

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**

Greg Watterton	Acting Chief Administrative Officer/Treasurer
Stephanie Troyer-Boyd	Acting 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**

Acting Clerk, Stephanie Troyer-Boyd, noted that a discussion regarding the naming of the Medical Facility in Ilderton has been added under Finance and Community Services as Item 3.2.1 and two additional by-laws had been added under Administration Services as Items 4.3.4 and 4.3.5.

Marc Bancroft, Senior Planner, stated that he would be providing a verbal update regarding parking space dimensions during Planning and Development Services as Item 1.1.2.

### **DECLARATION OF PECUNIARY INTEREST**

None were disclosed by any of the members.

### **DELEGATION**

Al Lamont and Walter Cormier of the Del-Ko-Brydge Canada Day Committee attended the meeting and presented Middlesex Centre Council with the Canada Day Councillors Horseshoe Challenge Cup Trophy. The delegation thanked Middlesex Centre for their financial support to the Canada Day event over the past 27 years.

### **MINUTES**

1. Resolution # 2009/234  
Moved by Albert Bannister  
Seconded by Clare Bloomfield

THAT the minutes of the regular meeting of Council held on October 7, 2009 be approved.

- Carried -

2. Councillor Ritchie noted that resolution item 6 on page 2 did not accurately describe the process to fill the vacant Chief Administrative Officer position. Councillor Ritchie noted that the resolution should read "...with a Committee being established comprised of Mayor Edmondson, Deputy Mayor Bannister

and Councillor Brennan to compile a short list of candidates. All of Council will complete the interviews and make the hiring decision using outside resources as necessary.”

Resolution # 2009/235

Moved by Brian Ritchie

Seconded by Frank Berze

THAT the minutes of the special meeting of Council held on October 20, 2009 be approved as amended.

- Carried -

3. Resolution # 2009/236

Moved by Clare Bloomfield

Seconded by Brian Ritchie

THAT the minutes of the regular meeting of Council held on October 21, 2009 be approved.

- Carried -

### CONSENT AGENDA

Councillor Filson requested that recommendation #2 of the Public Works and Engineering Committee dealing with Deer Haven Woods sidewalk petition be removed for further discussion. Councillor Filson asked that recommendation #3 of the Corporate Services Committee dealing with utility bill concerns be dealt with separately.

Councillor Ritchie noted that recommendation #6 of the Corporate Services Committee regarding Swindell Lane should be amended to indicate that there are no abutting property owners other than the party interested in purchasing the property.

Deputy Mayor Bannister had an inquiry regarding the accounts.

Resolution # 2009/237

Moved by Frank Berze

Seconded by Brian Ritchie

1. THAT Council receive the Minutes of the October 21, 2009 Planning and Development Services Committee meeting and concur with the following recommendations:

1.1 That the application for Temporary Use By-law, submitted by Michael Thomas Murphy, Robert Michael Murphy and Michelle Mary Murphy-Bukala for lands described as Part of Lot 21, Concession 7 (geographic Township of London), Municipality of Middlesex Centre, be approved, subject to the following conditions being met:

1.1.1 That the applicants enter into a development agreement with the Municipality requiring that the applicants remove the existing single detached dwelling from the subject property by no later than 90 days from the date of final inspection required prior to occupancy of the new single detached dwelling. 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.

1.1.2 That the Temporary Use By-law be in effect for a maximum period of one year from the date of enactment of the said By-law.

1.1.3 That staff forward the appropriate documentation for consideration of enactment to the next regular meeting of Municipal Council.

