

Middlesex Centre Council Minutes

Regular Meeting of Council

January 25, 2023, 6:00 p.m. Hybrid Council Meeting (Virtual and In-Person) 10227 Ilderton Road / Virtual Ilderton, Ontario, N0M 2A0

- COUNCIL PRESENT: Mayor DeViet, Deputy Mayor Brennan, Councillor Heffernan, Councillor Shipley, Councillor Aerts, Councillor Berze, Councillor Cates, Dan Fitzgerald - County Planner
- STAFF PRESENT: Michael Di Lullo Chief Administrative Officer, 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 -Planning Services and Corporate Records, Heather Kepran -Communications Specialist

1. CALL TO ORDER

Mayor DeViet calls the meeting to order at 6:02 p.m.

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 or by contacting the Municipal Clerk to receive a registration link to join the meeting being held electronically.

Members of the public may also attend the meeting in-person at the Coldstream Community Centre, located at 10227 Ilderton Road, Ilderton, N0M 2A0.

2. ADDITIONS TO THE AGENDA

There are no additions to the January 25, 2022 Council meeting agenda.

3. DISCLOSURE OF PECUNIARY INTEREST

Councillor Berze Declared a pecuniary interest in regards to item 7.1 Council Grants and Delaware Hydro Reserve Fund Grants 2023.

4. DELEGATIONS, PRESENTATIONS AND PETITIONS

5. ADOPTION OF THE MINUTES

5.1 Minutes of the January 11, 2023 Council

Resolution # 2023-016

Moved by: Councillor Shipley Seconded by: Councillor Aerts

THAT the minutes of the Council meeting held on January 11, 2023 be adopted as printed.

CARRIED

6. CONSENT AGENDA

Resolution # 2023-017

Moved by: Councillor Berze Seconded by: Deputy Mayor Brennan

THAT Consent items 6.1 through 6.7 listed on the January 25, 2023 agenda be adopted as recommended.

CARRIED

6.1 Community Services Advisory Committee Meeting Minutes - October 17, 2022

THAT the minutes of the Community Services Advisory Committee held on October 17, 2022 be received for information.

6.2 Municipal Clerk Services Activity Report for 2022

THAT Report CLK-02-2023, re: Municipal Clerk Services Activity Report for 2022 be received for information.

6.3 Rick Hansen Foundation Accessibility Certification

THAT Report CLK-03-2023 re: Rick Hansen Accessibility Certification be received for information.

6.4 Preliminary Budget to Actual December 2022

THAT Report CPS-06-2023, re: the Budget to Actual report for December 2022 be received as information.

6.5 Website and Social Media Overview 2022

THAT Report CPS-08-2023, re: Middlesex Centre Website and Social Media Overview, 2022 be received for information.

6.6 2022 Speed Radar Results

THAT Report PWE-01-2023, re: 2022 Speed Radar Results be received for information.

6.7 Hedley Pit Lease Agreement

THAT Report PWE 02-2023, re: Hedley Pit Lease Agreement be received for information;

AND THAT the Mayor and Clerk be authorized to execute the Lease Agreement as found in Appendix A and noted as By-law 2023-007 on the January 25, 2023 agenda.

7. STAFF REPORTS

7.1 Council Grants and Delaware Hydro Reserve Fund Grants 2023

Heather Kepran, Communications Specialist, is in attendance to provide an overview of the staff report.

Resolution # 2023-018

Moved by: Councillor Cates Seconded by: Councillor Heffernan

THAT in accordance with the Council Grants Policy:

- the request from the Del-Ko-Brydge Canada Day Community be approved in the amount of \$1,000; and
- the request from the Middlesex Centre Archives be approved in the amount of \$5,000; and
- the request from the Optimist Club of Bryanston-Birr be approved in the amount of \$1,500; and
- the request from the Optimist Club of Ilderton be approved in the amount of \$750; and
- the request from the Poplar Hill Picnic be approved in the amount of \$1,200; and
- the request from the Royal Canadian Legion Branch 531 be approved in the amount of \$2,600, pending approval from Middlesex Centre Building Division; and
- the request from the Tri-County Heritage Club be approved in the amount of \$1,500; and
- the request from Turtle Watch Middlesex Centre be approved in the amount of \$1,000;

AND THAT the request from the Delaware Lioness be approved in the amount of \$800 in accordance with the Delaware Hydro Reserve Fund Policy;

AND FURTHER THAT staff be directed to prepare correspondence and/or issue payment to the above noted organizations.

