



**Middlesex Centre Council Minutes**  
**Regular Meeting of Council**

**January 24, 2024, 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 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, 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

**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 electronically.

Members of the public may also attend the meeting in-person at the Ilderton Community Centre located at 13168 Ilderton Road in Ilderton.

**2. ADDITIONS TO THE AGENDA**

There are no additions to note for the January 24, 2024 meeting of council.

**3. DISCLOSURE OF PECUNIARY INTEREST**

**3.1 Application for Minor Variance (File No. A-24/2023)**

Employment partnership with applicant (freight transport)

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

**4. DELEGATIONS, PRESENTATIONS AND PETITIONS**

**4.1 Lower Thames Valley Conservation Authority - Restoration Project for 11602 Miller Road**

Tyler Elias Thornton, Eastern District Stewardship Technician, is in attendance on behalf of the Lower Thames Valley Conservation Authority to provide an overview the restoration project for 11602 Miller Road located in Delaware.

**4.2 Fisher-Watt Municipal Drain Consideration of Report**

Mikes Devos of Spriet Associates is in attendance to provide an overview of the engineer's report for the Fisher-Watt drain.

**Resolution # 2024-009**

**Moved by:** Councillor Shipley

**Seconded by:** Councillor Cates

THAT the Council for the Municipality of Middlesex Centre receives the Fisher Watt Municipal Drain Report from Mike DeVos of Spriet Associates dated November 10, 2023 and authorizes that the project proceed;

AND THAT the Court of Revision will meet on March 6, 2024;

AND FURTHER THAT Councillor Aerts, Councillor Shipley and Deputy Mayor Brennan be appointed to sit as the members of the Court of Revision with Deputy Mayor Brennan being the Chair.

**CARRIED**

**5. ADOPTION OF THE MINUTES**

**5.1 Minutes of the January 10, 2024 Council Meeting**

**Resolution # 2024-010**

**Moved by:** Councillor Heffernan

**Seconded by:** Councillor Aerts

THAT the minutes of the Council meeting held on January 10, 2024 be adopted as printed

**CARRIED**

**6. CONSENT AGENDA**

**Resolution # 2024-011**

**Moved by:** Councillor Cates

**Seconded by:** Councillor Aerts

THAT Consent items 6.1 through 6.6 listed on the January 24, 2024 agenda be adopted as recommended.

**CARRIED**

**6.1 2024 Municipal Assessment Roll**

THAT Report CPS-02-2024, re: 2024 Municipal Assessment Roll report be received for information.

**6.2 Budget to Actual December 2023**

THAT Report CPS-03-2024, re: Budget to Actual for December 2023 be received as information.

**6.3 Middlesex Centre Fire Services 2023 Year-End Report**

THAT Report FS-01-2024, re: Middlesex Centre Fire Services 2023 Year-End Report be received for information.

**6.4 Middlesex Centre Website and Social Media Overview, 2023**

THAT Report CPS-04-2024, re: Middlesex Centre Website and Social Media Overview, 2023 be received for information

**6.5 Municipal Clerk Services Activity Report for 2023**

THAT Report CLK-01-2024, re: Municipal Clerk Services Activity Report for 2023 be received for information.

**6.6 Award of Street Sweeper Attachment**

THAT report PWE 01-2024 re: be received;

AND THAT the purchase of one (1) new street sweeper attachment be awarded to Cubex Ltd. in the amount of \$131,168.97 (including the municipal portion of HST).

**7. STAFF REPORTS**

**7.1 Tangible Capital Asset Policy**

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

**Resolution # 2024-012**

**Moved by:** Councillor Heffernan

**Seconded by:** Councillor Shipley

THAT Report CPS-05-2024, re: Tangible Capital Asset Policy be received;  
AND THAT Council endorse the updated Tangible Capital Asset Policy attached as Appendix A1.

**CARRIED**

## **7.2 Amendment to Consent Conditions – B-22-2021**

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

### **Resolution # 2024-013**

**Moved by:** Councillor Berze

**Seconded by:** Councillor Cates

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 as determined by the Director of Public Works and Engineering.
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 a 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 install a crash wall as per the requirements of CN Rail, prior to the issuance of a certificate of consent.

AND FURTHER THAT the reasons for granting Consent application B-22/2021 include:

1. The proposal is consistent with the Provincial Policy Statement;
2. The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
3. The proposal can comply with the Middlesex Centre Comprehensive Zoning By-law.

