



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

**January 20, 2021, 5:15 p.m.**  
**Electronic Emergency Council Meeting**

**COUNCIL PRESENT:** Mayor DeViet, Deputy Mayor Brennan, Councillor Heffernan, Councillor Shipley, Councillor Aerts, Councillor Scott

**STAFF PRESENT:** Michael Di Lullo - Chief Administrative Officer, 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, Heather Kepran, Communications Specialist, Dan Fitzgerald - County Planner, Marion Cabral - County Planner

**1. CALL TO ORDER**

Mayor DeViet calls the meeting to order at 5:16 p.m.

**2. ADDITIONS TO THE AGENDA**

There are no additions to the January 20, 2021 Council meeting agenda.

**3. DISCLOSURE OF PECUNIARY INTEREST**

**3.1 Councillor Aerts - Application for Minor Variance (File No. A-28/2020)**

A business relationship with the applicant.

**4. CLOSED SESSION**

**Resolution # 2021-013**

**Moved by:** Councillor Scott

**Seconded by:** Councillor Shipley

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

1. Section 239 (2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
2. Section 239 (2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED**

**4.1 Call to Order**

**4.2 Disclosure of Pecuniary Interest**

**4.3 Adoption of Minutes**

4.3.1 January 6, 2021 Closed Council Minutes

**4.4 Closed Session Items**

4.4.1 Litigation Update

**5. DELEGATIONS, PRESENTATIONS AND PETITIONS**

Michael Di Lullo, Chief Administrative Officer provides Council with a presentation and update on a number of municipal initiatives undertaken in response to the COVID-19 Pandemic.

**5.1 COVID-19 Update from Chief Administrative Officer**

**6. ADOPTION OF THE MINUTES**

**6.1 Minutes of the January 6, 2021 Council Meeting**

**Resolution # 2021-016**

**Moved by:** Councillor Heffernan

**Seconded by:** Councillor Aerts

THAT the minutes of the Middlesex Centre Council meeting held on January 6, 2021 be adopted as printed.

**CARRIED**

**7. CONSENT AGENDA**

**Resolution # 2021-017**

**Moved by:** Deputy Mayor Brennan

**Seconded by:** Councillor Heffernan

THAT Items 7.1 through to 7.3 found under the Consent Agenda for January 20, 2021 be adopted as recommended.

**CARRIED**

### **7.1 Budget to Actual December 2020**

#### **Resolution #**

THAT the Budget to Actual Report CPS-02-2021 for December 2020 be received.

### **7.2 Off Road Vehicles**

#### **Resolution #**

THAT the Off Road Vehicles Report PWE 02-2021 be received for information;

AND THAT staff be directed to prepare a by-law to regulate off road vehicles on municipal roads for further consideration by Council.

### **7.3 Consent B-01/20 Conditions Amendment**

#### **Resolution #**

THAT condition #12 of the consent decision B-01/20 be amended to state "12) The owner confirms that the existing house and septic system are wholly located within the retained or severed lot. If any existing buildings, structures and/or septic system are located on a proposed property line they shall be removed from the subject lands subject to any necessary permits to the satisfaction of the Municipality".

### **7.4 Strathroy-Caradoc Boundary Agreement**

#### **Resolution # 2021-018**

**Moved by:** Councillor Scott

**Seconded by:** Councillor Shipley

THAT the Mayor and Clerk be authorized to execute the necessary documents to enter into a boundary agreement with the Municipality of Strathroy-Caradoc as identified in Appendix A of Report PWE-01-2021.

**CARRIED**

## **8. STAFF REPORTS**

### **8.1 Corporate Strategic Plan**

#### **Resolution # 2021-019**

**Moved by:** Councillor Aerts

**Seconded by:** Councillor Scott

THAT Report CAO-1-2021 re: Corporate Strategic Plan be received;

AND THAT Council approve the new corporate strategic plan appended to Report CAO-1-2021.

**CARRIED**

**8.2 Middlesex Centre Fire Services – 2020 Year - End Report**

**Resolution # 2021-020**

**Moved by:** Councillor Shipley

**Seconded by:** Councillor Heffernan

THAT Report FS 01-2021 entitled “Middlesex Centre Fire Services – 2020 Year-End Report” be received.

