



Middlesex Centre Council Minutes
Regular Meeting of Council

March 15, 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 Cates, Councillor Berze

STAFF PRESENT: Michael Di Lullo - Chief Administrative Officer, James Hutson - Municipal Clerk, 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, Marion Cabral - County Planner, Dan Fitzgerald - County Planner, Heather Kepran - Communications Specialist, Megan Kamermans - Deputy Clerk, Eric Joudrey - Manager of Water and Wastewater Operations

1. CALL TO ORDER

Mayor DeViet calls the meeting to order at 6:00 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 March 15, 2023 Council meeting agenda.

3. DISCLOSURE OF PECUNIARY INTEREST

There are no disclosures of pecuniary interest to note for March 15, 2023.

4. DELEGATIONS, PRESENTATIONS AND PETITIONS

4.1 Association of Ontario Road Supervisors (AORS) Road Show Overview

Jarett Hogle, General Superintendent with the County of Middlesex and John Maheu, Executive Director of the Association of Ontario Road Supervisors (AORS) are in attendance to provide an overview presentation.

5. ADOPTION OF THE MINUTES

5.1 Minutes of the March 1, 2023 Council Meeting

Resolution # 2023-072

Moved by: Councillor Berze
Seconded by: Councillor Aerts

THAT the minutes of the Council meeting held on March 1, 2023 be adopted as printed.

CARRIED

6. CONSENT AGENDA

Resolution # 2023-074

Moved by: Councillor Berze
Seconded by: Councillor Cates

THAT Consent items 6.1 through 6.8 listed on the March 15, 2023 agenda be adopted as recommended.

CARRIED

6.1 IESO Pathways to Decarbonization Study

THAT Report CAO-7-2023, re: IESO Pathways to Decarbonization Study be received for information.

6.2 Budget to Actual February 2023

THAT Report CPS-17-2023, re: Budget to Actual for February 2023 be received for information.

6.3 Capital Budget to Actual Q4 2022 Preliminary

THAT Report CPS-18-2023, re: Capital Budget to Actual Q4 2022 preliminary report be received for information.

6.4 Council Remuneration Report 2022

THAT Report CPS-19-2023, re: 2022 Council Remuneration be received for information.

6.5 Celebrating Middlesex Centre's 25th Anniversary

THAT Report CPS-20-2023, re: Middlesex Centre's 25th Anniversary be received as information.

6.6 Award of 3 Replacement Vehicles for Building Services

THAT Report PWE 12-2023 re: Award of 3 Replacement Vehicles for Building Services be received;

AND THAT the purchase of 3 new 2023 Ford Escape Hybrid SUV's be awarded to McDonnell Motors Ltd. in the amount of \$134,109.60 (excluding HST);

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

6.7 Tender Results for Load & Haul of Granular A

THAT Report PWE-14-2023, re: Tender Results for Load and Haul of Granular A be received for information;

AND THAT Council award the Load & Haul of Granular 'A' tender to the lowest tender bid submission received from Clarence Carter & Sons Ltd. in the amount of \$6.10 per tonne (excluding HST);

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

6.8 Tender Results for Supply and Application of Dust Control

THAT Report PWE-13-2023, re: Tender Results for Supply and Application of Dust Control be received;

AND THAT the purchase of services and material for the supply and application of dust control be awarded to the lowest tender bid submission received from Pollard Distributions Inc in the amount of \$ 0.124 per liter (excluding HST);

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

6.9 OPA 59 – Request to revise Adopted OPA Schedules A-5, A-6, and A-11

Michael DiLullo (CAO) provided an overview of the Consent Report.

Resolution # 2023-073

Moved by: Councillor Cates
Seconded by: Councillor Shipley

THAT Report CAO-8-2023, re: OPA 59 - Request to Revised Adopted OPA Schedules A-5, A-6 and A-11 be received;

AND THAT Middlesex Centre Council direct the County of Middlesex to revise the adopted Official Plan Amendment 59 to amend Land Use Schedules A-11 to include the lands identified as Concession 5 S Pt Lot 31 RP 33R11585 Part 1 into the settlement area and designate them as “Residential”, and amend Land Use Schedules A-5 and A-6 by removing the lands identified in Attachment 4 of this Staff Report and designating them as “Agriculture”.

CARRIED

7. STAFF REPORTS

7.1 SCADA Standards Consultants Award

Eric Joudrey, Manager of Water and Wastewater Operations is in attendance to provide an overview of the Staff Report.

