

Minutes of a regular meeting of the Council of the Municipality of Middlesex Centre held this date at the Municipal Office, Coldstream at 5:25 p.m.

**ATTENDANCE****PRESENT**

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

**ALSO PRESENT**

Cathy Saunders	Chief Administrative Officer/Clerk
Jim McConnell	Manager, Planning & Development Services
Marc Bancroft	Senior Planner
Greg Laforge	Environmental Technologist
Sarah Axford	Corporate Services Assistant

Mayor Edmondson presided.

**ADDITIONS TO THE AGENDA**

None were disclosed by any of the members.

**DISCLOSURE OF PECUNIARY INTEREST**

None were disclosed by any of the members.

**IN CLOSED SESSION**

1. Resolution #2009/049  
Moved by Brian Ritchie  
Seconded by Clare Bloomfield

THAT Council move in to closed session at 5:26 p.m. to receive advice that is subject to solicitor-client privilege (Oriole Park Resort Inc. Legal Challenge) in accordance with Section 239 (2) (f) of the Municipal Act, S.O. 2001, c.25, as amended.

- Carried -

**REGULAR COUNCIL RESUME**

1. Resolution #2009/050  
Moved by Clare Bloomfield  
Seconded by Albert Bannister

THAT Council reconvene in regular session at 6:10 p.m.

- Carried -

**COUNCIL RECESSED FOR DINNER AT 6:11 P.M.**

**COUNCIL RESUMED AT 7:00 P.M.**

**CONSENT AGENDA**Resolution #2009/051

Moved by Clare Bloomfield

Seconded by John Brennan

1. THAT Council receive the Notices of the Committee of Adjustment Hearing to be held on March 26, 2009.

- Carried -

**DUE TO THE NUMBER OF PEOPLE IN ATTENDANCE FOR THE PUBLIC MEETING BELOW, THE COUNCIL MEETING WAS RELOCATED TO THE COLDSTREAM COMMUNITY CENTRE**

**PUBLIC MEETING UNDER SECTIONS 34, 39 AND 51 OF THE PLANNING ACT**

1. Resolution #2009/052  
Moved by Brian Ritchie  
Seconded by Clare Bloomfield

THAT Council move into Public Meetings at 7:00 p.m. under Sections 34, 39 and 51 of the Planning Act, R.S.O. 1990, c. P13, as amended.

- Carried -

2. **Application for a Zoning By-law Amendment from Kevin Anthony Duenk and Jacqueline May Duenk for lands described as Part of Lot 10, Concession 15 (geographic Township of London), Municipality of Middlesex Centre.**

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.

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

Marc Bancroft reviewed the application with Council and members of public present. He indicated that the purpose of the temporary use by-law is to permit the existing single detached dwelling to remain on the subject property for a period not to exceed one year while a new single detached dwelling is constructed. He indicated that the existing dwelling would be removed from the property when the new single detached dwelling has received a final inspection to permit occupancy.

Comments from the County of Middlesex, the Upper Thames River Conservation Authority, the Municipal Public Works and Engineering Department and the Deputy Chief Building Official were provided to members of Council.

There were no questions or comments from the public or members of Council.

The Mayor thanked those in attendance for their comments and indicated that a staff report regarding the application will be forwarded to the April 15, 2009 Planning and Development Services Committee for consideration.

3. **Application for a Zoning By-law Amendment from Sifton Properties Inc. for lands described as Part of Lots 29 and 30, Concession 3 (geographic Township of London) in the Municipality of Middlesex Centre and more specifically as Part 1 on Reference Plan 33R-3429.**

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.

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

Marc Bancroft reviewed the application with Council and members of public present. The purpose of rezoning is to rezone the subject property from Agricultural (A1) and Open Space (OS) to a site-specific Agricultural (A1-#) to recognize an existing lot with a minimum lot frontage of 0 m and to include a notwithstanding clause with respect to Section 4.8 of the Zoning By-law which requires that a lot abut or front on an improved public road of satisfactory construction and maintenance to permit the reasonable and safe passage of motor vehicles. Denfield Road is unopened and unassumed road allowance to which the subject property is located.

