

Minutes of a regular meeting of the Council of the Municipality of Middlesex Centre held this date at the Municipal Office, Coldstream at 7:00 p.m.

ATTENDANCE

PRESENT

Mayor Al Edmondson
Deputy Mayor Bannister
Councillor Filson (arrived at 7:20 p.m.)
Councillor Brennan
Councillor Bloomfield
Councillor Ritchie
Councillor Berze

ALSO PRESENT

Greg Watterton	Acting CAO/Director Finance & Community Services
Maureen Looby	Director, Public Works & Engineering
Arnie Marsman	Director, Planning & Development Services/CBO
Marc Bancroft	Senior Planner
Ben Puzanov	Planner
Stephanie Troyer-Boyd	Acting Clerk

Mayor Edmondson presided.

The reporter from the Middlesex Banner was in attendance.

ADDITIONS TO THE AGENDA

1. Consent Agenda – Minutes and Recommendations from the Committee of the Whole Meeting March 10, 2010.

DECLARATION OF PECUNIARY INTEREST

Deputy Mayor Bannister declared a pecuniary interest with respect to Agenda item 3.1.1 – Tile Drain Debenture and accompanying By-law in 3.2.1 as he is the applicant.

Councillor Ritchie declared a pecuniary interest with respect to By-law items 3.2.2 and 3.2.3 as he and his wife own the property affected by the By-laws.

PUBLIC MEETINGS UNDER SECTION 12 OF THE DEVELOPMENT CHARGES ACT

Mayor Edmondson provided an introduction to the Development Charges Public Meetings regarding the proposed Development Charges pertaining to the Municipal wide Roads and Related Development Charge By-Law, Komoka/Kilworth Water and Sanitary Sewer Development Charge By-Law and Delaware Water and Sanitary Sewer Development Charge By-Law. Mayor Edmondson also introduced Connie Kilgour of Watson & Associates and Joe Heyninck of IBI Group.

There were 6 members of the public in attendance.

1. **PUBLIC MEETING UNDER SECTION 12 OF THE DEVELOPMENT CHARGES ACT TO CONSIDER A MUNICIPAL-WIDE ROADS AND RELATED DEVELOPMENT CHARGES BY-LAW**

Resolution #2010/093
Moved by Brian Ritchie
Seconded by Albert Bannister

THAT Council move to Public Meeting at 7:01 p.m. under Section 12 of the Development Charges Act to consider a Municipal-wide Roads and

Related Development Charges By-law (replacing By-law 2005-072, as amended).

- Carried -

Ms. Kilgour provided a summary of the purpose of Development Charges and where they can be applied under the Act. She noted that the municipality had enacted Development Charges By-law 2005-072 regarding Municipal-Wide Roads and Related which will expire on June 23, 2010. She noted that the by-law includes services including roads, public works vehicles and equipment.

Ms. Kilgour confirmed that the DC Background Study and proposed by-law were made available to the public more than two weeks in advance of the public meeting.

Ms. Kilgour presented the calculation tables which determine the new Development Charges that would be included in the new By-law.

Questions of Council were answered by both Ms. Kilgour and Mr. Heyninck.

Resolution #2010/094

Moved by John Brennan

Seconded by Brian Ritchie

THAT Council close Public Meeting under Section 12 of the Development Charges Act at 7:30 p.m.

- Carried –

2. **PUBLIC MEETING UNDER SECTION 12 OF THE DEVELOPMENT CHARGES ACT TO CONSIDER A KOMOKA/KILWORTH WATER AND SANITARY SEWER DEVELOPMENT CHARGES BY-LAW**

Resolution #2010/095

Moved by Clare Bloomfield

Seconded by Ken Filson

THAT Council move to Public Meeting at 7:31 p.m. under Section 12 of the Development Charges Act to consider a Komoka/Kilworth Water and Sanitary Sewer Development Charges By-law (replacing By-law 2005-073).

- Carried -

Joe Heyninck of IBI Group presented the projects listed under the proposed Komoka/Kilworth Water and Sanitary Sewer Development Charges By-Law. He noted that the municipality had enacted Development Charges By-law 2005-073 dealing with Komoka/Kilworth Water and Sanitary Sewers which will expire on June 23, 2010. He noted that the 20 year growth forecast provides the basis for the By-law on an allocation dividing the municipal wide forecast among the various growth areas.