- 1.2 That the application for Temporary Use By-law, submitted by Paul and Heidi Needham for lands described as Part of Lot 12, Concession 1, Parts 8, 9 and 10, Reference Plan 33R 11299, Parts 9, 10 and 11, Reference Plan 33R 1813 (geographic Township of Lobo), Municipality of Middlesex Centre, be approved, subject to the following conditions being met:
  - 1.2.1 That the applicant enter into a development agreement with the Municipality requiring that the applicant remove the existing single detached dwelling from the subject property by no later than 90 days from the date of final inspection required prior to occupancy of the new single detached dwelling. The owner will also be required to submit a deposit of \$5,000 to ensure that the removal of the existing single detached dwelling occurs.
  - 1.2.2 That the Temporary Use By-law be in effect for a maximum period of eighteen months from the date of enactment of the said By-law.
  - 1.2.3 That staff forward the appropriate documentation for consideration of enactment to the next regular meeting of Municipal Council.
- 1.3 That consideration of the Applications for Official Plan and Zoning By-law Amendments submitted by MHBC Planning on behalf of Jim Graham; for the lands described as Part of Lot 4, Concession 1; Part 1, Reference Plan 33R-1696 (geographic Township of Lobo) Municipality of Middlesex Centre; Municipal Address: 22393 Komoka Road; be forwarded to the next regular meeting of Municipal Council.
- 1.4 THAT staff be directed to discuss with the Municipal Solicitor the approach to limit the number of draft plan approved lots for future developments; and to restrict the consideration of adjacent phases of development pending a certain build-out threshold has been achieved; as well as the review of the methodologies used by other municipalities as outlined in the Report of the PDS and PWED dated October 16, 2009 and entitled "Waste water Capacity and Servicing Allocation".
2. THAT Council receive the Minutes of the Public Works and Engineering Committee held October 26, 2009 and concur with the following recommendations:
  - 2.1 THAT the Drainage Superintendent be directed to proceed with the municipal drainage works as seen Report Number PWE-057-09/DR entitled 'Request for Municipal Improvements – Munroe Creek Drain' and to notify the affected landowners and appropriate agencies of the commencement of work according to the required time frames of the Ontario Drainage Act.

FURTHER THAT Michael DeVos, P.Eng., of Spriet Associates be appointed to prepare a drainage report for improvements to the Munro Creek Drain in accordance with the Ontario Drainage Act.
  - 2.2 THAT staff proceed with Option One as outlined in Report Number PWE-058-09/W entitled 'Maintenance of Private Fire Hydrants'.
  - 2.3 THAT as outlined in Report Number PWE-062-09/T entitled 'CP Railway Crossing – Safety Assessment' staff be directed to retain McCormick Rankin Corporation to conduct the Safety Assessment at an upset limit of \$7,300.00.

3. THAT Council receive the Minutes of the Recreation & Facility Services Committee held October 13, 2009.
4. THAT Council receive the Minutes of the Corporate Services Committee held October 26, 2009 and concur with the following recommendations:

- 4.1 THAT the recommendation described in Report PS-F-2009-021/FC dated October 14, 2009 and entitled "Surplus Arva Rescue/Equipment Van & Environmental Trailer" to use the surplus 1987 Ford rescue/equipment van as an environmental response unit to be deployed from the Municipality of Middlesex Centre Fire Department Ilderton Station and to use the existing environmental trailer in conjunction with the Municipality's Emergency Response Plan to store supplies necessary to open and maintain a reception/evacuation centre be denied; and

FURTHER THAT, staff be directed to proceed with disposal of the surplus 1987 Ford rescue/equipment van.

- 4.2 THAT staff be directed to circulate a Request for Proposal for the use of the former Prince Andrew School building as described in Report Number CSD020/09-T, dated October 9, 2009 and entitled "Proposals for the Use of Prince Andrew School Building"; and

FURTHER THAT, such proposals when received, be brought forward to Council for further direction.

- 4.3 THAT, as outlined in Report Number PS-B-16-09 CBO, dated October 21, 2009 and entitled "Replacement of Water Meters Throughout the Municipality", a replacement program for water meters be approved, based on a two to three year phased approach beginning in 2010.

