



Middlesex Centre Council Minutes
Regular Meeting of Council

December 20, 2023, 5:30 p.m.
Hybrid Council Meeting (Virtual and In-Person)
13168 Ilderton Road / Virtual
Ilderton, Ontario, N0M 2A0

COUNCIL PRESENT: Mayor DeViet, Deputy Mayor Brennan, Councillor Shipley, Councillor Aerts, Councillor Cates, Councillor Berze

REGRETS: Councillor Heffernan

STAFF PRESENT: Michael Di Lullo - Chief Administrative Officer, James Hutson - Municipal Clerk, Megan Kamermans - Deputy 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

1. CALL TO ORDER

Mayor DeViet calls the meeting to order at 5:30 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 Ilderton Community Centre, located at 13168 Ilderton Road, Ilderton, N0M 2A0.

2. ADDITIONS TO THE AGENDA

There are no additions to the December 20, 2023 Council meeting agenda.

3. DISCLOSURE OF PECUNIARY INTEREST

There are no Disclosures of Pecuniary Interest to note for the December 20, 2023 Council meeting.

4. DELEGATIONS, PRESENTATIONS AND PETITIONS

There are no Delegations, Presentations or Petitions to note for the December 20, 2023 Council meeting agenda.

5. ADOPTION OF THE MINUTES

5.1 Minutes of the December 6, 2023 Council Meeting

Resolution # 2023-330

Moved by: Councillor Aerts

Seconded by: Councillor Cates

THAT the minutes of Council meeting held on the December 6, 2023 be adopted as printed.

CARRIED

5.2 Minutes of the December 13, 2023 Council Meeting

Resolution # 2023-331

Moved by: Councillor Aerts

Seconded by: Councillor Cates

THAT the minutes of the Special Council meeting held on December 13, 2023 be adopted as printed.

CARRIED

6. CONSENT AGENDA

Resolution # 2023-332

Moved by: Councillor Berze

Seconded by: Councillor Shipley

THAT Consent items 6.1 through 6.10 listed on the December 20, 2023 agenda be adopted as recommended.

CARRIED

6.1 Community Services Advisory Committee Meeting Minutes - November 20, 2023

THAT the minutes of the Community Services Advisory Committee held on November 20, 2023 be adopted as printed.

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

THAT Report CPS-57-2023, re: tax adjustments made under Sections 357, 358 and 359 of the Municipal Act, 2001 be received;

AND THAT taxes amounting to \$71,752.85 be written off pursuant to the provisions of Section 357, 358 and 359 of the Municipal Act, 2001.

6.3 Farm Forestry Exemption

THAT Report CPS-59-2023, re: Farm Forestry Exemption be received for information.

6.4 Property Class - New Multi-Residential

THAT Report CPS-60-2023, re: Property Class – New Multi-Residential be received;

AND THAT staff be directed to proceed to update the Tax Rate Bylaw for Middlesex Centre for 2024.

6.5 Budget to Actual November 2023

THAT Report CPS-62-2023, re: Budget to Actual for November 2023 be received as information.

6.6 Ontario Community Infrastructure Fund 2024

THAT Report CPS-61-2023, re: Ontario Community Infrastructure Fund 2024 be received.

6.7 WSIB and Return to Work Policy

THAT Report CPS-64-2023 re: New WSIB and Return to Work Policy be received;

AND THAT Council endorse the WSIB and Return to Work Policy attached as Appendix A1.

6.8 Canada Community Building Fund 2024

THAT Report CPS-66-2023, re: Canada Community Building Fund 2024 be received.

6.9 Association of Municipalities of Ontario's Baseline Waste and Recycling Report

THAT Report PWE 60-2023, re: 2023 Ontario Baseline Waste and Recycling Report Summary published by Association of Municipalities Ontario (AMO) be received as information.

6.10 Proposed Budget 2024 Impacts

THAT the compliance report CPS-65-2023, for expenses excluded from the 2024 budget outlined in report CPS-63-2023 as a requirement of Ontario Regulation 284/09 passed under the Municipal Act, 2001 be received.

7. STAFF REPORTS

7.1 Budget 2024

Tiffany Farrell, Director of Corporate Services is in attendance to provide an overview of the Budget 2024 Draft Booklet.

