



Middlesex Centre Council Minutes
Regular Meeting of Council

September 22, 2021, 6:00 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, 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, James Hutson - Municipal Clerk, Ashley Kwarciak - Planning Services and Corporate Records, Dan Fitzgerald - County Planner, Marion Cabral - County Planner

1. CALL TO ORDER

Mayor DeViet calls the meeting to order at 5:00 p.m.

Members of the public are invited to participate in this meeting of Council by accessing the meeting which will be live-streamed on our Middlesex Centre YouTube channel.

Mayor DeViet provided further remarks about Middlesex Centre's recognition of the National Day for Truth and Reconciliation. Mayor DeViet also congratulated Deputy Mayor John Brennan on his new role as a member of the Western Fair Association Board of Directors.

2. CLOSED SESSION

Resolution # 2021-252

Moved by: Councillor Cates

Seconded by: Deputy Mayor Brennan

THAT the Council for the Municipality of Middlesex Centre adjourn to closed session at 5:04 p.m. pursuant to Section 239 (2) of the Municipal Act, 2001, as amended to discuss the following matters:

Section 239 (2)(b) personal matters about an identifiable individual, including municipal or local board employees;

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

CARRIED

2.1 CALL TO ORDER

2.2 DISCLOSURE OF PECUNIARY INTEREST

2.3 ADOPTION OF MINUTES

2.3.1 Sept 8, 2021 Closed Minutes

2.4 CLOSED SESSION ITEMS

2.4.1 Potential Sale of Surplus Lands – Concession 3 Pt Lot 7 RP
33R7333

2.4.2 Council Correspondence

2.5 ADJOURNMENT

Council rose from closed session at 5:35 p.m.

Mayor Deviet called for a recess and the meeting of Council reconvened at 6:00 p.m.

3. ADDITIONS TO THE AGENDA

There are no additions to the September 22, 2021 Council agenda.

4. DISCLOSURE OF PECUNIARY INTEREST

There are no disclosures of pecuniary interest to note for the September 22, 2021 Council agenda items.

5. DELEGATIONS, PRESENTATIONS AND PETITIONS

Greg Wilcox of the St. Claire Region Conservation Authority is in attendance virtually to provide an overview of the Water and Erosion Control Infrastructure Funding program in relation to the Coldstream Dam.

5.1 Presentation from SCRCA - Water and Erosion Control Infrastructure Funding

Resolution # 2021-256

Moved by: Deputy Mayor Brennan
Seconded by: Councillor Cates

THAT Staff be directed to report back regarding potential participation in the Water and Erosion Control Infrastructure Funding program for the Coldstream Dam.

CARRIED

Greg Wilcox of the St. Claire Region Conservation Authority is in attendance virtually to provide a presentation regarding Water and Erosion Control Infrastructure Funding.

5.2 United Way Elgin-Middlesex - 2021 Update

Kelly Ziegner, President & CEO, United Way Elgin Middlesex, and Heather Jackson, Associate Director, Development, United Way Elgin Middlesex are in attendance virtually to provide an update on 2021 activities.

5.3 COVID-19 Pandemic Briefing - Update on the Municipal Response to COVID-19

Michael Di Lullo, Chief Administrative Officer is in attendance virtually to provide an update on the municipal response to COVID-19.

6. ADOPTION OF THE MINUTES

6.1 Minutes of the September 8, 2021 Council Meeting

Resolution # 2021-257

Moved by: Councillor Shipley
Seconded by: Councillor Aerts

THAT the minutes of the Middlesex Centre Council meeting held on September 8, 2021 be adopted as printed.

CARRIED

7. CONSENT AGENDA

Resolution # 2021-258

Moved by: Councillor Cates
Seconded by: Councillor Heffernan

THAT Items 7.1 through 7.4 listed on the Consent Agenda for September 22, 2021 be adopted as recommended.

CARRIED

7.1 National Day for Truth and Reconciliation – September 30

THAT Report CAO-21-2021, re: National Day for Truth and Reconciliation be received for information.