**CARRIED**

**8. COMMITTEE OF ADJUSTMENT**

**Resolution # 2024-014**

**Moved by:** Councillor Aerts

**Seconded by:** Deputy Mayor Brennan

THAT Council adjourn its regular meeting at 6:10 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 24, 2024 Council Agenda.

**CARRIED**

**8.1 Application for Minor Variance (File No. A-24/2023)**

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

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

Steve Flanigan, the applicant is in attendance to speak to the application.

**Resolution # 2024-015**

**Moved by:** Councillor Heffernan

**Seconded by:** Councillor Berze

THAT Minor Variance Application A-44/2023, filed by Steve Flanigan for relief from the Comprehensive Zoning By-law in order to permit a reduced interior side yard setback for an accessory building, 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 the proposed reduction to the interior side yard only apply to the south interior side yard of the lot.

AND THAT the reasons for granting Minor Variance Application A-24/2023:

- 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.

**DEFERRED**

## **8.2 Application for Minor Variance (File No. A-25/2023)**

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

Richard Dennis Russell, the applicant is in attendance to answer any questions from council.

### **Resolution # 2024-016**

**Moved by:** Councillor Berze

**Seconded by:** Councillor Cates

THAT Minor Variance Application A-25/2023, filed by Judith Ann Russell and Richard Dennis Russell, in order to expand a legal non-conforming use by rebuilding a structure lost to fire and increasing its size by approximately 228 m<sup>2</sup> (2,454 ft<sup>2</sup>), and locating it

approximately 40 m north of the previous building for a property legally known as Concession 3 Part lot 11 RP 33R15225 Parts 6 to 10, Municipality of Middlesex Centre, County of Middlesex, and municipally known as 4605 Woodhull Road, be GRANTED subject to the following conditions:

THAT a site plan agreement has been entered into with the Corporation for the lands as a result of the expansion and relocation of an existing building or use on the land prior to any development on the land;

AND THAT prior to development on the land the Owner shall obtain any required permits from the Ministry of Transportation;

AND FURTHER THAT the reasons for granting Minor Variance Application A-25/2023 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**

**9. PUBLIC MEETINGS**

**Resolution # 2024-017**

**Moved by:** Councillor Shipley

**Seconded by:** Councillor Aerts

THAT the Committee of Adjustment adjourn at 6:30 pm and Council resume thier regular meeting;

AND THAT Council move into Public Meetings at 6:30 pm pursuant to the Planning Act, R.S.O. 1990, as amended, to consider the applications listed on the January 24, 2024 Council agenda.

**CARRIED**

**9.1 Application for Zoning By-law Amendment (ZBA-19-2023) for 13433 Ilderton Road; Filed by Kelly and Karl Bulitka**

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

Kelly Bulitka, the applicant is in attendance virtually to answer any questions from council.

**Resolution # 2024-018**

**Moved by:** Councillor Berze

**Seconded by:** Deputy Mayor Brennan

THAT Zoning By-law Amendment ZBA-19-2023, filed by Kelly and Karl Bulitka, to rezone the property known as 13433 Ilderton Road from 'Urban Residential First Density (UR1) Zone' to 'Urban Residential Second Density (UR2) Zone', be APPROVED;

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**

**10. COUNCIL TO RISE FROM PUBLIC MEETINGS**

**Resolution # 2024-019**

**Moved by:** Councillor Cates

**Seconded by:** Councillor Berze



THAT the public meetings adjourn at 6:38 pm and Council resume their regular meeting;

**CARRIED**

**11. NOTICE OF MOTION**

There are no Notices of Motion to note for the January 24, 2024 council agenda.

**12. CORRESPONDENCE**

**Resolution # 2024-021**

**Moved by:** Councillor Shipley

**Seconded by:** Councillor Heffernan

THAT the Correspondence items 12.1 through 12.3 listed on the January 24, 2024 agenda be received as information.

