



Middlesex Centre Council Minutes
Emergency Meeting of Council

December 16, 2020
Electronic Emergency Council Meeting

COUNCIL PRESENT Mayor DeViet
Deputy Mayor Brennan
Councillor Heffernan
Councillor Shipley
Councillor Aerts
Councillor Silva
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
James Hutson - Municipal Clerk
Dan Fitzgerald - County Planner
Marion Cabral - County Planner

1. CALL TO ORDER

Mayor DeViet called the meeting to order at 6:00 p.m.

2. ADDITIONS TO THE AGENDA

There are no additions to the December 16, 2020 Council Agenda.

3. DISCLOSURES OF PECUNIARY INTERESTS

3.1 Councillor Aerts - Item 9.4 Application for Draft Plan of Subdivision (39T-MC1901), Official Plan Amendment (OPA 45) and Zoning By-law Amendment (ZBA 14/19); Filed by Doug Stanlake (Stanlake Consulting) on behalf of Brantam Developments Inc.

Councillor Aerts declares a pecuniary interest in regards to Item 9.4 which is on file with the Municipal Clerk. Councillor Aerts does not discuss or vote on the item.

4. DELEGATIONS, PRESENTATIONS AND PETITIONS

5. ADOPTION OF THE MINUTES

5.1 Minutes of the December 2, 2020 Council Meeting

Resolution 220-322

Moved by: Councillor Scott

Seconded by: Councillor Heffernan

THAT the minutes of the Middlesex Centre Emergency Special Council meeting held on December 2, 2020 be adopted as printed.

CARRIED

6. CONSENT AGENDA

Resolution 220-323

Moved by: Councillor Aerts

Seconded by: Councillor Shipley

THAT Items 6.1 through to 6.4 found under the Consent Agenda for December 16, 2020 be adopted as recommended.

CARRIED

6.1 Budget to Actual November 2020

Resolution

THAT the Budget to Actual Report CPS-66-2020 for November 2020 be received.

6.2 COVID-19 financial impacts update November 2020

Resolution

THAT Report CPS-67-2020 outlining the COVID-19 municipal financial update for November 2020 be received for information.

6.3 Proposed Budget 2021 Impacts

Resolution

THAT the compliance report for expenses excluded from the 2021 budget outlined in Report CPS-69-2020 as a requirement of Ontario Regulation 284/09 passed under the Municipal Act, 2001 be received.

6.4 Request for Council Resolution for permission to submit minor variance application for 22499 Jefferies Street.

Resolution

THAT Council resolve that Section 45 (1.4) of the Planning Act does apply for minor variance applications made before the second anniversary of the day on which the by-law was amendment, and as a result, the applicant be permitted to apply for a minor variance for a lot legally described as Block 1, Plan M324.

7. STAFF REPORTS

7.1 2020 Municipal Clerk Services Activity Report

Resolution 220-324

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Scott

THAT Report CLK-04-2020 re: 2020 Municipal Clerk Services Activity Report be received.

CARRIED

7.2 Budget 2021

Resolution 220-325

Moved by: Councillor Shipley

Seconded by: Councillor Heffernan

THAT Council approve Bylaw 2020-104 to adopt the current budgetary estimates for the year 2021;

AND THAT Council approve Bylaw 2020-103 to establish a levy for the year 2021, to adopt tax rates for 2021 and to provide for penalty and interest in default of payment and the collection thereof.

CARRIED

8. COMMITTEE OF ADJUSTMENT

Resolution 220-326

Moved by: Councillor Shipley

Seconded by: Councillor Heffernan

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

CARRIED

8.1 Application for Minor Variance (File No. A-18/2020) - 33 Woodland Drive

County Planner Dan FitzGerald provides an overview of the report.

The Municipal Clerk confirms no additional correspondence received that was not included in the planning report.

