

Minutes of a regular meeting of the Council of the Municipality of Middlesex Centre held this date at the Municipal Office at 4:00 p.m.

### **ATTENDANCE**

#### **PRESENT**

Mayor Edmondson  
Deputy Mayor Bannister  
Councillor Filson  
Councillor Brennan  
Councillor Bloomfield  
Councillor Ritchie  
Councillor Berze

#### **ALSO PRESENT**

Michelle Smibert	Chief Administrative Officer
Stephanie Troyer-Boyd	Clerk
Maureen Looby	Director, Public Works & Engineering
Arnie Marsman	Director, Planning & Development Services / Chief Building Official
Marc Bancroft	Senior Planner
Wayne Shipley	Acting Fire Chief

Mayor Edmondson presided.

The reporter from the Middlesex Banner was in attendance.

### **ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

### **DECLARATION OF PECUNIARY INTEREST**

Deputy Mayor Bannister stated that the accounts included a payment to him for a tile drain loan.

### **MINUTES**

1. Resolution # 2010/162  
Moved by Frank Berze  
Seconded by Brian Ritchie

THAT the minutes of the regular meeting of Council held on June 2, 2010 be approved.

- Carried -

2. Resolution # 2010/163  
Moved by Brian Ritchie  
Seconded by Albert Bannister

THAT the minutes of the regular meeting of Council held on June 16, 2010 be approved.

- Carried -

### **APPROVAL OF CONSENT AGENDA**

Councillor Berze commented on Consent Agenda Item 3.1 from Corporate Services Committee and the recommendation to waive the fire call out charges. He asked if the municipality is obligated to support a staff members comments when they provide incorrect information. Chief Administrative Officer, Michelle Smibert, stated that staff would research the issue and provide information back to Council.

Councillor Filson asked that Consent Agenda Item 3.3 from Corporate Services Committee be removed for further discussion. Clerk, Stephanie Troyer-Boyd, provided additional correspondence received from the complainant in Consent Agenda Item 3.4 from Corporate Services Committee suggesting this item be dealt with separately.

Councillor Filson indicated his concern with the recommendation from Corporate Services Committee dealing with an amendment to the Open Air Burning By-Law. He agreed that the by-law be amended but suggested a process to invoice a tenant where possible and the landowner as a final option. Councillor Bloomfield agreed and suggested that a tenant be invoiced and a copy of the invoice forwarded to the landowner. He noted that the present practice is to directly bill the landowner but he proposed that staff make an attempt to bill the tenant first.

Chief Administrative Officer, Michelle Smibert, suggested that staff develop an internal policy to invoice the tenant in advance of the property owner. She noted that the municipality has no recourse to collect from a tenant if they do not make payment whereas there is a method to collect from a landowner. Ms. Smibert suggested that staff conduct further research and report back.

Resolution # 2010/164

Moved by Brian Ritchie

Seconded by Clare Bloomfield

THAT By-Law Number 2010-067 being a By-Law to amend By-Law 2010-028 regulating the Establishment of Open Air Burning be deferred; and

FURTHER THAT staff research a method which provides flexibility in billing fire callouts.

- Carried -

Council discussed Consent Item 3.4 from Corporate Services Committee. Additional correspondence received from the landowner indicated they were unaware of the Open Air Burning by-law and this is their first offence. Councillor Berze noted that the complainant make not attempt to contact the municipality or the developer in advance of removing and burning the fallen tree. Councillor Brennan asked for confirmation that there was no call to fire dispatch. Deputy Mayor Bannister suggested that the offer to pay 50% of the invoice was reasonable as the municipality would have had costs in removing the tree. Acting Fire Chief Wayne Shipley noted that the resident could have removed the tree from the property but there was no reason to burn it. Councillor Filson stated that the landowners have some level of responsibility despite their lack of awareness of the by-law.

Resolution # 2010/165

Moved by Frank Berze

Seconded by John Brennan

THAT the charges incurred on Invoice Number 115543 for the Fire Department Response on April 24, 2010, as outlined in Staff Report PS-F-2010-018, remain as billed.

