



**Municipality of Middlesex Centre
Council Meeting Minutes
Municipal Office, Council Chambers
Wednesday, August 15, 2018, 5:45p.m.**

COUNCIL PRESENT: - Mayor Edmondson - Chair presiding, Councillors: Deputy Mayor DeViet, Harvey, Brennan, McMillan, Silva and Berze

STAFF PRESENT: Michelle Smibert – CAO, Ann Wright - Clerk, Tiffany Farrell – Director of Corporate Services, Brian Lima – Director of Public Works and Engineering, Scott Mairs – Director of Community Services, Arnie Marsman - Director Planning & Development Services / Chief Building Official, Kelly Henderson – County Planner

ALSO PRESENT: Members of the public and press.

1.0 CALL TO ORDER

Mayor Edmondson called the meeting to order at 5:46 pm. and Council went directly into Closed Session.

2.0 CLOSED SESSION

Moved by Councillor Silva; seconded by Deputy Mayor DeViet

R2018-236 THAT Council do now go into closed session at 5:46 p.m. pursuant to Section 239 (2) of the Municipal Act, 2001, as amended to discuss the following matter:

Section 239 (2) (d) labour relations or employee negotiations; Employee Engagement Survey

CARRIED

Moved by Councillor Brennan; seconded by Councillor Silva

R2018-237 THAT Council do now rise out of closed session and resume to open Council at 6:00 p.m.

CARRIED

3.0 DISCLOSURE OF PECUNIARY INTEREST

None declared

4.0 ADDITIONS TO THE AGENDA

None

5.0 ADOPTION OF THE MINUTES

Moved by Councillor Berze; seconded by Councillor Harvey

R2018-238 THAT the minutes of the July 18, 2018 and July 25, 2018 meetings of Council be adopted as printed.

CARRIED

6.0 DELEGATIONS AND PRESENTATIONS**6.1 Brad Bunke of GM BluePlan Engineering presented the Watson Municipal Drain Report**

Moved by Councillor McMillan; seconded by Deputy Mayor DeViet

R2018-239 THAT Council, having considered the Engineer's Report dated June 2018 for the Watson Municipal Drain Extension, approves Provisional By-law 2018-075 to provide for drainage works known as Watson Municipal Drain Extension;

FURTHER THAT Council appoints September 12, 2018 at 6 pm for the Court of Revision;

FURTHER THAT the following persons be appointed to the Court of Revision:

Councillors McMillan, Harvey and Deputy Mayor DeViet

CARRIED

6.2 Kim Earls - SCOR EDC Partnership Update PowerPoint Presentation**7.0 CONSENT AGENDA**

Items listed under the Consent Agenda are considered routine and may require discussion but no action on the part of Council. Consent items are received in one motion. Council members may request that one or more item be removed for further action.

7.1 BLD-11-2018 – July Building Report

7.2 C-02-18 - 2018 Municipal Elections Accessibility Plan

7.3 C-03-18 - "Lame Duck" Council Restrictions Update

7.4 CAO-022-2018 - Employee Engagement Survey

- 7.5 CPS-31-2018 – Budget to Actual July 2018
- 7.6 CPS-32-2018 - Capital Budget to Actual July 2018
- 7.7 PWE-43-2018 - MECP Inspection – Melrose Water Treatment System
- 7.8 PWE-44-2018 - MECP Inspection – Birr Water Treatment System

Moved by Councillor Berze; seconded by Deputy Mayor DeViet

R2018-240 That the Council for the Municipality of Middlesex Centre receives the Consent Agenda items 7.1 through to 7.8 as information.

CARRIED

8.0 STAFF REPORTS

- 8.1 PLA-44-2018 – Application for a Zoning By-law Amendment, ZBA 9 2018, Zelinka Priamo Ltd, on behalf of HLH Investments Inc.; 13349 Ilderton Road

Moved by Councillor Harvey; seconded by Deputy Mayor DeViet

R2018-241 THAT Zoning By-law Amendment ZBA 9 for land legally described as Part of Lot 25, Concession 10 (geographic Township of London) and more specifically as Part 3, Reference Plan 33R-1073 and Part 2, Reference Plan 33R-9311, Municipality of Middlesex Centre, to allow a number of additional uses to the current Site Specific Highway Commercial (C2-13) zone be amended to include only the following permitted uses: animal clinic, clinic, day nursery, financial institution, general or professional office, personal service establishment, convenience store, retail store, studio and one restaurant/drive-thru at a time, and permit a 2.8 metre rear yard setback, be approved.

CARRIED

Mayor Edmondson excused himself from the meeting at 7:20 p.m.