Ms. Kilgour confirmed that the DC Background Study and proposed by-law were made available to the public more than two weeks in advance of the public meeting.

Mr. Heyninck presented the calculation tables which determine the new Development Charges that would be included in the new By-law.

Regarding the Lake Huron pipeline connection, Councillor Filson asked if the current benefitting municipality would be compensated if another municipality was to connect to the pipeline beyond the extension to Mount Brydges. Maureen Looby, Director of Public Works and Engineering, stated that the Lake Huron Board would not make retroactive payments but any new

members to the Lake Huron Water Board would be required to cover all related costs.

Resolution #2010/096

Moved by John Brennan

Seconded by Albert Bannister

THAT Council close Public Meeting under Section 12 of the Development Charges Act at 7:55 p.m.

- Carried -

3. **PUBLIC MEETING UNDER SECTION 12 OF THE DEVELOPMENT CHARGES ACT TO CONSIDER A DELAWARE WATER AND SANITARY SEWER DEVELOPMENT CHARGES BY-LAW**

Resolution #2010/097

Moved by Ken Filson

Seconded by Brian Ritchie

THAT Council move to Public Meeting at 7:56 p.m. under Section 12 of the Development Charges Act to consider a Delaware Water and Sanitary Sewer Development Charges By-law.

- Carried -

Joe Heyninck of IBI Group presented the projects listed under the proposed Delaware Water and Sanitary Sewer Development Charges By-Law. He provided a summary of the development charge calculations. He noted that proposed Delaware Water and Sanitary Sewer By-Law is a new Development Charge By-Law and that the municipality may impose charges up to those calculated in the background studies. He noted that the 20 year growth forecast provides the basis for the By-law on an allocation dividing the municipal wide forecast among the various growth areas.

Ms. Kilgour confirmed that the DC Background Study and proposed by-law were made available to the public more than two weeks in advance of the public meeting.

Mr. Heyninck presented the calculation tables which determine the new Development Charges that would be included in the new By-law. Mr. Heyninck stated that there will be no sewage treatment facility located in Delaware and that treatment would be done at the Komoka facility. At that time, the Komoka treatment facility will need to be expanded.

Bill Veitch questioned the benefit to existing residents and if this was considered in the calculation. Mr. Heyninck stated that was taken into account when the calculations were done.

Councillor Berze questioned if the water and sewer development charge would apply only to the settlement area of Delaware, and requested a description of the village boundary. It was confirmed that the sewer development charge would only apply to Delaware village. Marc Bancroft, Senior Planner, added that the settlement area boundary as it applies to Special Policy Area #3 of the Official Plan is just beyond the east side of Martin Road.

Paul Aarts asked if Delaware village gets sewer services, would the existing residents have to pay the amount of the development charge in order to service their property. Joe Heyninck stated that the municipality would set the cost of hook up fees. Mr. Aarts also questioned if a development charge is paid for a new home before sewers are available, would that property have to

pay again when the sewers are built. Joe Heyninck responded that would not be the case.

Paul Aarts stated that the existing residents would get a great benefit if sewers are constructed but won't be required to pay as they haven't had to pay the development charges. Mr. Heyninck explained that sewer connections would not be free to existing residents and that future development would not be fronting the entire cost of sewer services.

Paul Aarts indicated that it would be beneficial to allow the present developers to build on interior lands on septic systems in order to increase the number of homes that would be paying for the future sewer services. Joe Heyninck explained that the proposed development charge calculation includes those lands being developed on sewers. He stated that there would be a population shortfall if Delaware is continued to be developed on septic systems due to the larger lot size.

Bill Timmermans stated that Delaware will not grow if the municipality imposes development charges of \$ 24,000 per lot. He stated that there is a potential for growth in the area if there were sewers. He indicated that he would like to have sewers in Delaware right away and questioned if the municipality would consider phasing in the development charges over 5 years.

Paul Aarts stated that the municipality cannot expect people to pay \$ 24,000 in development charges when sewers are not available.

Councillor Filson stated that the existing residents of the village should not have to pay for future development. Councillor Berze added that there are some people in the village who do not want sewers and do not want the village to grow.

James Glover stated that he would like to see sewer service right away in Delaware and that he sees benefit in developing the existing lots on septic systems at the same time in order to increase the population and dilute the cost for existing residents.

Doug Gagel suggested that developing current lands on septic systems would encourage future development.