CARRIED

7.2 Application for Consent (B-12/2022) and Zoning By-law Amendment (Z-11/2022).

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

Nancy White and Patty Munkittrick, the applicants are in attendance virtually to comment on the application.

Resolution # 2023-019

Moved by: Councillor Aerts Seconded by: Councillor Heffernan

THAT Consent Applications B-12/2022, filed by Wayne Lewis, Lynda White, Nancy White, Steve White, and Patty Munkittrick, in order to sever a 4.33 acre (1.755 hectare) residential land holding from a 48.52 acre (19.64 hectare) agricultural parcel, to facilitate future residential lot creation, with the severed lot having a front of approximately 130 metres (426.5 ft) on Thirteen Mile Road, and an area of approximately 4.33 acres (1.755 hectares), and the retained a frontage of approximately 20 metres (66 feet) along Thirteen Mile Road and an area of approximately 44.5 acres (18.03 hectares), from a property legally described as Part of Lot 17, Concession 13 South, in the Municipality of Middlesex Centre, County of Middlesex; be GRANTED;

AND THAT Consent B-12/2022 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.
- That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-12/2022 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 any outstanding property taxes for the severed and retained lots of Consent B-12/2022 be paid in full.
- 7. That the transfers for the subject applications be registered concurrently by the Owner's solicitor.
- 8. That the severed and retained lands maintain their own, independent access, to the satisfaction of the Municipality.
- 9. That if necessary, the owner confirm all services for the retained lands are wholly located on the retained parcel.
- 10. That the severed and retained lands be rezoned prior to the issuance of a certificate of consent.
- 11. That, if necessary a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.

AND FURTHER THAT the reasons for granting Consent application B-12/2022 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 complies with the Middlesex Centre Comprehensive Zoning By-law.

Rezoning Recommendation:

THAT Application for Zoning By-law Amendment Z-11/2022 filed by Wayne Lewis, Lynda White, Nancy White, Steve White, and Patty Munkittrick for the lands legally described Part of Lots 17, Concession 13 South, in the Municipality of Middlesex Centre, County of Middlesex, and known municipally as 14200 Thirteen Mile Road, to rezone the severed lands from the Existing Use (EU) Zone to a Hamlet Residential First Density (HR1-h) Holding Zone, and the retained lands from an Existing Use (EU) Zone to a site specific Existing Use – Exception (EU-#) Zone, to recognize the reduced frontage and area of the lands; be GRANTED, and that the implementing By-law be forwarded to Council for consideration once a deposited reference plan has been provided to the satisfaction of the Municipality.

CARRIED

8. COMMITTEE OF ADJUSTMENT

Resolution # 2023-020

Moved by: Councillor Cates Seconded by: Councillor Shipley

THAT Council adjourn its regular meeting at 6:31 pm in order to sit as a Committee of Adjustment under Section 45 of The Planning Act, 1990, as amended, to consider the Minor Variance applications listed on the January 25, 2023 Council Agenda.

CARRIED

8.1 Application for Minor Variance (File No. A-25/2022)

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

Lindsay Bruce is in attendance virtually on behalf of the applicant to comment on the application.