- 4.4 THAT the correspondence dated October 1, 2009 from Greg Walls be acknowledged and permission granted to the Ontario Federation of Snowmobile Clubs for an access trail into Ilderton for the 2009-2010 season as per the existing Memorandum of Understanding and subject to the OFSC being required to cross Municipal Roads at a minimum distance of 45.72 metres (150 ft.) from the intersection and at a 90 degree angle; and

FURTHER THAT the Ontario Federation of Snowmobile Clubs be advised of resident concerns regarding damage to fields during the 2008 – 2009 season and reminded of their responsibility to ensure appropriate signage and policing along this corridor.

- 4.5 THAT the closed and stopped up road allowance known as Swindell Lane, located at the northwest corner of Littlewood Drive (County Road No. 35) and Cook Road, legally described as Parts 1 and 2, Reference Plan 33R-10518 in the geographic Township of Westminster, now Middlesex Centre be deemed to be surplus; and

THAT staff be directed to provide notice of the disposal of real property in accordance with Municipal By-law By-law 2004-135; and

THAT the property is a corner lot with no abutting property owners except the party who has expressed an interest in purchasing the property; and

THAT the party that has expressed an interest in purchasing the real property be advised that the purchaser will be responsible for all legal, survey, advertising costs and submission of monies for the value of the land costs.

- 5. THAT Council receive the Minutes of the Committee of the Whole Meeting held October 14, 2009 and concur with the following recommendation:
  - 5.1 THAT the County of Middlesex be requested to place two solid yellow lines on Highbury Avenue in the 60 kilometre zone in the Bryanston Area.
- 6. THAT the accounts as presented by the Treasurer in the amount of \$2,794,381.76 be approved for payment.

- Carried -

**ITEMS REMOVED FROM CONSENT AGENDA**

Councillor Filson questioned if there is a need for sidewalks on Maplewood Crescent and Ashley Lane. He also stated that there are different standards throughout Ilderton respecting the placement of sidewalks. Senior Planner, Marc Bancroft, acknowledged there are different standards in other areas of the village but that the new standard for sidewalk locations is in place to protect public safety and to separate different modes of traffic. He also stated that the subdivision agreement states there is to be sidewalks. Director, Public Works and Engineering, Maureen Looby endorsed the safety aspect of installing sidewalks and noted that the long term costs to maintain them are minimal.

It was noted that the petition for no sidewalks was from the owners on the outside of the street where the sidewalk will be constructed and not from owners on the inside of the street. Marc Bancroft stated that the rationale for construction on the outside perimeter of the street was to service more people and have less people crossing the street to access the sidewalk.

Resolution # 2009/238  
 Moved by Ken Filson  
 Seconded by Albert Bannister

THAT Council does not recognize any issue with public safety and accepts the petition to remove the requirement for sidewalks in Deer Haven Woods Subdivision.

- Lost -

Councillor Filson requested a recorded vote.

Resolution # 2009/239  
 Moved by Frank Berze  
 Seconded by Brian Ritchie

THAT staff be directed to reject the petition and continue the development under Middlesex Centre's current standard and subdivision agreement as outlined in Report Number PWE-064-09/D entitled, 'Deer Haven Woods Subdivision, Ilderton Sidewalk Petition'.

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

- Carried -

Councillor Filson stated that Andrea Gottfried, Accounts Receivable, had updated the letter that will be sent to residents regarding the utility bill concerns to more clearly state the issue regarding the high readings in the most recent quarter.

Councillor Ritchie asked how long the payment plans would be accepted without penalty. Andrea Gottfried stated that the recommendation from Corporate Services Committee was that penalty will be waived for one quarter.

Resolution # 2009/240

Moved by Frank Berze

Seconded by Brian Ritchie

THAT the September 2009 penalty only, be waived for those municipal utility customers entering into payment plans during the September 2009 billing period; and

FURTHER THAT, the utility collection policy not be applied for the September 2009 billing period; and

FURTHER THAT, the letter attached as amended to Report Number CST008/09 dated October 22, 2009 and entitled "Waving of Penalty Due to Billing Concerns" be approved for circulation to utility customers.