Mr. Timmermans suggested that people want to live in Delaware because of the larger lot sizes and that development on 30' lots would not be acceptable. Councillor Ritchie asked what the assumptions on lot sizes were when preparing the proposed development charges. Connie Kilgour indicated that the assumption was 5 lots per acre which translates to 60' lot frontages.

Resolution #2010/098
Moved by Brian Ritchie
Seconded by Albert Bannister

THAT Council close Public Meeting under Section 12 of the Development Charges Act at 8:42 p.m.

- Carried -

4. **PUBLIC MEETING UNDER SECTION 34 OF THE PLANNING ACT, R.S.O. 1990, c. P13, AS AMENDED**

Resolution #2010/099
Moved by Ken Filson
Seconded by Brian Ritchie

THAT Council move into Public Meetings at 8:48 p.m. under Section 34 of the Planning Act, R.S.O. 1990, c. P13, as amended.

- Carried -

Application for Zoning By-law Amendment initiated by the Municipality of Middlesex Centre for lands described as Part of Lot 9, Concession 1 (geographic Township of Lobo), Municipality of Middlesex Centre and more specifically described as Part 2, Reference Plan 33R-16979; Part 1, Reference Plan 33R-15260; Part 1 and 3, Reference Plan 33R-5694; Part 1, Reference Plan 33R-13911

Mayor Edmondson provided an introduction stating the purpose of the Public Meeting and stated the process following the Public Meeting. Planning staff confirmed that notice of the Public Meeting had been given in accordance with the Planning Act.

Marc Bancroft, Senior Planner, provided an overview of the application indicating that the purpose and effect of the proposed temporary use by-law is to rezone the subject lands from Existing Use (EU) to site-specific Urban Residential First Density (UR1-#) and Urban Residential First Density (UR1-#) with an (h-1) holding symbol. The UR1-# zone proposes the following minimum requirements: lot frontage of 23 m (75 ft); lot area of 850 m² (0.2 ac); front yard setback of 8 m (26 ft); side yard setback of 3 m (10 ft) on one side and 2 m (7 ft) on the other side; exterior side yard setback of 8 m (26 ft); rear yard setback of 8 m (26 ft). The precondition for the removal of the holding symbol would be that a subdivision agreement be entered into with the Municipality. No holding symbol is proposed for part of the lands as a subdivision agreement is being finalized.

The subject property is legally described as part of Lot 9, Concession 1 (geographic Township of Lobo) in the Municipality of Middlesex Centre and more specifically described Part 2, Reference Plan 33R-16979; Part 1, Reference Plan 33R-15260; Part 1 and 3, Reference Plan 33R-5694; Part 1, Reference Plan 33R-13911. Located in the village of Kilworth, the subject lands are located south of Glendon Drive (County Road 14) and would generally facilitate the westerly extension of Earls court Terrace.

Marc Bancroft indicated Middlesex County, the Upper Thames River Conservation Authority, the Public Works and Engineering Department and the municipality's Chief Building Official have expressed no objections to the subject application.

There were no members of the public in attendance regarding this application.

The Mayor summarized the public meeting and indicated that the application will be forwarded to the May 19, 2010 Planning and Development Services Committee meeting for consideration.

Resolution #2010/100
Moved by Clare Bloomfield
Seconded by Frank Berze

THAT Council resume into general session at 8:52 p.m.

- Carried -

CONSENT AGENDA

Resolution #2010/101
Moved by Clare Bloomfield
Seconded by Frank Berze

THAT Council receive the minutes of the Committee of the Whole meetings held on March 10, 2010 and concur with the following recommendation:

- 1.1 THAT the Master Servicing Plan dated March 10, 2010 prepared and presented by Stantec to Committee of the Whole on March 10, 2010 be approved in principle.

- Carried -

Resolution #2010/102
 Moved by Albert Bannister
 Seconded by Brian Ritchie

THAT Council receive the minutes of the Committee of the Whole meetings held on April 14, 2010 and concur with the following recommendation:

- 1.1 THAT an offer of employment be extended to the preferred Chief Administrative Officer candidate as discussed in closed session during the April 14, 2010 Committee of the Whole meeting.

FURTHER THAT staff be directed to draft an offer of employment to Michelle Smibert with a start date of June 1, 2010.

-Carried –

STAFF REPORTS

1. PUBLIC WORKS & ENGINEERING DEPARTMENT

1.1 Environmental Division

1.1.1 Reconsideration of Resolution 2010-085 (Ramp at Hedley Drive Site)

Mayor Edmondson stated that the issue is being brought back to Council because there was a potential for a less expensive ramp construction option.