Resolution # 2023-020

Moved by: Councillor Cates Seconded by: Councillor Berze

THAT Minor Variance Application A-18/2022, filed by Lindsay Bruce on behalf of Michael and Marilea Johnston, relief from the Comprehensive Zoning By-law in order to establish a minimum front yard setback of 31.6 metres from the centreline of County Road 22, for a property legally described as Part of Lot 14, Concession 3 North, in the Municipality of Middlesex Centre, County of Middlesex, be GRANTED, subject to the following conditions:

THAT the Owner be required to successfully obtain a section 28 permit for the Conservation Authority;

AND THAT the Owner successfully apply for an entrance permit from the County of Middlesex for access to County Road 22,

AND FURTHER THAT the reasons for granting Minor Variance Application A-25/2022:

• 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

8.2 Application for Minor Variance (File No. A-26/2022)

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

Scott McGuire, the applicant is in attendance to comment on the application.

Resolution # 2023-021

Moved by: Councillor Shipley Seconded by: Councillor Aerts

THAT Minor Variance Application A-26/2022, filed by Scott and Shayla McGuire for relief from the Comprehensive Zoning By-law in order to establish a maximum size of 200.6 square metres (2159 square feet) and a height of 7.24 metres (23.77 feet) for all accessory buildings, for a property legally described as Lot 12, Plan 682, in the Municipality of Middlesex Centre, County of Middlesex and is municipally known as 14673 Medway Road, be GRANTED, subject to the following conditions:

THAT the accessory building be located in the same general location as shown on the attached drawings;

AND THAT the Owner be required to successfully obtain and Section 28 permit from the Conservation Authority prior to the issuance of a building permit;

AND THAT the accessory building shall only be used for personal use, or as permitted in the in force and effect Zoning By-law,

AND FURTHER THAT the reasons for granting Minor Variance Application A-26/2022:

- 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

8.3 Application for Minor Variance (File No. A-27/2022)

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

Carlo larusso is in attendance on behalf of the applicant to comment on the application.

Jennifer Dickenson, the applicant, is in attendance to comment on the application.

Resolution # 2023-022

Moved by: Councillor Cates **Seconded by:** Deputy Mayor Brennan

THAT Minor Variance Application A-27/2022, filed by Carlo larusso on behalf of Patrick Cox and Jennifer Dickenson for relief from the Comprehensive Zoning By-law in order to establish a maximum size of 269.4 square metres (2900 square feet) for all accessory buildings, for a property legally described as Part of Lot 10, Concession 8 North, in the Municipality of Middlesex Centre, County of Middlesex and is municipally known as 10651 Ilderton Road, be REFERRED back to staff;

AND THAT the Owner or applicant revise the size of the accessory building not to exceed the lesser of 3 percent lot coverage or the overall ground floor area of the existing single detached dwelling;

AND FURTHER THAT the application be brought back to the Committee of Adjustment to the February 15th 2023 meeting for a decision.

CARRIED

9. PUBLIC MEETINGS

Resolution # 2023-021

Moved by: Councillor Cates Seconded by: Deputy Mayor Brennan

THAT the Committee of Adjustment adjourn at 7:01 pm and Council resume their regular meeting;

AND THAT Council move into Public Meetings at 7:01 pm pursuant to the Planning Act, R.S.O. 1990, as amended, to consider the applications listed on the January 25, 2023 Council agenda.

9.1 Consent Application (B-13/2022), 2 Park Crescent

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

Barbara Rosser is in attendance virtually on behalf of the applicant to comment on the application.

Mark Roby is in attendance virtually to comment on the application.

Resolution # 2023-023

Moved by: Councillor Aerts Seconded by: Councillor Cates

THAT Consent Application B-13/2022, filed by Rob Sanderson on behalf of Victoria, Lisa and Rob Sanderson, in order to permit the adjustment of a boundary by conveying approximately 981.75 square metres to be merged with an abutting lot legally described as part of lot 5, Concession 8 N, Plan C Baptist Church, for a lot legally described as Part of Lot 5, Concession 8, (geographic Township of Lobo), in the Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 2 Park Crescent, be GRANTED.

