

Minutes of a regular meeting of the Council of the Municipality of Middlesex Centre held this date at the Municipal Office, Coldstream at 6:00 p.m.

ATTENDANCE

PRESENT

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

ABSENT WITH REGRETS

Mayor Edmondson

ALSO PRESENT

Cathy Saunders	Chief Administrative Officer/Clerk
Maureen Looby	Director, Public Works & Engineering
Arnie Marsman	Director, Planning & Development Services
Mauro Castrilli	Transportation Coordinator
Marc Bancroft	Senior Planner
Ben Puzanov	Planner
Heather Pierce	Public Works and Engineering Assistant

Deputy Mayor Bannister presided.

The reporter from the Middlesex Banner was in attendance.

ADDITIONS TO THE AGENDA

None were disclosed by any of the members.

DECLARATION OF PECUNIARY INTEREST

None were disclosed by any of the members.

MINUTES

1. Resolution # 2009/193
Moved by Frank Berze
Seconded by John Brennan

THAT the minutes of the regular meeting of Council held on September 2, 2009 be approved.

- Carried -

READING OF THE REPORT – MARDLIN DRAIN 2009

Deputy Mayor Bannister welcomed those in attendance regarding the drainage matter and introduced Armin Kruspel of Spriet Associates who proceeded to explain the construction details of the drain.

There was one landowner in attendance.

Mr. Kruspel reviewed the Drainage Report that had been circulated to the affected landowners. He indicated that the Drainage Work is related to the reconstruction of a Municipal Drain serving parts of Lots 4 to 6, Concessions 15 and 16 (former London Township) in the Municipality of Middlesex Centre.

Mr. Kruspel responded to questions of Council.

Mr. Gerald Kodde expressed concern that his existing tile area would be cut off as a result of the new drain.

Mr. Kruspel indicated that the contractor would be required to reconnect the tile or provide an alternative to mitigate. He indicated that this could be discussed at the preconstruction meeting.

Resolution #2009/194

Moved by Brian Ritchie

Seconded by Clare Bloomfield

THAT Council having considered the Engineer's Report dated July 31, 2009 for the Mardlin Drain 2009 approves Provisional By-law Number 2009-073 being a By-law to provide for a drainage works known as the Mardlin Drain 2009 and that this constitutes the first and second reading of By-law Number 2009-073; and

FURTHER THAT Council appoints October 21, 2009 at 6:30 p.m. for the Court of Revision;

FURTHER THAT the following persons be appointed to the Court of Revision:

1. Clare Bloomfield
2. Albert Bannister
3. Brian Ritchie
4. John Brennan
5. Al Edmondson

- Carried -

COUNCIL RECESSED FOR DINNER AT 6:15 P.M.

COUNCIL RESUMED AT 7:00 P.M.

PUBLIC MEETING UNDER SECTIONS 34 AND 39 OF THE PLANNING ACT

1. Resolution #2009/195
Moved by Clare Bloomfield
Seconded by Frank Berze

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

- Carried -

2. Application for a Zoning By-law Amendment from 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.

Deputy Mayor Bannister 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 the application. The applicants Mr. Michael Murphy and Mr. Robert Murphy were in attendance.

Ben Puzanov, Planner provided an overview of the application indicating that the purpose and effect of the proposed 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 being constructed. He indicated that the property is currently zoned Agricultural (A1) which permits only one single detached dwelling on the property. He stated that permission is therefore being sought to construct a new single detached dwelling while the existing single detached dwelling remains on the subject property. He indicated that the existing single detached 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, Upper Thames River Conservation Authority, the Chief Building Official, and the Public Works and Engineering Department were presented.

A letter from Richard Heard of 21669 Wonderland Road was also presented indicating no objection to the applicant subject to there being assurance that the existing single detached dwelling would be removed.

The Deputy Mayor thanked those in attendance for their comments and indicated that application will be forwarded to the October 21, 2009 Planning and Development Services Committee for consideration.

3. Application for a Zoning By-law Amendment from 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.

Deputy Mayor Bannister 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 the application. The applicant's agent Mr. Barry Wade was in attendance.