Resolution # 2010/103
 Moved by Brian Ritchie
 Seconded by Frank Berze

THAT Council reconsider Resolution # 2010/085 of April 7, 2010.

(2/3 vote required for reconsideration)

Name	Yes	No
Albert Bannister	■	
Frank Berze	■	
Clare Bloomfield	■	
John Brennan	■	
Al Edmondson	■	
Ken Filson	■	
Brian Ritchie	■	

- Carried –

Robert Brown of Coldstream Concrete attended Council and presented a ramp solution that had been designed for the Hedley Drive site. Mr. Brown indicated that this structure is portable should the municipality wish to move it at a future date.

Councillor Bloomfield asked how long it would take to complete the structure. Mr. Brown stated they would require 5 weeks.

Councillor Filson stated that he wanted staff to present alternatives to the construction of a ramp at this location. He stated he still has not received that information.

Councillor Berze noted that the quotation from Coldstream Concrete is within \$ 1,000 from the original quote that was presented to Council on April 7, 2010.

Councillor Bloomfield requested a recorded vote.

Resolution # 2010/104

Moved by Clare Bloomfield

Seconded by Frank Berze

THAT Council approves the single sourcing of the quote from Coldstream Concrete in the amount of \$ 98,600.00 for construction of a replacement ramp at the Hedley Drive clean up day site.

Name	Yes	No
Albert Bannister		■
Frank Berze	■	
Clare Bloomfield	■	
John Brennan	■	
Al Edmondson	■	
Ken Filson		■
Brian Ritchie		■

- Carried -

2. **FINANCE AND COMMUNITY SERVICES**

2.1 Community Services

2.1.1 Councillor Berze asked staff to research the installation of a remote camera at the Wellness Centre site and the feasibility of having it linked to the municipality's website.

3. **ADMINISTRATION SERVICES**

3.1 Clerk

3.1.1 Report No. CSA007/10 – Tile Drainage Debenture 2010-05-01 and By-law Imposing Special Annual Drainage Rates – Albert F. Bannister – North Part Lot 2, Concession 8 (geographic Township of London)

Deputy Mayor Bannister left the chambers as he had declared a pecuniary interest in this matter.

Resolution #2010/105

Moved by Clare Bloomfield

Seconded by Brian Ritchie

THAT Report Number CSA007/10 of the Acting Corporate Services Assistant, dated April 12, 2010 and entitled "Tile Drainage Debenture 2010-05-01 and By-law Imposing Special Annual Drainage Rates – Albert F. Bannister – North Part Lot 2,

Concession 8 (geographic Township of London)" be received;
and

FURTHER THAT By-law 2010-036 being a By-law to Impose Special Annual Drainage Rates be approved.

- Carried -

Deputy Mayor Bannister returned to the Council Chambers.

3.1.2 Approval of Tile Drain Loan – Don & Michelle Jeffrey – South Part Lot 8, Concession 7 (geographic Township of London)

Resolution #2010/106

Moved by Ken Filson

Seconded by John Brennan

THAT Report Number CSA008-10 of the Acting Corporate Services Assistant, dated April 12, 2010 and entitled "Approval of Tile Drain Loan – Don & Michelle Jeffrey – South Part of Lot 8, Concession 7 (geographic Township of London) be received;
and

FURTHER THAT Council approve the Application for Tile Drain Loan as submitted by Don and Michelle Jeffrey for drainage on the South Part of Lot 8, Concession 7 (geographic Township of London) in Middlesex Centre subject to the funds being available and the work is completed and the loan is actually applied for.

- Carried -

3.2 By-laws

Deputy Mayor Bannister left the chambers as he had declared a pecuniary interest in this matter.

Resolution #2010/107

Moved by Frank Berze

Seconded by Ken Filson

THAT By-law 2010-036, being a By-law to Impose Special Annual Drainage Rates Upon Land in Respect of Which Money is Borrowed Under the Tile Drainage Act, R.S.O. 1990 (TD – 2010-05-01) be approved and this constitutes first, second and third reading and By-law 2010-036 is hereby enacted.

- Carried –

Deputy Mayor Bannister returned to the Council Chambers.

Councillor Ritchie left the chambers as he had declared a pecuniary interest in this matter.