**CARRIED**

**8.3 Request for Council Resolution – Review and Study of Prerequisites to Farm Consolidation**

**Resolution # 2021-021**

**Moved by:** Councillor Aerts

**Seconded by:** Councillor Scott

THAT Council direct that Staff review and study the prerequisites for the occurrence of farm consolidation in the Middlesex Centre Official Plan, as they apply to land use in the Municipality, and to consider whether or not it may be necessary or prudent to modify those provisions.

**CARRIED**

**9. COMMITTEE OF ADJUSTMENT - 7:00 P.M.**

**Resolution # 2021-022**

**Moved by:** Councillor Scott

**Seconded by:** Councillor Heffernan

THAT Council adjourn its regular meeting in order to sit as a Committee of Adjustment under Section 45 of The Planning Act R.S.O., 1990, as amended, to consider the following Minor Variance applications:

**CARRIED**

**9.1 Application for Minor Variance (File No. A-19/2020)**

**Resolution # 2021-023**

**Moved by:** Councillor Scott

**Seconded by:** Deputy Mayor Brennan

THAT Minor Variance Application A-19/2020, filed by Caleb Wood and Stacey Braam for relief from the Comprehensive Zoning By-law's maximum size and height for an accessory building, where the applicant is requesting a maximum size of 135.6 m<sup>2</sup> (1,460ft<sup>2</sup>), whereas the

Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of 110.0m<sup>2</sup> (1,184.0ft<sup>2</sup>) of gross floor area or three percent (3%) lot coverage for lots less than 5,000 m<sup>2</sup> (1.25 ac) but greater than 2,000 m<sup>2</sup> (0.50 ac) for all accessory buildings, and to permit a maximum height of 6.55m (21.5ft), whereas the maximum permitted height for an accessory building is 6.5 m (21.3 ft) for a lot legally described as Part of Lot 18, Con Gore S, Part 1 of Reference Plan 33R14000, in the Municipality of Middlesex Centre, in the County of Middlesex, and municipally known as 6219 Cook Road, be **GRANTED** subject to the following conditions;

THAT the accessory building be constructed in the same general location as specified in the application submission;

AND THAT the owner, and any subsequent future owners acknowledges and agrees that all buildings are to be used as residential accessory buildings and may not be used to support a business use, such as a contractor's yard;

AND THAT the site be cleared of any machines/trailers/vehicles/storage containers that are not accessory to a residential use;

AND THAT a contractor's yard is not permitted in this zone;

AND FURTHER THAT the reasons for granting Minor Variance Application A-19/2020 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**

## **9.2 Application for Minor Variance (File No. A-25/2020)**

### **Resolution # 2021-024**

**Moved by:** Councillor Scott

**Seconded by:** Councillor Aerts

THAT Minor Variance Application A-25/2020, filed by Callon Dietz Land Surveyors on behalf of David Walker for relief from the Comprehensive Zoning By-law's maximum size, height, and the location of an accessory building be referred back to staff for further consultation with the applicant regarding the placement of the garage accessory building and the height

of a proposed hedge row of coniferous trees be planted along the subject lands abutting the properties at 149 and 153 Harris Road.

**CARRIED**

**Resolution #**

**Moved by:** Deputy Mayor Brennan

**Seconded by:** Councillor Shipley

THAT Minor Variance Application A-25/2020, filed by Callon Dietz Land Surveyors on behalf of David Walker for relief from the Comprehensive Zoning By-law's maximum size, height, and the location of an accessory building be referred back to staff for further consultation with the applicant regarding the proposed size of the accessory building.

**DEFEATED**

**9.3 Application for Minor Variance (File No. A-26/2020)**

**Resolution # 2021-025**

**Moved by:** Councillor Aerts

**Seconded by:** Councillor Scott

THAT Minor Variance Application A-26/2020, filed by Millstone Homes c/o Dimitrij Pylypej, on behalf of Kevin Hodgins and Donna Lumani, for relief from the Comprehensive Zoning By-law in order to permit a maximum lot coverage of 40 percent for the main dwelling and all accessory buildings, whereas the maximum lot coverage for the main dwelling is 35 percent and an additional 3 percent permitted for accessory buildings; for a property legally described as Lot 78, Plan 33M746, Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 222 Edgewater Boulevard, be **GRANTED**, subject to the following condition:

AND THAT notwithstanding section 4.1 b) i) of the Municipality of Middlesex Centre's Comprehensive Zoning By-law, the maximum permissible size for an accessory building shall not exceed 4.55 percent lot coverage;

AND FURTHER THAT the reasons for granting Minor Variance Application A-26/2020:

- 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**

#### **9.4 Application for Minor Variance (File No. A-28/2020)**

Councillor Aerts declared a conflict on this item. (A business relationship with the applicant.)

