



Middlesex Centre Council Minutes
Regular Meeting of Council

March 24, 2021, 5:30 p.m.
Electronic Council Meeting

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

REGRETS: Councillor Heffernan

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 calls the meeting to order at 5:30 p.m.

In response to COVID-19 we continue to hold Council meetings electronically. 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.

The Committee of Adjustment and Public Meetings for Planning items will begin at approximately 7:00 p.m.

2. ADDITIONS TO THE AGENDA

Item 7.2. being a report for the Write off of taxes under Section 354 (4) of the Municipal Act 2001 has been pulled from the March 24, 2021 Council meeting agenda.

There are no additions to the March 24, 2021 Council meeting agenda.

3. DISCLOSURE OF PECUNIARY INTEREST

There are no disclosures of pecuniary interest declared by members of Council for the March 24, 2021 Council meeting agenda items.

4. CLOSED SESSION

Resolution # 2021-081

Moved by: Councillor Scott

Seconded by: Deputy Mayor Brennan

THAT the Council for the Municipality of Middlesex Centre adjourn to closed session at 5:33 p.m. pursuant to Section 239 (2) of the Municipal Act, 2001, as amended to discuss the following matters:

Section 239 (2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

CARRIED

4.1 CALL TO ORDER

4.2 DISCLOSURE OF PECUNIARY INTEREST

4.3 ADOPTION OF MINUTES

4.3.1 March 10, 2021 Closed Minutes

4.4 CLOSED SESSION ITEMS

4.4.1 Potential Property Disposition - Ward 4

4.5 ADJOURNMENT

Council rose from closed session at 5:47 p.m.

5. DELEGATIONS, PRESENTATIONS AND PETITIONS

Steven Jelich, Director Southwest Region Operations, Darryl Arnold, Manager Operations London/Sarnia, Allison Chong, Advisor Capital Development and Brian Arnold, Senior Advisor Municipal Affairs & Stakeholder Relations – Ontario South/West are in attendance to provide an overview of the Enbridge Gas London Lines Replacement Project.

5.1 Presentation from Enbridge Gas regarding London Lines Replacement Project

6. ADOPTION OF THE MINUTES

6.1 Minutes of the March 10, 2021 Council Meeting

Resolution # 2021-084
Moved by: Councillor Gates
Seconded by: Councillor Scott

THAT the minutes of the Middlesex Centre Council meeting held on March 10, 2021 be adopted as printed.

CARRIED

7. CONSENT AGENDA

Resolution # 2021-085
Moved by: Councillor Aerts
Seconded by: Deputy Mayor Brennan

THAT Item 7.1 as well as Item(s) 7.3 through to 7.5 listed under the heading of Consent Agenda for March 24, 2021 be adopted as recommended.

CARRIED

7.1 Community Services Advisory Committee Meeting, Minutes of February 8, 2021

Resolution # 2021-085

THAT the minutes of the Community Services Advisory Committee held on February 8, 2021 be received for information.

7.2 Write off of taxes under Section 354 (4) of the Municipal Act 2001

This item has been pulled from the March 24, 2021 Council meeting agenda.

7.3 Delaware Hydro Reserve Fund

Resolution # 2021-085

THAT Report CPS-12-2021 regarding the Delaware Hydro Reserve Fund be received for information.

7.4 Fire Safety Grant Opportunity

Resolution # 2021-085

THAT Report FS-02-2021 regarding a Fire Safety Grant Opportunity be received for information.

7.5 Vehicle Utilization due to the COVID-19 Pandemic

Resolution # 2021-085

THAT Report PWE 09-2021 regarding Vehicle Utilization due to the COVID-19 Pandemic be received;

AND THAT Staff be authorized to carry forward with the temporary use of vehicle 7501 (Grey 2010 Dodge Ram) for PWE-Transportation until a new ¾ ton truck has been delivered after which time it will be disposed of in accordance with Council Policy;

8. STAFF REPORTS

8.1 Agreement of Purchase and Sale – 79 Glendon Drive

Resolution # 2021-086

Moved by: Councillor Shipley

Seconded by: Councillor Scott

THAT Report CLK-09-2021 re: Agreement of Purchase and Sale – 79 Glendon Drive be received;

AND THAT the Agreement of Purchase and Sale for 79 Glendon Drive attached as Appendix 'A' be approved;

AND FURTHER THAT staff be directed to prepare a by-law to authorize the Mayor and Clerk to execute the Agreement of Purchase and Sale for the above-noted property.