Resolution #2010/108

Moved by Frank Berze

Seconded by Albert Bannister

THAT By-law 2010-037, being a By-law to amend the Middlesex Centre Comprehensive Zoning By-law Number 2005-005 with respect to Part of Lots 46, 47, 57, 58 and 59, Part of Blocks BN and BO, Registered Plan 113(c) Part 2, Reference Plan 33R-17612 (geographic Township of Lobo) Municipality of Middlesex Centre be approved and this constitutes first, second and third reading and By-law 2010-037 is hereby enacted.

THAT By-law 2010-038, being a By-law approving and ratifying a Development Agreement between Brian Ritchie and Hendrica Ritchie collectively known as the "Owner" and the Municipality of Middlesex Centre as the "Municipality" for lands described as Part of Lots 46, 47, 57, 58 and 59, Part of Blocks BN and BO Registered Plan No. 113(c) Part 2, Reference Plan 33R-17612 (geographic Township of Lobo) Municipality of Middlesex Centre be approved and this constitutes first, second and third reading and By-law 2010-038 is hereby enacted.

- Carried -

Councillor Ritchie returned to the Council chambers.

INFORMATION ITEMS

Councillor Berze suggested that the municipality support information item #3 and the draft resolution prepared by AMO.

Resolution #2010/109
Moved by Frank Berze
Seconded by Albert Bannister

THAT Council supports the Association of Municipalities of Ontario in its efforts to seek joint and several liability reform in Ontario and calls on the Provincial Government to pursue much needed changes to the *Negligence Act*.

- Carried -

Information item #8 – Canada Day Annual Councillor's Challenge Cup. Mayor Edmondson, Deputy Mayor Bannister, Councillor Ritchie and Councillor Filson stated that they would compete in the competition.

Information item #16 – Resolution from the Town of Tecumseh regarding Private Members Bill 13 – Sustainable Water and Waste Water Systems Improvement and Maintenance Act, 2010.

Resolution #2010/110
Moved by Frank Berze
Seconded by Brian Ritchie

THAT Council support the resolution of the Town of Tecumseh to petition the Province of Ontario to engage in a consultative manner with municipalities and the Association of Municipalities of Ontario to discuss, amend and have input into any changes the government is contemplating that could impact municipal water and waste water service provision.

- Carried -

CONFIRMING BY-LAW

1. Resolution #2010/111
Moved by Clare Bloomfield
Seconded by Albert Bannister

THAT By-law Number 2010-040 being a By-law to confirm the proceedings of the Council meeting held on April 21, 2010 be approved and that this constitutes the first, second and third reading and By-law Number 2010-040 is hereby enacted.

- Carried -

ADJOURNMENT

There being no further business, this meeting of Council adjourned at 9:50 p.m. to meet again on Wednesday, April 28, 2010 at 4:00 p.m.

 MAYOR

 ACTING CLERK

Item	Item Index
1	AMO – Bills Introduced Since March 31
2	AMO – First Gas Tax Payment of 2010 Now Received by AMO
3	AMO – Joint and Several Liability Paper “The Case for Joint and Several Liability Reform in Ontario” – April 1, 2010 and Draft Resolution
4	AMO – Legislative Assembly Update – Bill 29, Planning Amendment Act
5	AMO Watch File – Guest Column by Michael Fenn – “It’s a Tough Job” – The Tough but Important Choice to Run for Municipal Council
6	Association of Ontario Road Supervisor (AORS) – Congratulates Jeff Little on successful completion of Public Works Leadership Development Program.
7	Ausable Bayfield Conservation Authority – Board of Directors April 8, 2010 Meeting Agenda and March 18, 2010 Minutes
8	Canada Day Committee 2010 – Annual Councillor’s Challenge Cup Invitation
9	City of London – Correspondence regarding Wastewater Treatment Agreement for Arva – March 30, 2010
10	Fanshawe Pioneer Village – The Villager Newsletter – March 2010
11	FCM – Municipal Action Haiti
12	FCM – Affordability and Choice Today (ACT) Awards 22 New Grants
13	FCM – First Annual Watershed Awards – May 2010
14	Ontario Association of Fire Chiefs (O AFC) Politicians Seminar: Fire Fighting 101 – May 2 & 3, 2010 and Annual Conference Toronto – May 1 – May 5, 2010.
15	OMAFRA Connects – April 9, 2010
16	Resolution – Town of Tecumseh
17	St. Clair Region Conservation Authority – Conservation Update – April 2010