- Carried -

## **STAFF REPORTS**

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

#### **1.1 Planning**

##### **1.1.1 Applications for Official Plan and Zoning By-law Amendments (Jim Graham) Part of Lot 4, Concession 1; Part 1, Reference Plan 33R-1696 (geographic Township of Lobo) Municipality of Middlesex Centre, 22393 Komoka Road**

Senior Planner, Marc Bancroft, noted that Council had received correspondence from Patton Cormier, solicitor for the applicant. Deputy Mayor Bannister stated that staff report centres on the argument that the location is prime agricultural land but that is not the case and that he is opposed to the recommendation to deny the application. Councillor Ritchie also commented that the land is obviously not prime agricultural land. Marc Bancroft stated that the lands are situated in a broader agricultural area outside the settlement area. He also noted that the application does not conform to the County of Middlesex Official Plan and that any Official Plan Amendment to Middlesex Centre's Plan must be in conformity to the County Official Plan.

Mayor Edmondson asked if the subject property were inside the designated settlement area would the same regulations apply. Marc Bancroft confirmed that the proposal would be considered differently if it were inside the settlement area.

Councillor Berze stated that he did not see how a residential use on this property would impact the extraction on the neighbouring gravel pit.

Councillor Bloomfield said that a decision to allow this application would be precedent setting and that there are other similar situations in the municipality that would be impacted by this decision.

Councillor Filson noted that all lands in Middlesex Centre outside settlement areas are designated agricultural and that the municipality has made it clear through the Official Plan policies that development is only allowed in settlement areas.

Resolution # 2009/241

Moved by John Brennan

Seconded by Clare Bloomfield

THAT the Applications for Official Plan and Zoning By-law Amendments submitted by MHBC Planning on behalf of Jim Graham; for the lands described as Part of Lot 4, Concession 1; Part 1, Reference Plan 33R-1696 (geographic Township of Lobo) Municipality of Middlesex Centre; Municipal Address: 22393 Komoka Road; be denied.

- Carried -

- 1.1.2 Senior Planner, Marc Bancroft, informed Council about a planned housekeeping amendment to the Zoning By-Law which includes, amongst other matters, revising the parking space standards and coincidentally how it will affect the Wellness Centre parking requirements. Marc Bancroft stated that the current parking standard requires parking spaces 2.7m X 6.0m but a review of standards from other municipalities has found that 2.7m X 5.5m is the predominant standard. He also noted that the number of spaces warranted using the present standard for the Wellness Centre would be 330 – 340 parking spaces, being quite excessive in his opinion. The review of the parking standards would decrease the parking space requirement to 280.

Councillor Ritchie noted that the tender process for the Wellness Centre will be initiated before the amendment to the Zoning By-Law is in effect which could result in overspending for the parking lot. There was discussion regarding when the Zoning By-Law amendment would be in effect and if there would be a requirement for the municipality to apply for a minor variance so the tender documents for the Wellness Centre could be prepared with the smaller parking requirements. Councillor Filson recognized that there is no need for parking at the Wellness Centre facility until 2011 and the reduced parking requirements could be in place by that time. There was a consensus by Council to plan for the smaller parking spaces and reduced parking space requirement when the tender documents are prepared by the architect.

- 1.1.3 There were no further reports or inquiries

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 There were no reports or inquiries.

## 2.2 Transportation Division

- 2.2.1 Director of Public Works and Engineering, Maureen Looby, noted that the Road Needs Study will be made available to Council in advance of the Committee of the Whole Meeting on November 11, 2009.

Councillor Brennan asked if traffic counts would be available before budget deliberations. Maureen Looby noted that traffic counts are in the Road Needs Study document.

Councillor Bloomfield asked if there was any update to the status of Old River Road and whether it would be open to traffic off Glendon Drive. Maureen Looby stated that she had spoken with the County Engineer, Chris Traini, and he was optimistic that the sight lines can be improved. It was noted that Old River Road was signed at both ends indicated there was no exit on to Glendon Drive.

- 2.2.2 There were no further reports or inquiries.

## 2.3 Drainage Division

- 2.3.1 There were no reports or inquiries.