Resolution 220-327

THAT Minor Variance Application A-18/2020, filed by Abdu Halbouni for relief from the Comprehensive Zoning By-law's maximum size for an accessory building, where the applicant is requesting a maximum size of 54.6 m² (588 sq/ft) for all accessory buildings, whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of 50.0 m² (538 ft²) of gross floor area or three percent (3%) lot coverage ft²) for all accessory buildings, for a lot legally described as Lot 23, Plan 33M557, in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 33 Woodland Drive, Kilworth, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-18/2020 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.

8.2 Application for Minor Variance (File No. A-19/2020) - 6219 Cook Road

County Planner Dan FitzGerald provides an overview of the report.

The Municipal Clerk confirms no additional correspondence received that was not included in the planning report.

Resolution 220-328

Moved by: Councillor Scott

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 178.3m² (1,920.0ft²), whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of 110.0m² (1,184.0ft²) of gross floor area or three percent (3%) lot coverage for lots less than 5,000 m² (1.25 ac) but greater than

2,000 m² (0.50 ac) for all accessory buildings, and to permit a maximum height of 7.8m (25.6ft), 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;

AND 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.

DEFEATED

Resolution 220-329

Moved by: Mayor DeViet

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, be referred back to staff.

CARRIED

8.3 Application for Minor Variance (File No. A-20/2020) - 10393 Ilderton Road

County Planner Dan FitzGerald provides an overview of the report.

The Chair notes comments have been received from Nancy McIntosh as well as Sylvia and James Brown and that these have been distributed to the Committee.

The applicant(s) Adam and Jessica Trela are in attendance to comment on the application.

Nancy McIntosh is in attendance to comment on the application.

Resolution 220-330

Moved by: Councillor Aerts

Seconded by: Mayor DeViet

THAT Minor Variance Application A-18/2020, filed by Adam and Jessica Trela for relief from the Comprehensive Zoning By-law's maximum height for an accessory building, where the applicant is requesting a maximum height 7.18m (23.5ft), whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum height of 6.0m (19.6ft), for a lot legally described as Part of Lot 8, Con 8, Part 1 of Reference Plan 33R9292, in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 10393 Ilderton Road, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-20/2020 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

8.4 Application for Minor Variance (File No. A-21/2020, A-22/2020, A-23/2020) - 120 Arthur Street

County Planner Dan FitzGerald provides an overview of the report and notes one additional item of correspondence which was received prior to the meeting.

The applicant Liisa Buren is in attendance to comment on the application.

Resolution 220-331

Moved by: Councillor Aerts

Seconded by: Councillor Shipley

THAT Minor Variance Application A-21/2020, A-22/2020, and A-23/2020 filed by Liisa Buren for relief from the Comprehensive Zoning By-law in order to permit a minimum exterior side yard setback of 6.0 metres (19.7 feet), whereas the By-law requires a minimum exterior side yard setback of 8.0 metres (26.2 feet), to permit a minimum interior side yard setback of 1.5 metres (4.6 feet), whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum interior side yard setback of 3.0 metres (9.84 feet) for a corner lot, and 3.0 metres (9.84 feet) on one side and 2.0 metres (6.6 feet) on the other for an interior lot, and permit a maximum height of 10.0 metres (32.8 feet), whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum height of 8.5 metres (27.8 feet) in the Urban Residential First Density Exception (UR1-4) Zone; for a property legally described Lot 41 and 42, Plan 55 (geographic Township of Lobo), Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 120 Albert Street, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-21/2020, A-22/2020, and A-23/2020:

- 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. PUBLIC MEETINGS

Resolution 220-332

Moved by: Councillor Heffernan

Seconded by: Deputy Mayor Brennan

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

9.1 Application for Zoning By-law Amendment (ZBA-11-2020); Filed by Zelinka Priamo Ltd. (Matt Campbell) on behalf of Omni Healthcare (Country Terrace) and Omni Healthcare (CT) GPCO Ltd.