Ben Puzanov, Planner provided an overview of the application indicating that the purpose and effect of the proposed 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 being constructed. He indicated that the property is currently zoned Agricultural (A1) which permits only one single detached dwelling on the property. He stated that permission is therefore being sought to construct a new single detached dwelling while the existing single detached dwelling remains on the subject property. He indicated that the existing single detached 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, Upper Thames River Conservation Authority, the Chief Building Official, and the Public Works and Engineering Department were presented.

The Deputy Mayor thanked those in attendance for their comments and indicated that application will be forwarded to the October 21, 2009 Planning and Development Services Committee for consideration

Resolution #2009/196
Moved by Frank Berze
Seconded by Clare Bloomfield

THAT Council resume into general session at 7:10 p.m.

- Carried -

STAFF REPORTS

1. PLANNING & DEVELOPMENT SERVICES COMMITTEE

1.1 Committee of Adjustment

1.1.1 Committee of Adjustment Notices of Public Hearing

Resolution # 2009/197
Moved by Ken Filson
Seconded by Frank Berze

THAT Council received the Committee of Adjustment Notices of the September 28, 2009 Public Hearing.

-Carried-

1.1.2 Inquiries of Councillors

There were no further reports or inquiries.

2. PUBLIC WORKS AND ENGINEERING DEPARTMENT

2.1 Transportation

2.1.1 Report No. PWE-051-09/T Proposals for Denfield and Delaware Operations Centres – Design-Build Selection

Deputy Mayor Bannister expressed concern that the cost to construct this facility seems excessive. He indicated that he cannot support the project at this cost.

Maureen Looby, Director of Public Works and Engineering indicated that the facility had been reviewed by the former Chief Building Official who has knowledge of such facilities and \$6 million was the recommended budget at that time. She also noted that the project and budget had been agreed to by Council in order for the application for Infrastructure Stimulus funds to be submitted.

Ms. Looby reviewed the evaluation criteria and the process undertaken by the review panel to reach a consensus on a recommendation to Council. She indicated that the two firms that responded to the Request for Proposal were aware of the evaluation criteria. She indicated that the panel members undertook an independent evaluation as well as participated in a group evaluation and that in both cases, Norlon Builders was the preferred choice.

In response to questions of Council, Ms. Looby indicated that the completeness of the proposal submitted by Norlon assisted in the panel reaching its recommendation. She indicated that there was some concern that the second proposal was not all inclusive and that there would be additional costs beyond the tendered price that had been submitted.

Councillor Filson requested clarification of the additional \$1,422,000.00 that was added to the Agri-Urban proposal. Ms. Looby indicated that there were a number of items in that figure including mechanical, electrical and site work.

Deputy Mayor Bannister indicated that he believes that a Building Committee should have been appointed to oversee this Project similar to that which has been appointed for the Wellness Centre Project.

Councillor Bloomfield indicated that he did not agree that a Building Committee was required for this Project given the nature of the building. He indicated that with the Chief Building Official and Engineer involved that there were adequate resources available to evaluate the tenders and supervise the Project.

Councillor Ritchie indicated that he agreed with Councillor Bloomfield however, more frequent reports and updates to the Public Works and Engineering Committee regarding this Project would have been helpful and may have assisted in alleviating some of Council's concerns and questions.

Cathy Saunders, Chief Administrative Officer/Clerk indicated that in the future the Committee would be provided with more details and updates regarding these types of Projects and that this would be discussed with the Department Directors.

Ms. Looby indicated that the design-build process is a more difficult process than the request for proposal for design as the design of the building has to be determined prior to the request for proposal being advertised. She indicated that it is recommended that future projects be undertaken through the normal process.

Deputy Mayor Bannister indicated that he remained concerned with the overall price of the Project and that the building should be further reviewed and reduced in size or features to bring the cost of the Project down. He suggested that perhaps the Project should be retendered through the traditional process given that only two companies submitted tenders and to better determine the appropriate size and type of building to be constructed.

