



Middlesex Centre Council Minutes
Regular Meeting of Council

January 26, 2022, 6:00 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, Heather Kepran - Communications Specialist, Megan Kamermans - Corporate Records and Planning Services, Marion Cabral - County Planner, Dan Fitzgerald - County Planner

1. CALL TO ORDER

Mayor DeViet calls the meeting to order at 6:00 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.

Mayor DeViet opened the meeting by commending Jim Mann for his 50 years of service to Middlesex Centre Fire Services, and congratulating him on his retirement.

2. ADDITIONS TO THE AGENDA

There are no additions to the January 26, 2022 Council meeting agenda.

3. DISCLOSURE OF PECUNIARY INTEREST

There are no disclosures of pecuniary interest to note for the January 26, 2022 Council agenda items.

4. DELEGATIONS, PRESENTATIONS AND PETITIONS

4.1 IT Master Plan Presentation

John Nas and Graham Presley are in attendance on behalf of Blackline Consulting to provide an overview of the IT Master Plan.

5. ADOPTION OF THE MINUTES

5.1 Minutes of the January 12, 2022 Special Council Meeting

Resolution # 2022-013

Moved by: Councillor Shipley

Seconded by: Councillor Cates

THAT the minutes of the Council meeting held on January 12, 2022 be adopted as printed.

CARRIED

6. CONSENT AGENDA

Resolution # 2022-014

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT items 6.1 through 6.4 listed under the heading of Consent Agenda for January 26, 2022 be adopted as recommended.

CARRIED

6.1 2021 Municipal Clerk Services Activity Report

THAT Report CLK-01-2022 re: 2021 Municipal Clerk Services Activity Report be received for information.

6.2 Ontario Community Infrastructure Fund 2022

THAT report CPS-03-2022, the Ontario Community Infrastructure Fund 2022 report be received,

AND THAT \$600,000 of the \$2,064,113 of funding received, fund the Tar and Chip Resurfacing Project in 2022;

AND THAT \$1,100,000 of the \$2,064,113 funding received, fund the asphalt resurfacing project;

AND FURTHER THAT the remaining \$364,113 remain in the OCIF Reserve Fund to be utilized in 2023.

6.3 Middlesex Centre Fire Services (MCFS) 2021 Year - End Report

THAT Report FS-01-2022, re: Middlesex Centre Fire Services – 2021 Year-End Report be received for information.

6.4 Ice Resurfacer Replacement

THAT Report PWE-03-2022, re: Ice Resurfacer Replacement be received;

AND THAT the purchase of one new ice resurfacer be awarded to Zamboni Company Ltd in the amount of \$136,346.30 (excluding HST) to replace the existing Oplympia ice resurfacer;

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

7. STAFF REPORTS

7.1 Information Technology Master Plan 2022-2026

Resolution # 2022-015

Moved by: Councillor Cates

Seconded by: Deputy Mayor Brennan

THAT Report CPS-04-2022, re: Information Technology (IT) Master Plan 2022-2026 be received;

AND THAT the Middlesex Centre IT Master Plan 2022-2026, January 2022 as developed by Municipal staff and Blackline Consulting appended to Report CPS-04-2022 be approved;

AND FURTHER THAT the recommendations contained in the Plan be reviewed on an annual basis as part of the Municipality's budget deliberations.

CARRIED

7.2 Call to Action – Joint and Several Liability

Resolution # 2022-016

Moved by: Councillor Heffernan

Seconded by: Councillor Scott

THAT Report CAO-3-2022, re: Call to Action – Joint and Several Liability be received;

AND THAT the Municipality of Middlesex Centre Council supports the seven recommendations contained in the AMO submission as noted to Report CAO-3-2022;

AND FURTHER THAT the resolution and a copy of Report CAO-3-2022 be forwarded to the Office of the Premier and local Member of Provincial Parliament.

CARRIED

7.3 Budget Amendment for Used Highway Tractor and Trailer Purchase

Resolution # 2022-017

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

THAT Report PWE-04-2022, re: Budget Amendment for Used Highway Tractor and Trailer be received;

AND THAT the purchase of a used highway tractor and live bottom trailer be awarded to Roy Wonnacott Trucking Ltd. in the amount of \$95,000.00 (excluding HST);

AND THAT the 2022 Budget be amended to add a new capital cost of \$95,000 plus the non-refundable HST portion with the funds to be taken from the General Vehicles and Equipment Reserve Fund;

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

CARRIED

7.4 Applications for Official Plan Amendment (OPA 50) and Zoning By-law Amendment (ZBA-09-2020) for lands on Dausett Drive; Filed by Zelinka Priamo Ltd. (Katelyn Crowley) on behalf of 756949 Ontario Limited

Resolution # 2022-018

Moved by: Councillor Heffernan

Seconded by: Deputy Mayor Brennan

THAT Zoning By-law Amendment application (ZBA-09-2020) and Official Plan Amendment application (OPA 50), filed by Zelinka Priamo Ltd. on behalf of 756949 Ontario Limited, to redesignate and rezone the land for 54-unit medium density residential development be DEFERRED.