- 8.2 PWE-45-2018 - 2018 Drinking Water Quality Management System Operational Plans Endorsement

Moved by Councillor Harvey; seconded by Councillor Silva

R2018-242 THAT the 2018 Drinking Water Quality Management System Operational Plans for Middlesex Centre's drinking water systems as required under Ontario's Ministry of the Environment, Conservation and Parks' Drinking Water Quality Management Standard be endorsed.

CARRIED

9.0 COMMITTEE OF ADJUSTMENT

Moved by Councillor Silva; seconded by Councillor Harvey

R2018-243 THAT Council adjourn its regular meeting at 7:20 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 following Minor Variance applications:

A-16-18 - Diane Bell, 15243 Twelve Mile Road

A-17018 - Debbie Hache and Mike Austin, 10143 Longwoods Road

CARRIED

Sharon McMillan, sitting as chair for the Committee of Adjustment welcomed everyone in attendance and explained the process of the Public Hearing.

9.1 A-16-18 - Diane Bell, 15243 Twelve Mile Road

Chair, Sharon McMillan read allowed the purpose and effect of the application

The Secretary Treasurer, Ann Wright noted that no addition comments were received.

Planner, Kelly Henderson presented the Planning report PLA-45-2018 and recommended that the application be approved.

No comments from the public

Applicant in attendance, and spoke to the application to store cars and vehicles.

Member Derek Silva – questions if any concerns heard from the residents to Councillor John Brennan

Member John Brennan – responds saying no but the size is of a concern, there is an opportunity for a problem when the property is sold in the future

Applicant, Diane Bell - adds that the neighbour has a garage a similar size

Moved by Councillor Berze; seconded by Councillor Silva

R2018-244 THAT Minor Variance Application A-16-18 filed by Diane Bell for relief from the Comprehensive Zoning By-law's maximum size for an accessory building, whereas the owner is requesting a maximum size of 104.0 m² for an accessory building; for a property known municipally as 15243 Twelve Mile Road, be granted.

FURTHER THAT Minor Variance Application A-16-18 be subject to the following condition:

1. That the existing 18.9 m² be removed from the subject property.

AND FURTHER THAT the reasons for granting Minor Variance Application A-16-18 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 A-17018 - Debbie Hache and Mike Austin, 10143 Longwoods Road

Chair, Sharon McMillan read allowed the purpose and effect of the application

The Secretary Treasurer, Ann Wright noted that no addition comments were received.

Planner, Kelly Henderson presented the Planning report PLA-46-2018 and recommended that the application be approved.

Deb Hache in attendance, and explained that she is wanting an area for a separate entrance and it would be replacing what was once there

No comments from the public

Member, Frank Berze – adds that it used to be a restaurant and used to have an area like this and that it is in a commercial area.

Moved by Deputy Mayor DeViet; seconded by Councillor Silva

R2018-245 THAT Minor Variance Application A-17-18, filed by Debbie Hache and Mike Austin for relief from the Comprehensive Zoning By-law's minimum front yard setback requirement of 38.0 metres from the centreline of the County road, whereas the owners are proposing to construct a breezeway attached to the existing building with a minimum setback of 26.0 metres.; for a property legally described as Part of Lot 3, RCP 427 (geographic Township of Delaware), Municipality of Middlesex Centre; be granted.

FURTHER THAT Minor Variance Application A-17-18 not be subject to any conditions.

AND FURTHER THAT the reasons for granting Minor Variance Application A-17-18 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

Moved by Councillor Harvey; seconded by Councillor Brennan

R2018-246 That the Committee do now rise out of the Committee of Adjustment and go back into the regular Council meeting.

CARRIED

10.0 PUBLIC MEETINGS

Moved by Councillor McMillan; seconded by Deputy Mayor DeViet

R2018-247 THAT Council move into Public Meeting at 7:35 p.m. under Section 53 & 34 of the Planning Act, R.S.O. 1990, c. P13, as amended, to consider the following applications:

ZBA-10-2018 James and Mary Colbert, 15686 Eight Mile Road

ZBA-11-2018 Turf Pro Landscaping, 10057 Longwoods Road

ZBA-12-2018 Kate-lyn Holman, 22862 Nairn Road

ZBA-13-2018 & B-18-18 – Clarendale farms Limited, 13672 Medway Road

CARRIED

10.1 ZBA-10-2018 James and Mary Colbert, 15686 Eight Mile Road

Deputy Mayor DeViet read allowed the purpose and effect.