Comments from the County of Middlesex, the Upper Thames River Conservation Authority, the Municipal Public Works and Engineering Department and the Deputy Chief Building Official were provided to members of Council.

Phillip Maschelein of Sifton Properties Limited indicated that he was present on behalf of the applicant and would answer any questions as required. There were no questions or comments from the public or members of Council.

Councillor Bloomfield indicated that the wooden bridge will not accept construction traffic and emergency response vehicles and therefore there will be no fire protection. He also indicated that comment from the railway would be beneficial.

The Mayor thanked those in attendance for their comments and indicated that a staff report regarding the application will be forwarded to the April 15, 2009 Planning and Development Services Committee for consideration.

4. **Application for Redline Amendment to a Draft Plan of Subdivision from James and Sylvia Brown for lands described as Part of Lot 8, Concession 8 (geographic Township of Lobo) in the Municipality of Middlesex Centre.**

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.

There were approximately 60 members of the public in attendance regarding this application.

Marc Bancroft reviewed the application with Council and members of public present. He indicated that the purpose of the application is to reduce the number of single detached residential lots from 151 to 100, with several blocks remaining for stormwater management, roadways, walkways, reserves, and a future development block along Coldstream Road. An initial phase of 19 lots is being proposed to be serviced by private wells and septic systems, but still allow the remaining lots to be developed on municipal servicing if the Master Servicing Plan recommends full servicing.

Comments from Union Gas, Deputy Chief Building Official, and Public Works and Engineering Department were provided to members of Council.

Written comments were provided from the following individuals:

Jean C. Stevenson	10196 Ivan Drive
Karen McCormick and Brian McLean	10478 Ivan Drive
Vera McLean	24362 Coldstream Road
Margaret and Robert Vollick	10373 Ilderton Road
Nancy McIntosh	10399 Ilderton Road
David and Mary Kloosterman	24353 Coldstream Road
Eleanor Pankonin	10343 Ilderton Road

The following summarizes the concerns of the written comments:

- Reference was made to the original application and the objections and concerns expressed.
- The land is zoned agricultural and the development negatively impacts adjacent agricultural land.
- There were environmental concerns such the aquifer supporting further wells being drilled, increase in traffic on Coldstream Road, the number of individual wells and septic systems and the impact on the water supply, with possible contamination.

Carol Wiebe of MHBC Planning Limited provided a presentation to Council and the residents present. She indicated that the property being located within the Hamlet of Coldstream has the possibility of residential development. She stated that the Zoning and Official Plan designation of the property is residential. She stated that the conditions of draft approval are based on the requirement for full servicing. She reviewed the original application indicating that the draft approved 151 lots is being proposed to be reduced to 100 lots through the redline amendment process. She reviewed the location of the stormwater pond, proposed revisions focusing on the increase in size of lots on the eastern portion of the development and therefore the number of lots has been decreased to accommodate for individual wells and septic systems, as well as the increase in size of the stormwater pond remaining in the same location. She indicated that the redline amendment is requesting that Phase I be able to proceed before the Master Servicing Study, currently being undertaken by the Municipality, is complete. Ms. Wiebe referenced the Provincial Policy Statement which she indicated permits individual on-site systems where full municipal or communal systems are not feasible. She also referenced the policies of the County of Middlesex and Middlesex Centre in terms of servicing hierarchy. Ms. Wiebe stated that the benefits of the amended plan are the reduction in the number of lots, the increased lot size is more compatible with existing development which would result in a decrease in future traffic.

The following individuals spoke at the Public Meeting:

Lee Webb of 10290 Ilderton Road noted that the proposed eastern road appears to be disconnected from Coldstream Road and could she clarify how the entrance would meet Coldstream Road. Ms. Wiebe indicated that there is an unopened road allowance in the ownership of the Municipality that would connect the proposed road to Coldstream Road.

Linda Hoose of 10295 Ilderton Road asked what Environmental Assessments have been under taken. Ms. Wiebe stated that a traffic study and Development Assessment Report had been undertaken as part of the original proposal.

Bill Jones of 10248 Ilderton Road stated his concern that land use planning matters appear to only address land use and not the people that may be impacted by the land use changes being proposed.

