



Middlesex Centre Council Minutes
Regular Meeting of Council

August 11, 2021, 5:30 p.m.
Electronic Council Meeting

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

STAFF PRESENT: Michael Di Lullo - Chief Administrative Officer, Arnie Marsman - Director of Building Services / Chief Building Official, Rob Cascaden - Director of Public Works and Engineering, Scott Mairs - Director of Community Services, Tiffany Farrell - Director of Corporate Services, James Hutson - Municipal Clerk, Dan Anderson - Drainage Superintendent, Dan Fitzgerald - County Planner, Marion Cabral - County Planner, Ashley Kwarciak - Planning Services and Corporate Records

1. CALL TO ORDER

Mayor DeViet called the meeting to order at 5:30 p.m.

Mayor DeViet provided opening remarks to congratulate Sakura Wood who is the recipient of the 2020/21 Municipality of Middlesex Centre's Proficiency Award.

Mayor DeViet provided further remarks of gratitude and remembrance in honour of Larry Goetz, a former Delaware Resident who was a longtime Community Services Advisory Committee representative and advocate for community wellbeing.

2. ADDITIONS TO THE AGENDA

There are no additions to the August 11, 2021 Council Agenda.

3. DISCLOSURE OF PECUNIARY INTEREST

There are no disclosures of pecuniary interest to note for the August 11, 2021 Council Agenda items.

4. CLOSED SESSION

Resolution # 212-2021

Moved by: Councillor Heffernan

Seconded by: Councillor Cates

THAT the Council for the Municipality of Middlesex Centre adjourn to closed session at 5:34 p.m. pursuant to Section 239 (2) of the Municipal Act, 2001, as amended to discuss the following matters:

Section 239 (2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.

CARRIED

4.1 CALL TO ORDER

4.2 DISCLOSURE OF PECUNIARY INTEREST

4.3 CLOSED SESSION ITEMS

4.3.1 Site Agreement

4.4 ADJOURNMENT

Council rose from closed session at 6:17 p.m.

Council declared a brief recess and resumed the regular meeting of Council at 6:37 p.m.

5. DELEGATIONS, PRESENTATIONS AND PETITIONS

5.1 Komoka Drainage Works, Union Ave Branch Consideration of Engineer's Report

Resolution # 214-2021

Moved by: Councillor Aerts

Seconded by: Deputy Mayor Brennan

THAT the Council for the Municipality of Middlesex Centre receives the Komoka Drainage Works, Union Avenue Branch Report from Brad Bunke of GM BluePlan Engineering dated July 28, 2021 and authorizes that the project proceed;

AND THAT the Court of Revision will meet on September 8, 2021;

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

CARRIED

Brad Bunke of GM BluePlan is in attendance virtually to present the Engineer's Report.

Jane Campbell, a member of the public, is in attendance virtually to speak to the Engineer's Report.

Mark Muskett, a member of the public, is in attendance virtually to speak to the Engineer's Report.

6. ADOPTION OF THE MINUTES

Resolution # 215-2021

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT the minutes of the Middlesex Centre Council meetings held on July 14, 2021 (Meeting A and B) as well as July 21, 2021 be adopted as printed.

CARRIED

6.1 Minutes of the July 14, 2021 Council Meeting (Meeting A)

6.2 Minutes of the July 14, 2021 Council Meeting (Meeting B)

6.3 Minutes of the July 21, 2021 Special Council Meeting

7. CONSENT AGENDA

Resolution # 216-2021

Moved by: Councillor Shipley

Seconded by: Councillor Cates

THAT Items 7.1 through 7.7 listed on the Consent Agenda for August 11, 2021 be adopted as recommended.

CARRIED

7.1 Budget to Actual July 2021

Resolution # 216-2021

Moved by: Councillor Shipley

Seconded by: Councillor Cates

THAT the Budget to Actual report CPS-41-2021 for July 2021 be received as information.

CARRIED

7.2 Capital Budget to Actual 2021

Resolution # 216-2021

Moved by: Councillor Shipley

Seconded by: Councillor Cates

THAT Report CPS-42-2021, the capital budget to actual 2021 report be received as information.

CARRIED

7.3 Grant Partnership with Western University and Partners for Wastewater Project

Resolution # 216-2021

Moved by: Councillor Shipley

Seconded by: Councillor Cates

THAT Report CAO-17-2021 re: Grant Partnership with Western University and Partners for Wastewater Project be received for information.