- Carried -

Resolution # 2010/166

Moved by Frank Berze

Seconded by John Brennan

1. THAT Council receive the Minutes of the June 16, 2010 Planning & Development Services Committee meeting and concur with the following recommendations:
  - 1.1 THAT the request for Site Plan Approval submitted by Delaware Speedway (Paul Houghton) on behalf of 283021 Ontario Inc. for the

lands described as Part of Lot 1, Concession 1 and more specifically as Part 2, Reference Plan 33R-17380; (geographic Township of Delaware), Municipality of Middlesex Centre; be approved, provided the following are undertaken to the satisfaction of the Municipality:

- 1.1.1 THAT the site plan be amended to show all existing and proposed buildings and that these be dimensioned and labeled as to their use;
- 1.1.2 THAT the site plan be amended to show the seating capacity of the existing bleachers located east of the proposed 416-seat bleachers and that this be factored into the parking space and washroom occupant load calculations;
- 1.1.3 THAT the site plan be amended to show all existing and proposed bleachers and that these be dimensioned and their height shown;
- 1.1.4 THAT the site plan be amended to show the distances between each set of bleachers and the race track and its associated wire fence;
- 1.1.5 THAT the site plan be amended to show the distances between adjacent buildings and structures;
- 1.1.6 THAT the site plan be amended to show the men's and women's areas in each washroom facility and that these be labeled;
- 1.1.7 THAT the site plan be amended to show building lights near the men's and women's entrances to the new washroom trailer;
- 1.1.8 THAT the site plan be amended to show the locations of the existing private well and sewage disposal system associated with the race track;
- 1.1.9 THAT the site plan be amended to show two snow storage areas: one northwest of the race track and one north of the easterly parking area;
- 1.1.10 THAT the site plan be amended to ghost in an additional washroom facility in order to accommodate the proposed second phase of the seating expansion;
- 1.1.11 THAT the site plan be amended to screen all storage container areas that are used for waste and recycling;
- 1.1.12 THAT the site plan be amended to show the height of all fencing;
- 1.1.13 THAT the site plan be amended to show all handicapped parking areas to be barrier-free and hard-surfaced and having a barrier-free and hard-surfaced path towards the seating and concession areas;
- 1.1.14 THAT the site plan be amended to remove the light standard located east of the barrier-free area that is adjacent to the southerly handicapped parking area and that one light standard be shown north of parking space "318" and one south of parking space "312", so as to not hinder the movement of vehicles or block access to the barrier-free area;
- 1.1.15 THAT the site plan be amended to show three light standards that light the northerly handicapped parking area. These should be located south of parking space "321" and parking space "325" and east of parking space "338";
- 1.1.16 THAT the site plan be amended to show parking space "187" as having dimensions of 2.7 metres (8.9 ft) by 5.5 metres (18 ft);
- 1.1.17 THAT the site plan be amended to show one light standard at both ends of each parking aisle;
- 1.1.18 THAT the site plan be amended to show an additional light standard east of the proposed 416-seat bleachers;
- 1.1.19 THAT the site plan be amended to show one light standard on each of the east and west sides of the existing gravel driveway located west of the northerly handicapped parking area;