George Webb of 10290 Ilderton Road stated that the land is designated residential with the original intention of 45 homes. Ms. Wiebe stated that servicing policies changed with the amalgamation into Middlesex Centre and her clients are required to conform to the new servicing policies. Mr. Webb expressed concern that the 19 lots were being proposed to be serviced by private septic systems, while the remaining 81 lots to be serviced by a communal system. He questioned the economic feasibility of such a proposal.

Councillor Filson expressed concern with the oversized lots on the entry to the subdivision with the initial phase and if the Master Servicing Plan recommends full servicing the second phase will have smaller lots. He suggested that the design of the subdivision will not be ideal and questioned whether the proposal represented good planning.

Deputy Mayor Bannister indicated that the Municipality will not be responsible for providing services to individual lots, but would be the responsibility of the developer.

Bill Boyd of 10399 Ilderton Road expressed concern that the Municipality is not going to provide servicing the Coldstream and Poplar Hill.

Al Bycraft 10097 Hedley Drive indicated that unfortunately the community needs development in the area to maintain the school. He indicated that the Municipality has passed on opportunities to fully service the area. He stated that until the Municipality provides full services, development such as this development, is not feasible.

Richard Rosedale of 101 Lewis Drive indicated that he was not notified of the meeting. He expressed environmental and congestion concerns with the proposed development.

The Mayor thanked those in attendance for their comments and indicated that a staff report regarding the application will be forwarded to the April 15, 2009 Planning and Development Services Committee for consideration.

Resolution #2009/053  
Moved by Albert Bannister  
Seconded by John Brennan

THAT Council resume into general session at 8:25 p.m.

- Carried -

## **THE COUNCIL MEETING RESUMED IN THE COUNCIL CHAMBERS**

### **STAFF REPORTS**

#### **1. PUBLIC WORKS & ENGINEERING DEPARTMENT**

##### **1.1 Report No. PWE-013-09/W – 2008 Annual Summary Reports – Water Systems**

Greg LaForge, Environmental Technologist indicated that the Annual Summary Reports for all Middlesex Centre Water Systems are a requirement under Reg. 170/03. He indicated that the Reports must be presented to Council prior to March 31<sup>st</sup> of each calendar year. Mayor Edmondson asked if there were any concerns. Greg LaForge indicated that any compliance issues throughout the year are indicated in Public Works & Engineering reports sent to Committee. Greg

LaForge indicated that focusing on the average flow m<sup>3</sup>/day will provide an overall look at usage within the system.

Deputy Mayor Bannister compared the Summary Reports between Birr and Melrose, both systems being on municipal wells. He questioned why there are a different number of columns on each report. Greg LaForge indicated the summary reports are required to report to the Ministry of the Environment in a similar form as the Certificate of Approval and he noted that the two Certificates of Approval require the volumes to be measured differently.

Councillor Ritchie questioned why are there variations with the startup of the pumps. Greg LaForge indicated that this is a result of the backwash occurring at the same time as the pump start up being initiated. He indicated that the spike in water usage occurs for a brief period of time and this does not affect the operations of the systems.

Resolution #2009/054

Moved by Frank Berze

Seconded by Brian Ritichie

THAT Council receive the Annual Summary Reports for each of the Municipality of Middlesex Centre's water systems in accordance with Schedule 22 of O.Reg. 170/03 of the Safe Drinking Water Act.

- Carried -

1.2 There were no further reports or inquiries.

2. **CORPORATE SERVICES DEPARTMENT**

2.1 Clerk

2.1.1 Report No. CAOC014/09 – 2009 UTRCA Building Capital Levy

The Chief Administrative Officer and Clerk indicated that the City of London and St. Mary's have indicated that they will be appealing the Building Capital Levy and it has been advised that Middlesex Centre participate in the appeal process to ensure that we have party status during any Hearings given that any decision or mediation may affect Middlesex Centre.

The Deputy Mayor, as the Middlesex Centre representative on the Upper Thames River Conservation Authority Board of Directors, indicated that the Conservation Authority have been requesting provincial funding and have not had a response. Deputy Mayor Bannister also indicated that Fanshawe Conservation Area is the preferred location for the administrative building as it is central to the watershed.