CARRIED

7.4 Bulk Road Salt Tender Award

Resolution # 216-2021

Moved by: Councillor Shipley

Seconded by: Councillor Cates

THAT Council award the bulk road salt tender to Compass Minerals;

AND THAT the Director of Public Works and Engineering be authorized to execute any necessary purchase agreements with Compass Minerals

CARRIED

7.5 Kilworth and Deerhaven Playground Base Construction

Resolution # 216-2021

Moved by: Councillor Shipley

Seconded by: Councillor Cates

THAT Report CMS-12-2021 re: Kilworth and Deerhaven Playground Base Construction - Tender Results be received;

AND THAT the Kilworth and Deerhaven Playground Base Construction project (RFT-CMS-2021-04) be awarded to Armstrong Paving and Materials Group Ltd. with a total cost of \$187,072.69 (excluding HST).

CARRIED

7.6 No Stopping Zones Parkview School

Resolution # 216-2021

Moved by: Councillor Shipley

Seconded by: Councillor Cates

THAT Report PWE 13-2021 regarding No Stopping Zones Parkview School be received;

AND THAT the Parking and Traffic by-law 2018-092 be amended as per Appendix A appended to Report PWE 13-2021

CARRIED

7.7 Heavy Truck Restrictions

Resolution # 216-2021

Moved by: Councillor Shipley

Seconded by: Councillor Cates

THAT Report PWE 23-2021 regarding Heavy Truck Restrictions be received;

AND THAT the Parking and Traffic by-law 2019-092 be amended as per Appendix A appended to Report PWE 23-2021

CARRIED

8. STAFF REPORTS

8.1 Middlesex Centre Fire Services (MCFS) Portable Radio Testing and Upgrade Program

Resolution # 217-2021

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT Report FS-04-2021 regarding Middlesex Centre Fire Services (MCFS) Portable Radio Testing and Upgrade Program be received;

AND THAT Council approve the purchase of new radio equipment up to \$50,000 plus HST;

AND FURTHER THAT the Fire Marque revenue received in 2021 in the amount of \$49,227.55 not be transferred to the Public Education reserve

fund but remains in operating revenue to cover costs of the additional radio equipment.

CARRIED

8.2 Work from Home Policy

Resolution # 218-2021

Moved by: Councillor Cates

Seconded by: Deputy Mayor Brennan

THAT Report CAO 16-2021, re: Work from Home Policy be received;

AND THAT the Work from Home Policy attached to CAO Report 16-2021 be approved.

CARRIED

9. COMMITTEE OF ADJUSTMENT - 6:00 P.M.

Resolution # 219-2021

Moved by: Councillor Scott

Seconded by: Councillor Heffernan

THAT Council adjourn its regular meeting at 6:00 p.m. 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 listed on the August 11, 2021 Agenda.

CARRIED

9.1 Application for Minor Variance (File No. A-23/2021)

Resolution # 220-2021

Moved by: Councillor Cates

Seconded by: Councillor Scott

THAT Minor Variance Application A-23/2021, filed by Rob Allen and Katie Nigh, for relief from the Comprehensive Zoning By-law in order to establish a maximum size of 74.3 square metres (800 square feet) or 4.2 percent lot coverage for all accessory buildings, whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of 50.0 m² (538.0 ft²) of gross floor area or three percent (3%) lot coverage, for a property legally described as Lot 1 to 2, Block N, Plan 76, in the Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 123 Delaware Street Central, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-23/2021:

- 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

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

Katie Nigh is the property owner and is in attendance virtually to speak to the application.

9.2 Application for Minor Variance (File No. A-24/2021)

Resolution # 221-2021

Moved by: Councillor Cates

Seconded by: Councillor Scott

THAT Minor Variance Application A-24/2021, filed by Stephen Stapleton on behalf of Andrew and Emily Fard, for relief from the Comprehensive Zoning By-law in order to establish a maximum permissible lot coverage for the main and associated accessory buildings of 40.12 percent, whereas the Middlesex Centre Comprehensive Zoning By-law requires a maximum lot coverage of 35 percent for the main dwelling and an additional 3 percent for accessory buildings, for a property legally described as Lot 67, Plan 33M746 in the Municipality of Middlesex Centre, County of Middlesex, and municipally known as 174 Edgewater Boulevard, be GRANTED, subject to the following conditions:

THAT all development on the lands, including any future consideration of an accessory building, shall not exceed a maximum permissible size of 40.12 percent lot coverage,

AND THAT the establishment of any future accessory building is subject to the maximum size permissions as required in section 4.1 (b)(i) of the Middlesex Centre Zoning By-law, that being the maximum permissible lot coverage and gross floor area of an accessory building;

AND FURTHER THAT the reasons for granting Minor Variance Application A-24/2021:

- 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

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

Stephen Stapleton is the applicant and is in attendance virtually to speak to the application.

