/2021)

Renter of farm property located behind property.

4. CLOSED SESSION

Resolution # 2021-360

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

THAT the Council for the Municipality of Middlesex Centre adjourn to closed session at 4:02 p.m. pursuant to Section 239 (2) of the Municipal Act, 2001, as amended to discuss the following matters:

Section 239 (2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board;

Section 239 (2)(k) 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.

CARRIED

4.1 CALL TO ORDER

4.2 DISCLOSURE OF PECUNIARY INTEREST

4.3 ADOPTION OF MINUTES

4.3.1 Minutes of the November 24, 2021 Closed Council

4.4 CLOSED SESSION ITEMS

4.4.1 Municipal Parking Lot Lands (Ward 1)

4.4.2 Planning Forecast

4.4.3 Potential Property Disposition (Ward 4)

4.5 ADJOURNMENT

Council adjourned from Closed Session at 5:26 p.m.

5. DELEGATIONS, PRESENTATIONS AND PETITIONS

5.1 South Central Ontario Region Economic Development Corporation - Update Presentation

Kim Earls from the SCOR Economic Development Corporation is in attendance virtually to provide an update presentation.

6. ADOPTION OF THE MINUTES

6.1 Minutes of the December 8, 2021 Special Council Meeting

Resolution # 2021-362

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

THAT the minutes of the Special Council meeting held on December 8, 2021 be adopted as printed.

CARRIED

7. CONSENT AGENDA

Resolution # 2021-363

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT items 7.1 through 7.13 listed under the heading of Consent Agenda for December 15, 2021 be adopted as printed.

CARRIED

7.1 Komoka Kings Agreement Amendment

THAT Report CMS-14-2021 re: Komoka Kings Agreement Amendment be received;

AND THAT amendment between the Municipality and the Komoka Kings be approved.

7.2 Development Charge Interest

THAT Report CPS-58-2021 re: Development Charge Interest Policy be received;

AND THAT the Development Charge Interest Policy appended to Report CPS-58-2021 be approved.

7.3 Budget to Actual November 2021

THAT the Budget to Actual Report CPS-61-2021 for November 2021 be received for information.

7.4 Tax Adjustments under Section 357 358 and 359 of the Municipal Act 2001

THAT Report CPS-63-2021 regarding tax adjustments made under Sections 357, 358 and 359 of the Municipal Act, 2001 be received;

AND THAT taxes amounting to \$99,778.63 be written off pursuant to the provisions of Section 357, 358 and 359 of the Municipal Act, 2001.

7.5 Salt Management Plan Update

THAT Report PWE 37-2021 Salt Management Plan be received;

AND THAT Council endorse the Middlesex Centre Salt Management Plan Update as attached in Appendix A.

7.6 Stop Sign Additions

THAT Report PWE 47-2021 Stop Sign Additions be received;

AND THAT the Parking and Traffic by-law 2018-092 be amended as per Appendix A appended to Report PWE 47-2021.

7.7 Boundary Roads

THAT Report PWE 48-2021 Oneida Nation of the Thames and Township of Southwold Boundary Roads be received for information.

7.8 Speed Radar Results for 2021

THAT Report PWE 49-2021 re: Speed Radar Results for 2021 be received for information.

7.9 County Roads and Municipal Responsibilities

THAT Report PWE 50-2021 re: County Road and Municipal Responsibilities for information.

7.10 Replacement Grader Purchase

THAT the purchase of a new 150JOY-BR Motor Grader be awarded to TOROMONT CAT in the amount of \$454,688.00 (excluding HST);

AND THAT the existing 2008 John Deere 870D Motor Grader– Unit 3312 be traded in to TOROMONT CAT for \$55,000.00;

AND FURTHER THAT the Mayor and Clerk be authorized to execute any necessary documents

7.11 Nixon-Stokes Municipal Drain Request for Drain Improvement

THAT the Request for Drain Improvement submitted by landowner Ain-Lea Farms Incorporated proceed;

AND THAT staff be directed to notify the affected landowners and appropriate agencies of the Council's decisions to proceed with the drainage works;

AND FURTHER THAT following the notice to the appropriate agencies, Mike DeVos, P.Eng of Spriet Associates be appointed to prepare a Drainage Report for the improvement of the Nixon-Stokes Municipal Drain, all in accordance with the Ontario Drainage Act.

7.12 Fisher-Watt Municipal Drain Request for Drain Improvement

THAT the Request for Drain Improvement submitted by landowner Alan Wood proceed;

AND THAT staff be directed to notify the affected landowners and appropriate agencies of the Council's decision to proceed with the drainage works;

AND FURTHER THAT following the notice to the appropriate agencies, Mike DeVos, P.Eng of Spriet Associates be appointed to prepare a Drainage Report for the improvement of the Fisher-Watt Municipal Drain, all in accordance with the Ontario Drainage Act.