## 3. **FINANCE AND COMMUNITY SERVICES**

### 3.1 Treasury

- 3.1.1 Report No. T010-TC - Applications for Cancellation / Reduction of Taxes

Resolution # 2009/242  
Moved by Albert Bannister  
Seconded by Clare Bloomfield

That Council receive Report T010-TC dated October 16, 2009 and entitled "Applications for Cancellation/Reduction of Taxes" and approve the assessment and tax adjustments as per the recommendations of the Municipal Property Assessment Corporation and Tax Collector respectively

- Carried -

- 3.1.2 There were no reports of inquiries.

### 3.2 Community Services

- 3.2.1 Naming of Medical Facility

It was agreed that the medical facility in Ilderton will be named "Middlesex Centre Regional Medical Clinic" with the intention to name the Meredith and Brubacher wings pending permission from Drs. Meredith and Brubacher.

- 3.2.2 There were no reports or inquiries.

## 4. **ADMINISTRATION SERVICES**

### 4.1 Fire & Emergency Services

- 4.1.1 There were no reports or inquiries.

4.2 Clerk4.2.1 Report No. CSA022/09 – Tile Drainage Debenture 2009-12-01 and By-law Imposing Special Annual Drainage Rates – 806433 Ontario Ltd. – Part of Lots 20 & 21, Concession Gore (geographic Township of Westminster)Resolution # 2009/243

Moved by Brian Ritchie

Seconded by John Brennan

THAT Report Number CSA022/09 of the Corporate Services Assistant, dated October 22, 2009 and entitled “Tile Drainage Debenture 2009-12-01 and By-law Imposing Special Annual Drainage Rates - 806433 Ontario Ltd. – Part of Lots 20 & 21, Concession Gore (geographic Township of Westminster)” be received; and

FURTHER THAT By-law 2009-092 being a By-law to Impose Special Annual Drainage Rates be approved.

- Carried -

4.2.2 Community Schools Alliance – Request for Support of a “Smart Moratorium” on School Closures

Mayor Edmondson updated Council on the Community Schools Alliance and what has progressed since the request for support of a smart moratorium on October 5, 2009. He stated that the Alliance will be meeting with representatives from the Thames Valley Board of Education including the incoming Board Chair in an effort to open dialogue and gain information from the school board as to what factors are considered when deliberating school closures.

Councillor Filson stated that, in spite of the planned meeting with the Alliance and the School Board, he felt that the letter should still be supported and circulated to our MPP, the Premier and Provincial Party leaders.

Resolution # 2009/244

Moved by Ken Filson

Seconded by Albert Bannister

THAT Council support the “smart moratorium” proposed by the Community Schools Alliance and that a letter supporting the “smart moratorium” be circulated to our MPP, the Premier of Ontario, leaders of the Provincial parties, the Minister of Education and the Community Schools Alliance.

- Carried -

## 4.2.3 There were no further reports or inquiries.

4.3 By-lawsResolution #2009/245

Moved by

Seconded by

THAT By-law 2009-073, being a By-law to provide a Drainage Works in the Municipality of Middlesex Centre in the County of Middlesex to be known as the Mardlin Drain 2009 be approved

and this constitutes third and final reading and By-law 2009-073 is hereby enacted.

THAT By-law 2009-092, 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 – 2009-12-01) be approved and this constitutes first, second and third reading and By-law 2009-092 is hereby enacted.

THAT By-law 2009-093, being a By-law approving and ratifying a Site Plan Agreement between Sumatera Investments Limited and Echo Valley Golf Course Limited known collectively as the "Owners" and the Municipality of Middlesex Centre known as the "Municipality" for lands described as Part of Lots 1 and 2, Concession 3; Parts 1 and 2, Reference Plan 33R-17591; Part 3, Reference Plan 33R-11030 (geographic Township of Delaware) Municipality of Middlesex Centre be approved and this constitutes the first, second and third reading and By-law 2009-093 is hereby enacted.

