

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

### **ATTENDANCE**

#### **PRESENT**

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

#### **ALSO PRESENT**

Cathy Saunders	Chief Administrative Officer/Clerk
Maureen Looby	Manager, Public Works & Engineering
Jim McConnell	Manager, Planning & Development Services
Greg Watterton	Treasurer/Acting Manager of Recreation and Facility Services
Marc Bancroft	Senior Planner
Stephanie Troyer-Boyd	Tax Collector/Deputy Clerk

Mayor Edmondson presided.

The reporter from the Middlesex Banner was in attendance.

### **ADDITIONS TO THE AGENDA**

Marc Bancroft, Senior Planner noted that Planning and Development Services have added By-law 2009-037 being a By-law approving and ratifying a Development Agreement between Kevin Anthony Duenk and Jacqueline May Duenk known collectively as the "Owner" and the Municipality of Middlesex Centre as the "Municipality" for lands described as Part of Lot 10, Concession 15 (geographic Township of London) Municipality of Middlesex Centre under By-laws Section 4.4.9.

### **DECLARATION OF PECUNIARY INTEREST**

None were disclosed by any of the members.

### **MINUTES**

1. Resolution # 2009/089  
Moved by Albert Bannister  
Seconded by Clare Bloomfield

THAT the minutes of the regular meeting of Council held on April 1, 2009 be approved.

- Carried -

2. Councillor Berze asked the status of the appeal by the City of London of the Upper Thames River Conservation Authority 2009 Levy Charge.

Resolution # 2009/090  
Moved by John Brennan  
Seconded by Brian Ritchie

THAT the minutes of the regular meeting of Council held on April 15, 2009 be approved.

- Carried -

3. Resolution # 2009/091  
Moved by Clare Bloomfield  
Seconded by John Brennan

THAT the minutes of the special meeting of Council held on April 27, 2009 be approved.

- Carried -

Jim McConnell, Manager of Planning and Development Services, introduced Ben Puzanov who has joined the municipality as a Planner in the Planning and Development Services Department. Mayor Edmondson welcomed Ben to Middlesex Centre.

### **IN CLOSED SESSION**

1. Resolution #2009/092  
Moved by Albert Bannister  
Seconded by Frank Berze

THAT Council move in to closed session at 4:12 p.m. for advice that is subject to solicitor-client privilege (Diesel Fuel Spill) in accordance with Section 239 (2) (f) of the Municipal Act, S.O. 2001, c.25, as amended.

- Carried -

### **REGULAR COUNCIL RESUME**

1. Resolution #2009/093  
Moved by Clare Bloomfield  
Seconded by Ken Filson

THAT Council reconvene in regular session at 4:36 p.m.

- Carried -

### **BUSINESS FROM IN CLOSED SESSION**

1. None.

### **CONSENT AGENDA**

Councillor Filson requested clarification with respect to Item 8.1 from Corporate Services Minutes and Recommendations regarding the Summer Council Schedule. He was concerned that Council has a lot of business to deal with and reducing the number of meetings to one meeting a month in July and August would make that meeting agenda heavy. He also questioned if the reduction in meetings would delay approvals with respect to planning matters. Councillor Berze suggested that Summer Schedule continue as recommended by Corporate Services Committee and, if needed, an additional meeting of Council could be called. Councillor Ritchie noted recommendation #3 of the Corporate Services Committee should be amended to read "approved" rather than "waived."

Resolution # 2009/094  
Moved by Frank Berze  
Seconded by Brian Ritchie

1. THAT Council receive the Minutes of the April 15, 2009 Planning and Development Services Committee meeting and concur with the following recommendations:

