



MUNICIPALITY OF NORTH MIDDLESEX

REGULAR MEETING MINUTES

The Electronic Regular Meeting of the Council of the Municipality of North Middlesex was held on Wednesday January 20, 2021 under the provisions of Section 238 (3.3) and 238 (3.4) of the *Municipal Act, 2001* as amended without physically being present at 229 Parkhill Main Street, Parkhill

1. CALL TO ORDER

Mayor Ropp called the meeting to order at 6:00 p.m. with a quorum present by way of livestream on the North Middlesex You Tube Channel.

2. ROLL CALL

Mayor Brian Ropp

Deputy Mayor Adrian Cornelissen

Councillor Ward One – Doreen McLinchey

Councillor Ward Two – Joan Nichol

Councillor Ward Three – Gord Moir

Councillor Ward Four – John Keogh

Councillor Ward Five – Andrew Hemming

CAO/Director of Operations – Jonathon Graham

Clerk Jackie Tiedeman

Director of Economic Development and Community Services – Mike Barnier

Infrastructure Supervisor, Jonathon Lampman

Treasurer, Tracy Johnson

Fire Chief, Greg Vandenheuvel - Absent

3. DISCLOSURE OF PECUNIARY INTEREST (in writing or at anytime during the meeting)

None

4. MINUTES OF PREVIOUS MEETINGS

MOTION #001/2021

MOIR/HEMMING: That the December 16, 2020 Regular Meeting Minutes be approved as presented.

CARRIED

5. PUBLIC MEETINGS

PLANNING

MOTION #002/2021

MCLINCHEY/NICHOL: That the Regular Meeting adjourn to Committee of Adjustment at 6:00 p.m. to consider a planning application.

CARRIED

See separate Committee of Adjustment Minutes

6:10 p.m. Notice of Public Meeting for Proposed Zoning Amendment – Sunrise Orchards Inc – 9188 Townsend Line

Applicant: Jerry Veens present

Con 7 Part Lot 19

9188 Townsend Line

(geographic West Williams)

The purpose and effect of the Application for Zoning By-law Amendment (No.ZBA-1-2021) is to rezone the subject lands from the General Agricultural (A1) Zone to the General Agricultural Exception (A1-80) in order to permit living accommodations within an agricultural building for the purpose of housing seasonal farm labourers.

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements under the Planning act.

Planner Stephanie Poirier then presented her Planning Evaluation Report dated January 20, 2021

Overall staff recognize that housing accommodations for farm labourers are considered to be an essential part of those farming operations that require it. Staff are satisfied that the additional farm labour housing accommodations within an agricultural building is considered appropriate as the agricultural building could be converted for agricultural uses in the future, which lends itself to be less permanent in nature, while still providing

the stable housing for the farm operation that will not require coming back to the municipality to renew temporary zoning every three years.

Based on the above analysis, staff are satisfied that the zoning by-law application and proposed use of the lands is consistent with the Provincial Policy Statement, and is in conformity with the County and North Middlesex Official Plan, and the North Middlesex Zoning By-law.

AGENCY AND PUBLIC COMMENTS

Public Works – no concerns

Chief Building Official – Building permits will be required for the new building as well as the septic; verification will be required to ensure daily design flow of existing dwellings with the proposed will be less than 10,000l/day; the owner is advised to discuss proposal with building department prior to incurring costs to ensure proper submission of drawings to reduce delays.

WRITTEN SUBMISSIONS: None

ORAL SUBMISSIONS AT MEETING: None

The applicant and council questions were responded to by the Planner.

MOTION #003/2021

HEMMING/CORNELISSEN: That Application for Zoning By-law Amendment ZBA-01-2021 to rezone the lands from General Agricultural (A1) Zone to the General Agricultural Exception (A1-80) Zone in order to permit living accommodations within a agricultural building for the purpose of housing seasonal farm labourers be APPROVED as the application: satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; conforms to the Official Plans of both the Municipality of North Middlesex and the County of Middlesex; satisfied the requirements of the North Middlesex Zoning By-law; and represents sound land use planning.

CARRIED

The By-law passage will be considered later on the agenda. A twenty day appeal period will apply from date of notice of decision.

6:20 p.m. Notice of Public Meeting for Proposed Zoning Amendment – 10802 Argyle Street

Applicant: Anne Marie Van Dueren

Agent: Ashley Podolinsky present

Con 3 Lot 14
10802 Argyle Street
(geographic East Williams)

The purpose and effect of Applicant for Zoning By-law Amendment ZBA-02-2021 is to implement a condition of consent imposed by the North Middlesex Committee of Adjustment for Consent B07/2020, which conditionally severed a lot with an area of 0.85ha (2.11 ac) in order to accommodate the disposal of a surplus farm dwelling.