- 1.1.20 THAT the site plan be amended to show the spectator viewing locations as being barrier-free;
  - 1.1.21 THAT the site plan be amended to show fire route signage along the fire route to the satisfaction of the Municipal Fire Chief;
  - 1.1.22 THAT the site plan be amended to illustrate the width of the existing fire access lane and that this width be a minimum of 7.62 metres (25 ft) at all locations;
  - 1.1.23 THAT the site plan be amended to show a gravel lane constructed southwestward from the asphalt area adjacent to the building labeled as "Restaurant", to the location of the present Concession Trailer (not shown on the plan) near the second last floodlighting standard;
  - 1.1.24 THAT the owner be required to enter into an agreement with the County of Middlesex for the improvement of access to the site to meet the County's requirements including the construction of turning lanes;
  - 1.1.25 THAT Middlesex Centre receive confirmation that a Certificate of Approval has been issued by the Ministry of the Environment for the proposed private on-site sewage disposal system;
  - 1.1.26 THAT the applicant be required to enter into a Site Plan Agreement with the Municipality;
  - 1.1.27 THAT a \$5,000 security be provided in order to ensure the hard-surfacing of the handicapped parking spaces and the barrier-free paths leading towards the seating and concession areas.
  - 1.1.28 THAT staff be directed to present the Site Plan Agreement requested by Delaware Speedway (Paul Houghton) on behalf of 283021 Ontario Inc. for the lands described as Part of Lot 1, Concession 1 and more specifically as Part 2, Reference Plan 33R-17380; (geographic Township of Delaware), Municipality of Middlesex Centre; for execution once the above matters have been undertaken to the satisfaction of the Municipality of Middlesex Centre.
- 1.2 THAT planning staff be directed to include draft plan approval conditions for new applications for draft plans of subdivision that state no servicing commitment at the draft plan approval stage as outlined in the Report of the PSCD dated June 11, 2010 and entitled "Waste water Capacity and Servicing Allocation".
  - 1.3 THAT the Application for Zoning By-law Amendment submitted by The Busy Farmer Inc. for lands legally described as Part of Lot 4, Concession 9; Part 2, Reference Plan 33R-14897 (geographic Township of Lobo), Municipality of Middlesex Centre, be denied.
  - 1.4 THAT the Application for Zoning By-law Amendment submitted by C & L Group Inc. for lands legally described as Part of Lot 4, Concession 9; Part 2, Reference Plan 33R-14897 (geographic Township of Lobo), Municipality of Middlesex Centre, be approved.
2. THAT Council receive the Minutes of the June 21, 2010 Public Works & Engineering Committee meeting and concur with the following recommendations:
    - 2.1 THAT the 2010 Operational Plans for Middlesex Centre's drinking water systems as required under Ontario's Drinking Water Quality Management Standard as seen in Report Number PWE-039-10/W entitled 'Drinking Water Quality Management Standard – Endorsement of 2010 Operational Plans' be approved.

- 2.2 THAT a By-Law to prohibit the sounding of engine whistles at the Komoka Road crossing, CP mileage 10.52, Windsor Subdivision as outlined in Report Number PWE-039-09/T entitled 'Whistle Ban Update – Canadian Pacific Railway – Komoka Road' be implemented.
- 2.3 THAT the construction tender submission of Theo Vandenberg Construction for \$172,732.00 (excluding taxes) as outlined in Report PWE-042-10/T entitled 'Wark Bridge B159 – Tender Results' be approved; and
- FURTHER THAT, the Mayor and Clerk be authorized to execute the agreement.
3. THAT Council receive the Minutes of the June 21, 2010 Corporate Services Committee meeting and concur with the following recommendations:
- 3.1 THAT the charges incurred on Invoice Number 114725 for the fire department response on March 19, 2010, as outlined in Staff Report No. PS-F-2010-014, be waived.
- 3.2 THAT the charges incurred on Invoice Number 115542 for the Fire Department Response on April 30, 2010, as outlined in Staff Report PS-F-2010-015, remain as billed.
- 3.3 THAT that charges on Account number 9128000739 for replacement of animal licence tags, as outlined in Staff Report No. CST004/10, remain as billed; and
- FURTHER THAT the fee for replacement dog tags be reconsidered in the 2011 Fee By-law.
- 3.4 THAT the Municipality of Middlesex Centre is supportive of the tree planting program proposed by Trees Middlesex Centre as outlined in Report No. CSD018-C; and
- FURTHER THAT staff be directed to work with the Committee to include information in the municipal newsletter and that the Committee ensure all plantings are in accordance with the Tree Planting Policy.
- 3.5 THAT By-law Number 2010-066 being a By-law to amend By-law 2010-002 Appointing Such Members of Council and of the Public to the Committees of Council and Local Boards of the Municipality be approved.
4. THAT the accounts as presented by the Treasurer in the amount of \$6,887,705.72 be approved for payment.

- Carried -

## **STAFF REPORTS**

### **1. PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

#### **1.1 Planning**

- 1.1.1 Senior Planner, Marc Bancroft noted that the municipality is required to circulate a notice of refusal for the Application for Zoning By-Law Amendment submitted by The Busy Farmer Inc. which includes an explanation for refusal of the application. He requested a resolution of Council detailing the reason for denial.