Councillor Bloomfield indicated that moving to a different location may save costs by leasing or building elsewhere. The Deputy Mayor indicated that the Building Committee has looked at options, but it is too far from the operation site at the Fanshawe Conservation Area.

Councillor Filson indicated that moving within a two mile radius would not affect the centrality of the location in the watershed.

Councillor Berze indicated that the question lies whether municipalities are responsible for capital funding and thought an appeal would clarify the where the responsibility lies.

Resolution #2009/055

Moved by Frank Berze

Seconded by Brian Ritchie

THAT Report Number CAO014/09 of the Chief Administrative Officer/Clerk, dated March 13, 2009 and entitled "**2009 UTRCA Building Capital Levy**" be received; and

THAT the staff be directed to submit a challenge to the appropriate Body regarding the New Administration Building Capital Levy portion of the Upper Thames River Conservation Authority 2009 Levy.

- Lost -

2.1.2 Committee of the Whole Minutes and Recommendations – March 11, 2009

The minutes were reviewed and it was indicated that on page 4, the motion should read seconded by Frank Berze. It was also indicated that on page three the sentence should read "The Committee indicated support of the proposal subject to the County of Middlesex ensuring that the construction of the facility would not impact the continuation of a library branch in Delaware and Coldstream".

Resolution #2009/056

Moved by Clare Bloomfield

Seconded by John Brennan

THAT Council receive the Minutes of the March 11, 2009 Committee of the Whole Meeting and concurs with the following recommendations:

1. THAT representatives of the Building Committee for the Community Wellness and Recreation Centre Project be directed to attend the March 24, 2009 County Library Board Meeting to request support to relocate the Komoka Library Branch to a new facility to be constructed in conjunction with the Community Wellness and Recreation Centre, containing a square footage of approximately 7,000 square feet at a cost of \$1.5 million dollars; and

FURTHER THAT staff be directed to include this facility in the Municipality's Application under the Building Canada Fund – Ontario for the construction of the Community Wellness and Recreation Centre.

2. THAT a two-pad arena be included in the Komoka Community Wellness and Recreation Centre Project

- Carried -

- 2.1.3 Councillor Berze requested clarification with the Procedural By-law with respect to requests for delegation status. The Chief Administrative Officer/Clerk indicated that the policy is put into place to provide proper public notice of issues and to restrict issues from being "walked on" to the agenda.

**IN CLOSED SESSION**

1. Resolution #2009/057  
Moved by Clare Bloomfield  
Seconded by Albert Bannister

THAT Council move in to closed session at 8:58 p.m. to receive advice that is subject to solicitor-client privilege (Oriole Park Resort Inc. Legal Challenge) in accordance with Section 239 (2) (f) of the Municipal Act, S.O. 2001, c.25, as amended.

- Carried -

**REGULAR COUNCIL RESUME**

1. Resolution #2009/058  
Moved by John Brennan  
Seconded by Brian Ritchie

THAT Council reconvene in regular session at 9:45 p.m.

- Carried -

**BUSINESS FROM IN CLOSED SESSION**

1. Resolution #2009/059  
Moved by Albert Bannister  
Seconded by Brian Ritchie

THAT staff be directed to initiate a municipally lead Zoning By-law Amendment to amend the definition of "Campground" to include "Park Model Trailers; and

FURTHER THAT staff be directed to prepare a Licensing By-law to regulate and govern campgrounds uses; and

FURTHER THAT staff be directed to present the Zoning By-law Amendment and Licensing By-law at a future public meeting.

- Carried -

**CONFIRMING BY-LAW**

- Resolution # 2009/060  
Moved by Clare Bloomfield  
Seconded by John Brennan

THAT By-law Number 2009-018 being a By-law to confirm the proceedings of the Council meeting held on March 18, 2009 be approved and that this constitutes the first, second and third reading and By-law Number 2009-018 is hereby enacted.

- Carried -

**ADJOURNMENT**

There being no further business, this meeting of Council adjourned at 9:55 p.m. to meet again on Wednesday, April 1, 2009 at 4:00 p.m.

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MAYOR

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CLERK