CARRIED

8.2 Appointment of Council Representative to LTVCA Board of Directors

Resolution # 2021-087

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Cates

THAT Report CLK-10-2021 re: Appointment of Council Representative to LTVCA Board of Directors be received;

AND THAT Councillor Aerts be appointed as the Municipality of Middlesex Centre representative to the LTVCA Board of Directors for the remaining duration of the 2018-2022 term of Council;

CARRIED

8.3 Tender Results for Tandem Truck

Resolution # 2021-088

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

THAT the purchase, supply and delivery of one 2022 Freightliner 114SD Tandem Truck with Snow & Ice Removal Equipment be awarded to the lowest tender bid submission received from Team Truck in the amount of \$ 345,875.00 (excluding HST);

AND THAT the Mayor and Clerk be authorized to execute the necessary documents.

CARRIED

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

Resolution # 2021-088

Moved by: Councillor Cates

Seconded by: Councillor Scott

THAT Council adjourn its regular meeting at 7:00 pm 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 Minor Variance applications noted on the March 24, 2021 meeting agenda.

CARRIED

9.1 Application for Minor Variance (File No. A-2/2021)

Resolution # 2021-089

Moved by: Councillor Scott

Seconded by: Councillor Shipley

THAT Minor Variance Application A-2/2021, filed by VanderMolen Homes for relief from the Comprehensive Zoning By-law in order to establish an interior side yard setback of 1.4 metres (4.59 feet) on either side, whereas the By-law requires a minimum interior side yard setback of 1.5 metres (4.9 feet) on one side and 2.5 metres (8 feet) on the other side, and 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 16, Registered Plan 33M746, Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 12 Edgeview Crescent, GRANTED, subject to the following condition:

AND THAT the minor variance only be applicable to a proposal to building a single storey dwelling.

AND FURTHER THAT the reasons for granting Minor Variance Application A-2/2021:

- 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-3/2021)

Alaa Mourad is in attendance virtually to comment on the application.

Resolution # 2021-090

Moved by: Councillor Aerts

Seconded by: Deputy Mayor Brennan

THAT Minor Variance Application A-3/2021, filed by Aba-el-dean Mourad for relief from the Comprehensive Zoning By-law in order to establish an interior side yard setback of 1.4 metres (4.59 feet) on either side, whereas the By-law requires a minimum interior side yard setback of 1.5 metres (4.9 feet) on one side and 2.5 metres (8 feet) on the other side; for a property legally described as Lot 1, Plan 33M779, Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 246 Union Ave, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-3/2021:

- 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

9.3 Application for Minor Variance (File No. A-4/2021)

Andrew Kooman is in attendance virtually to comment on the application.

Resolution # 2021-091

Moved by: Councillor Cates

Seconded by: Councillor Shipley

THAT Minor Variance Application A-3/2021, filed by Andrew Kooman for relief from the Comprehensive Zoning By-law in order to establish an interior side yard and rear yard setback of 0.6 metres (2 feet) for a pool, whereas the Middlesex Centre Comprehensive Zoning By-law requires a minimum interior side yard and rear yard setback for a pool of 1.5 metres

(4.9 feet); for a property legally described as unit 13 in vacant land condominium COND840, Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 13-41 Earls court Terrace, be GRANTED, subject to the following condition:

AND THAT the reduction to the rear and interior side yards only apply to an above ground hot tub, interpreted as a pool in the Comprehensive Zoning By-law;

AND FURTHER THAT the reasons for granting Minor Variance Application A-4/2021:

- 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 # 2021-092

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

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 planning applications listed on the March 24, 2021 Agenda.

CARRIED

10.1 Consent Application B-26/2020, 131 Harris Road, Delaware

Helen and David Abrams are in attendance virtually to comment on the application.

Resolution # 2021-093

Moved by: Councillor Scott

Seconded by: Councillor Cates

THAT Consent Application B-26/2020, filed by Phil Pattyn, in order to sever a residential lot with a frontage of approximately 36.1 m (118.4 ft) on Harris Road, a depth of approximately 100 metres (328 feet), and an area of approximately 3,610 m² (0.89 ac), and the retained a frontage of approximately 20 m (66 ft) on Harris Road and an area of approximately

12.15 ac (4.92 ha) on a property legally described as Part of Lot 15, Plan 305 in the Municipality of Middlesex Centre, County of Middlesex and, Municipally known as 131 Queen Street; be GRANTED;

AND THAT Consent B-26/2020 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. 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-26/2020 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-26/2020 be paid in full.
7. That the Owner provides a lot grading plan prepared by a Professional Engineer that includes appropriate grades at property boundaries and the four corners of a building envelope. The lot grading plan shall indicate a suitable building area that meets the required setbacks from the overhead electrical lines servicing neighbouring properties. The electrical lines and setbacks shall be shown on the grading plan, if applicable.
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, 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.