Resolution # 2023-075

Moved by: Deputy Mayor Brennan
Seconded by: Councillor Heffernan

THAT Report PWE 15-2023 regarding SCADA Standards Consultants Award be received;

AND THAT the SCADA Standards be awarded to Eramosa Engineering Inc. in the amount of \$138,389.52 (taxes not included);

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

CARRIED

7.2 Applications for a Zoning By-law Amendment (ZBA-13-2022), filed by 2225660 Ontario Limited for the lands known as 23778 Richmond Street

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

Resolution # 2023-076

Moved by: Councillor Shipley
Seconded by: Councillor Heffernan

THAT Zoning By-law Amendment application ZBA-13-2022, filed by 2225660 Ontario Limited, to add a new definition of 'cidery' and rezone the subject property from the 'Agricultural (A1)' zone to the site-specific 'Agricultural exception 40 (A1-40)' zone for the land municipally known as 23778 Richmond Street, former Township of London, Municipality of Middlesex Centre, be APPROVED.

CARRIED

8. COMMITTEE OF ADJUSTMENT

Resolution # 2023-077

Moved by: Councillor Aerts

Seconded by: Deputy Mayor Brennan

THAT Council adjourn its regular meeting at 6:30 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 March 15, 2023 Council Agenda.

CARRIED

8.1 Application for Minor Variance (File No. A-2/2023)

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

Ricardo Teves, the applicant, is in attendance virtually to comment on the application.

Resolution # 2023-078

Moved by: Councillor Berze

Seconded by: Councillor Cates

THAT Minor Variance Application A-2/2023, filed by Ricardo Teves for relief from the Comprehensive Zoning By-law in order to establish a minimum rear yard setback for an attached covered deck of 5.17 metres (16.9 feet), whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum rear yard setback of 8.0 metres (26.2 feet, for a property legally described as Unit 13, Level 1, Plan MVLCP885, in the Municipality of Middlesex Centre, County of Middlesex and is municipally known as 202 – 9861 Glendon Drive in Komoka, be GRANTED, subject to the following conditions:

THAT the minimum rear yard setback shall reduction to 5.17 metres (16.9 feet) shall only apply to the deck as shown on the attached drawing, and the remainder of the single detached dwelling shall maintain a minimum 8.0 metre setback as shown on the site plan;

AND THAT the reasons for granting Minor Variance Application A-2/2023:

- 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-3/2023)

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

Resolution # 2023-079

Moved by: Councillor Aerts

Seconded by: Councillor Cates

THAT THAT Minor Variance Application A-3/2023, filed by John Szabo on behalf of Linrui Geo and Fuyan Li in order to expand a legal non-conforming use to permit a 37.16 square metre addition to an existing single detached dwelling on the property; for a property legally known as Part of Lot 18, London Concession 7 N, in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 14081 Eight Mile Road, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-3/2023 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

8.3 Application for Minor Variance (File No. A-4/2023)

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

Resolution # 2023-080

Moved by: Councillor Berze

Seconded by: Councillor Cates

THAT Minor Variance Application A-4/2023, filed by Michael J Lamb on behalf of Sharon and Mark Lapointe for relief from the Comprehensive Zoning By-law in order to establish a reduced minimum lot size of 0.97 hectares (2.4 acres) and a minimum frontage of 91.4 metres (299 feet) for a property legally described as Part of Lot 6, Concession 3 E, Lot 13 of Reg Comp Plan 427, in the Municipality of Middlesex Centre, County of Middlesex and is municipally known as 3611 Woodhull Road, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-4/2023:

- 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

8.4 Application for Minor Variance (File No. A- 5/2023)

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

Resolution # 2023-081

Moved by: Councillor Heffernan

Seconded by: Councillor Aerts

THAT Minor Variance Application A-5/2023, filed by Andrew Douglas on behalf of 1917155 Ontario Inc. for relief from the Comprehensive Zoning By-law in order to establish a reduced minimum outdoor amenity area of 30 m² per dwelling unit and a reduced width for a planting strip between a property line and driveway of 0.0 m for a property legally described as Concession 11 Pt Lot 26, in the Municipality of Middlesex Centre, County of Middlesex and is municipally known as 13178 Ilderton Road, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-5/2023:

- 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 # 2023-082

Moved by: Councillor Cates

Seconded by: Councillor Shipley

THAT the Committee of Adjustment adjourn at 6:54 pm and Council resume their regular meeting;

AND THAT Council move into Public Meetings at 6:54 pm pursuant to the Planning Act, R.S.O. 1990, as amended, to consider the applications listed on the March 15, 2023 Council agenda.