AND THAT Application for Consent B-13/2022 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.
- THAT a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-13/2022, 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 each parcel, 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 subject parcels as described in the decision of Consent B-13/2022 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 adjusted be severed and merged in the same name and title as the adjacent property's receiving lands as a result of the adjustment, 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 adjusted lands be confirmed to meet all applicable zoning by-law provisions and that if necessary, the lands be subject to a rezoning.
- 10. THAT the Owner submit an undertaking in a form satisfactory to the Municipality that they will ensure that the private stormwater management works and any required works within the municipal right of way are constructed in the future as part of the lot development.
- 11. THAT the Owner submits a Storm Water Management Report to the satisfaction of the Municipality which will demonstrate that the post development runoff from the proposed lot will not exceed the existing conditions and will not negatively impact adjacent lots.
- 12. THAT the Owner submits a preliminary lot grading plan for the new building lot , depicting the suitable building locations, footing/foundation elevations as well as surface grades and swale flow routes, to the satisfaction of the Municipality.

AND FURTHER THAT the reasons for granting Consent Application B-13/2022 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

9.2 Application for Consent (B-14/2022) and (B-15/2022)

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

Resolution # 2023-024

Moved by: Councillor Cates Seconded by: Councillor Berze

THAT Consent Applications B-14/2022 and B-15/2022, filed by Connor Brown on behaf of Quirinus Antonius Versteegh, in order to sever two residential lots from a 2,051 square metre (0.51 ac) residential property, in order to facilitate the construction of a single-detached dwelling on the severed lots, one having a frontage of approximately 18.44 metres (60.5 feet) on Prince Street and an area of approximately 620.6 square metres (0.15 acres), and the second with a frontage of approximately 16.9 metres (55.4 feet) on Duke Street, and an area of approximately 689.7 square metres (0.17 acres), and the retained having a frontage of approximately 22.2 metres (72.8 feet) on Prince Street, and an area of approximately 761.7 square metres (0.188 acres), from a property legally described as Lot 57 to 58, Plan 55, in the Township of Middlesex Centre, County of Middlesex, and is municipally known as 115 Prince Street; be GRANTED;

AND THAT Consent B-14/2022 and B-15/2022 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 fees for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
- That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-14/2022 and B-15/2022, 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 any outstanding property taxes for the severed and retained lots of Consent B-14/2022 and B-15/2022 be paid in full.
- 7. That the transfers for the subject applications be registered concurrently by the Owner's solicitor.

- 8. That the owner enter into a Development Agreement with the Municipality, and that the Agreement be registered against the title of the subject land, which addresses among other matters, entrance locations and construction, lot grading and drainage, stormwater management, building envelopes, fire hydrant location, connections to the Municipal water supply and sanitary sewer systems, a financial contribution to the future upgrading of Duke Street Prince (along the frontage of the proposed severances) to a full urban standard and a security deposit for 100% of the cost of the works as well as any road reconstruction associated with the development, all to the satisfaction of the Municipality. The Development Agreement shall require the developer to provide a certification from the engineer of record confirming that all works within the road right-of-way, all stormwater controls and lot grading have been completed in conformance with municipal standards and in general conformance with the approved design. The development agreement shall require the submission of record drawings of all infrastructure within the limits of construction to be provided to the Municipality.
- 9. That upon Condition 8 of Consent B-14/2022 and B-15/2022 being satisfied, the owner shall install separate water, stormwater and wastewater service connections to the severed parcels of Consent B-14/2022 and B15/2022, and that these connections be installed to the satisfaction of the Municipality's Public Works and Engineering Department. The municipal sanitary system will require an extension along Duke St. with all costs to be borne by the developer. The municipal storm sewer system may require an extension along Prince St. and Duke St., if required all costs are to be borne by the developer. All sewer extensions will require an CLI ECA application to the Municipality.
- 10. The Owner's engineer shall complete CLI ECA forms for all sewer extensions to the Municipality and receive approval for the CLI ECA amendment related to the extension of municipal services associated with Consent applications B-14/2022, and B-15/2022, to the satisfaction of the Director of Public Works and Engineering.
- 11. That the Owner submits a Storm Water Management Report to the satisfaction of the Municipality.
- 12. That the owner demonstrate that post development runoff from the proposed lots will not exceed the existing conditions. Any infiltration measures or other stormwater controls required shall be installed by the developer to the satisfaction of the Municipality's Public Works and Engineering Department.
- 13. That the Owner submits a lot grading plan for the severed and retained lands, depicting the suitable building locations,

footing/foundation elevations as well as surface grades and swale flow routes, to the satisfaction of the Municipality. The lot grading design shall ensure adjacent lots will not receive increased runoff.