Notice of the application has been circulated to agencies as well as property owners in accordance to the requirements of the Planning Act.

The Planner then presented the Planning Evaluation Report dated January 20, 2021.

The proposed zone change for the severed lands will recognize the disposal of the surplus farm dwelling will limit the range of agricultural uses permitted on the lands and recognize a deficient frontage of 10m which is the width of the driveway. All other requirements of the parent Agricultural Small Holding Exception (AG1-30) Zone is appropriate for the proposed residential uses of the lands and that the frontage of 10m will maximize the agricultural lands staying in production. As such staff support this proposed change.

The proposed lot to be retained meets all of the zoning requirements of the parent General Agricultural (A1) Zone. The proposed zone change for the retained lands will prohibit the establishment of new residential uses on the subject lands. Staff are satisfied that the application of the General Agricultural Exception 85 (A1-85) Zone is appropriate for the remnant farm parcel and as such staff support this proposed zone change.

AGENCY AND PUBLIC COMMENTS

Chief Building Official – None

Public Works Dept – None

WRITTEN SUBMISSIONS: None

ORAL SUBMISSIONS: None

MOTION #004/2021

KEOGH/NICHOL: That Application for Zoning By-law Amendment No. ZBA-02-2021 which proposes to rezone the severed and the retained lot of Consent B07/2020 from

General Agricultural (A1) Zone to Agricultural Small Holding Exception (AG1-30) Zone and General Agricultural Exception 85 (A1-85) Zone respectively be APPROVED.

CARRIED

The passage of the By-law will be considered later on the agenda. A twenty day appeal period from the date of notice of decision will apply.

DRAINAGE

6:30 p.m. Meeting to Consider Engineer's Report – Van Massenhoven Drain

Requests for Improvement to the VanMassenhoven Drain was received by staff August 29, 2019 under Section 78 of the *Drainage Act 1990*. Another petition was submitted to staff under Section 4 of the *Drainage Act 1990*. The petitions and requests that were submitted addressed Branches A,B,F,H and J. R Dobbin Engineering were appointed as Engineer to the project. A site meeting was held March 12, 2020. Due to COVID 19 restrictions on size of gatherings, a draft report and plan was mailed to assessed landowners November 30, 2020 with comments due December 14, 2020 in place of hosting an informal meeting. Permits have been obtained from ABCA and DFO. The final report dated December 16, 2020 was received by Municipal Staff. On December 21, 2020 notices and copies of the report were mailed to assessed landowners to attend this meeting to consider the Engineer's Report and that Council gives first and second reading for a Provisional By-law.

Several questions were asked by landowners about the report affecting their lands and they were responded to by the Engineer and Staff.

MOTION #005/2021

KEOGH/MCLINCHEY: That Council receive and accept the Final Report for the VanMassenhoven Drain dated December 16, 2020 prepared by R. Dobbin Engineering Inc;

That Council gives two (2) readings for a Provisional By-law as Section 45(1) of the *Drainage Act, R.S.O 1990* on the Municipal Drain mentioned above.

CARRIED

MOTION #006/2021

MOIR/NICHOL: That the Public Meeting adjourn to Regular Meeting at 6:53 p.m.

CARRIED

6. DELEGATION

None

7. DEPARTMENTAL REPORTS

a. Report to accept petition – Vandaele McEwen Drain – Drainage Superintendent

MOTION # 007/2021

KEOGH/HEMMING: That Council receive the request for Improvement to the Vandaele-McEwen Municipal Drain under Section 28 of the *Drainage act, R.S.O. 1990*.

CARRIED

b. Report to consider amendment to Facility User Rates – Facilities Manager

MOTION #008/2021

NICHOL/MCLINCHEY: That Council hereby rescind Motion #256/2019 of October 16, 2019 that approved annually facility rate increases and further that the new rate schedule be adopted inclusive of a 2021 “facility’s rate freeze” into the Fee’s and Charges By-law 64 of 2017 as amended;

And that Council direct staff to implement the tabled 2021 rate and fees increase in 2022.

CARRIED

8. PASSING OF ACCOUNTS

Compilation of accounts from Dec.9, 2020 – January 13, 2021 in the amount of \$2,005,592.77

Council requested an update on the costs associated with the Denfield Waterline Project, AP Purchase Order system and clarification on hardware costs from the County IT.