7.13 Community Services Advisory Committee - May 10, 2021 Meeting Minutes

THAT the minutes of the Community Services Advisory Committee held on May 10, 2021 be received for information.

8. STAFF REPORTS

8.1 Budget 2022

Resolution # 2021-364

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Cates

THAT Council Bylaw 2021-117 to adopt the current budgetary estimates for the year 2022 be amended from the current proposed tax rate increase of 2.76% to reflect an overall tax rate increase of 2.16%;

AND THAT Bylaw 2021-118 to establish a levy for the year 2022, to adopt tax rates for 2022 and to provide for penalty and interest in default of payment and the collection thereof be amended from the current proposed tax rate increase of 2.76% to reflect an overall tax rate increase of 2.16%;

AND THAT the funds to amend the above noted by-laws from the current proposed rate of 2.76% to reflect an overall tax rate increase of 2.16% be drawn from the Tax Rate Stabilization Fund;

AND THAT Council approve Bylaw 2021-117 to adopt the current budgetary estimates for the year 2022;

AND FURTHER THAT Council approve Bylaw 2021-118 to establish a levy for the year 2022, to adopt tax rates for 2022 and to provide for penalty and interest in default of payment and the collection thereof.

CARRIED

Tiffany Farrell, Director of Corporate Services, is in attendance to provide an overview of the staff report.

8.2 Proposed Budget 2022 Impacts

Resolution # 2021-365

Moved by: Councillor Aerts

Seconded by: Councillor Shipley

THAT the compliance report for expenses excluded from the 2022 budget outlined in Report CPS-59-2021 as a requirement of Ontario Regulation 284/09 passed under the Municipal Act, 2001 be received for information.

CARRIED

Tiffany Farrell, Director of Corporate Services, is in attendance to provide an overview of the staff report.

8.3 Development Charges Update Study

Resolution # 2021-366

Moved by: Councillor Scott

Seconded by: Councillor Shipley

THAT Report CPS-62-2021 Development Charges Amendment be received;

THAT the 2021 Amended Development Charge (D.C.) By-law 2021-119 be adopted.

CARRIED

Tiffany Farrell, Director of Corporate Services, is in attendance to provide an overview of the staff report.

8.4 Exception for an Application for Minor Variance (File No. A-42/21) filed by Monteith Brown Planning Consultants (Jay McGuffin) on behalf of 2638477 Ontario Ltd. (Palumbo Developments Inc.).

Resolution # 2021-367

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT per Section 45(1.4) of the Planning Act, 1990 R.S.O, as amended, Council grant an exemption and permit minor variance application A-42/21 regarding 175 Doan Drive and Block 126 to be considered by the Committee of Adjustment on December 15th, 2021 despite the application being filed within two (2) years of an applicant-initiated Zoning By-law Amendment on the subject lands.

CARRIED

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

9. COMMITTEE OF ADJUSTMENT

Resolution # 2021-368

Moved by: Councillor Cates

Seconded by: Deputy Mayor Brennan

THAT Council adjourn its regular meeting in order to sit as a Committee of Adjustment under Section 45 of The Planning Act, as amended, to consider the Minor Variance applications listed on the December 15, 2021 Council agenda.

CARRIED

9.1 Application for Minor Variance (File No. A-40/2021)

Councillor Aerts declared a conflict on this item. (Renter of farm property located behind property.)

Resolution # 2021-369

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT Minor Variance Application A-40/2021, filed by Chris and Denise Pallister, for relief from the Comprehensive Zoning By-law in order to establish a maximum size of 60.9 square metres (655.5 square feet) or 3.3 percent lot coverage, whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of fifty square metres (50.0 m²) (538.0 square feet) of gross floor area or three percent (3%) lot coverage, for a property legally described as Part of Lot 4, Concession 3 South, in the Municipality of Middlesex Centre, County of Middlesex, be GRANTED, subject to the following condition.

THAT the location be substantially in accordance with the plans attached to this report and decision.

AND THAT the reasons for granting Minor Variance Application A-40/2021:

- 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 in attendance to provide an overview of the staff report.

9.2 Application for Minor Variance (File No. A-41/2021)

Resolution # 2021-370

Moved by: Councillor Heffernan

Seconded by: Councillor Shipley

THAT Minor Variance Application A-41/2021, filed by Nancy Manning on behalf of Robert Manning and Chelsey Passmore, in order to expand a legal non-conforming use to permit an addition to an existing single detached dwelling on the property and to permit a reduced interior side yard setback of 2.86 metres (9.4 feet), whereas the Zoning By-law requires a minimum distance of 6.0 metres (19.6 feet); for a property legally known as Part of Lot 26, Concession 11, in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 13210 Ilderton Road, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-41/2021 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 in attendance to provide an overview of the staff report.