County Planner Marion Cabral provides an overview of the application.

Matt Campbell is in attendance to speak to the application on behalf of the owner.

Zbig Wlosek is in attendance on behalf of OMNI Healthcare.

Paul Houghton is in attendance to comment on the application.

Resolution 220-333

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Scott

THAT Zoning By-law Amendment application (ZBA-11-2020), as amended, filed by Zelinka Priamo Ltd. on behalf of Omni Healthcare (Country Terrace) and Omni Healthcare (CT) GPCO Ltd, to rezone a portion of the land at 10072 Oxbow Drive and land on Oxbow Drive (Concession 3 S Part Lot 6 RP 33R7661 Parts 1,2,3) to 'Urban Residential Third Density exception 14 (UR3-14)' be referred back to staff to allow for further analysis and a future recommendation report.

CARRIED

9.2 Application for Zoning By-law Amendment (ZBA-21-2020) for Clear Skies Phase 3 – Block 325, Lots 264 to 285 and red-line of Draft Plan of Subdivision for Clear Skies Phase 3 (39T-MC1401); Filed by Sifton Properties Limited on behalf of 1960634 Ontario Inc.

County Planner Marion Cabral provides an overview of the application.

Maureen Zunti and Phil Masschelein are in attendance to speak to the application on behalf of the owner.

Resolution 220-334

Moved by: Councillor Scott

Seconded by: Councillor Heffernan

THAT for the purposes of Zoning By-law Amendment Application (ZBA-21-2020), as amended, filed by Sifton Properties Limited on behalf of 1960634 Ontario Inc., to rezone the lands to the site-specific 'Urban Residential Third Density exception 11 (UR3-11)' zone for the lands described as Block 325 and to add a new site-specific 'Urban Residential Third Density exception 13 (UR3-13)' zone to the lands described as Lots 264 to 285 of Concession 11 Part Lot 24 RP 33R19894 Part 6 in the Municipality of Middlesex Centre, be APPROVED;

AND THAT the County of Middlesex be advised that Middlesex Centre recommends the red-line revision of Phase 3 of the draft approved Plan of Subdivision (39T-MC1401) and that it is considered minor.

CARRIED

9.3 Application for Draft Plan of Subdivision (39T-MC2004) and Zoning By-law Amendment (ZBA 24/20); Filed by Kevin Muir (GSP Group) on behalf of 2270942 Ontario Ltd.

County Planner Marion Cabral provides an overview of the application

Kevin Muir and Bill Veitch are in attendance to speak to the application on behalf of the owner.

Resolution 220-335

THAT Report PLA-79-2020 be RECEIVED FOR INFORMATION.

9.4 Application for Draft Plan of Subdivision (39T-MC1901), Official Plan Amendment (OPA 45) and Zoning By-law Amendment (ZBA 14/19); Filed by Doug Stanlake (Stanlake Consulting) on behalf of Brantam Developments Inc.

Councillor Aerts declared a conflict on this item. (Councillor Aerts declares a pecuniary interest in regards to Item 9.4 which is on file with the Municipal Clerk. Councillor Aerts does not discuss or vote on the item.)

County Planner Marion Cabral provides an overview of the application

Douglas Stanlake is in attendance to speak to the application on behalf of the owner.

Lukas Grabowski, Dan Wade and Steve Brown are also in attendance to speak to the application on behalf of the owner.

Paul Houghton is in attendance to comment on the application.

Jane Campbell is in attendance to comment on the application.

Arlene Campbell is in attendance to comment on the application.

Resolution 220-336

Moved by: Councillor Scott

Seconded by: Councillor Shipley

THAT Report PLA-78-2020 be RECEIVED FOR INFORMATION.

CARRIED

10. CLOSE OF PUBLIC MEETINGS

Resolution 220-337

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Scott

THAT Planning Committee does now close the Planning Public Meetings and reconvene the regular meeting of Council at 10:12 p.m.