CARRIED

8. COMMITTEE OF ADJUSTMENT

Resolution # 2022-019

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Scott

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 January 26, 2022 Council agenda.

CARRIED

8.1 Application for Minor Variance (File No. A-43/2021)

Resolution # 2022-020

Moved by: Councillor Scott

Seconded by: Councillor Cates

THAT Minor Variance Application A-43/2021, filed by Bela and Pedro Da Silva, for relief from the Comprehensive Zoning By-law in order to establish a maximum size for all accessory buildings for a property legally described as Part of Lot 30, Concession 3, in the Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 1712 Gainsborough Road, be DEFERRED to the February 16, 2022 Council meeting.

CARRIED

8.2 Application for Minor Variance (File No. A-44/2021)

Resolution # 2022-021

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Shipley

THAT Minor Variance Application A-44/2021, filed by Phil Pattyn, 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 260.9 square metres (2808.3 square feet) or 0.5 percent lot coverage, whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of 50.0 square metres (538.0 square feet) of gross floor area or three percent (3%) lot coverage for all accessory buildings, and to permit a maximum height of 8.3 metres (27.2 feet), whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum height of 5.5 metres (18 feet), for a lot legally described as Part of Lot 15, Plan 305, in the Municipality of Middlesex Centre, in the County of Middlesex, and municipally known as 131 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-44/2021 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

9. PUBLIC MEETINGS

Resolution # 2022-022

Moved by: Councillor Cates

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 January 26, 2022 Agenda.

CARRIED

9.1 Consent Application (B-21/2021), 5182 Egremont Drive

Resolution # 2022-023

Moved by: Councillor Heffernan

Seconded by: Councillor Scott

THAT Consent Application B-21/2021, filed by Vital Point Church, in order to sever and convey as a lot addition a 0.48 acres (0.19 hectares) parcel of land from 5182 Egremont Drive, and added to an existing property known municipally as 9890 Ilderton Road, from a property legally described as Part of Lot 4, Concession 9, in the County of Middlesex, Municipality of Middlesex Centre; be GRANTED.

AND THAT Application for Consent B-21/2021 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within two years 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-21/2021, 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-21/2021 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 9890 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 applicant be required to confirm all private services for 5182 Egremont Drive be wholly located on the retained lands.
10. That the Owner be required to dedicate lands up to 18.0 metres from the centerline of construction of Egremont Drive (CR 22) and Ilderton Road (CR 16) 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.

AND FURTHER THAT the reasons for approving Consent Application B-21/2021 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

- The proposal would comply with the Middlesex Centre Comprehensive Zoning By-law.

CARRIED

9.2 Consent Application (B-1/2021)

Resolution # 2022-024

Moved by: Councillor Cates

Seconded by: Councillor Shipley

THAT Consent Application B-1/2021, filed by Tony and Lisa Vandeneuvel, in order to sever a residence surplus to a farm operation as a result of consolidation on a lot with a frontage of approximately 75.4 m (247 ft) on Clarke Road and an area of approximately 1.19 ac (0.48 ha), and the retained having a frontage of approximately 261.6 m (858 ft) on Elginfield Road and an area of approximately 69 ac (27.9 ha), from a lot legally described Part of Lot 4, Concession 16 W, in the Township of Middlesex Centre, County of Middlesex; be GRANTED.

AND THAT Consent B-01/2021 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 met.
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-1/2021 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owner's 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 Owner's 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 the Owner enter into a severance agreement with the Municipality in order to advise future owner of the severed lot of Consent B-1/2021 of normal farm practices occurring in the area as outlined in the Farming and Food Production Protection Act, 1998, as amended.
7. That any outstanding property taxes for the severed and retained lots of Consent B-1/2021 be paid in full.
8. That, if necessary a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.
9. That a Zoning By-law Amendment that recognizes the residential use of the severed lot and prohibits residential use on the retained lot of Consent B-1/2021 be in full force and effect.
10. That the Owner provide confirmation that the private sewage disposal system that services the residence on the severed lot of Consent B-1/2021 is wholly contained on the said lot and that a 100% contingency area exists, to the satisfaction of the Municipality.
11. That the severed land requires its own entrance, address and any laneway connecting the retained and severed land shall be altered in such a way that one cannot travel from one parcel of land to the other.
12. That the Owner be required to dedicate lands up to 18.0 metres from the centerline of construction of Elginfield Road (CR 7) 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.