Nancy Manning, the applicant, is in attendance to comment on the staff report.

9.3 Application for Minor Variance (File No. A-42/2021)

Resolution # 2021-371

Moved by: Councillor Cates

Seconded by: Deputy Mayor Brennan

THAT Minor Variance Application A-42/21, filed by Monteith Brown Planning Consultants (Jay McGuffin) on behalf of 2638477 Ontario Limited, for relief from the Comprehensive Zoning By-law's as follows:

1. A minimum rear yard setback of 4.5 m (14.8 ft) for all 'A' Units with frontage along Doan Drive; a minimum rear yard setback of 1.2 m (3.93 ft) for Unit 8; a minimum rear yard setback of 2.3 m (7.5 ft) for Unit 9; and, a minimum rear yard setback of 3.4 m (11.1 ft) for Units 84 and 85 whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum rear yard setback of 6.0 m (19.7 ft)
2. A maximum lot coverage of 67% whereas the Middlesex Centre Comprehensive Zoning By-law requires a maximum lot coverage of 55%
3. A minimum front yard setback of 4.5 m (14.8 ft) for all 'B' Units; Unit 24 only, a minimum front yard setback of 3.6 m (11.8 ft) for Unit 24; Unit 29 only, a minimum front yard setback of 3.0 m (9.8 ft) for Unit 29; and, a minimum front yard setback of 3.2 m (10.5 ft) for Units 99 and 128 whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum front yard setback of 6.0 m (19.7 ft); and,
4. A minimum front yard setback of 2.0 m (6.6 ft) for Units fronting onto Glendon Drive and Doan Drive whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum front yard setback of 2.5 m (8.2 ft) from Glendon Drive and Doan Drive

for a property legally described as Plan 33M761 Blk 230 and part of Concession 1 Pt Lot 7 Pt Lot 8 RP 33R18800 Part 1 RP 33R20294 Part 2, Middlesex Centre; be GRANTED.

FURTHER THAT as a result of the Minor Variance Application A-42/21, the approved site plan agreement be amended to the satisfaction of the Municipality.

AND FURTHER THAT the reasons for granting Minor Variance Application A-42/21 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

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

10. PUBLIC MEETINGS

Resolution # 2021-372

Moved by: Councillor Shipley

Seconded by: Councillor Heffernan

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 December 15, 2021 Agenda.

CARRIED

10.1 Application for Zoning By-law Amendment (ZBA-19-2021) for 13277 Ten Mile Road; Filed by Elizabeth Ruiz on behalf of Russel James Vanderhyden

Resolution # 2021-373

Moved by: Councillor Aerts

Seconded by: Councillor Shipley

THAT Zoning By-law Amendment application (ZBA-19-2021) for a temporary use zone, filed by Elizabeth Ruiz on behalf of Russel James Vanderhyden, to permit two single-detached dwellings on one property for up to three years to allow a new residence to be constructed on the land known as 13277 Ten Mile Road, be APPROVED;

AND THAT the owner be required to enter into a Temporary Use Agreement with the Municipality and submit a deposit of \$10,000 to ensure the removal of the existing residence.

CARRIED

Dan Fitzgerald, County Planner, is in attendance to provide an overview of the staff report.

Elizabeth, the applicant, is in attendance to comment on the staff report.

10.2 Request to Remove Holding Symbols (h-2), (h-3) and (h-8); 9661 Ivan Drive Lane; Filed by Zelinka Priamo on behalf of Knottingwood Inc.

Resolution # 2021-374

Moved by: Councillor Aerts

Seconded by: Councillor Cates

THAT the request by Zelinka Priamo on behalf of Knottingwood Inc. to remove the (h-2, (h-3), and (h-8) holding symbols from the zoning of the land known legally as Concession 7 E Pt Lot 2 and known municipally as 9661 Ivan Drive, Middlesex Centre, be APPROVED.

CARRIED

10.3 Consent Application (B-17/2021), 12962 Ilderton Road

Resolution # 2021-375

Moved by: Councillor Heffernan

Seconded by: Councillor Shipley

THAT Consent Application B-17/2021, filed by Kyle Davis, on behalf of Rhys Evans, in order to sever and convey as a lot addition a 1,119.2 square metres (0.27 acres) parcel of land from 12962 Ilderton Road, to an existing property known municipally as 12936 Ilderton Road; from a property legally described as Part of Lot 28, Concession 11 South, in the County of Middlesex, Municipality of Middlesex Centre be GRANTED;

AND THAT Application for Consent B-17/2021 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-17/2021, and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owners' solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.