Resolution # 2023-333

Moved by: Councillor Cates

Seconded by: Councillor Berze

THAT Report CPS-63-2023, re: Budget 2024 Draft Booklet be received;

AND THAT Council approve Bylaw 2023-129 to adopt the current budgetary estimates for the year 2024;

AND FURTHER THAT Council approve Bylaw 2023-130 to establish a levy for the year 2024, to adopt tax rates for 2024 and to provide for penalty and interest in default of payment and the collection thereof.

CARRIED

7.2 Asset Retirement Obligation Policy

Tiffany Farrell, Director of Corporate Services is in attendance to provide an overview of the Asset Retirement Obligation Policy.

Resolution # 2023-334

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Shipley

That Report, CPS-54-2023, Asset Retirement Obligation (ARO) Policy be received;

AND THAT Policy appended to Report CPS-54-2023 be approved.

CARRIED

7.3 Storm PDC Cost Sharing

Rob Cascaden, Director of Public Works and Engineering is in attendance to provide an overview of the Storm PDC Cost Sharing Report.

Resolution # 2023-335

Moved by: Councillor Berze
Seconded by: Councillor Cates

THAT Council receive Report PWE 56-2023, re: Storm PDC Cost Sharing;
AND THAT Council approve the cost sharing of Storm PDCs at 50% of the installation cost to property line as identified in report PWE-56-2023.

CARRIED

8. COMMITTEE OF ADJUSTMENT

Resolution # 2023-336

Moved by: Councillor Cates
Seconded by: Councillor Berze

THAT Council adjourn its regular meeting at 5:53 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 application listed on the December 20, 2023 Council Agenda.

CARRIED

8.1 Application for Minor Variance (File No. A-23/2023)

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

Kelly B is in attendance virtually to comment on the application.

Resolution # 2023-337

Moved by: Councillor Aerts
Seconded by: Councillor Cates

THAT Minor Variance Application A-23/2023, filed by Pemic Komoka Development Corporations for relief from the Comprehensive Zoning By-law in order to establish a minimum front yard setback of 4.5 m (14.8 ft) and a minimum rear yard setback of 7.0 m (23 ft), whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum front yard setback of 6.0 m (19.7 ft) and a minimum rear yard setback of 8.0 m (26.2 ft), for a property legally described as 33M673 Blocks 32 and 33, in the Municipality of Middlesex Centre, County of Middlesex, be GRANTED, subject to the following conditions:

AND THAT an attached garage maintain a minimum front yard setback of 6.0 m (19.7 ft) where a driveway is proposed in the front yard;

AND THAT 1 of the 2 servicing connections for Blocks 32 and 33 are removed to the satisfaction of the Municipality;

AND FURTHER THAT the reasons for granting Minor Variance Application A-23/2023:

- 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 # 2023-338

Moved by: Councillor Shipley

Seconded by: Councillor Cates

THAT the Committee of Adjustment adjourn at 6:14 pm and Council resume their regular meeting;

AND THAT Council move into Public Meetings at 6:14 pm pursuant to the Planning Act, R.S.O. 1990, as amended, to consider the application listed on the December 20, 2023 Council agenda.

CARRIED

9.1 Consent Application (B-20/2023); 14387 Ilderton Road

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

Jack Sousa, the agent, is in attendance virtually to comment on the application.

Sheila Wilson, is in attendance to comment on the application.

Resolution # 2023-339

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Cates

THAT Consent Application B-23/2023, filed by Jack Sousa on behalf of Farhi Farming Corporation in order to sever a residence surplus to a farm operation as a result of consolidation, from a lot legally described as Part of Lot 16, London Concession 10, in the Municipality of Middlesex Centre,

County of Middlesex, and is municipally known as 14387 Ilderton Road, be DENIED.

AND THAT should Council grant Consent Application B-20/2023, the following conditions be attached to the decision:

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 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-20/2023 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 the Owner enter into a severance agreement with the Municipality in order to advise future owner of the severed lot of Consent B-20/2023 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-20/2023 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 reduced frontage and prohibits any additional residential use on the retained lot of Consent B-20/2023 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-20/2023 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 hydro service for the severed lands be fully within the boundary of the proposed severed lot.
13. That any remaining buildings on the retained lands maintain their own hydro service wholly contained on the retained lands.
14. That an address be assigned and number erected for the retained agricultural parcel.
15. That the Owner will be required to dedicate lands measured up to 18 m from the centreline of construction of County Road 16 (Ilderton Road) across the severed and retained parcels to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.