1. That the County of Middlesex be advised that the Municipality of Middlesex Centre does not support the requested redline amendment to the Draft Plan of Proposed Subdivision last revised November 26, 2008, for the lands owned by James and Sylvia Brown and described as Part of Lot 8, Concession 8 (geographic Township of Lobo), Municipality of Middlesex Centre (County File No. 39T-MC0201).
2. That the application for Temporary Use By-law, submitted by Kevin & Jacqueline Duenk for lands described as Part of Lot 10, Concession 15 (geographic Township of London) Municipality of Middlesex Centre, be approved, subject to the following conditions being met:
  - 2.1.1 That the applicants enter into a development agreement with the Municipality requiring that the applicants remove the existing single detached dwelling from the subject site by no later than 90 days from the date of final inspection required prior to occupancy of the new single detached dwelling unit. The owners will also be required to submit a deposit of \$5,000 to ensure that the removal of the existing single detached dwelling occurs.
  - 2.1.2 That the Temporary Use By-law be in effect for a maximum of one year from the date of enactment of the said By-law.
  - 2.2 That staff forwards the appropriate documentation for consideration of enactment to the next regular meeting of Municipal Council, once the development agreement has been endorsed by the applicants and, the required security deposit has been submitted to the Municipality.
3. That the Zoning By-law Amendment submitted by Sifton Properties Inc. for the property legally described as Part of Lots 29 and 30, Concession 3; Part 1, Reference Plan 33R-3429 (geographic Township of London), Municipality of Middlesex Centre be approved.
  - 3.1.1 That the Zoning By-law Amendment for the property legally described as Part of Lots 29 and 30, Concession 3; Part 1, Reference Plan 33R-3429 (geographic Township of London), Municipality of Middlesex Centre, be forwarded to the next regular meeting of Municipal Council for consideration of enactment.
  - 3.2 That the request for Site Plan Approval by the Sifton Properties Inc. for the property legally described as described Part of Lots 29 and 30, Concession 3; Part 1, Reference Plan 33R-3429 (geographic Township of London), Municipality of Middlesex Centre, be approved and be forwarded to the next regular meeting of Municipal Council pending confirmation that the development envelope is in conformity with the top-of-bank setback requirement; and, the required \$2,000 security deposit has been received.
4. That the severance agreement for the land described as Part Lot 1, Plan 305 and more specifically described as Part of Park Lot 13, Plan 47 (geographic Township of Delaware) Municipality of Middlesex Centre; in the ownership of Maria Wuytenburg; be approved and that staff forward the severance agreement to the next regular meeting of Municipal Council.
5. That the Application for Site Plan Approval as submitted by New-Life Mills for a property described as Part of Lot 28, Concession 16; and more particularly described as Part 2 on Reference Plan 33R-4093 and

Part 3 on Reference Plan 33R-13960 (geographic Township of London) in the Municipality of Middlesex Centre, be approved.

- 5.1 That planning staff be directed to present the Site Plan Agreement for execution at the next regular meeting of Municipal Council once the \$2,000 security deposit has been received.
6. That the request for an Application for Site Plan Approval submitted by the Kilworth Business Park Inc. for lands described as Part of Block 7, 33M-324, being Parts 2 and 3 on Reference Plan 33R-12458 (geographic Township of Lobo), Municipality of Middlesex Centre, be approved.
  - 6.1 That staff be directed to present the Site Plan Agreement for execution at the next regular meeting of Municipal Council once the \$1,000 security deposit has been received.
2. THAT Council receive Report Number PS-B-06-09/CBO prepared by the Chief Building Official, entitled "Building Permit Report – April 2009".
3. THAT Council receive the Minutes of the April 14, 2009 Recreation and Facility Services Committee meeting and concurs with the following recommendations:
  1. THAT a wall sign in the quoted amount of \$3,780.56 plus GST be installed at the Delaware Community Centre with the present sign being relocated to the rear of the building.
  2. THAT invoices issued to the Ilderton Minor Hockey Association and the Ilderton Skating Club, each in the amount of \$1,074.50 plus GST, be reversed with the total amount being charged as building maintenance at the arena facility, and
  3. FURTHER THAT correspondence confirming reversal of the storage area renovation charges be sent to the Ilderton Minor Hockey Association and the Ilderton Skating Club.
4. THAT Council receives the minutes of the Public Works and Engineering Committee meeting of April 27, 2009 and concur with the following recommendations:
  1. THAT the Public Works and Engineering Department project budget be amended from \$525,000.00 to \$635,000.00 for the project as outlined in Report Number PWE-028-09/T entitled 'Bear Creek Bridge Replacement – Tender Results'; and  
  
FURTHER THAT the construction tender be awarded to Middlesex Concrete Forming Ltd. for \$555,363.15 (excluding taxes).
  2. THAT staff be directed to bring a report back to the Public Works and Engineering Committee providing an assessment of the information included in the petition from the residents of the area of Eight Mile Road between Clarke Road and Prospect Hill Road requesting that this road be hard surfaced.
  3. THAT staff be directed to prepare a joint report from the Public Works and Engineering Department and the Planning and Development Services Department regarding the utilization of the available wastewater capacity for Komoka and that this report be referred to the Planning and Development Services Committee as an agenda item for further discussion.