Resolution # 2010/167

Moved by Ken Filson

Seconded by John Brennan

THAT Council's reason for the refusal of the Application for Zoning By-Law Amendment submitted by The Busy Farmer Inc. is because the application did not meet the Provincial Policy Statement, the County of Middlesex Official Plan or the Municipality of Middlesex Centre Official Plan.

- Carried -

Resolution # 2010/168  
Moved by Frank Berze  
Seconded by Clare Bloomfield

THAT Middlesex Centre appeal to the Ontario Municipal Board application for consent B-10/10 approved by the Committee of Adjustment on June 28, 2010.

- Carried -

1.2 Building

1.2.1 There were no reports or inquiries.

1.3 By-law Enforcement

1.3.1 There were no reports or inquiries.

2. **PUBLIC WORKS AND ENGINEERING DEPARTMENT**

2.1 Environmental Division

2.1.1 Report No. PWE-044-10/W – Denfield Water Storage Project – Tender Results

Director, Public Works & Engineering, Maureen Looby summarized the Denfield water storage project tender results. She also noted that Denfield is the only location on the Lake Huron system which is directly off the pipeline without storage. She noted that low water pressure is being experienced in Denfield because of the absence of water storage. Councillor Bloomfield questioned where the storage site would be located.

Councillor Filson and Deputy Mayor Bannister questioned why the tender results are 50% more than the budgeted amount for the project. Maureen Looby stated that reasons include the change in location for the storage facility further from the road, equipment sizing and increased power requirements. Deputy Mayor Bannister asked why equipment sizing requirements is not confirmed during the design study. Maureen Looby explained that it would be more costly to study the equipment sizing requirements in the early design phase. Councillor Berze questioned if there is a method to get better estimates without a lot more cost.

Councillor Ritchie inquired if delaying the project in anticipation of cheaper costing would be a problem. Maureen Looby noted that the project is necessary and that the Lake Huron Pipeline administration is encouraging the upgrades take place soon and that cheaper pricing is not guaranteed at a later time.

Resolution # 2010/169  
Moved by Clare Bloomfield  
Seconded by Ken Filson

THAT, the construction tender for the Denfield Water Storage Project as seen in Report PWE-044-10/W be awarded to K & L Construction for \$950,000.00 (excluding HST), and

FURTHER THAT, the Public Works and Engineering Department capital budget be amended for this project to \$1,042,000.00.

- Carried -

2.1.2 Report No. PWE-045-10/WW – Kilworth Wastewater Treatment Facility – Membrane Replacement

Maureen Looby explained the reason for the membrane replacement at the Kilworth wastewater treatment facility. She noted that the 2010 maintenance budget includes \$ 70,000 for cleaning that would not be required if the membrane is replaced.

Councillor Brennan questioned why there are increased operational costs with this system. Ms. Looby noted it was related to the overall operations including such elements as cleaning of the membranes. She also acknowledged that this technology produces better effluent and the treatment efficiency is much better than other alternatives.

Councillor Filson suggested that the \$ 70,000 budgeted for maintenance in the operating budget be transferred to the capital budget to assist with funding the purchase of the replacement membranes.

Resolution # 2010/170  
Moved by Frank Berze  
Seconded by Brian Ritchie

THAT, as seen in Report PWE-045-10/WW, the Public Works and Engineering Department 2010 capital budget be amended to include \$61,200 for the purchase, freight charges and installation of the replacement membranes from GE Water & Process Technologies along with \$36,000 from the Kilworth Membrane Replacement Reserve Fund for a total cost of \$97,200 excluding taxes.

FURTHER THAT \$ 70,000 be transferred from the 2010 maintenance budget to the capital budget to fund the purchase.

- Carried -

2.2 Transportation Division

2.2.1 There were no reports or inquiries.

2.3 Drainage Division

2.3.1 Deputy Mayor Bannister noted that there are still drainage issues at Hyde Park Road and Ilderton Road. Mayor Edmondson stated that he has been in discussion with County of Middlesex staff and understands they have a plan to deal with the drainage issues and are working with the area residents to resolve the issue.