AND FURTHER THAT the reasons for denying Consent Application B-20/2023 include:

- The proposal is not consistent with the Provincial Policy Statement; and,
- The proposal does not conform to the County of Middlesex Official Plan and the Middlesex Centre Official Plan.

CARRIED

10. COUNCIL TO RISE FROM PUBLIC MEETINGS

Resolution # 2023-340

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

THAT the public meetings adjourn at 6:36 pm and Council resume their regular meeting;

CARRIED

11. NOTICE OF MOTION

There are no Notices of Motion to note for the December 20, 2023 Council meeting.

12. CORRESPONDENCE

Resolution # 2023-341

Moved by: Councillor Gates

Seconded by: Councillor Aerts

THAT the Correspondence items 12.1 through 12.4 listed on the December 20, 2023 Council meeting agenda be received as information.

CARRIED

12.1 Ausable Bayfield Conservation Authority - November 16 Board of Directors Meeting

12.2 Ausable Bayfield Conservation Authority - December 14 Board Agenda

12.3 Bluewater Recycling Association - November 30 Board of Directors Meeting Highlights

12.4 Ministry of Natural Resources and Forestry - Technical Bulletin Decision Notification Letter

13. COUNTY COUNCIL UPDATE

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

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

14. CLOSED SESSION

Resolution # 2023-342

THAT the Council for the Municipality of Middlesex Centre adjourn to closed session at 6:39 pm 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 (OLT Update);

Section 239 (2)(i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization (Municipal Access Agreement);

Section 239 (2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. (Economic Development Opportunity - Ward 4).

14.1 CALL TO ORDER

14.2 DISCLOSURE OF PECUNIARY INTEREST

14.3 ADOPTION OF MINUTES

14.3.1 Minutes of the December 6, 2023 Closed Session

14.4 CLOSED SESSION ITEMS

14.4.1 OLT Matter Update

14.4.2 Bell Canada Municipal Access Agreement

14.4.3 Economic Development Opportunity - Ward 4

14.5 ADJOURNMENT

Resolution # 2024-343

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Cates

THAT Council rise from closed session and return to open session at 7:13 p.m.

CARRIED

15. OTHER BUSINESS

16. BY-LAWS

Resolution # 2023-344

Moved by: Councillor Cates

Seconded by: Councillor Shipley

THAT By-Laws 2023-127 through 2023-133 listed on the December 20, 2023 Council meeting agenda be adopted as printed

CARRIED

16.1 2023-127

Being a by-law of the Corporation of the Municipality of Middlesex Centre to authorize temporary borrowing to meet the current expenditures of the Municipality for the year ending December 31, 2024

16.2 2023-128

Being a by-law of the Corporation of the Municipality of Middlesex Centre to Levy Interim Taxes for the Year 2024

16.3 2023-129

Being a By-law of the Corporation of the Municipality of Middlesex Centre to provide for the adoption of budgetary estimates for the year 2024

16.4 2023-130

Being a By-law of the Corporation of the Municipality of Middlesex Centre to set the tax rates and to further provide for penalty and interest in default of payment thereof for 2024

16.5 2023-131

Being a by-law of the Corporation of the Municipality of Middlesex Centre to approve and ratify a Municipal Access Agreement between Bell Canada (the “Company”) and the Municipality of Middlesex Centre (the “Municipality”)

16.6 2023-132

Being a by-law of the Corporation of the Municipality of Middlesex Centre to enact an Asset Retirement Obligation Policy

16.7 2023-133

Being a By-law to adopt and confirm all actions and proceedings of the Council of the Municipality of Middlesex Centre at the Council meeting held on December 20, 2023

17. ADJOURNMENT

Resolution # 2023-345

Moved by: Councillor Berze

Seconded by: Councillor Shipley

THAT the Council for the Municipality of Middlesex Centre adjourns the December 20, 2023 Council meeting at 7:15 p.m.

CARRIED

Aina DeViet, Mayor

James Hutson, Municipal Clerk