9. That the lot shall be serviced with Municipal water at the expense of the Owner prior to consent being granted to the satisfaction of the Municipality.
10. That any existing water or sanitary systems be removed or relocated so that they are wholly contained on the retained lands to the satisfaction of the municipality.
11. That a demolition permit be obtained for the removal of the existing single unit dwelling and any / all structures associated with this structure be removed from the severed lands, including and well or septic systems.
12. That the Owner be required to provide a stormwater management plan and servicing plans to the satisfaction of the Municipality.
13. That the Owner be required to provide a groundwater impact assessment.
14. That the Owner be required to provide a road widening dedication in the amount of up to 10 m from the centreline of construction of Harris Road prior issuance of the Certificate of Consent.
15. That the Owners pay \$1,100 cash-in-lieu of parkland dedication for the proposed lot of Consent B-26/2020.
16. That the Owner be required to rezoned both the severed and retained lands and that a zoning by-law amendment be in full force and effect prior to the issuance of a Certificate of Consent;

AND FURTHER THAT the reasons for granting Consent application B-26/2020 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 proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

CARRIED

10.2 Consent Application (B-1/2021) and Application for a Zoning By-Law Amendment (ZBA-2/2021); 24176 Clarke Road

Tony and Lisa Vandenneuvel are in attendance virtually to comment on the application.

Resolution # 2021-094

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Scott

THAT Consent Application B-1/2021, filed by Tony and Lisa Vandenneuvel, in order to sever a residence surplus to a farm operation as a result of consolidation on a lot with a frontage of approximately 63.4 m (208 ft) on Clarke Road and an area of approximately 0.99 ac (0.4 ha), and the retained having a frontage of approximately 261.6 m (858 ft) on Elginfield Road and an area of approximately 69 ac (27.9 ha), from a lot legally described Part of Lot 4, Concession 16 W, in the Township of Middlesex Centre, County of Middlesex; be GRANTED;

AND THAT Consent B-01/2021 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year 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-1/2021 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-1/2021 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-1/2021 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 prohibits residential use on the retained lot of Consent B-1/2021 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-1/2021 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.

AND FURTHER THAT the reasons for granting Consent Application B-1/2021 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 would comply with the Middlesex Centre Comprehensive Zoning By-law.

Rezoning Recommendation:

THAT Application for Zoning By-law Amendment ZBA-2/2021 filed by Tony and Lisa Vandenheuvel for the lands legally described Part of Lot 4, Concession 16 W, in the Township of Middlesex Centre, County of Middlesex, and known municipally as 24176 Clarke Road, to rezone the severed lands from the Agricultural (A1) Zone to the Surplus Residential (SR) Zone and the severed lands from an Agricultural (A1) Zone to an Agricultural No Residence (A3) Zone; be GRANTED;

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

10.3 Application for Zoning By-law Amendment (ZBA-01-2021) for 12519 Twelve Mile Road; Filed by Roy and Heather Bloomfield

Resolution # 2021-095

Moved by: Councillor Aerts

Seconded by: Councillor Shipley

THAT Zoning By-law Amendment application (ZBA-01-2021), filed by Roy and Heather Bloomfield, to permit two single-detached dwellings on one property for up to three years to allow a new residence to be 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

10.4 Request to Remove (h-6) Holding Symbol 93 Stone Field Lane; Filed by Sifton Properties Limited on behalf of 1960634 Ontario Inc.

Resolution # 2021-096

Moved by: Councillor Cates

Seconded by: Councillor Scott

THAT the request by Sifton Properties Limited on behalf of 1960634 Ontario Inc. to remove the (h-6) holding symbol from the zoning of the land known legally as Concession 11 Part of Lot 24, Middlesex Centre, be APPROVED.

CARRIED

10.5 Application for Official Plan Amendment (OPA 53) and Zoning By-law Amendment (ZBA-29/20); filed by Melanie Horton on behalf of Kenneth Maes

Melanie Horton is in attendance virtually to comment as the applicant. Melanie is joined by Bill Bradshaw and Lloyd Johnston.

Brian Wilson is in attendance virtually to comment on the application.

Peter Read is in attendance virtually to comment on the application.

Robert Huber is in attendance virtually to comment on the application on behalf of the Thames River Anglers.

John and Betty Turvey are in attendance virtually to comment on the application.

