



Middlesex Centre Council Minutes
Regular Meeting of Council

September 20, 2023, 5:00 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, Megan Kamermans - Deputy Clerk, Colin Toth, Director of Emergency Services / Fire Chief, Rob Cascaden - Director of Public Works and Engineering, Scott Mairs - Director of Community Services, Marion Cabral - County Planner, Dan Fitzgerald - County Planner

1. CALL TO ORDER

Mayor DeViet to call the meeting to order at 5:07 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 September 20, 2023 Council meeting agenda.

3. DISCLOSURE OF PECUNIARY INTEREST

3.1 Councillor Shipley - Application for Minor Variance (File No. A-14/2023)

Employment partnership with applicant (freight transport)

4. CLOSED SESSION

Resolution # 2023-242

Moved by: Councillor Heffernan

Seconded by: Councillor Cates

THAT the Council for the Municipality of Middlesex Centre adjourn to closed session at 5:08 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 (Ontario Land Tribunal Matter - Ward 2 Property);

Section 239 (2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose (Ontario Land Tribunal Matter - Ward 2 Property);

CARRIED

4.1 CALL TO ORDER

4.2 DISCLOSURE OF PECUNIARY INTEREST

4.3 ADOPTION OF MINUTES

4.3.1 Minutes of the September 6, 2023 Closed Session

4.4 CLOSED SESSION ITEMS

4.4.1 Ontario Land Tribunal Matter (Ward 2 Property)

4.5 ADJOURNMENT

Resolution # 2023-243

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Cates

THAT Council rise from closed session and return to open session at 5:47 p.m.

CARRIED

Report from Closed Session:

During the closed session Council received an update on an Ontario Land Tribunal matter in Ward 2 and provided direction to legal counsel.

5. DELEGATIONS, PRESENTATIONS AND PETITIONS

There are no Delegations, Presentation or Petitions to note for the September 20, 2023 meeting of Council.

6. COURT OF REVISION

6.1 Court of Revision for the Proskairos Municipal Drain

Resolution # 2023-244

Moved by: Councillor Berze

Seconded by: Councillor Cates

THAT Council adjourn its regular meeting at 5:50 p.m. in order to sit as the Court of Revision

CARRIED

Resolution # 2023-245

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

THAT the Middlesex Centre Court of Revision approves the Schedule of Assessment for the Proskairos Municipal Drain provisionally adopted by By-Law 2023-085 as outlined in the report prepared by Spriet Associates;

AND THAT the corresponding by-law be forwarded to Council for a final reading;

AND FURTHER THAT the Court of Revision adjourn at 5:52 p.m. and Council resume their regular meeting.

CARRIED

7. ADOPTION OF THE MINUTES

7.1 Minutes of the September 6, 2023 Council Meeting

Resolution # 2023-245

Moved by: Councillor Aerts

Seconded by: Councillor Heffernan

THAT the minutes of the September 20, 2023 Council meeting be adopted as printed.

CARRIED

8. CONSENT AGENDA

Resolution # 2023-246

Moved by: Councillor Berze

Seconded by: Councillor Shipley

THAT Consent items 8.1 through 8.3 listed on the September 20, 2023 agenda be adopted as recommended.

CARRIED

8.1 Budget to Actual August 2023

THAT the Budget to Actual Report CPS-40-2023 for August 2023 be received as information.

8.2 Municipal Winter Sand Sale

THAT Report PWE 37-2023, re: Municipal Winter Sand Sale be received for information;

AND THAT Council authorise the Director of Public Works and Engineering (or Designate) to sell up to 5,000 tonnes of sand annually with all net revenue generated being deposited in the Gravel Pit Reserve Fund;

AND FURTHER THAT Council delegate authority to the Director of Public Works and Engineering (or Designate) to set the sale price of sand sold from the Sunningdale Sand Pit at a price not below \$9.50 per tonne plus HST

8.3 Urbshott Tile Loan Application

THAT Council approves the Tile Loan Application submitted by John-Guy Urbshott;

AND THAT the Municipality's Tile Drainage Inspector be instructed to complete the associated forms and submit to OMAFRA

8.4 Komoka Drainage Works Union Ave Branch Update

Jane Campbell, is in attendance to comment of the staff report. A copy of the speaking notes are on file in the Clerk's office.

Resolution # 2023-247

Moved by: Councillor Cates

Seconded by: Deputy Mayor Brennan

THAT Report PWE 39-2023 Komoka Drainage Works Union Ave Branch Update be received;

AND THAT the portion of the Komoka Drainage Works Union Ave Branch located within the residential lots be treated as described per Alternative #1 found in Report PWE-39-2023.

CARRIED

9. STAFF REPORTS

9.1 Council Compensation Review Follow-up Report

James Hutson, Municipal Clerk is in attendance to provide an overview of the Council Compensation Review Follow-up Report.

Resolution # 2023-247

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Berze

THAT Report CLK-10-2023, re: Council Compensation Review Follow-up be received;

AND THAT Council approve the recommended increase to the remuneration for council members as follows:

Mayor \$37,544.92

Deputy Mayor \$29,649.42

Ward Councillor \$25,703.43

AND FURTHER THAT the recommended remuneration be effective January 1, 2024, and include the annual cost of living adjustment approved as per resolution 2023-232.