##### **Resolution # 2021-026**

**Moved by:** Councillor Shipley

**Seconded by:** Councillor Scott

THAT Minor Variance Application A-28/2020, filed by YC LIU Engineering c/o Chris Walters on behalf of 2685719 Ontario Inc, for relief from the Comprehensive Zoning By-law's minimum parking requirements for a car wash, where the applicant is requesting permission to reduce the maximum number of parking stalls to 23 spaces (inclusive of two barrier free stalls), representing a parking ratio of 1 per 22.1 m<sup>2</sup> of gross floor area, whereas the comprehensive zoning by-law requires a minimum of 51 parking stalls, or 1 stall per 10 m<sup>2</sup> gross floor area for a car wash, for a lot legally described as PLAN 33M324 PT BLK 3 RP 33R17154 PART 1, Municipality of Middlesex Centre, County of Middlesex, and municipally known as 9 Springfield Way, be **GRANTED** subject to the following conditions;

AND THAT the development maintain a minimum of 12 queuing stalls in the automatic drive through car wash lane in addition to the 23 required parking spaces on-site.

AND FURTHER THAT the reasons for granting Minor Variance Application A-28/2020 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**

#### **9.5 Application for Minor Variance (File No. A-29/2020)**

**Resolution # 2021-027**

**Moved by:** Councillor Heffernan

**Seconded by:** Councillor Aerts

THAT Minor Variance Application A-29/2020, filed by Vranic Homes Inc, for relief from the Comprehensive Zoning By-law in order to permit a maximum lot coverage of 40 percent, whereas the maximum lot coverage for the main dwelling is 35 percent and an additional 3 percent permitted for accessory buildings; for a property legally described as Lot 23, Plan 33M746, Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 54 Crestview Drive, be **GRANTED**, subject to the following condition:

THAT the proposed single detached dwelling be limited to a single storey in height;

AND THAT the site plan attached to this report substantively be implemented through the design of the building;

AND FURTHER THAT the reasons for granting Minor Variance Application A-29/2020:

- 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. PUBLIC MEETINGS**

**Resolution # 2021-028**

**Moved by:** Councillor Aerts

**Seconded by:** Councillor Scott

THAT Committee of Adjustment reconvene as Council to move into Planning Public Meetings pursuant to the Planning Act, R.S.O. 1990, as amended, to consider the following planning applications.

**CARRIED**

**10.1 Application for Zoning By-law Amendment (ZBA-30-2020) for 8044 Decker Drive; Filed by Derrick Been (Eng Plus Ltd) on behalf of Michael Ferrari**



**Resolution # 2021-029**

**Moved by:** Councillor Scott

**Seconded by:** Councillor Shipley

THAT Zoning By-law Amendment application (ZBA-30-2020), filed by Derrick Been on behalf of Michael Ferrari, to permit two single-detached dwellings on one property for up to three years while a new residence is being constructed on the land, be APPROVED;

AND THAT the owner be required to enter into a Temporary Use Agreement with the Municipality and submit a deposit of \$10,000 to ensure the removal of the existing residence.

**CARRIED**

**10.2 Application for Zoning By-law Amendment (ZBA-28-2020); filed by Connor Wilks on behalf of Kilworth Heights West Ltd.**

**Resolution # 2021-030**

**Moved by:** Councillor Shipley

**Seconded by:** Councillor Heffernan

THAT Zoning By-law Amendment application (ZBA-28-2020), as amended, filed by Connor Wilks on behalf of Kilworth Heights West Ltd, to rezone the 'Open Space exception 6 (OS-6)' zone to the 'Urban Residential Third Density exception 9 with Hold (UR3-9)(h-3)(h-6)(h-7)' zone for the lands described as Concession 1 PT LOT 7 PT LOT 8 RP 33R18800 PT PART 1 RP 33R20294 PART 2 in the Municipality of Middlesex Centre, be APPROVED.