5. THAT the accounts as presented by the Treasurer in the amount of \$1,581,926.71 be approved for payment.
6. THAT Council receive the Minutes of the April 27, 2009 Corporate Services Committee Meeting and concurs with the following recommendations:
  1. THAT Council approve the 2008 operating surplus plus the balances in the Planning Documents, Local Health Services and Meadowcreek Play equipment Reserve Funds, totaling \$399,285.39 be distributed to the following Reserve Funds:

Fire Vehicles & Equipment	\$199,285.39
General Vehicles & Equipment	\$200,000.00
  2. THAT the agreement between the Municipality of Middlesex Centre and Perth Care for Kids dated May 6, 2009 be approved; and  
  
THAT the Mayor and Clerk be authorized to execute the agreement.
  3. THAT in accordance with Report PRD09-04 dated April 22, 2009, the request for a waiving of the rental fees for the rental of the Coldstream Community Centre by the Township of Adelaide-Metcalf on Thursday, April 8, 2010 be approved.
  4. THAT the Council meetings for the months of July and August 2009 be held on Wednesday, July 22, 2009 at 4:00 p.m. and August 12, 2009 at 4:00 p.m.; and  
  
FURTHER THAT Public Meetings regarding Planning matters for the months of July and August 2009 be held on Wednesday, July 22, 2009 at 7:00 p.m. and Wednesday, August 12, 2009 at 7:00 p.m.; and  
  
FURTHER THAT Planning & Development Services Committee meetings for the months of July and August be held on Wednesday, July 22, 2009 at 2:00 p.m. and Wednesday, August 12, 2009 at 2:00 p.m.
  5. THAT By-law 2009-028 being a By-law to amend By-law 2008-103 Establishing Various Fees and Charges for Services Provided by the Municipality of Middlesex Centre (Fee Consolidation By-law) be approved.
  6. THAT staff be directed to proceed with establishing a Grant Review Advisory Committee to assess grant requests in 2009; and  
  
FURTHER THAT the representatives from staff be Greg Watterton, Treasurer/Acting Manager of Recreation & Facility Services, and Sarah Axford, Corporate Services Assistant; and  
  
FURTHER THAT the representatives from Council Mayor Al Edmondson and Councillor Clare Bloomfield be appointed to the Grant Review Advisory Committee.
  7. THAT Council receive the Minutes of the April 8, 2009 Committee of the Whole Meeting.

- Carried -

**STAFF REPORTS****1. PLANNING AND DEVELOPMENT SERVICES DEPARTMENT****1.1 Planning**

There were no reports or inquiries.

**1.2 Building**

There were no reports or inquiries.

**1.3 Drainage**

Councillor Filson asked if there was any progress with the drainage issue at the corner of Hyde Park Road and Ilderton Road. Maureen Looby, Manager of Public Works and Engineering, stated that she has been in contact with the County of Middlesex and they acknowledge there is a drainage issue at that location. Jim McConnell, Manager of Planning and Development Services and Chief Building Official stated that he believes the plan is to redirect the water to the south rather than fix the broken tile. Councillor Bloomfield stated that the blockage needs to be removed from the drain. Mr. McConnell stated that staff will continue to work with the County and report back when more information is available.

**1.4 By-law Enforcement**

There were no reports or inquiries.

**IN CLOSED SESSION**

1. Resolution #2009/095  
Moved by Clare Bloomfield  
Seconded by Albert Bannister

THAT Council move in to closed session at 4:56 p.m. to discuss matters about an identifiable individual (Property Standards Matter), a proposed or pending acquisition or disposition of land by the municipality (Potential Parkland Purchase) and litigation or potential litigation (By-law Enforcement Matters) in accordance with Sections 239 (2) (b) (c) and (e) of the Municipal Act, S.O. 2001, c.25, as amended.

- Carried -

**REGULAR COUNCIL RESUME**

1. Resolution #2009/096  
Moved by Clare Bloomfield  
Seconded by Ken Filson

THAT Council reconvene in regular session at 5:40 p.m.

- Carried -

**BUSINESS FROM IN CLOSED SESSION**

1. Resolution #2009/097  
Moved by Albert Bannister  
Seconded by Ken Filson

THAT staff be directed to submit an Agreement of Purchase and Sale with the Thames Valley District School Board to purchase Prince Andrew School as discussed.