CARRIED

11. CORRESPONDENCE

Resolution 220-338

Moved by: Councillor Scott

Seconded by: Councillor Aerts

THAT Correspondence Items 11.1 through to 11.4 listed on the December 16, 2020 Council agenda be received for information.

CARRIED

11.1 Correspondence - Ontario Adopts New Law to Protect Public Safety and Food Supply - Dec 4, 2020 News Release

11.2 Correspondence - Conservation Ontario Media Release - Province Passes Bill 229

11.3 Correspondence - Middlesex Centre Archives - December 2020 Newsletter

11.4 Correspondence - Ontario's Vaccine Distribution Implementation Plan

12. COUNTY COUNCIL UPDATE

Deputy Mayor Brennan provides the following update from County Council held on December 15, 2020:

- Council received the final report on the Middlesex County Economic Development Strategy 2021 - 2025 Update;
- Council approved the 2021 Borrowing Bylaw;
- Chris Traini, County Engineer provided a report on the Emergency Winter Maintenance Services Memorandum of Understanding for local municipalities within Middlesex County. This memorandum allows for the County and local municipalities to provide winter maintenance services for one another in certain circumstances. A related motion to approve the participation of Middlesex Centre in this memorandum is listed under the heading of Other Business;
- Committee of the Whole received a presentation from Mark Brown, Weed Inspector and Woodlands Conservation Officer regarding a Phragmites Pilot Treatment Program Update;
- Prasanna Gunasekera and Susan Chase of Perry Group Consulting Inc. provided a presentation to Committee of the Whole pertaining to the Digital Service Delivery Review. The local Middlesex County municipalities have

participated in this service delivery review project which has sought to identify opportunities for innovations in the delivery of municipal services.

13. OTHER BUSINESS

13.1 Emergency Winter Maintenance Services Memorandum of Understanding (MOU) with the County of Middlesex

Resolution 220-339

Moved by: Councillor Heffernan

Seconded by: Deputy Mayor Brennan

WHEREAS a Report was presented to County Council on December 15, 2020 regarding Emergency Winter Maintenance Services Memorandum of Understanding (MOU);

AND WHEREAS the MOU permits the ability of the municipalities in Middlesex County to provide assistance to one another if deemed necessary and appropriate by the Municipal Engineer;

NOW THEREFORE BE IT RESOLVED THAT:

1. Middlesex Centre Council hereby authorizes the County and each of the Local Municipalities to perform sanding, salting, snowplowing and/or winter patrol operations ("Winter Maintenance Services") on highways under the jurisdiction of the Middlesex Centre, should the Municipal Engineer or his or her designate, request such services at any time during the Emergency;
2. Middlesex Centre Council does hereby authorize County staff from other local Municipalities to perform Winter Maintenance Services on highways under the jurisdiction Middlesex Centre, at the request of the Local Municipality, at any time during the Emergency;
3. The municipality requesting Winter Maintenance Services will make best efforts to provide the municipality from which the services are being requested with twelve (12) hours written notice (includes e-mail) of the need for the provision of Winter Maintenance Services and for each request to specify, in writing, (a) the highways or portions of highways for which assistance is required; and (b) the length of time for which assistance is required;
4. Any Winter Maintenance Services provided by any municipality within Middlesex Centre shall be provided for the whole width of the highway and in accordance with all applicable laws, including the "Minimum Maintenance Standards for Municipal Highways" established under Ontario Regulation 239/02 of the Municipal Act 2001, SO 2001, c 25, as amended or replaced, and the Ontario Traffic Manual, as amended or replaced;