**CARRIED**

**10.3 Application for Draft Plan of Subdivision (39T-MC1701), Official Plan Amendment, and Zoning By-law Amendment known as "Poplar Woods"; Filed by AGM Limited on behalf of Tomar Realty Corporation**

**Resolution # 2021-031**

**Moved by:** Councillor Aerts

**Seconded by:** Deputy Mayor Brennan

THAT Report PLA-11-2021 regarding Poplar Woods files 39T-MC1702, OPA and ZBA be received for information.

**CARRIED**

**10.4 Application for Draft Plan of Subdivision (39T-MC2002), Official Plan Amendment (OPA 51), and Zoning By-law Amendment (ZBA-16-2020)**

known as “Valleyview ‘A’”; Filed by MHBC (Scott Allen) on behalf of Valleyview Developments Inc.

**Resolution # 2021-032**

**Moved by:** Councillor Aerts

**Seconded by:** Deputy Mayor Brennan

THAT Report PLA-12-2021 regarding Valleyview A files 39T-MC2002, OPA 51 and ZBA-16-2020 be received for information.

**CARRIED**

- 10.5 Application for Draft Plan of Subdivision (39T-MC2003), Official Plan Amendment (OPA 52), and Zoning By-law Amendment (ZBA-17-2020) known as “Valleyview ‘B’”; Filed by MHBC (Scott Allen) on behalf of Valleyview Developments Inc.**

**Resolution # 2021-033**

**Moved by:** Councillor Aerts

**Seconded by:** Deputy Mayor Brennan

THAT Report PLA-13-2021 regarding Valleyview B files 39T-MC2003, OPA 52 and ZBA-17-2020 be received for information.

**CARRIED**

- 10.6 Application for Consent (B-25/2020)**

**Resolution # 2021-034**

**Moved by:** Councillor Scott

**Seconded by:** Councillor Aerts

THAT Consent Application B-16/2020, filed by Erica Suhr on behalf of Scott McGregor in order to sever and convey as a lot addition a 131.6 m<sup>2</sup> (1416 ft<sup>2</sup>) parcel of land to an existing residential property known municipally as 125 Erie Ave; from a property legally described as Part of Lots 11 and 12, Block G, Plan 76, Municipality of Middlesex Centre, County of Middlesex; **be GRANTED**;

AND THAT Consent B-25/2020 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year of the date of the notice of the decision.
- 2.
3. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
- 4.

5. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-25/2020 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
- 6.
7. That the severed parcel of Consent B-25/2020 be registered in the same name and title as the adjacent property to the south west, known municipally as 125 Erie Ave and legally described as Part of Lots 11 and 12, Block G, Plan 76, Part 1 of Reference Plan 33R20208, in the Municipality of Middlesex Centre, County of Middlesex; and that the two holdings' PINs be consolidated; and that Sections 50(3) and 50(5) of the *Planning Act* apply to any future conveyance of the said severed parcel.
- 8.
9. That, if necessary, a revised assessment scheduled in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owners.

10.

AND FURTHER THAT the reasons for granting Consent Application B-25/2020 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
- The application conforms to the Middlesex Centre Comprehensive Zoning By-law

**CARRIED**

## **11. CLOSE OF PUBLIC MEETINGS**

**Resolution # 2021-035**

**Moved by:** Councillor Heffernan

**Seconded by:** Deputy Mayor Brennan

THAT Planning Committee does now close the Planning Public Meetings and reconvene the regular meeting of Council at 9:40 p.m.

**CARRIED**

## **12. CORRESPONDENCE**

**Resolution # 2021-036****Moved by:** Councillor Shipley**Seconded by:** Councillor Heffernan

THAT Correspondence Items 12.1 through to 12.6 listed on the January 20, 2021 Council agenda be received for information;

AND THAT the Council of the Municipality of Middlesex Centre supports the 2021 Census, and encourages all residents to complete their census questionnaire online at [www.census.gc.ca](http://www.census.gc.ca). as accurate and complete census data support programs and services that benefit our community.