3. **FINANCE AND COMMUNITY SERVICES**

3.1 Treasury

3.1.1 There were no reports or inquiries.

### 3.2 Community Services

#### 3.2.1 Report No. FCS021/10 - Construction and Naming of Ilderton Splashpad

Jim Maguire, Supervisor of Recreation and Facilities, explained the increased cost for the installation of the splash pad and the need to construct a drain at the Heritage Park site.

##### Resolution # 2010/171

Moved by Brian Ritchie

Seconded by Ken Filson

THAT the proposal of ABC Recreation in the amount of \$165,894.05 for the construction of a splashpad in Heritage Park in Ilderton, as seen in Report No. FCS021/10, be approved; and

FURTHER THAT the installation of signage naming the splashpad "Gold Medal Splash Pad" be approved; and

FURTHER THAT staff bring forward a budget amendment for this project to the next regular meeting of Council.

- Carried -

## 4. ADMINISTRATION SERVICES

### 4.1 Fire & Emergency Services

4.1.1 Councillor Filson suggested that staff look into the possibility of establishing a reciprocal agreement with other municipalities for billing emergency response callout charges for non-residents. Chief Administrative Officer, Michelle Smibert, stated she would research and report on this issue.

### 4.2 Clerk

#### 4.2.1 Report No. CSD0020-C – By-Law Number 2010-065 to Repeal By-laws 4315 and 4892

##### Resolution # 2010/172

Moved by Clare Bloomfield

Seconded by Albert Bannister

THAT By-Law #2010-065, being a By-law to repeal By-Law Numbers 4315 and 4892 of the former Township of London be approved.

- Carried -

4.2.2 Councillor Berze asked that staff reconsider the replacement fee and penalty for dog licenses in the 2011 Fee By-Law. Councillor Brennan suggested that staff look into purchasing more durable tags.

### 4.3 By-laws

##### Resolution #2010/173

Moved by John Brennan

Seconded by Ken Filson

THAT By-law 2010-065 being a By-law to repeal By-law Numbers 4315 and 4892 of the former Township of London be approved and this constitutes first, second and third reading and By-law 2010-065 is hereby enacted.

THAT By-law 2010-066, being a By-law to amend By-law 2010-002 be approved and this constitutes first, second and third reading and By-law 2010-066 is hereby enacted.

THAT By-law 2010-068, being a By-law for the Municipality of Middlesex Centre to Prohibit the Sounding of Engine Whistles of Trains in Respect to Certain Highway Crossing within the Municipality of Middlesex Centre be approved and this constitutes first, second and third reading and By-law 2010-068 is hereby enacted.

THAT By-law 2010-069, being a By-law to amend the Middlesex Centre Comprehensive Zoning By-law Number 2005-005 with respect to Part of Lot 5, Concession 13 Parts 1 and 3, Reference Plan 33R-2204 (geographic Township of Lobo) Municipality of Middlesex Centre be approved and this constitutes first, second and third reading and By-law 2010-069 is hereby enacted.

THAT By-law 2010-070, being a By-law approving and ratifying a Development Agreement between Robert David Tourigny known as the "Owner" and the Municipality of Middlesex Centre as the "Municipality" for lands described as Part of Lot 5, Concession 13 Parts 1 and 3, Reference Plan 33R-2204 (geographic Township of Lobo) Municipality of Middlesex Centre be approved and this constitutes first, second and third reading and By-law 2010-070 is hereby enacted.

THAT By-law 2010-071, being a By-law to amend the Middlesex Centre Comprehensive Zoning By-law Number 2005-005 with respect to Part of Lot 4, Concession 9; Part 2, Reference Plan 33R-14897 (geographic Township of Lobo) Municipality of Middlesex Centre be approved and this constitutes first, second and third reading and By-law 2010-071 is hereby enacted.