5. Should Middlesex Centre require assistance, the municipality shall be responsible for all expenses incurred by the municipality performing the Winter Maintenance Services, save and except for the costs to repair any damage caused to a highway as a result of the Winter Maintenance Services, which shall be borne by the municipality performing the services;
6. The municipality performing the Winter Maintenance Services in Middlesex Centre shall be responsible and liable for Claims attributed to direct damages caused by its provision of Winter Maintenance Services and shall not be responsible, accountable or liable for any indirect, consequential or special damages as a result of performing Winter Maintenance Services;
7. Middlesex Centre does hereby release and agrees to indemnify, defend and save harmless the other Local Municipalities, their respective Councillors, officers, employees, legal counsel, and agents, from and against any Claims attributed to direct damages caused by its provision of the Winter Maintenance Services. The Municipality shall not be responsible, accountable or liable for any indirect, consequential or special damages as a result of performing Winter Maintenance Services;
8. This resolution comes into effect immediately upon its passing and expires at the earliest of Middlesex Centre repealing its Emergency Declaration of Emergency related to COVID-19 pursuant to section 4(1) of the EMCPA or April 15, 2021;
9. In the event a Local Municipality repeals its respective Declaration of Emergency related to COVID-19 pursuant to section 4(1) of the EMCPA, no Emergency Winter Maintenance Services will be provided to that municipality;
10. Middlesex Centre Council may at any time, by resolution, terminate the authorization contained in this resolution.

CARRIED

14. BY-LAWS

Resolution 220-340

Moved by: Councillor Aerts

Seconded by: Councillor Shipley

THAT By-law(s) 2020-102 through to 2020-114 listed on the December 16, 2020 Council agenda be adopted as printed.

CARRIED

- 14.1 2020-102 Being a by-law to adopt a municipal policy entitled Procurement of Goods and Services**
- 14.2 2020-103 Being a by-law to provide for the adoption of estimates and setting the tax rates and to further provide for penalty and interest in default of payment thereof for 2021**
- 14.3 2020-104 Being a by-law to provide for the adoption of budgetary estimates for the year 2021**
- 14.4 2020-105 Being a By-Law to Levy Interim Taxes for the Year 2021**
- 14.5 2020-106 Being a by-law to authorize temporary borrowing to meet the current expenditures of the Municipality for the year ending December 31, 202**
- 14.6 2020-107 Being a by-law to amend the Middlesex Centre comprehensive Zoning By-law number 2005-005 with respect to Concession 3 S PT Lot 6 RP 33R7661 Parts 1,2,3 and Concession 3 S PT Lot 6 RP 33R6776 PT Part 1 & Parts 2,3,4 (geographic Township of Lobo)**
- 14.7 2020-108 Being a by-law to amend the Middlesex Centre comprehensive Zoning By-law number 2005-005 with respect to Concession 11 PT Lot 24 RP 33R19894 Part 6 (geographic Township of London)**
- 14.8 2020-109 Being a By-Law to establish fees and charges for water, wastewater and stormwater rates for services provided by the municipality of Middlesex Centre**
- 14.9 2020-110 Being a By-Law to authorize the execution of a Lease Agreement between the Municipality of Middlesex Centre and Neal Fletcher**
- 14.10 220-111 Being a By-Law to authorize the execution of a Lease Agreement between the Municipality of Middlesex Centre and David Crossan.**
- 14.11 220-112 Being a by-law to authorize the execution of an Agreement of Purchase and Sale between the Municipality of Middlesex Centre and Her Majesty the Queen in Right of Ontario as represented by the Minister of Government and Consumer Services.**
- 14.12 220-113 Being a by-law approving and ratifying a Severance and Development Agreement between Poplar Hill Villa Ltd. as the "Owner" and the Municipality of Middlesex Centre as the "Municipality"**
- 14.13 2020-114 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 16, 2020**

15. ADJOURNMENT

Resolution 220-341

Moved by: Councillor Shipley

Seconded by: Deputy Mayor Brennan

THAT the Council of the Municipality of Middlesex Centre adjourns the December 16, 2020 meeting at 10:13 p.m.

CARRIED

Aina DeViet, Mayor

James Hutson, Municipal Clerk