CARRIED

9.1 Consent Application (B-1/2023), 16 Victoria Street

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

Jeff Crosby is in attendance on behalf of the applicant to comment on the application.

Resolution # 2023-083

Moved by: Councillor Berze

Seconded by: Councillor Aerts

THAT Consent Application B-1/2023, filed by Jeff Crosby on behalf of Yolande McIntosh, in order to permit the adjustment of a boundary by conveying approximately 733.12 square metres from Part of Park Lot 9 Plan 47, Part 1 on Reference Plan 34R2205 to be merged with an abutting lot legally described as Part of Park Lot 9 Plan 47, Part 2 on Reference Plan 34R2205, in the Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 16 Victoria Street, be GRANTED;

AND THAT Application for Consent B-1/2023 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-1/2023, 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 are described in the decision of Consent B-1/2023 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 minor variance.
10. That the septic system servicing 16 Victoria Street be wholly located within the remnant lands to the satisfaction of the Chief Building Official.

AND FURTHER THAT the reasons for granting Consent Application B-1/2023 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 Request to Remove (h-1) Holding Symbol from “Cudney Blue” Subdivision Phase 1 Lots 1 - 8; Filed by Baker Planning Group on behalf of 2270942 Ontario Limited

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

Resolution # 2023-084

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Cates

THAT the request by Baker Planning Group on behalf of 2270942 Ontario Limited to remove the (h-1) holding symbol from the zoning of the land known legally as part of Concession 2 PT Lot 6, Middlesex Centre, be APPROVED.

CARRIED

9.3 Application for Zoning By-law Amendment (ZBA-02-2023) for 15548 Nine Mile Road; Filed by Karl Pfister

Resolution # 2023-085

Moved by: Councillor Shipley

Seconded by: Councillor Heffernan

THAT Zoning By-law Amendment application (ZBA-02-2023) for a temporary use zone, filed by Karl Pfister, 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 15548 Nine Mile Road, be APPROVED;

AND THAT the owner be required to enter into a Temporary Use Agreement with the Municipality and submit a total deposit of \$15,000 to ensure the removal of the existing residence.

CARRIED

10. COUNCIL TO RISE FROM PUBLIC MEETINGS

Resolution # 2023-086

Moved by: Councillor Berze

Seconded by: Councillor Cates

THAT the public meetings adjourn at 7:06 p.m. and Council resume their regular meeting;

CARRIED

11. NOTICE OF MOTION

There are no Notices of Motion to note for April 5, 2023

12. CORRESPONDENCE

Resolution # 2023-087

Moved by: Councillor Berze

Seconded by: Councillor Cates

WHEREAS the homeless crisis is taking a devastating toll on families and communities, undermining a healthy and prosperous Ontario;

WHEREAS the homelessness crisis is the result of the underinvestment and poor policy choices of successive provincial governments;

WHEREAS homelessness requires a range of housing, social service and health solutions from government;

WHEREAS homelessness is felt most at the level of local government and the residents that they serve;

WHEREAS municipalities and District Social Administration Boards are doing their part, but do not have the resources, capacity or tools to address this complex challenge; and,

WHEREAS leadership and urgent action is needed from the provincial government on an emergency basis to develop, resource, and implement a comprehensive plan to prevent, reduce and ultimately end homelessness in Ontario.

THEREFORE BE IT RESOLVED THAT the Municipality of Middlesex Centre calls on the Provincial Government to urgently:

- a. Acknowledge that homelessness in Ontario is a social, economic, and health crisis;
- b. Commit to ending homelessness in Ontario;
- c. Work with AMO and a broad range of community, health, Indigenous and economic partners to develop, resource, and implement an action plan to achieve this goal.

AND FURTHER THAT a copy of this motion be sent to the Minister of Municipal Affairs and Housing; the Minister of Children, Community and Social Services; the Minister of Health; and to the Association of Municipalities of Ontario.

CARRIED

Resolution # 2023-088

Moved by: Councillor Shipley

Seconded by: Councillor Cates

THAT the Correspondence items 12.1 through to 12.7, listed on the March 15, 2023 agenda be received as information.