7.2 Budget to Actual August 2021

THAT the Budget to Actual report CPS-44-2021 for August 2021 be received as information.

7.3 2021 First Half Building Reports for Service Agreement Municipalities be received for information.

THAT Report BLD-08-2021, re: 2021 First Half Building Reports for Service Agreement Municipalities be received for information.

7.4 Consent B-13/20 Conditions Amendment

THAT the consent decisions B-13/20 be amended to include an additional condition, that the Owner obtain a road closure permit from the County of Middlesex prior to installation of the services required in condition 9.

8. STAFF REPORTS

8.1 Budget Survey Results

Resolution # 2021-259

THAT Report CPS-45-2021 outlining the budget survey results be received for information.

Tiffany Farrell, Director of Corporate Services, is in attendance virtually to provide an overview of the staff report.

8.2 Applications for Official Plan Amendment (OPA 55) and Zoning By-law Amendment (ZBA-13-2021), filed by Everleigh Homes Inc. on behalf of Sandra Mayo

Resolution # 2021-260

THAT the Official Plan Amendment No. 55 for the land legally described as Concession 2 Part of Lots 9 and 10 RP 33R17757 Parts 1 to 9 (former Township of Delaware), Municipality of Middlesex Centre, be ADOPTED and forwarded to the County of Middlesex for consideration of approval;

AND THAT the Zoning By-law Amendment application, filed by Everleigh Homes Inc. on behalf of Sandra Mayo, to rezone the subject property from the 'Agricultural (A1)' zone to the site-specific 'Agricultural (A1-36)' zone for the property legally described as Concession 2 Part of Lots 9 and 10 RP 33R17757 Parts 1 to 9 (former Township of Delaware), Municipality of Middlesex Centre, be APPROVED.

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

Michael Corriea, the agent for this file, is in attendance virtually to speak to the application.

Sandra Mayo, the property owner, is in attendance virtually to answer questions regarding the application.

8.3 Pre-Budget Approval for Administrative Assistant – Building Services

Resolution # 2021-261

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Aerts

THAT Report BLD-07-2021, re: Pre-Budget Approval for Administrative Assistant – Building Services be received;

AND THAT Council authorize the addition of a new full time permanent administrative assistant – building services position in Building and Development Services commencing in 2021.

CARRIED

Arnie Marsman, Chief Building Official, is in attendance virtually to provide an overview of the staff report.

9. COMMITTEE OF ADJUSTMENT

Resolution # 2021-262

Moved by: Councillor Scott

Seconded by: Councillor Cates

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 Minor Variance applications listed on the September 22, 2021 Agenda.

CARRIED

9.1 Application for Minor Variance (File No. A-18/2021)

Resolution # 2021-263

Moved by: Councillor Aerts

Seconded by: Councillor Cates

THAT Minor Variance Application A-18/2021, filed by Llyod Monteith, for relief from the Comprehensive Zoning By-law in order to establish a maximum height of 13.4 metres (44 feet) for an accessory building, whereas the Middlesex Centre Comprehensive Zoning By-law permits a maximum height of 6.5 metres (21.3 feet), for a property legally described

as Lot 17, Concession 3 East, in the Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 5749 Woodhull Road, be DENIED;

AND THAT the reasons for denying Minor Variance Application A-18/2021 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 does not represents appropriate development on the subject property.

CARRIED

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

9.2 Application for Minor Variance (File No. A-28/2021)

Resolution # 2021-264

Moved by: Councillor Cates

Seconded by: Councillor Shipley

THAT Minor Variance Application A-28/2021, filed by Gerrard Marra, on behalf of Nick Davies, for relief from the Comprehensive Zoning By-law in order to build a new single detached dwelling which is not connected to municipal services, whereas the Middlesex Centre Comprehensive Zoning By-law requires all single detached dwelling in the Urban Residential First Density (UR1) Zone to be connected to municipal water and sanitary services, for a property legally described as Lot 24, Plan M-242, Municipality of Middlesex Centre, County of Middlesex and municipally known as 7 Sir Robert Place, be GRANTED, subject to the following condition:

THAT the Minor Variance only apply to the requirement for sanitary services and that the development shall be required to hook up to municipal water services.