**CARRIED**

**12.1 Association of Ontario Road Supervisors SDF Application - Letter to Clerks and Members of Council**

**Resolution # 2024-020**

**Moved by:** Councillor Cates

**Seconded by:** Councillor Heffernan

WHEREAS, municipal public works departments from across the Province of Ontario provide invaluable services to our communities ensuring the health and safety of all residents;

AND WHEREAS, if it was not for our municipal public works employees from across the Province of Ontario maintaining our public roads systems, our communities would not be able to function as emergency personnel could not respond to calls, school buses could not get our children to school, residents would not be able to get to work, school or appointments and many more basic functions would not be able to happen;

AND WHEREAS, municipal public works departments are already feeling the impacts of a labour shortage, which will only be exasperated over the next three to five years, which will cause levels of service municipalities are able to provide to ensure the health and safety of our residents to decrease;

AND WHEREAS, there is currently no provincial-wide course that properly trains potential municipal public works employees, specifically relating to municipal heavy equipment.

THEREFORE IT BE RESOLVED, that Middlesex Centre supports the work of the Association of Ontario Road Supervisors to develop a Municipal Equipment Operator Course to address this issue;

AND THAT, Middlesex Centre calls on the Province of Ontario's Ministry of Labour, Training, Immigration and Skilled Trades to fully fund the Municipal Equipment Operator Course in 2024 through the Skills Development Fund;

AND THAT, a copy of this resolution be sent to the Minister of Labour, Training, Immigration and Skilled Trades David Piccinni, Middlesex Centre's Member of Provincial Parliament Rob Flack and the Association of Ontario Road Supervisors.

**CARRIED**

**12.2 Ausable Bayfield Conservation Authority - 2023 Inventory of Programs and Services**

**12.3 Middlesex-London Board of Health - Monthly Board of Health Update, Dec. 2023**

**13. COUNTY COUNCIL UPDATE**

Deputy Mayor Brennan provides an overview of the Middlesex County Council meeting held on January 16, 2024. Please visit the Middlesex County website for full meeting minutes and highlights.

**14. CLOSED SESSION**

**Resolution # 2024-022**

**Moved by:** Deputy Mayor Brennan

**Seconded by:** Councillor Cates

THAT the Council for the Municipality of Middlesex Centre adjourn to closed session at 6:43 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 (Ontario Land Tribunal - Summary of Active Appeals and Litigation Update - Ward 4 Development);

Section 239 (2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose (Litigation Update - Ward 4 Development);

**CARRIED**

**14.1 CALL TO ORDER**

**14.2 DISCLOSURE OF PECUNIARY INTEREST**

**14.3 ADOPTION OF MINUTES**

14.3.1 Minutes of the January 10, 2024 Closed Session

**14.4 CLOSED SESSION ITEMS**

14.4.1 Ontario Land Tribunal - Summary of Active Appeals

14.4.2 Litigation Update - Ward 4 Development

**14.5 ADJOURNMENT**

**15. OTHER BUSINESS**

There is no Other Business to note for the January 24, 2024 council agenda.

**16. BY-LAWS**

**Resolution # 2024-023**

**Moved by:** Councillor Heffernan

**Seconded by:** Councillor Aerts

THAT By-Laws 2024-004 through 2024-010 listed on the January 24, 2024 Council meeting be adopted as printed

**CARRIED**

**16.1 2024-004**

Being a by-law to authorize the borrowing of \$13,682.77 upon debentures towards the cost of constructing certain drains and drainage works

**16.2 2024-005**

Being a by-law to authorize the borrowing of \$25,959.61 upon debentures towards the cost of constructing certain drains and drainage works.

**16.3 2024-006**

Being a by-law to authorize the borrowing of \$10,965.81 upon debentures towards the cost of constructing certain drains and drainage works.

**16.4 2024-007**

Being a by-law to authorize the borrowing of \$29,157.16 upon debentures towards the cost of constructing certain drains and drainage works.

**16.5 2024-008**

Being a by-law to authorize the borrowing of \$59,031.69 upon debentures towards the cost of constructing certain drains and drainage works.

**16.6 2024-009**

Being a by-law of the Corporation of the Municipality of Middlesex Centre to provide for a drainage works to be known as the Fisher Watt Municipal Drain

**16.7 2024-010**

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 24, 2024.

**17. ADJOURNMENT**

**Resolution # 2024-024**

**Moved by:** Deputy Mayor Brennan

**Seconded by:** Councillor Cates

THAT the Council for the Municipality of Middlesex Centre adjourns the January 24, 2024 Council meeting at 7:25 p.m.

**CARRIED**

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Aina DeViet, Mayor

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James Hutson, Municipal Clerk