CARRIED

12.1 Association of Municipalities of Ontario (AMO) - Proposal to End Homelessness

12.2 Ministry of Natural Resources and Forestry - Proposed Amendments to O. Reg. 161/17 Floating Accommodations

12.3 Lake Huron Primary Water Supply System - 2022 Annual Report

12.4 Middlesex London Board of Health Meeting Summary - February 2023

12.5 Office of the Middlesex County Warden – Mobile Crisis Response Team Funding Extension

12.6 St. Clair Region Conservation Authority - 2022 Annual Report

12.7 Middlesex Centre Archives - Thank-you Letter

13. COUNTY COUNCIL UPDATE

Deputy Mayor Brennan provides the following update from County Council held on March 14, 2023:

County budget deliberations remain ongoing. Deputy Mayor Brennan notes that the tax rate increase is currently proposed at 8.41% for 2023. Some contributors to the budget include an increase to service levels at Strathmere Lodge, reductions to the Ontario Municipal Partnership Fund (OMPF), and ambulance service cost increases;

The County has hired a consultant to review ambulance dispatch services as consideration is being given to moving this service in-house;

Middlesex County Day is upcoming on May 2, 2023 and the Warden's Golf Tournament is June 22, 2023.

Please visit the Middlesex County website for full meeting minutes and highlights.

14. CLOSED SESSION

Resolution # 2023-089

Moved by: Councillor Berze

Seconded by: Councillor Cates

THAT the Council for the Municipality of Middlesex Centre adjourn to closed session at 7:19 p.m. pursuant to Section 239 (2) of the Municipal Act, 2001, as amended to discuss the following matters:

Section 239 (2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

Section 239 (2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

CARRIED

14.1 CALL TO ORDER

14.2 DISCLOSURE OF PECUNIARY INTEREST

14.3 ADOPTION OF MINUTES

14.3.1 Minutes of the March 1, 2023 Closed Session

14.4 CLOSED SESSION ITEMS

14.4.1 Litigation Update - Ward 4 Development

14.4.2 OLT Appeal Update (Ward 1)

14.5 ADJOURNMENT

Resolution # 2023-090

Moved by: Councillor Berze

Seconded by: Deputy Mayor Brennan

THAT Council rise from closed session and return to open session at 7:42 p.m.

CARRIED

15. OTHER BUSINESS

16. BY-LAWS

Resolution # 2023-091

Moved by: Councillor Berze

Seconded by: Councillor Aerts

THAT By-law 2023-013 and By-laws 2023-028 through By-law 2023-033, listed on the March 15, 2023 agenda, be approved.

CARRIED

16.1 2023-028

Being a by-law to amend the Middlesex Centre Comprehensive Zoning By-law number 2005-005 with respect to Concession 9, South Part Lot 6 (geographic Township of London), Municipality of Middlesex Centre, roll number: 393903403005400

16.2 2023-029

Being a by-law to authorize the execution of a Temporary Use Agreement between Karl Pfister “the Owner” and the Municipality of Middlesex Centre as the “Municipality” for lands known municipally as 15548 Nine Mile Road and described as Concession 9, South Part Lot 6 (geographic Township of London)

16.3 2023-013

Being a by-law of the Corporation of the Municipality of Middlesex Centre to provide for a drainage works to be known as the Government Drain No. 2 - Branch 6 2022

Third and Final Reading

16.4 2023-030

Being a by-law to amend the Middlesex Centre comprehensive Zoning By-law number 2005-005 with respect to Concession 2 PT Lot 6, Municipality of Middlesex Centre

16.5 2023-031

Being a by-law to amend the Middlesex Centre comprehensive Zoning By-law number 2005-005 with respect to Concession 15 S PT Lot 16 RP33R6378 Part 4 (geographic Township of London), Municipality of Middlesex Centre, roll number: 393903401006900

16.6 2023-032

Being a by-law approving and ratifying a Severance Agreement between Superspace Ltd as the “Owner” and the Municipality of Middlesex Centre as the “Municipality”

16.7 2023-033

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 March 15, 2023

17. ADJOURNMENT

Resolution # 2023-091

Moved by: Councillor Heffernan

Seconded by: Councillor Cates

THAT the Council for the Municipality of Middlesex Centre adjourns the March 15, 2023 Council meeting at 7:44 p.m.

CARRIED

Aina DeViet, Mayor

James Hutson, Municipal Clerk