MOTION #009/2021

MOIR/MCLINCHEY: Be it resolved that the following Bills and Accounts be approved for payment as follows:

General Cheques \$424,034.19
Direct Deposit \$1,371,606.50
On-line/PAP \$209,942.08
Cemetery Cheques \$0.00
Cemetery Direct Deposit \$0.00

CARRIED

9. COMMITTEE REPORTS

- a. Lake Huron Primary Water Supply Joint Mgmt Board (Cr. Hemming) None
- b. ABCA (Deputy Mayor Cornelissen) None
- c. BWRA (Cr. McLinchey) None
- d. EDAC (Cr. Moir) None
- e. LSAC – (Cr. Nichol) None
- f. Recreation Committee (Cr. Hemming) None
- g. Water/Wastewater Committee (Cr. Moir) None
- h. Policies Review Committee (Cr. Nichol) None
- i. Fire Committee (Cr.Keogh) None
- j. OCWA Client Advisory Board (Jonathon Graham) None
- k. Budget Committee – Nov 25 and Dec.3 (Receive and File)
- l. Joint Building Committee – none
- m. Community Development Fund Committee – None

10. CORRESPONDENCE

a.Solicitor General-extension of deadline to complete and adopt Community Safety and Well Being(CSWB) Plan until July 1, 2021
(action: receive and file)

b.Strathroy Caradoc – Notice of Adoption of Official Plan Amendment to incorporate the Downtown Master Plan into Official Plan
(action: receive and file)

c.City of Kitchener – motion support to Province to modify regulations governing establishment of cannabis retail.

MOTION #010/2021

NICHOL/MCLINCHEY: That the Council of the Municipality of North Middlesex hereby supports the motion of the City of Kitchener as follows:

“WHEREAS the regulator for private cannabis retail in Ontario, the Alcohol and Gaming Commission of Ontario (AGCO) has the authority to license, regulate and enforce the sale of recreational cannabis in privately run stores in Ontario; and WHEREAS on January 14, 2019 Kitchener City Council agreed to ‘opt-in’ to the Provincial direction to allow Cannabis Retail to occur in the City of Kitchener; and WHEREAS the AGCO criteria does not take into consideration radial distance separation from other Licensed Cannabis Stores when considering applications for new Licensed Cannabis Stores; and WHEREAS the City of Kitchener currently has two open retail locations and 12 active applications for Licensed Cannabis Stores, several within a three block radius; and WHEREAS Council considers it a matter of public interest to include a 500 metre distance separation from other Licensed Cannabis Stores, as excessive clustering and geographic concentration of cannabis retail outlets may encourage undesirable health outcomes, and over-concentration may cause undesirable impacts on the economic diversity of a retail streetscape including the distortion of lease rates, economic speculation, and the removal of opportunity for other commercial businesses; and WHEREAS cannabis retail is a new and unproven market, and no studies or precedent exists to determine the number or distribution of stores that can reasonably be supported by the local economy, and it is therefore prudent to establish the means by which the AGCO, with input from a municipality, can regulate over-concentration as the cannabis retail market evolves; THEREFORE BE IT RESOLVED THAT Council directs the Mayor, on behalf of Council, to write the Premier of Ontario, the Honourable Rod Phillips, Minister of Finance of Ontario, and the Honourable Doug Downey, Attorney General of Ontario, requesting the Province modify the regulations governing the establishment of cannabis retail stores to consider over-concentration as an evaluation criteria, require a 500 metre distance separation between locations, and provide added weight to the comments of a

municipality concerning matters in the public interest when considering the application of new stores; and
BE IT RESOLVED THAT a copy of this resolution be forwarded to the Association of Municipalities of Ontario, Federation of Canadian Municipalities and other municipalities in Ontario.

CARRIED

d. Town of Kingsville – Motion support to Province to protect small business by allowing them to remain open to in store sales and service.

MOTION #011/2021

MCLINCHEY/HEMMING: That the Council of the Municipality of North Middlesex hereby supports the Town of Kingsville motion as follows:

“WHEREAS the health and safety of Ontarians is the number one priority and health is a state of physical, mental and social well-being, not merely the absence of disease; AND WHEREAS many businesses rely on the holiday season for their financial strength and whereby these businesses have faced unprecedented difficult times throughout 2020 due to the COVID-19 pandemic restrictions; AND WHEREAS closing our small local businesses during the holiday season means many will not survive and business owners and their employees will lose their livelihoods; AND WHEREAS the Town of Kingsville’s commercial businesses are predominately made up of small independently owned businesses and closing them will force residents to travel out of town into larger crowds increasing their exposure to COVID-19; AND WHEREAS our small independent businesses have every reason to keep customers safe and are able to ensure limited capacity, customer contact tracing and disinfecting in-between customers and may be able to offer curb-side and delivery.
NOW THEREFORE BE IT RESOLVED that the Town of Kingsville calls upon the Premier of Ontario, Doug Ford, as well as the Ontario cabinet and Health officials, to protect the health of Ontarians and our small businesses by allowing them to remain open to in-store sales and service with limited capacity and increased safety measures; AND THAT this resolution be forwarded to: All Ontario municipalities; Minister of Economic Development, Job Creation and Trade Hon. Victor Fedeli; Associate Minister of Small Business and Red Tape Reduction Hon Prabmeet Singh Sarkaria; Minister of Health Hon. Christine Elliott; Minister of Finance Hon. Rod Phillips; Associate Minister of Mental Health and Addictions Hon. Michael A. Tibollo; MPP Taras Natyshak; the Windsor-Essex County Health Unit Board of Health; and the Windsor-Essex County Health Unit Medical Officer of Health Dr. Wajid Ahmed.