No additional comments submitted to the Clerk that are not included in the Planning report

Kelly Henderson gave a review of the Planning Report PLA-40-2018 and recommended approving the application

Applicants in attendance and had nothing additional to comment on

No public comments or questions

Moved by Councillor McMillan; seconded by Deputy Mayor DeViet

R2018-248 THAT the Zoning By-law Amendment application, filed by James and Mary Colbert for the severed and retained lot of Consent B-1/18 in order to implement the severance of a surplus farm residence, be approved.

CARRIED

10.2 ZBA-11-2018 Turf Pro Landscaping, 10057 Longwoods Road

Deputy Mayor DeViet read allowed the purpose and effect.

No additional comments submitted to the Clerk that are not included in the Planning report.

Kelly Henderson gave a review of the Planning Report PLA-42-2018 and recommended approving the application

The applicants' agent in attendance Kevin Marshall, and Ken Chapman. Operating for 30 years but want to make everything legal. Want everything in one location

No public comments or questions

Councillor Berze questions what is happening to the house

Agent, Kevin Marshall – responds that one part will be used as an office

Moved by Councillor Berze; seconded by Councillor Harvey

R2018-249 THAT the Zoning By-law Amendment application, filed by Kevin Marshall on behalf of Turf Pro Landscaping to re-zone a Highway Commercial (C2) lot to a Site Specific Highway Commercial (C2-14) (h-2) zone in order to permit a 'Contractor's Yard or Shop' as an additional use on the property in order to facilitate the establishment of a landscape business, as well as a Holding Symbol in order to ensure Site Plan Approval on the property located at 10057 Longwoods Road (Geographic Township of Delaware), be approved.

CARRIED

10.3 ZBA-12-2018 Kate-lyn Holman, 22862 Nairn Road

Deputy Mayor DeViet read allowed the purpose and effect.

No additional comments submitted to the Clerk that are not included in the Planning report.

Kelly Henderson gave a review of the Planning Report PLA-41-2018 and recommended approving the application

Applicant in attendance nothing additional to add

No public comments or questions

Moved by Councillor McMillan; seconded by Councillor Silva

R2018-250 THAT the Zoning By-law Amendment application, filed by Kate-Lyn Holman in order to permit two single-detached dwellings on one property for up to two years while a new residence is being constructed on the land, be approved, and that the Owners be required to enter into a Temporary Use Agreement with the Municipality and submit a deposit of \$10,000 to ensure that the removal of the existing residence occurs.

CARRIED

10.4 ZBA-13-2018 & B-18-18 – Clarendale farms Limited, 13672 Medway Road

Deputy Mayor DeViet read allowed the purpose and effect.

No additional comments submitted to the Clerk that are not included in the Planning report.

Kelly Henderson gave a review of the Planning Report PLA-43-2018 and recommended approving the application

George Sinner, Agent in attendance Issue of removal of the barn, there are 2 parts, one is a barn and one is an implement shed, and they would like to keep that portion of the shed.

Issue with removal of the barn there are no livestock being contained, wants a legal explanation f contained livestock. They aren't contained they just walk in and out

CBO, Arnie Marsman – says that it was constructed as a livestock area. It is in disrepair. It would be unsafe to remain, but it could be repaired to contain livestock

No public comments or questions

None from council

Moved by Councillor Brennan; seconded by Councillor Silva

R2018-251 THAT consent application B-18-18, filed by Clarendale Farms Limited in order to sever a surplus farm residence on a lot with a frontage of 52.0 metres along Medway Road and an area of 0.44 hectares; from a property legally described as Part of Lot 22, Concession 7 (geographic Township of London), Municipality of Middlesex Centre; be granted.

FURTHER THAT Consent B-18/18 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 have 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-18/18 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owner's solicitor provides 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 submits an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That, if necessary, a revised assessment schedule in accordance with the Drainage Act, as amended, be commissioned and paid for by the Owner.
7. That a Zoning By-law Amendment that recognizes the residential use of the severed lot of Consent B-18/18 and prohibits new dwellings on the retained lot of Consent B-18/18 be in full force and effect.
8. That the Owner enter into a severance agreement with the Municipality in order to advise future owners of the severed lot of Consent B-18/18 of normal farm practices occurring in the area as outlined in the Farming and Food Production Protection Act, 1998, as amended or replaced. The following requirement shall be included in the severance agreement:

The Owner shall include in any Agreement of Purchase and Sale of the severed lot a warning specifically notifying future owners that normal farm practices, as outlined in the Farming and Food Production Protection Act, 1998, as amended or replaced, are engaged in and occur in the area of the property and shall require the purchaser, as a condition of any aforementioned Agreement of Purchase and Sale, to acknowledge and accept that normal farm practices, as outlined in the Farming and Food Production Protection Act, 1998, as amended or replaced, are engaged in and occur in the area of the property.