Frank MacDonald is in attendance virtually to comment on the application.

Resolution # 2021-097

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Scott

THAT Report PLA-29-2021 regarding OPA 53 and ZBA-29/20 be received for information.

CARRIED

Resolution # 2021-098

Moved by: Councillor Aerts

Seconded by: Councillor Shipley

THAT Planning Committee does now close the Planning Public Meetings and reconvene the regular meeting of Council at 8:48 p.m.

CARRIED

11. CORRESPONDENCE

Resolution # 2021-099

Moved by: Councillor Scott

Seconded by: Councillor Cates

THAT Correspondence Items 11.1 through to 11.4 be received as information.

CARRIED

11.1 Ausable Bayfield Conservation Authority - 2020 Annual Meeting Minutes

11.2 Middlesex-London Health Unit - February 2021 Board Update

11.3 Office of the Solicitor General - OPP Detachment Board Framework

11.4 Ontario Recreation Facilities Association - Open Letter - March 2021

12. COUNTY COUNCIL UPDATE

Deputy Mayor Brennan provides the following update from County Council held on March 23, 2021:

- Council received a presentation from Enbridge Gas regarding London Lines Replacement Project;
- Council also received a presentation from Brenda Slater, Account Manager, Zone 1, Municipal & Stakeholder Relations and Anne Haines, Regional Manager, MPAC. It was noted that the MPAC property assessments for 2021 will remain the same as 2020. Currently the County has a tax base of approximately \$16.7 billion in assessed property values;
- A tender for the acquisition of 27 new ambulances was presented;
- A By-law to adopt the tax rates and the payment schedule of the 2021 County levy by the lower-tier municipalities in the County of Middlesex was approved.

For full meeting highlights and meeting minutes, please visit the Middlesex County website.

13. OTHER BUSINESS

There was consensus from Council to provide direction to staff on the following (2) matters:

THAT staff be directed to review the existing provisions contained in the Middlesex Centre Zoning By-law as it relates to interior side yard and maximum lot coverages for single storey homes located in lands currently zoned UR1 in the Southwinds Subdivision.

THAT staff be directed to provide correspondence to the Ministry of Natural Resources and Forests (MNRF) outlining the Municipality's position against the license application made by the applicant to extract aggregate at the subject site.

14. BY-LAWS

Resolution # 2021-100

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

THAT By-law 2021-023 through to By-law 2021-033 be adopted as printed.

CARRIED

- 14.1 2021-023 Being a by-law to authorize the execution of an Agreement of Purchase and Sale between the Municipality of Middlesex Centre and the City of London**
- 14.2 2021-024 Being a by-law to Authorize the Execution of an Agreement for Building Services for the between the Municipality of Middlesex Centre and the Corporation of the Township of Adelaide Metcalfe**
- 14.3 2021-025 Being a by-law to Authorize the Execution of an Agreement for Building Services for the between the Municipality of Middlesex Centre and the Municipality of Southwest Middlesex**
- 14.4 2021-026 Being a by-law to Authorize the Execution of an Agreement for Building Services for the between the Municipality of Middlesex Centre and the Municipality of North Middlesex**
- 14.5 2021-027 Being a by-law to approve and ratify a Vacant Land Condominium Agreement between 2638477 Ontario Ltd. and the Municipality of Middlesex Centre**
- 14.6 2021-028 Being a by-law to amend the Middlesex Centre Comprehensive Zoning By-law #2005-005 with respect to Concession 11 N Part Lot 31 (geographic Township of London), roll number: 393903408009600**
- 14.7 2021-029 Being a by-law to authorize the execution of a Temporary Use Agreement between Michael Ferrari, and the Municipality of Middlesex Centre for lands known municipally as 8044 Decker Drive**
- 14.8 2021-030 Being a by-law to authorize the execution of a Temporary Use Agreement between Roy Scott Bloomfield and Heather Lynn Bloomfield and the Municipality of Middlesex Centre for lands known municipally as 12519 Twelve Mile Road**
- 14.9 2021-031 Being a by-law to provide for a drainage works to be known as the Bear Creek Municipal Drain**

14.10 2021-032 Being a by-law to provide for a drainage works to be known as the Rieg Municipal Drain

14.11 2021-033 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 March 24, 2021

15. ADJOURNMENT

Resolution # 2021-101

Moved by: Councillor Scott

Seconded by: Councillor Cates

THAT the Council for the Municipality of Middlesex Centre adjourns the March 24, 2021 Council meeting at 8:58 p.m.

CARRIED

Aina DeViet, Mayor

James Hutson, Municipal Clerk