CARRIED

9.2 Vehicle and Equipment Retention

Rob Cascaden, Director of Public Works and Engineering is in attendance to provide an overview of the Vehicle and Equipment Retention Report.

Resolution # 2023-248

Moved by: Councillor Shipley

Seconded by: Councillor Heffernan

THAT Council receive Report PWE 36-2023, re: Vehicle and Equipment Retention;

AND THAT Council approve the retention and continued use of vehicle # 2507 (2018 Chevrolet Bolt) by Transportation Services;

AND FURTHER THAT Council approve the retention and continued use of vehicle # 3608 (2011 Bomag Pneumatic Roller) by Transportation Services.

CARRIED

10. COMMITTEE OF ADJUSTMENT

Resolution # 2023-249

Moved by: Councillor Cates

Seconded by: Councillor Berze

THAT Council adjourn its regular meeting at 6:14 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 September 20, 2023 Council Agenda.

CARRIED

10.1 Application for Minor Variance (File No. A-14/2023)

Councillor Shipley declared a conflict on this item. (Employment partnership with applicant (freight transport))

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

Steve Flanigan, the applicant is in attendance to comment on the application.

Tyler Buckland is in attendance to comment on the application.

Resolution # 2023-250

Moved by: Councillor Aerts

Seconded by: Councillor Cates

THAT Minor Variance Application A-14/2023, filed by Steve Flanigan for relief from the Comprehensive Zoning By-law in order to permit an increase to the maximum permissible size of an accessory building and permit the accessory building to be constructed in the front yard, for a property legally described as Part of Lot 16, Concession 7, in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 24089 Bear Creek Road, be GRANTED, subject to the following conditions:

THAT an increase to the maximum permissible size for an accessory building shall only be applicable in such situation that an accessory building is constructed south of the southern most interior side yard of the dwelling, and setback a minimum of 33 metres from the front property line; and,

AND THAT the size of the accessory building be limited to the lesser of 222.9 square metres, or the footprint of the dwelling;

AND THAT the Owner confirm the building shall only be used in accordance with the permissions of the Zoning By-law, and that the building shall not be used for any type of commercial business;

AND FURTHER THAT the reasons for granting Minor Variance Application A-14/2023:

- 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

10.2 Application for Minor Variance (File No. A-15/2023)

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

Resolution # 2023-251

Moved by: Councillor Berze

Seconded by: Councillor Cates

THAT Minor Variance Application A-15/2023, filed by Caprice Gautreau for relief from the Middlesex Centre Comprehensive Zoning By-law 2005-005 in order to allow for a home occupation to operate out of an existing detached garage; for a property legally described as Lot 11 on Plan M432, in the Municipality of Middlesex Centre, County of Middlesex, and is municipally known as 99 William Street; be GRANTED, subject to the following conditions:

THAT all dogs shall be kept internal to the garage as identified in the applicant's

building plans and that outdoor runs not be permitted in association with the use; and,

THAT no boarding of animals be permitted,

AND FURTHER THAT the reasons for granting Minor Variance Application A-15/2023:

- 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

10.3 Application for Minor Variance (File No. A-17/2023)

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

Steve Charles, the agent is in attendance virtually to comment on the application.

Samuel Kirwin is in attendance to comment on the application.

Resolution # 2023-252

Moved by: Councillor Berze

Seconded by: Councillor Cates

THAT Minor Variance Application A-17/2023, filed by Steve Charles on behalf of Chad Caines, for relief from the Comprehensive Zoning By-law in order to permit a maximum overall size of 59 square metres for all residential accessory buildings, and to place the building in the front yard, for a property legally described as Lots 12 and 17, Plan 47, in the Municipality of Middlesex Centre, County of Middlesex, and is municipally known as 2708 Gideon Drive, be GRANTED, subject to the following conditions:

THAT the accessory building be constructed in the same general location as shown in the applicants site plan, attached to this report,

THAT that all roof water be directed, using eaves and downspouts, away from neighbouring properties,

AND THAT the applicant provide an engineered lot grading plan (sealed by a Professional Engineer licensed in Ontario) which ensures that the building does not interfere with local drainage and a letter from the professional engineer stating that the additional runoff generated will not negatively impact adjacent properties

AND FURTHER THAT the reasons for granting Minor Variance Application A-17/2023:

- 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

11. PUBLIC MEETINGS

Resolution # 2023-253

Moved by: Councillor Aerts

Seconded by: Councillor Heffernan

THAT the Committee of Adjustment adjourn at 7:00 pm and Council resume their regular meeting;

AND THAT Council move into Public Meetings at 7:00 pm pursuant to the Planning Act, R.S.O. 1990, as amended, to consider the applications listed on the September 20, 2023 Council agenda.