CARRIED

11.OTHER OR URGENT BUSINESS

Deputy Mayor Cornelissen advised that some area municipalities have recently brought forward resolutions from the Thames Valley School Board Rural Education Task Force for their council endorsement and that he would be bringing those forward at the next council meeting. He advised that the Rural Task Force Committee will also be presenting their report to the County of Middlesex in the near future.

A draft report of the Community Safety and Wellbeing Plan will also be presented at the County in the near future.

Councillor Moir inquired into the status of the report pertaining to Cannabis Legislation. Staff responded that the County Planning Department is preparing a similar report for County Council which could then be presented as it would provide information applicable at the lower tier level for consideration as well.

12.COMMUNICATIONS (including County Council)

Deputy Mayor Cornelissen advised that County Council recently enacted a By-law to prohibit and/or otherwise regulation of Off Road Vehicles on County Roads. This was in response to changes in regulations under the Highway Traffic Act. It was clarified that vehicles being utilized for agricultural purposes or for emergency response are exempt from these regulations.

The County has earmarked a traffic light at the intersection of Parkhill Main Street and Elginfield Road. More information will be provided in the future on this project.

13. READING OF BY-LAWS

001 OF 2021 Authorize Borrowing of Money to Meet Current Expenditures

002 OF 2021 Interim Tax Levy By-law

003 OF 2021 ZBA – 9188 Townsend Line (if approved through planning)

004 OF 2021 ZBA – 10802 Argyle Street (if approved through planning)

005 OF 2021 Provisional By-law for VanMassenoven Drain (1ST & 2nd reading)

006 OF 2021 Drain Repair Cost Collection (2019 Drain Maintenance)

007 OF 2021 Amend Assessment Schedule Conlin Drain

008 OF 2021 Amend Assessment Schedule Denys Main Drain and Associate Branches

009 OF 2021 Amend Assessment Schedule Eagleson Drain

010 OF 2021 Amend Assessment Schedule Graham Drain

011 OF 2021 Amend Assessment Schedule McAlpine Drain No. 1

012 OF 2021 Amend Assessment Schedule Vanneste Drain Branch A,D and E

013 OF 2021 Confirming

MOTION #012/2021

MCLINCHEY/KEOGH: That By-law #001-013 of 2021 be read a first and second time

CARRIED

MOTION #013/2020

KEOGH/HEMMING: That By-law #001-004 and 006-013 of 2021 be read a third and final time

CARRIED

14. CLOSED MEETING (UNDER SECTION 239 OF THE *MUNICIPAL ACT*)

MOTION #014/2021

KEOGH/MCLINCHEY: To adjourn Regular Meeting to Closed Session at 7:13 p.m. under the following exceptions (Section 239 of the *Municipal Act*):

1. Advice that is subject to Solicitor-Client Privilege –Fire/EMS Station Procurement Documents
2. Labour Relations or Employee Negotiations – Non Union Wage Market Analysis

CARRIED

A brief recess was held to close the livestream of Open Meeting – The Clerk advised that should any recommendations come forward for Open Meeting as a result of the Closed Session, it will be recorded and posted on the You Tube Channel as well as documented in the draft minutes and posted on the municipal website in the normal process.

15. CONSIDERATION OF MATTERS ARISING FROM CLOSED MEETING

MOTION #015/2021

KEOGH/CORNELISSEN: That the Closed Session adjourn and return to Open Meeting with (1) recommendation pertaining to Item 1 listed above at 9:15 p.m.

CARRIED

MOTION #016/2021

CORNELISSEN/HEMMING: That Motion #289/2020 was reconsidered by Council in accordance with Section 17.14 of North Middlesex's Procedural By-law and the design of Fire/EMS Station has been awarded to Douglas Vallee Ltd.

CARRIED

16.ADJOURNMENT

MOTION #017/2020

MCLINCHEY/KEOGH: That the meeting adjourn at 9:17 p.m.

CARRIED

MAYOR

CLERK