THAT By-law 2009-094, being a By-law to Amend By-law 2008-038 Adopting Estimates and Setting the Tax Rates and to Further Provide for Penalty and Interest in Default of Payment Thereof for 2008 be approved and this constitutes the first, second and third reading and By-law 2009-094 is hereby enacted.

THAT By-law 2009-095, being a By-law to Amend By-law 2009-036 Adopting 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 2009-095 is hereby enacted.

- Carried -

### **IN CLOSED SESSION**

Resolution # 2009/246  
Moved by Ken Filson  
Seconded by Brian Ritchie

THAT Council move in to closed session at 5:37 p.m. for a potential litigation matter (Meadowcreek wall) in accordance with Section 239 (2) (e) of the Municipal Act, S.O. 2001, c.25, as amended.

- Carried -

### **REGULAR COUNCIL RESUME**

Resolution # 2009/247  
Moved by Clare Bloomfield  
Seconded by John Brennan

THAT Council reconvene in regular session at 6:31 p.m.

- Carried -

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

Resolution # 2009/248  
Moved by John Brennan  
Seconded by Frank Berze

THAT staff be directed to arrange a meeting with the residents affected by the Meadowcreek wall to further discuss the issue.

- Carried -

**CONFIRMING BY-LAW**

1. Resolution # 2009/249  
Moved by Clare Bloomfield  
Seconded by Brian Ritchie

THAT By-law Number 2009-096 being a By-law to confirm the proceedings of the Council meeting held on November 4, 2009 be approved and that this constitutes the first, second and third reading and By-law Number 2009-096 is hereby enacted.

- Carried -

**ADJOURNMENT**

There being no further business, this meeting of Council adjourned at 6:35 p.m. to meet again on Wednesday, November 18, 2009 at 7:00 p.m.

\_\_\_\_\_  
MAYOR

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CLERK

**INFORMATION**

1	Ontario Property & Environmental Rights Alliance Memorandum regarding Essa Township Resolution – Oct 21, 2009.
2	AMO Alert 09/070 – Waste Diversion Act Review.
3	AMO Alert 09/071 – Bill 168, Violence & Harassment in the Workplace.
4	AMO Alert 09/072 – Minister of Finance Delivers Fall Economic Statement.
5	AMO Alert 09/073 – AMO Applauds Government for Moving Forward on the Implementation of Early Learning and Child Care in Ontario.
6	AMO Alert 09/074 – Good Government Bill Proposes Municipal Election Changes.
7	AMO Alert 09/075 – Waste Diversion Act Review.
8	AMO Communication – Ontario Municipal Knowledge Network (OMKN) Update, October 2009
9	Communities in Bloom Ontario – 2 <sup>nd</sup> Annual Mayors' Green Eggs Breakfast – January 12, 2010.
10	FCM – Sustainable Communities Conference & Trade Show – Feb.10-12, 2010.
11	MLHU Media Release – Oct. 21/09 – Health Unit to Begin Distribution of Pandemic (H1N1) Vaccine Next Week.
12	MLHU – Pandemic (H1N1) Influenza Vaccine Q & A for Health Care Providers – Revised October 25, 2009.
13	MLHU – Media Release – Oct. 26/09 – Health Unit to Expand Pandemic (H1N1) Influenza Vaccine Clinics.
14	MMAH – Memorandum – October 22, 2009 – Local Government Week.
15	MMAH – Correspondence – October 19, 2009 – Ontario Municipal Internship Program (MIP).
16	Moving the Yardsticks on Health Determinants – Hon. Roy J. Romanow - Address to Equity from the Start Association of Local Public Health Agencies – Toronto – October 22, 2009.
17	City of North Bay – Mayor to Mayor Campaign launched in Buy American Battle.
18	County of Perth Resolution – Residential-Farmland Property Tax Concerns.
19	Township of Wainfleet Resolution – Ministry of Natural Resources Provincially Significant Wetlands.
20	2009 Wardens Banquet Invitation – November 28, 2009
21	Youth Taking Action 2010.
22	November and December Council and Committee Meetings