9. That any outstanding property taxes for the severed and retained lots of Consents B-18/18 be paid in full.

10. That the Owner confirm the location of the septic system and well to the satisfaction of the Municipality, and that a contingency area is available, all of the above shall be adequately located on the residential parcel.
11. That the residence is deemed habitable by the Chief Building Official.
12. That any buildings which may contain livestock be removed and demolished to the satisfaction of the Chief Building Official.
13. That the hydro services are removed from the retained farm parcel to the satisfaction of the Chief Building Official.
14. That an entrance permit be obtained from the County for the entrance to the retained parcel and that an address sign be erected at the entrance to this property. All costs associated with this shall be borne by the Owner.
15. That the Owner dedicate land up to 18 metres from the centerline of construction of County Road 28 (Medway Road) along the severed lot to the County of Middlesex if the right-of-way is not already to that width. All costs associated with the conveyance shall be borne by the Owner.

Reasons

- 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 condition 9, the proposal would comply with the Middlesex Centre Comprehensive Zoning By-law.

AND FURTHER THAT the Zoning By-law Amendment application, filed by Clarendale Farms Limited for the severed and retained lot of Consent B-18-18 in order to implement the severance of a surplus farm residence, be approved.

CARRIED

Moved by Councillor Silva; seconded by Councillor McMillian

R2018-252 That Council do now Close the Public Meeting and go back into the regular Council meeting at 7:55 p.m.

CARRIED

11.0 NOTICE OF MOTION

None

12.0 CORRESPONDENCE

12.1 AMCTO- The Better Local Government Act

- 12.2 AMO Annual Report
- 12.3 AMO Policy Update
- 12.4 AMO Secretary Treasurers Report on Nominations to the Board
- 12.5 Ausable Bayfield Conservation– RE: ABCA Five Year Plan
- 12.6 Ombudsman – Annual Report

Moved by Councillor Harvey; seconded by Councillor Silva

R2018-253 THAT the Council for the Municipality of Middlesex Centre receives the Correspondence item 12.1 through to 12.6 as information.

CARRIED

13.0 COUNTY COUNCIL UPDATE

14.0 OTHER BUSINESS

15.0 BY-LAWS

- 15.1 By-Law 2018-068 - Borrowing By-law
- 15.2 By-Law 2018-069 - To amend the Middlesex Centre Comprehensive Zoning By-Law 2005-005 with respect to part OF LOT 5, CONCESSION 8 (Geographic Township of Lobo), Roll Number: 393903403011000 (Colbert)
- 15.3 By-Law 2018-070 - To amend the Middlesex Centre Comprehensive Zoning By-Law 2005-005 with respect to part of lot 6, concession 3 (Geographic Township of Delaware), Roll number: 393901901019601 (Turf Pro Landscaping)
- 15.4 By-Law 2018-071 - To amend the Middlesex Centre comprehensive zoning By-Law number 2005-005 with respect to part of lot 13, concession 3, (Geographic Township of London), roll number: 393900001015001 (Holman)
- 15.5 By-Law 2018-072 - To amend the Middlesex Centre Comprehensive Zoning By-Law 2005-005 with respect to Part of Lot 22, Concession 7, (Geographic Township of London), Roll number: 393903405006100 (Clarendale Farms)
- 15.6 By-Law 2018-073 - To amend the Middlesex Centre Comprehensive Zoning by-law number 2005-005 with respect to part lot 25, concession 10 (Geographic Township of London) Part 3, reference plan 33R-1073 and Part 2, reference plan 33R-9311 Municipality of Middlesex Centre, Roll number: 393903408026802 (HLH)

15.7 By-Law 2018-074 - To adopt and confirm all actions and proceedings of the Council of the Municipality of Middlesex Centre at the Council meeting held on August 15, 2018

15.8 Provisional By-Law 2018-075 - to provide a drainage works to be known as reconstruction of the Watson Municipal Drain Extension

Moved by Councillor Harvey; seconded by Councillor Silva

R2018-254 THAT By-Laws 2018-068 through 2018-074 be approved, passed and adopted;

AND FURTHER THAT Provisional By-Law 2018-075 be given first and second reading.

CARRIED

16.0 ADJOURNMENT

Moved by Councillor Berze; seconded by Councillor Silva

R2018-255 THAT the Council for the Municipality of Middlesex Centre adjourns the August 15, 2018 Regular Council meeting at 8:12 p.m.

CARRIED

The next Council meeting is Wednesday, September 12, 2018 at 6:00 pm in the Council Chamber.

Al Edmondson, Mayor

Ann Wright, Clerk