### **IN CLOSED SESSION**

1. Resolution # 2010/174  
Moved by Albert Bannister  
Seconded by Brian Ritchie

THAT Council move in to closed session at 5:46 p.m. for personal matters regarding an identifiable individual in accordance with Sections 239 (2) (b) of the Municipal Act, S.O. 2001, c.25, as amended.

- Carried -

### **REGULAR COUNCIL RESUME**

1. Resolution # 2010/175  
Moved by Ken Filson  
Seconded by Brian Ritchie

THAT Council reconvene in regular session at 5:51 p.m.

- Carried -

**CONFIRMING BY-LAW**

1. Resolution # 2010/176  
Moved by Clare Bloomfield  
Seconded by Albert Bannister

THAT By-law Number 2010-072 being a By-law to confirm the proceedings of the Council meeting held on July 14, 2010 be approved and that this constitutes the first, second and third reading and By-law Number 2010-072 is hereby enacted.

- Carried -

**ADJOURNMENT**

There being no further business, this meeting of Council adjourned at 5:53 p.m. to meet again on Wednesday, August 11, 2010 at 4:00 p.m.

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MAYOR

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CLERK

**INFORMATION**

Item	Item Index
1	AMO – Long Awaited Provincial Affordable Housing Policy Not Ready to Go Until Fall 2010
2	AMO – AMO 2010 Conference Update
3	AMO – Guest Column – “Go Red on Fridays to Support our Troops” – Mayor Brian McMullan – June 30, 2010
4	AMO – Report of the Secretary-Treasurer on Nominations to the 2010 - 2012 AMO Board of Directors
5	AMO – Timely Martin Prosperity Institute Study Assists in ongoing Debate on the Impact of Implementing the AODA
6	AMO – Economic Development Task Force – Update – June 23, 2010
7	AMO – More Ontario Children in Full-day Kindergarten
8	AMO – Guest Column – Assessment Limits for Ontario: “Could We Live with the Consequences?” by Dr. Enid Slack
9	AMO – Town of Ajax and Government of Canada Celebrate Opening of New Community Hub
10	AMO – Grand Opening of Hamilton’s Revitalized City Hall Attracts 1000 Residents
11	AMO – Update on Municipal Hazardous or Special Waste (MHSW) Program Plan Negotiations
12	AMO – Ministry of Labour - Workplace Violence and Harassment – Video Transcript
13	AMO – Ontario Municipalities Concerned About Recent Federal Census Decision
14	Budget Update – Report No. FCS022/10
15	Correspondence – D. Gagel & Associates - Village of Delaware Servicing Plan
16	Correspondence – Canadian Union of Postal Workers – Request for Support – Canadian Postal Charter
17	Correspondence – OPP - Semi-annual Reconciliation of Policing Costs
18	Correspondence – Valleyview Central Public School - Acknowledgement of Award Sponsorship
19	Middlesex Group Police Services Board Meeting Unapproved Minutes – June 18, 2010
20	Ministry of Natural Resources – Approved Management Plan for Komoka Provincial Park
21	Ministry of the Environment – Source Protection Programs Branch – O. Reg. 287/07 – Preparing Source Protection Plans – Municipal Role and Participation
22	Municipal Employer Pension Centre of Ontario (MEPCO) – OMERS Update – July 6, 2010 – “Changes to Contribution Rates and Benefits” and MEPCO June 30, 2010 “Commentary on Phase II of Ontario Pension Reform”
23	Ontario Good Roads Association – Minimum Maintenance Standards
24	OMAFRA – McGuinty Government Recognizes Outstanding Individuals in Agri-Food Sector – June 15, 2010
25	OMAFRA Connects – July 6, 2010
26	PWE Information Report PWE-043-10/T – Response to Inquiry – Clean up Day Ramp

	Replacement
27	Request for Support – Township of King Re: Proposed Provincial Regulation to Exempt from the Provisions of the Planning Act a Gas-fired Peaking Electricity Generating Power Plant in the Township of King
28	Resolution – Town of Atikokan – Utility Vehicles (UTV's)
29	Resolution – Township of Essa – Municipal Election Nomination Period
30	Resolution – Township of Springwater – Bill 13 Sustainable Water and Waste Water Systems Improvement and Maintenance Act, 2010