AND THAT the reasons for granting Minor Variance Application A-28/2021:

- 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.

Gerrad Marra, the applicant for this file, is in attendance virtually to speak to the application.

Nick Davies, the property owner, is in attendance virtually to answer questions regarding the application.

9.3 Application for Minor Variance (File No. A-29/2021)

Resolution # 2021-265

Moved by: Councillor Scott

Seconded by: Councillor Shipley

THAT Minor Variance Application A-29/2021, filed by Jeffery and Janine Paul, for relief from the Comprehensive Zoning By-law in order to establish an exterior side yard setback closer to the road than the main dwelling, whereas the Middlesex Centre Comprehensive Zoning By-law requires accessory buildings to be located no closer to the front and exterior side yard of the main building or structure, for a property legally described as Part of Lot 13, Concession 1, in the Municipality of Middlesex Centre, County of Middlesex, and Municipally known as 10751 Westminster Drive, be APPROVED;

AND THAT the reasons for approving Minor Variance Application A-29/2021 include:

- The request complies with the general intent and purpose of Middlesex Centre's Comprehensive Zoning By-law;
- The request complies with the general intent and purpose of the Middlesex Centre's Official Plan;
- The request is minor in nature; and
- The request represents appropriate and desirable development on the subject property.

CARRIED

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

Jeff and Janine Paul, the property owners, are in attendance virtually to answer questions regarding the application.

9.4 Application for Minor Variance (File No. A-30/2021)

Resolution # 2021-266

Moved by: Councillor Cates

Seconded by: Councillor Heffernan

THAT Minor Variance Application A-20/2021, filed by Mitchell Say and Lillonie Graham, for relief from the Comprehensive Zoning By-law in order to establish a maximum size of 20.6 square metres (222 square feet) or 5.9 percent lot coverage for an accessory building, and to permit an accessory building to be located a minimum of 1.0 metres from the principle structure, for a property Municipally known as 425-9861 Glendon Drive, be GRANTED;

AND THAT the reasons for granting Minor Variance Application A-30/2021:

- 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.

Mitchell Say, the property owner, is in attendance virtually to answer questions regarding the application.

10. PUBLIC MEETINGS

Resolution # 2021-267

Moved by: Councillor Heffernan

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 September 22, 2021

CARRIED

10.1 Application for Draft Plan of Condominium (39T-MC-CDM2002); Filed by 10919 Longwoods Road Inc.

Resolution # 2021-268

Moved by: Councillor Scott

Seconded by: Councillor Heffernan

THAT the County of Middlesex be advised that Middlesex Centre recommends draft plan approval for the land known legally as Concession 1 Part Lot 6 RP 33R17432 Part 9, former Township of Delaware, Middlesex Centre, County File: 39T-MC-CDM2002, subject to the draft plan conditions appended to the Middlesex Centre report PLA-80-2021, and subject to a three (3) year lapse period;

AND THAT Council direct staff to prepare a zoning by-law amendment subject to the Planning Act requirements to place a Holding symbol (h-2) on the lands legally described as Concession 1 Part Lot 6 RP 33R17432 Part 9, in which the precondition for the removal of the holding symbol shall be a site plan agreement entered into with the Municipality.

CARRIED

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

Kyle McIntosh and Steve Sakers, consultants for this file, are in attendance virtually to speak to the application.

Jim Banman of Cirrus Developments is in attendance virtually to speak to the application.