AND FURTHER THAT the reasons for granting Consent Application B-1/2021 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

9.3 Consent for Severance Application B-22/2021, 165 Railway Ave

Resolution # 2022-025

Moved by: Councillor Aerts

Seconded by: Councillor Scott

THAT Consent Application B-22/2021, filed by Husam Almadani, on behalf of 13322068 Canada Inc, in order to sever a residential lot with a frontage of approximately 27.7 metres (90.8 feet) on Railway Ave and an area of approximately 848.5 square metres (0.2 acres), and the retained parcel a frontage of approximately 27.7 metres (90.8 feet) on Railway Ave with an area of 848.5 square metres (0.2 acres), on a property legally described as Part of Lot 6, Concession 2, in the County of Middlesex, Municipality of Middlesex Centre, and municipally known as 165 Railway Ave; be GRANTED;

AND THAT Consent B-22/2021 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within two years 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-22/2021 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-22/2021 be paid in full.
7. That the Owner enter into a Development Agreement with the Municipality, and that the Agreement be registered against the title of the subject land, to address among other matters: all financial, legal, planning and engineering matters including but not limited to payment of the Municipality's engineering, legal and planning review costs, entrance locations and construction, works within the road allowance, lot grading and drainage plans, and building envelopes, all to the satisfaction of the Municipality.
8. That the owner install separate water and sanitary service connections to the severed parcel prior to consent being granted to the satisfaction of the Municipality.
9. That if necessary, the owner relocate the existing water and sanitary services to be wholly contained on the retained lands to the satisfaction of the municipality.
10. That the Owner provide a lot grading plan for the severed lands showing a proposed building envelope and grading information to the satisfaction of the Municipality.
11. The Owner be required to complete a Stormwater Management Report to the satisfaction of the Municipality.
12. That the Owner be required to pay fifty percent (50%) of future road upgrades in the amount of \$13,500.00.
13. That the Owners pay \$1,100 cash-in-lieu of parkland dedication for the proposed lot of Consent B-22/2021.
14. That the Owner successfully apply for and receive a minor variance to reduce the minimum lot size requirement as per the UR1-3 Zone for the severed and retained lands.
15. That the Owner be required to register an Environmental Easement on title of the lands to the satisfaction of CN Rail and the Municipality.

AND FURTHER THAT the reasons for granting Consent application B-22/2021 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 is capable of complying with the Middlesex Centre Comprehensive Zoning By-law.

CARRIED

10. NOTICE OF MOTION

There are no notices of motion to note for January 26, 2022.

11. CORRESPONDENCE

Resolution # 2022-026

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Cates

THAT the Correspondence items 11.1 through to 11.7 be received as information;

AND THAT the Municipality of Middlesex Centre support the January 11, 2022 Middlesex County Resolution regarding Trustee Distribution for the Thames Valley District School Board.

CARRIED

11.1 Middlesex County - TVDSB Trustee Distribution Resolution

11.2 Ministry of Municipal Affairs and Housing - Regulations for Bill 276 and Bill 13

11.3 Kettle Creek Conservation Authority - Annual General Meeting

11.4 Middlesex Centre - Correspondence to CN Rail - Drainage Fees - January 11, 2022

11.5 Community School's Alliance - January 2021 Press Release

11.6 Rural Education Symposium Invitation

11.7 Plan Logic Consulting - Official Plan Review - 11110 Melrose Drive

12. COUNTY COUNCIL UPDATE

There is no County Council update for January 26, 2022.

13. OTHER BUSINESS

There are no matters of other business to note for January 26, 2022

14. BY-LAWS

Resolution # 2022-027

Moved by: Councillor Shipley

Seconded by: Councillor Heffernan

THAT By-Laws 2022-011 through By-Law 2022-015 be adopted as printed.

CARRIED

14.1 2022-011

Being a By-law of the Corporation of the Municipality of Middlesex Centre to appoint a building inspector for the Municipality of Middlesex Centre

14.2 2022-012

Being a By-law of the Corporation of the Municipality of Middlesex Centre to appoint municipal by-law enforcement officers for the Municipality of Middlesex Centre

14.3 2022-013

Being a By-law of the Corporation of the Municipality of Middlesex Centre to amend By-law 2021-011 of the Municipality of Middlesex Centre to pursuant to Section 38 of the Planning Act, R.S.O. 1990, C. P.13, as amended, to adopt an Interim Control By-Law for prime agricultural lands in the Municipality of Middlesex Centre

14.4 2022-014

Being a By-law of the Corporation of the Municipality of Middlesex Centre to amend the Middlesex Centre comprehensive Zoning By-law number 2005-005 with respect to Part of Lot 4, Concession 3 and all of Lot 24, registrar's compiled Plan No. 427, Geographic Township of Delaware in the Municipality of Middlesex Centre, County of Middlesex, roll number: 393901901011900

14.5 2022-015

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 January 26, 2022

15. ADJOURNMENT

Resolution # 2022-028

Moved by: Councillor Heffernan

Seconded by: Councillor Scott

THAT the Council for the Municipality of Middlesex Centre adjourns the January 26, 2021 Council meeting at 7:50 p.m.

CARRIED

Aina DeViet, Mayor

James Hutson, Municipal Clerk