- Carried -

2. **RECREATION AND FACILITY SERVICES DEPARTMENT**

- 2.1 Report No. RDF007/09 – Naming of Deerhaven Optimist Park

Resolution #2009/098  
Moved by Albert Bannister  
Seconded by Ken Filson

THAT Report Number RFD 007/09 dated April 3/09 and entitled “**Naming of Deerhaven Optimist Park**” be received; and

THAT Council approve the naming of the park to Deerhaven Optimist Park and that staff be instructed to obtain and install appropriate signage in a suitable location at the park.

- Carried -

- 2.2 There were no further reports or inquiries.

3. **PUBLIC WORKS AND ENGINEERING DEPARTMENT**

- 3.1 Report No. PWE-029-09/T – Brigham Road Bridge B302 – Spriet Associates Invoice

Resolution #2009/099  
Moved by Frank Berze  
Seconded by Clare Bloomfield

THAT Report Number PWE-029-09/T entitled ‘Brigham Road Bridge – Spriet Associates Invoice’ be received and;

FURTHER THAT Council authorizes payment of the Spriet Associates Payment Certificate No.2 for the amount of \$19,867.68 to Theo Vandenberg Construction Inc. from the Gas Tax Reserve Fund.

- Carried -

- 3.2 Inquiries

Council members discussed complaints that had been received as a result of the use of TRY Recycling compost depots usage. The Manager of Public Works and Engineering indicated that she believes that there was some confusion as a result of a change in process. She indicated that staff and TRY Recycling have met to determine if changes could be made to address some of the concerns and that she will update the Public Works and Engineering Committee regarding this matter in the future.

**4. CORPORATE SERVICES DEPARTMENT****4.1 Treasury**

4.1.1 There were no reports or inquiries.

**4.2 Fire and Emergency Services**

4.2.1 There were no reports or inquiries.

**4.3 Clerk****4.3.1 Report No. CAO02509 – Letter of Independence – Municipal Auditor**

Council reviewed the Letter of Independence from the Municipal Auditor indicating that the Auditor is not aware of any relationships that would reasonably be thought to bear on the Auditor's independence to undertake the Municipality's audit.

**Resolution #2009/100**

Moved by Ken Filson

Seconded by Brian Ritchie

THAT Report Number CAO025/09 of the Chief Administrative Officer/Clerk, dated April 22, 2009 and entitled "**Letter of Independence – Municipal Auditor**" be received; and

THAT Council receive the Letter of Independence provided by the Municipal Auditor, Scrimgeour & Company.

- Carried -

4.3.2 There were no further reports or inquiries.

**4.4 By-laws****Resolution #2009/101**

Moved by Albert Bannister

Seconded by John Brennan

THAT By-law Number 2009-028, being a By-law to Amend By-Law 2008-103 Establishing Various Fees and Charges for Services Provided by the Municipality of Middlesex Centre (Fee Consolidation By-Law), be approved and this constitutes the first, second and third reading and By-law 2009-028 is hereby enacted.

THAT By-law Number 2009-029, being a By-law to amend the Middlesex Centre Comprehensive Zoning By-law Number 2005-005 with respect to Part of Lot 10, Concession 15 (geographic Township of London) Municipality of Middlesex Centre, be approved and this constitutes the first, second and third reading and By-law 2009-029 is hereby enacted.

THAT By-law Number 2009-030, being a By-law to amend the Middlesex Centre Comprehensive Zoning By-law Number 2005-005 with respect to Part of Lots 29 and 30, Concession 3 and more specifically described as Part 1 on Reference Plan 33R-3429 (geographic Township of London) Municipality of Middlesex Centre, be approved and this constitutes the first and second reading and third reading and By-law 2009-030 is hereby enacted.

THAT By-law Number 2009-031, being a By-law approving and ratifying a Severance Agreement between Maria Wuytenburg as the "Owner" in conjunction with the London District Catholic School Board as the "LDCSB" and the Municipality of Middlesex Centre as the "Municipality" for the land described as Part of Park Lot 13, Plan 47 (geographic Township of Delaware), Municipality of Middlesex Centre, be approved and this constitutes the first and second reading and third reading and By-law 2009-031 is hereby enacted.

THAT By-law Number 2009-032, being a By-law approving and ratifying a Site Plan Agreement between New-Life Mills Limited as the "Owner" and the Municipality of Middlesex Centre as the "Municipality" for land described as Part of Lot 28, Concession 16; and more specifically as Part 2 on Reference Plan 33R-4093 and Part 3 on Reference Plan 33R-13960 (geographic Township of London), Municipality of Middlesex Centre, be approved and this constitutes the first, second and third reading and By-law 2009-032 is hereby enacted.