**CARRIED**

**12.1 Minister of the Environment, Conservation and Parks - Ontario Moves Forward with Conservation Authorities Working Group**

**12.2 St. Clair Region Conservation Authority - November 2020 Meeting Highlights**

**12.3 St. Clair Region Conservation Authority - December 2020 Meeting Highlights**

**12.4 Paul Houghton - Public Meeting Comments & Komoka Stormwater Management**

**12.5 Chris and Cheryl Brown - Item 9.4 - Application for Draft Plan of Subdivision (39T-MC2002), Official Plan Amendment (OPA 51), and Zoning By-law Amendment (ZBA-16-2020) known as Valleyview 'A'**

**12.6 Statistics Canada - 2021 Census of Population**

**13. COUNTY COUNCIL UPDATE**

Deputy Mayor Brennan provides the following update from County Council held on January 19, 2021:

- The County Budget Committee is meeting on February 17-19, 2021, with additional meetings scheduled for February 25-26, 2021 if needed.
- Council approved a lease agreement for the Ilderton Library and EarlyOn Child and Family Centre;
- A report was received from Chris Traini, County Engineer & Wayne Meagher, County Barrister & Solicitor regarding an Off Road Vehicle By-law. This By-law was subsequently approved by Council;
- Warden Burghardt-Jesson provided a presentation in regards to the 2021-2024 Strategic Plan and Proposed Implementation Steps;

- A report was received from Durk Vanderwerff, Director of Planning regarding an appeal of Southwest Middlesex Consent Application No. B-09/2020. County Council agreed to submitting an appeal to the Local Planning Appeal Tribunal regarding the file;
- The Women's Caucus of Middlesex County Council continues to meet and a Webinar is upcoming on Thursday, February 4, 2021;
- A report was given by Chris Bailey, Manager of ITS, regarding an Electronic Agenda Management System;
- Population projections for the County were presented up to 2046;
- SWIFT is beginning a 12,000,000 fiber optic project which will service 2,042 premises. It consists of 189 kilometers of fiber optic lines at a cost of approximately 63,500.00 per kilometer;
- A new contract was finalized with Inside Employees of the County.

#### **14. OTHER BUSINESS**

There are no matters of other business to note for January 20, 2021.

#### **15. BY-LAWS**

##### **Resolution # 2021-037**

**Moved by:** Councillor Aerts

**Seconded by:** Councillor Shipley

THAT By-Law(s) 2021-002 through to 2021-007 be adopted as printed.

**CARRIED**

**15.1 2021-002 Being a by-law of the Corporation of the Municipality of Middlesex Centre to designate a Community Improvement Project Area**

**15.2 2021-003 Being a by-law to amend the Middlesex Centre comprehensive Zoning By-law number 2005-005 with respect to Concession 1 Pt Lot 7 PT Lot 8 RP 33R18800 PT Part 1 RP 33R20294 Part 2, Municipality of Middlesex Centre (ZBA 28-20)**

**15.3 2021-004 Being a by-law to amend the Middlesex center comprehensive zoning by-law number 2005-005 with respect to Concession Gore Pt Lot 14 (geographic Township of Delaware), Municipality of Middlesex Centre (ZBA 30-20)**

**15.4 2021-005 Being a by-law to authorize the execution of a boundary agreement between the Corporation of the Municipality of Strathroy-Caradoc and the Corporation of the Municipality of Middlesex Centre**

**15.5 2021-006 Being a by-law to amend the Middlesex Centre comprehensive Zoning By-law number 2005-005 with respect to Part of Lot 4, Concession 14 N, in the Township of Middlesex Centre, County of Middlesex (ZBA-22-20)**

**15.6 2021-007 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 20, 2021**

**16. ADJOURNMENT**

**Resolution # 2021-038**

**Moved by:** Councillor Heffernan

**Seconded by:** Councillor Scott

THAT the Council for the Municipality of Middlesex Centre adjourns the January 20, 2021 Council meeting at 9:47 p.m.

The next Council meeting is [DAY/DATE/TIME] pm in the Council Chamber.

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Aina DeViet, Mayor

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Ann Wright, Clerk