CARRIED

11.1 Application for Zoning By-law Amendment (ZBA-14-2023) for 23759 and 23865 Vanneck Road; Filed by Stewart Findlater on behalf of Fourteen Mile Farms Limited

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

Resolution # 2023-254

Moved by: Councillor Shipley

Seconded by: Councillor Cates

THAT Zoning By-law Amendment Application (ZBA-14-2023), filed by Stewart Findlater on behalf of Fourteen Mile Farms Limited for the severed and retained lands of consent application B-5/23 in order to implement the severance of a surplus farm residence, be APPROVED.

CARRIED

11.2 Application for Consent to Sever (B-18/2023)

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

Resolution # 2023-255

Moved by: Councillor Cates

Seconded by: Deputy Mayor Brennan

THAT Consent Application B-18/2023 filed by 2199860 Ontario Ltd in order to sever a residential lot with a frontage of approximately 18.29 metres (60 feet) on Erie Avenue, and an area of approximately 1003.39 square metres (0.24 acres), in order to facilitate the construction of new single-detached dwellings on the severed and the retained lots, and the retained maintaining a frontage of 18.29 metres (60 feet) on Erie Avenue, and an area of approximately 1003.39 square metres (0.24 acres), for a property, from a property legally described as Lot 17 to 18, Block C, Plan 76, in the Municipality of Middlesex Centre, County of Middlesex, and is municipally known as 102 Erie Avenue; be GRANTED;

AND THAT Consent B-18/2023 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 fees 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-18/2023, 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-18/2023 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, building envelopes, fire hydrant location, connections to the Municipal water supply and sanitary sewer systems, a financial

contribution to the future upgrading of Erie Ave 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, stormwater controls and lot grading have been completed in conformance with municipal standards and in general conformance with the approved design.

9. That upon Condition 8 of Consent B-18/2023 being satisfied, the owner shall install separate water, stormwater, and wastewater service connections to the severed parcels of Consent B-18/2023 and that the connection be installed to the satisfaction of the Municipality's Public Works and Engineering Department.
10. That, if required, the Owner's engineer shall apply and receive approval for an ECA related to the extension of municipal services associated with Consent applications B-18/2023, 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 cash-in-lieu of parkland dedication in the amount of \$1300, consistent with Municipalities Fee By-law.
15. That the Owners pay 50% of the future road reconstruction costs of Erie Ave to an urban standard along the frontage of the severed and retained lot of Consent B-18/2023, inclusive of curbs, sidewalks, streetlights, and road re-construction.
16. That the severed and retained lots for Consent Application B-18/2023 meet the minimum lot size and frontage requirements through the issuance of a minor variance.

AND FURTHER THAT the reasons for granting Consent application B-18/2023 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 complies with the Middlesex Centre Comprehensive Zoning By-law.

CARRIED

12. COUNCIL TO RISE FROM PUBLIC MEETINGS

Resolution # 2023-256

Moved by: Councillor Berze

Seconded by: Councillor Heffernan

THAT the public meetings adjourn at 7:15 pm and Council resume their regular meeting;

CARRIED

13. NOTICE OF MOTION

There are no Notices of Motion to note for September 20, 2023

14. CORRESPONDENCE

Resolution # 2023-257

Moved by: Councillor Berze

Seconded by: Councillor Shipley

THAT the Correspondence items 14.1 through to 14.4 listed on the September 20, 2023 Council agenda be received as information.

CARRIED

14.1 Distribution of Police Record Check Revenue to Municipalities

14.2 Middlesex Centre Archives Update - Fall 2023

14.3 Middlesex Centre Media Release - Provincial Test your Smoke Alarm Day - September 28, 2023

14.4 Via Rail Increased Service Between Ottawa and London this Fall

15. COUNTY COUNCIL UPDATE

Deputy Mayor Brennan provides an overview of the Middlesex County Council meeting held on September 12, 2023.

Please visit the [Middlesex County website](#) for full meeting minutes and highlights.

16. OTHER BUSINESS

The municipal office is moving temporarily as of October 3, 2023.

We're renovating the municipal office.

During the renovations, front-desk services such as bill payments and general inquiries will be offered at the Komoka Wellness Centre, 1 Tunks Lane, Komoka, from 8:30 am to 4:30pm, Monday to Friday, excluding holidays.

Council meetings will be held at the Ilderton Community Centre. Watch the Council Calendar on the website for information about upcoming meetings and to find agenda content

17. BY-LAWS

Resolution # 2023-258

Moved by: Councillor Aerts

Seconded by: Councillor Shipley

THAT By-Laws 2023-103 through to 2023-104 listed on the September 20, 2023 agenda be approved.

CARRIED

17.1 2023-103

Being a by-law to amend the Middlesex Centre comprehensive Zoning By-law number 2005-005 with respect to Concession 12 Part Lot 24 (geographic Township of Lobo), Municipality of Middlesex Centre, roll number: 393900005010400 and 393900005012700.

17.2 2023-104

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 September 20, 2023

18. ADJOURNMENT

Resolution # 2023-259

Moved by: Councillor Berze

Seconded by: Deputy Mayor Brennan

THAT the Council for the Municipality of Middlesex Centre adjourns the September 20, 2023 Council meeting at 7:21 p.m.

CARRIED

Aina DeViet, Mayor

James Hutson, Municipal Clerk