THAT By-law Number 2009-033, being a By-law approving and ratifying a Site Plan Agreement between Kilworth Business Park Inc. as the "Owner" and the Municipality of Middlesex Centre as the "Municipality" for land described as Part of Block 7, Registered Plan 33M-324; and more specifically as Parts 2 and 3 on Reference Plan 33R-12458 (geographic Township of Lobo), Municipality of Middlesex Centre be approved and this constitutes the first, second and third reading and By-law 2009-033 is hereby enacted.

THAT By-law Number 2009-035, being a By-law approving and ratifying a Site Plan Agreement between Sifton Properties Limited as the "Owner" and the Municipality of Middlesex Centre as the "Municipality" for land described as Part of Lots 29 and 30, Concession 3; and more specifically as Part 1 on Reference Plan 33R-3429 (geographic Township of London) Municipality of Middlesex Centre, be approved and this constitutes the first, second and third reading and By-law 2009-035 is hereby enacted.

THAT By-law Number 2009-036, being a By-law to provide for the Adoption of Estimates and Setting the Tax Rates and to further provide for Penalty and Interest in Default of Payment thereof for 2009, be approved and this constitutes the first, second and third reading and By-law 2009-036 is hereby enacted.

THAT By-law Number 2009-037, being a By-law approving and ratifying a Development Agreement between Kevin Anthony Duenk and Jacqueline May Duenk known collectively as the "Owner" and the Municipality of Middlesex Centre as the "Municipality" for lands described as Part of Lot 10, Concession 15 (geographic Township of London) Municipality of Middlesex Centre, be approved and this constitutes the first, second and third reading and By-law 2009-037 is hereby enacted.

- Carried -

### **CONFIRMING BY-LAW**

1. Resolution # 2009/102  
Moved by Clare Bloomfield  
Seconded by Frank Berze

THAT By-law Number 2009-038 being a By-law to confirm the proceedings of the Council meeting held on May 6, 2009 be approved and that this constitutes the first, second and third reading and By-law Number 2009-038 is hereby enacted.

- Carried -

**ADJOURNMENT**

There being no further business, this meeting of Council adjourned at 6:00 p.m. to meet again at a Special Meeting of Council on Wednesday, May 13, 2009 at 7:00 p.m.

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MAYOR

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CLERK

**INFORMATION**

1. AMCTO – Legislative Update April 27, 2009
2. AMCTO – Legislative Update March 27, 2009
3. AMO – 2009 Annual Conference
4. AMO – Saturday Series New Sessions
5. AMO Alert – National Do Not Call List – Municipal Candidates
6. AMO Alert – HRSDC Funding for Small Projects Enabling Disability
7. AMO Alert – Energy Minister Extends Deadline for Public Sector Regulated Price Plan Eligibility
8. AMO Alert – AMO Position on Bill 150 Green Energy and Green Economy Act
9. AMO Alert – Canada and Ontario Infrastructure Funding
10. AMO Alert – Approval of the Tire Plan
11. AMO Alert – GTF Matures in 2009
12. AMO Alert – Gas Tax Fund Award Reminder 2009
13. AMO Alert – LIPs Funding
14. AMO Alert – April Board Meeting
15. Canada Day Committee 2009 – Horseshoes
16. Correspondence – Letter of Thanks
17. FCM – Canada Border Services Agency Information
18. FCM – Open Letter to Council
19. Lake Huron Primary Water Supply System – Development and Regulation and Implications for the Primary Supply
20. LAS – Audit Report Results Coming Soon
21. Middlesex London Health Unit – Infection Control Strategies for Influenza – Swine

22. OPPI – Submission Bill 150 – Green Energy and Green Economy Act 2009
23. OSUM – 2009 OSUM Conference
24. Poplar Hill and District Lions Club – Letter of Thanks
25. Public Information Centre – Master Servicing Plan – London Free Press Notice to be place May 2 and May 9
26. Report No. CSS0609 – Corporate Services Summer Student Hiring
27. Report No. PWE-023-09T – Response to Deputy Mayor – Invoice Inquiry
28. Report No. PWE-026-09G – Environmental Technologist Parental Leave Replacement
29. Report No. PWE-027-09G – PWE Department – Summer Student Hiring
30. Report No. RFD008-09 – Weldon Memorial Forest
31. Resolution – Tay Valley Township – Limit on Pan Fish
32. SCOR – Community Consultation – Open House Invitation for SCOR Partners
33. Meeting Memorandum