- 14. That the owner pay a \$2,600 cash-in-lieu of parkland dedication to the Municipality.
- 15. That the Owners pay to the Municipality \$ 14,655 for the purposes of funding 50% of the future road reconstruction costs of Duke Street to an urban standard along the frontage of the severed lot of Consent B-14/2022 and B-15/2022, inclusive of curbs, sidewalks and road re-construction.

AND FURTHER THAT the reasons for granting Consent application B-14/2022 and B-15/2022 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 complies with the Middlesex Centre Comprehensive Zoning By-law.

CARRIED

9.3 Municipally-Initiated Official Plan Amendment No. 61 (OPA 61)

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

Resolution # 2023-025

Moved by: Deputy Mayor Brennan Seconded by: Councillor Berze

THAT the Official Plan Amendment No. 61 to implement policies as a result of legislative changes to the Planning Act be adopted and forwarded to the County of Middlesex for consideration of approval.

CARRIED

10. COUNCIL TO RISE FROM PUBLIC MEETINGS

Resolution # 2023-026

Moved by: Councillor Aerts Seconded by: Councillor Shipley

THAT the public meetings adjourn at 7:43 pm and Council resume their regular meeting;

11. NOTICE OF MOTION

There are no Notices of Motion to note for January 25, 2023.

12. CORRESPONDENCE

Resolution # 2023-027

Moved by: Councillor Heffernan Seconded by: Councillor Cates

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

CARRIED

- 12.1 Western Ontario Wardens Caucus- 2023 WOWC Chair
- 12.2 Canada and Ontario Increasing Access to High-Speed Internet Service in Middlesex County
- 12.3 UTRCA Bill 23 Legislative and Regulation Changes Affecting Conservation Authorities
- 12.4 LTVCA Bill 23 Legislative and Regulation Changes Affecting Conservation Authorities
- 12.5 SCRCA Bill 23 Legislative and Regulation Changes Affecting Conservation Authorities

13. COUNTY COUNCIL UPDATE

Deputy Mayor Brennan provided the following updates from County Council:

Cassandra Vink of Vink Consulting and Tim Welch of TWC Consulting provided a presentation in regards to Attainable Housing;

Mark Brown of Woodlands Conservation provided a presentation in regards to the LLD Moth Monitoring Program;

Chris Bailey, Director of Information Technology Services for the County of Middlesex provided a presentation on the ITS Strategic Plan;

Chris Traini, County Engineer for the County of Middlesex provided a report on New Traffic Signals within Middlesex County Roads;

14. OTHER BUSINESS

There are no matters of other business to note for January 25, 2023.

15. BY-LAWS

Resolution # 2023-028

Moved by: Councillor Aerts Seconded by: Councillor Shipley

THAT By-Laws 2023-008 through to 2023-010 listed on the January 25, 2023 agenda be adopted as printed.

CARRIED

15.1 2023-008

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.

15.2 2023-009

Being a By-Law to adopt Amendment No. 61 to the Official Plan of the Municipality of Middlesex Centre.

15.3 2023-010

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 25, 2023.

16. ADJOURNMENT

Resolution # 2023-029

Moved by: Deputy Mayor Brennan Seconded by: Councillor Cates

THAT the Council for the Municipality of Middlesex Centre adjourns the January 25, 2023 Council meeting at 7:49 p.m.

CARRIED

Aina DeViet, Mayor

James Hutson, Municipal Clerk