9.3 Application for Minor Variance (File No. A-25/2021)

Resolution # 222-2021

Moved by: Councillor Scott

Seconded by: Deputy Mayor Brennan

THAT Minor Variance Application A-25/2021, filed by Tanners Five Inc, for relief from the Comprehensive Zoning By-law in order to establish a maximum size of 85.9 square metres (2000 square feet) or 3.2 percent lot coverage, whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of 165.0 square metres (1,776 square feet) of gross floor area or 3 percent lot coverage, as well as permit a maximum height of an accessory building of 7.31 metres (24 feet), whereas the Zoning By-law permits a maximum height of 6.5 metres (21.3 feet), for a property legally described as Part of Lot 6, Concession 4 West, in the Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 3578 Woodhull Road, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-25/2021:

- 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

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

9.4 Application for Minor Variance (File No. A-26/2021)

Resolution # 223-2021

Moved by: Councillor Shipley

Seconded by: Councillor Heffernan

THAT Minor Variance Application A-26/2021, filed by Frederick and Sandra Veale in order to expand a legal non-conforming use to permit a 96.1 square metre addition to an existing single detached dwelling on the property; for a property legally known as Part of Lot 12, Concession 4 North, in the Municipality of Middlesex Centre, County of Middlesex known, and municipally known as 6331 Egremont Drive, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-26/2021 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

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

Fred Veale is the applicant and is in attendance virtually to speak to the application.

9.5 Application for Minor Variance (File No. A-27/2021)

Resolution # 224-2021

Moved by: Councillor Scott

Seconded by: Councillor Heffernan

THAT Minor Variance Application A-27/2021, filed by Eddie and Kimberly Hunter, for relief from the Comprehensive Zoning By-law in order to establish a maximum size for all accessory buildings on the land of 334.45

square metres (3600 square feet) or 3.2 percent lot coverage, whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum size of the lesser of 165.0 square metres (1,776 square feet) of gross floor area or 3 percent lot coverage, for lots larger than 5,000 square metres (1.25 acres), for a property legally described as Part of Lot 25, Concession 6, in the Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 13285 Medway Road, be DENIED;

AND THAT the reasons for denying Minor Variance Application A-27/2021 include:

- The request does not comply with the general intent and purpose of Middlesex Centre's Comprehensive Zoning By-law;
- The request is not minor in nature; and
- The request represents inappropriate development on the subject property.

CARRIED

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

Kimberly Hunter is the applicant and is in attendance virtually to speak to the application.

10. PUBLIC MEETINGS

Resolution # 225-2021

THAT the Committee of Adjustment does now adjourn at 8:29 p.m. and Council reconvene to resume the August 11, 2021 Council meeting;

AND THAT Council move into Public Meetings at 8:30 p.m. pursuant to the Planning Act, R.S.O. 1990, c. P13, as amended, to consider the applications listed on the August 11, 2021 Council agenda.

10.1 Application for Zoning By-law Amendment (ZBA-12-2021) for 21096 Vanneck Road; Filed by Tommaso and Anita Lepore

Resolution # 226-2021

Moved by: Councillor Cates

Seconded by: Deputy Mayor Brennan

THAT Zoning By-law Amendment application (ZBA-12-2021), filed by Tommaso and Anita Lepore, 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 known as 21096 Vanneck Road, 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 and removal of a commercial business, including any open storage, which does not comply with the Municipality's Property Standards By-law and Zoning By-law.

CARRIED

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

Tommaso and Anita Lepore are the applicants and are in attendance virtually to speak to the application.