The remaining members of Council expressed concern with delaying the Project which may result in the same costs. They indicated that given the expertise of the individuals involved in the selection panel that an appropriate review had been undertaken. It was noted that Council had agreed to this price previously.

Deputy Mayor Bannister requested a recorded vote on this matter.

Resolution 2009/198

Moved by Clare Bloomfield

Seconded by Brian Ritchie

THAT Report Number PWE-051-09-T entitled "Proposals for Denfield and Delaware Operations Centres – Design Build Selection", be received; and

FURTHER THAT the Design-Build proposal from Norlon Builders London Limited awarded for \$5,237,000.00 excluding GST and a total project budget of \$6,127,000.00 be approved for the Denfield Operations Centre; and

FURTHER THAT staff be directed to prepare a Request for Proposal for engineering services for the Delaware Operations Centre Expansion Project with an approved 2009 engineering design budget of \$150,000.00 noting the construction phase will be included in the 2010 capital budget; and

FURTHER THAT Council approve an amendment to the 2009 Budget to increase the initial budget of \$400,000.00 to \$1,000,000.00 to provide for the commencement of construction of the Denfield Operations Centre.

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

-Carried -

Council directed staff to prepare a report providing a program evaluation of the process that had been undertaken in order to have a better understanding of the design-build process, the overall goal of the process and the positive and negatives of the process.

2.1.2 Inquiries of Councillors

Maureen Looby provided Council with an update on the Lake Huron water pipeline construction project.

INFORMATION ITEMS

1. Resolution #2009/199
Moved by Brian Ritchie
Seconded by Clare Bloomfield

THAT the September 10, 2009 letter from the Ilderton Agricultural Society requesting that consideration be given to provide a \$1,000.00 grant regarding the awarding of the CNE Ambassador to the Ilderton Fair Ambassador be referred to the September 28, 2009 meeting of Corporate Services Committee for consideration.

-Carried-

CONFIRMING BY-LAW

1. Resolution # 2009/200
Moved by Clare Bloomfield
Seconded by Brian Ritchie

THAT By-law Number 2009-072 being a By-law to confirm the proceedings of the Council meeting held on September 16, 2009 be approved and that this constitutes the first, second and third reading and By-law Number 2009-072 is hereby enacted.

- Carried -

ADJOURNMENT

There being no further business, this meeting of Council adjourned at 8:50 p.m. to meet again on Wednesday, October 7, 2009 at 4:00 p.m.

MAYOR

CLERK

INFORMATION

1. AMO – LAS – Town Hall Sessions 2009 - 2010
2. AMO – Media and Communications Training Fall 2009
3. AMO Alert 09-063 Funding for Broadband in Rural and Northern Ontario Available
4. AMO FYI 09-113 – Survey on Active Transportation Policy in Ontario
5. FMC Members Advisory 2009 Survey on Payments in Lieu of Taxes (PILT) - September 2009
6. Hydro One – Great Refrigerator Roundup Program
7. LAS Communication FYI 09-003 – New Solar Photovoltaic (PV) Program Now Available to all Ontario Municipalities
8. LAS Connections – Energy Conference – Markham - November 16 & 17, 2009
9. London Free Press Advertisement - Municipality of Middlesex Centre Master Servicing Plan Public Information Centre #2 – Tuesday September 29/09 (Ad to appear September 23 & 26, 2009)
10. London Health Sciences Foundation - Gift of Life of Life Organ Awareness Event - September 23 – 26, 2009
11. Ministry of Municipal Affairs & Housing – Municipal Performance Measurement Program (MPMP) 2009 Reporting Requirements
12. ONE – The Public Sector Group of Funds – Second Quarter 2009 Performance Report

13. Town of Amherstburg Resolution - MPAC Evaluation of Solar Energy Development (July 27, 2009)
14. Town of New Tecumseth Resolution - Harmonization of Taxes (July 13, 2009)
15. United Way – Union and Management Breakfast , Thursday October 1, 2009 (Date Correction)
16. Committee Meetings – September and October 2009
17. Correspondence from Pete McClary - September 2009
18. Correspondence regarding Dalewood Conservation (KCCA) – August 2009