5. That the Owners' solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the severed and retained lots of Consent B-17/2021 be paid in full.
7. That, if necessary a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.
8. That the lands to be severed be merged in the same name and title as the adjacent property known municipally as 12936 Ilderton Road to the satisfaction of the Municipality; and that subsection 50(3) or (5) of the Planning Act apply to any subsequent conveyances involving the enlarged parcel, and that any mortgages that may be required take into the account the parcel as enlarged.
9. That the Owner be required to dedicate lands up to 18.0 metres from the centerline of construction of both County Road 16 (Ilderton Road) and County Road 20 (Denfield Road) to the County of Middlesex for the purposes of road widening across the severed and retained parcels if the right of way is not already to that width.
10. That the Owner be required to submit and obtain a Minor Variance permitting the reduced lot size as a legal non-complying lot within an agricultural area.
11. That the Owner provide confirmation that the private sewage disposal system that services the residence at 12936 Ilderton Road is wholly contained on said lot receiving the additional lands and that a 100% contingency area exists, to the satisfaction of the Municipality.

AND FURTHER THAT the reasons for approving Consent Application B-17/2021 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and

- Subject to the conditions, the proposal would comply with the Middlesex Centre Comprehensive Zoning By-law.

CARRIED

10.4 Consent Application B-20/2021, CN Rail Lands, Komoka

11. NOTICE OF MOTION

There are no Notices of Motion to note for the December 15, 2021 Council meeting.

12. CORRESPONDENCE

Resolution # 2021-376

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Scott

THAT the Correspondence items 12.1 through 12.5 be received as information.

CARRIED

12.1 SCRCA November 4, 2021 Board Meeting Highlights

12.2 Communities in Bloom Ontario - 2022 Invitation Letter

12.3 Middlesex-London Board of Health - October 2021 Update

12.4 Municipal Engineers Association - 2021-2022 Board of Directors

12.5 Ministry of the Environment, Conservation and Parks - Noise Update

13. COUNTY COUNCIL UPDATE

Alison Warwick, Mayor of Thames Centre, was elected County Warden for the 2021-22 term;

Past Warden Cathy Burghardt-Jesson was appointed to the County/City Liaison Committee;

A presentation was provided with respect to the London/Middlesex Housing Overview 2021 from Kevin Dickins, Deputy City Manager, Social and Health Development et. al., from the City of London; and Paul Chisholm, CEO, London-Middlesex Community Housing (LMCH);

Cara Finn, Director of Economic Development and Tourism presented an Economic Development & Tourism Departmental Update.

14. OTHER BUSINESS

15. BY-LAWS

Resolution # 2021-377

Moved by: Councillor Cates
Seconded by: Deputy Mayor Brennan

THAT By-laws 2021-117 and 2021-118 be adopted as amended;

AND THAT By-Laws 2021-114 through 2021-124 be adopted as printed.

CARRIED

15.1 2021-114

Being a by-law of the Corporation of the Municipality of Middlesex Centre to dedicate 0.3m (1 foot) Reserve Blocks for public purposes (Block 60 on Plan 33M-598)

15.2 2021-115

Being a by-law of the Corporation of the Municipality of Middlesex Centre to authorize temporary borrowing to meet the current expenditures of the Municipality for the year ending December 31, 2022

15.3 2021-116

Being a by-law of the Corporation of the Municipality of Middlesex Centre to Levy Interim Taxes for the Year 2022

15.4 2021-117

Being a by-law of the Corporation of the Municipality of Middlesex Centre to provide for the adoption of budgetary estimates for the year 2022

15.5 2021-118

Being a by-law of the Corporation of the Municipality of Middlesex Centre to set the tax rates and to further provide for penalty and interest in default of payment thereof for 2022

15.6 2021-119

Being a by-law of the Corporation of the Municipality of Middlesex Centre to amend Development Charges By-law 2019-073

15.7 2021-120

Being a by-law of the Corporation of the Municipality of Middlesex Centre to amend the Parking and Traffic By-law 2018-092

15.8 2021-121

Being a by-law of the Corporation of the Municipality of Middlesex Centre to authorize the execution of a Lease Agreement between the Municipality of Middlesex Centre and Neal Fletcher

15.9 2021-122

Being a by-law of the Corporation of the Municipality of Middlesex Centre to authorize the execution of a Lease Agreement between the Municipality of Middlesex Centre and David Crossan

15.10 2021-123

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 December 15, 2021

16. ADJOURNMENT

Resolution # 2021-378

Moved by: Councillor Shipley

Seconded by: Deputy Mayor Brennan

THAT the Council for the Municipality of Middlesex Centre adjourns the December 15, 2021 Council meeting at 6:59 p.m.

CARRIED

Aina DeViet, Mayor

James Hutson, Municipal Clerk