10.2 Consent Application (B-17/2021), 12962 Ilderton Road

Resolution # 227-2021

Moved by: Councillor Shipley

Seconded by: Councillor Aerts

THAT Consent Application B-17/2021, filed by Kyle Davis, on behalf of Rhys Evans, in order to sever and convey as a lot addition a 2954.2 square metres (0.73 acres) parcel of land from 12962 Ilderton Road, to an existing property known municipally as 12936 Ilderton Road; from a property legally described as Part of Lot 28, Concession 11 South, in the County of Middlesex, Municipality of Middlesex Centre; be deferred to a future Council meeting to allow for the submission of additional technical justification reports by the applicant;

CARRIED

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

Kyle Davis is the applicant and is in attendance virtually to speak to the application.

10.3 Applications for Official Plan Amendment (OPA 50) and Zoning By-law Amendment (ZBA-09-2020) for lands on Dausett Drive; Filed by Zelinka Priamo Ltd. (Katelyn Crowley) on behalf of 756949 Ontario Limited

Resolution # 228-2021

Moved by: Councillor Heffernan

Seconded by: Councillor Shipley

THAT Zoning By-law Amendment application (ZBA-09-2020) and Official Plan Amendment application (OPA 50), filed by Zelinka Priamo Ltd. on

behalf of 756949 Ontario Limited, to redesignate and rezone the land for medium density residential development be DEFERRED to the October 27, 2021 Council meeting date, provided the comprehensive review has been completed.

CARRIED

THAT Council rise from Public Meetings and reconvene the August 11, 2021 regular meeting of Council at _____ p.m.

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

Richard Zelinka and Katelyn Crowley are in attendance virtually on behalf of the applicants to speak to the application.

11. NOTICE OF MOTION

Councillor Scott provided Notice of the following motion which will be considered at the September 8, 2021 Council meeting:

THAT the Middlesex Centre Mask By-law be amended to allow for optional wear in indoor settings.

12. CORRESPONDENCE

Resolution # 229-2021

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT Correspondence items 12.1 through 12.3 listed on the August 11, 2021 Agenda be received as information.

CARRIED

12.1 St. Marys Healthcare Foundation - St. Marys Memorial Hospital Renovation Project

12.2 Ministry of Municipal Housing and Affairs - Main Street Recovery Act

12.3 Middlesex-London Board of Health - July 2021 Update

13. COUNTY COUNCIL UPDATE

Deputy Mayor Brennan provided the following update from County Council held on August 10, 2021:

- The KPMG 2020 Audit Report as well as the Treasurer's Reports were deferred to future meeting;
- A 2021 Community Paramedicine Update was provided;

- A Municipal Access Agreement between the County and EH!Tel Networks Inc. was approved;
- A number of speed requirements for County Roads were approved;
- The surplus County Budget was moved to the Tax Rate Stabilization Reserve;
- The OPP provided a report on vehicle related accident statistics;
- A report on the LDD Moth (European Gypsy Moth) was provided by Mark Brown, Woodlands Conservation Officer/Weed Inspector;

For full meeting highlights, please see the Middlesex County website at <https://www.middlesex.ca/local-government/meeting-dates-and-agendas>

14. OTHER BUSINESS

15. BY-LAWS

Resolution # 230-2021

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT By-Laws 2021-055, 2021-069 and 2021-077 through 2021-080 be approved.

CARRIED

- 15.1 2021-055 Being a by-law to provide for a drainage works to be known as the Lewington Municipal Drain**
- 15.2 2021-069 Being a by-law to amend the Parking and Traffic by-law 2018-092 (Heavy Trucks)**
- 15.3 2021-076 Being a by-law to provide for a drainage works to be known as the Komoka Drainage Works, Union Avenue Branch**
- 15.4 2021-077 Being a by-law to amend the Middlesex center comprehensive zoning by-law number 2005-005 with respect to Concession 5 S Part Lot 32 (geographic Township of London), Municipality of Middlesex Centre**
- 15.5 2021-078 Being a by-law to authorize the execution of a Temporary Use Agreement for 21096 Vanneck Road**
- 15.6 2021-079 Being a by-law to amend the Parking and Traffic by-law 2018-092 (No Stopping)**
- 15.7 2021-080 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 August 11, 2021**

16. ADJOURNMENT

Resolution # 231-2021

Moved by: Councillor Aerts

Seconded by: Councillor Shipley

THAT the Council for the Municipality of Middlesex Centre adjourns the August 11, 2021 Council meeting at 9:15 p.m.

CARRIED

Aina DeViet, Mayor

James Hutson, Municipal Clerk