10.2 Consent Application (B-19/2021), 13193 Twelve Mile Road

Resolution # 2021-269

Moved by: Councillor Shipley

Seconded by: Councillor Heffernan

THAT Consent Application B-19/2021, filed by Matthew and Allison Dale, in order to sever and convey as a lot addition a 1.65 acres (0.66 hectares) parcel of land from 13193 Twelve Mile Road, to an existing property known municipally as 13273 Twelve Mile Road, from a property legally described as Part of Lots 25 and 26, Concession 11, in the County of Middlesex, Municipality of Middlesex Centre; be GRANTED;

AND THAT Application for Consent B-19/2021 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 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-19/2021, and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owners' solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.
5. That the Owners' solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the severed and retained lots of Consent B-19/2021 be paid in full.
7. That, if necessary a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.
8. That the lands to be severed be merged in the same name and title as the adjacent property known municipally as 13273 Twelve Mile Road to the satisfaction of the Municipality; and that subsection 50(3) or (5) of the Planning Act apply to any subsequent conveyances involving the enlarged parcel, and that any mortgages that may be required take into the account the parcel as enlarged.

AND FURTHER THAT the reasons for approving Consent Application B-19/2021 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.

CARRIED

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

Allison Dale, the property owner, is in attendance virtually to answer questions regarding the application.

10.3 Application for Zoning By-law Amendment (ZBA-15-2021) for 9978 Greystead Drive; Filed by H. Timothy Dooreleyers and Suzanne Johnson

Resolution # 2021-270

Moved by: Councillor Aerts

Seconded by: Councillor Heffernan

THAT Zoning By-law Amendment application (ZBA-15-2021) for a temporary use zone, filed by H. Timothy Dooreleyers and Suzanne Johnson, 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 FURTHER 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

Resolution # 2021-271

Moved by: Councillor Scott

Seconded by: Deputy Mayor Brennan

THAT Council rise from Public Meetings and reconvene the regular meeting of Council at 8:26 p.m.

CARRIED

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

Suzanne Johnson, the property owner, is in attendance virtually to answer questions regarding the application.

11. CORRESPONDENCE

Resolution # 2021-272

Moved by: Councillor Heffernan

Seconded by: Councillor Scott

THAT the Correspondence item 11.1 be received as information.

CARRIED

11.1 IESO - Southern Huron-Perth Long Term Electricity Plan

12. COUNTY COUNCIL UPDATE

Deputy Mayor Brennan provides the following update from the Middlesex County Council meeting held on September 14, 2021:

- The meeting began with a vision session on road safety led by Intact Financial Corporation;
- County Council accepted the selection committee's recommendation to award Cloudpermit as the successful respondent of the Development Tracking Solution RFP as a Municipal Modernization Project;
- Council approved two quotations for the procurement of fleet vehicles;
- The 2020 Audit Report was presented by staff from KPMG;
- The contract for the Staff Educator services role with Strathmere Lodge was renewed. Strathmere Lodge currently has a waiting list consisting of 159 people, with 73 of these individuals awaiting a private room. This number remains consistent when compared with the previous month's waiting list of 155 people;
- The Warden's Banquet has been scheduled for Saturday, November 27, 2021.

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

13. OTHER BUSINESS

14. BY-LAWS

Resolution # 2021-273

Moved by: Councillor Scott

Seconded by: Councillor Cates

THAT By-Laws 2021-089 through By-law 2021-092 be adopted as recommended

CARRIED

- 14.1 2021-089 Being a by-law to amend the Middlesex Centre Comprehensive Zoning By-Law 2005-005 with respect to Concession 2 Part of Lots 9 and 10 RP 33R17757 Parts 1 to 9 (ZBA-13-2021)**
- 14.2 2021-090 Being a By-Law to adopt Amendment No. 55 to the Official Plan of Middlesex Centre**
- 14.3 2021-091 Being a by-law to amend the Middlesex Centre Comprehensive Zoning By-law 2005-005 with respect to Concession 12 S Part Lot 5 (ZBA-15-2021)**
- 14.4 2021-092 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 September 22, 2021**

15. ADJOURNMENT

Resolution # 2021-274

Moved by: Deputy Mayor Brennan

Seconded by: Councillor Shipley

THAT the Council for the Municipality of Middlesex Centre adjourns the September 22, 2021 Council meeting at 8:30 p.m.

CARRIED

Aina DeViet, Mayor

James Hutson, Municipal Clerk