



MUNICIPALITY OF NORTH MIDDLESEX

REGULAR MEETING MINUTES

The Electronic Regular Meeting of the Council of the Municipality of North Middlesex was held on Wednesday March 3, 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.

The Open Meeting is livestreamed 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 (*Municipal Conflict of Interest Act*) in writing or at anytime during the meeting)

None

Prior to the Regular Meeting – Court of Revisions was held for the VanMassenhoven Drain – see separate minutes

4. MINUTES OF PREVIOUS MEETINGS

MOTION #055/2021

MCLINCHEY/MOIR: That the February 17, 2021 Regular Meeting Minutes be approved as presented.

CARRIED

5. PUBLIC MEETINGS - PLANNING

Planner Stephanie Poirier and CBO Arnie Marsman were present for this portion of the meeting.

6:00 p.m. Notice of Public Meeting for Proposed Zoning Amendment for Temporary Use By-law 4 Alma Street

Applicant: Garrett & Tracy Roberts

Con 5 Part Lot 18 RP33R9841 Part of Part 3
4 Alma Street, Nairn
(geographic East Williams)

The purpose and effect of the Application for Temporary Use Zoning By-law Amendment (ZBA-4-2021) is to allow ‘non-intensive agriculture uses’ as defined by the North Middlesex Zoning By-law, but limited to a total of 5 nutrient units or less as a permitted use, in order to continue to have a limited amount of livestock on the subject lands for a period of three years, whereas the Urban Reserve (A3) Zone does not permit livestock.

The subject lands contain a single detached dwelling, a shed, two hen/rooster coops and a goat/sheep house. The applicant has advised that the livestock is used for competitions through 4H and personal consumption purposes, and the type of livestock varies from time to time.

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 March 3, 2021.

Subsequent to staff preparing the planning report, and in consultation with the CBO and OMAFRA, revised MDS calculations were completed which require a 37 m (121 ft) setback between type a land uses and livestock housing/manure storage and a 74 m (241 ft) setback for type b land uses, which differ from the numbers included in the planning report. The revised calculations have been uploaded on the agenda.

The PPS, County Official Plan permit livestock within the agricultural areas, subject to MDS. Additionally, the North Middlesex Official Plan permits non-intensive agricultural uses with the Urban Reserve Designation. Although the livestock use is permitted within the PPS, County and North Middlesex Official Plans, staff are of the opinion that the location of the livestock housing is not appropriate as the MDS setback requirements are not being met, which could create land use compatibility conflicts.

Overall, staff are of the opinion that the proposed application is not considered to be appropriate as it is not consistent with the PPS, and is not in conformity with the County and North Middlesex Official Plans, as MDS setbacks are not being met. The proposed location of the housing of livestock would not be in conformity with Section 9.2.1 of the Urban Reserve Zone which requires a 30m setback between livestock and existing residential uses, which is included in the zoning by-law to ensure capability with adjacent residential is maintained.

The Planners Recommendation was that the application be DENIED

Applicants Garrett & Tracy Roberts participated in the meeting electronically. A verbal presentation was made by the applicants in addition to the submission they had provided with the Zoning By-law Amendment. The presentation detailed their reasons that the temporary use by-law should be considered by Council. This included references to personal family achievements with the livestock in 4H as well as education factors. Pictures of the property and these achievements were visually provided to Council at the hearing. There is extensive support from the Community via the petitions and additional letters provided to the Municipality of how well the animals are cared for by the family. There has been no complaints regarding the livestock until recently which in turn lead to this process. They expressed that this matter has been detrimental to their family and are trying to do the right thing.

AGENCY COMMENTS:

ABCA – not opposed to the proposed application

WRITTEN SUBMISSIONS:

a.Nairn Community Support Petitions

b.Individual Additional Support Letters provided in favour of application

c.Rob DeVlugt Submission in opposition which was withdrawn at the request of Mr.Devlugt on March 2

d.Schlegel Urban Development – interest in this matter relates solely to the future intended use of the Gordon Property and ensuring no impact to the intended use as a result of MDS constraints/offsets

ORAL SUBMISSIONS AT MEETING:

Alex Vandersluis and Vaugh Bender representing Schlegel Urban Development reiterated their written submission and the impact of MDS consideration. In absence of by-law they still indicate their interest in review of the draft by-law prior to council approval.

Corrie Smith – concern with community safety and livestock with respect to attraction of rodents and coyotes

Councillor Keogh provided his comments by thanking Mrs. Roberts for her presentation. He has had the opportunity to tour the property and relayed that it was evident that the owners have invested considerable time and money to properly house the livestock. The uniqueness of this property and its location is favourable for this use to continue in his opinion without negative impact to the community.

Other similar comments were relayed by members of council in favour of the application as presented.

After careful consideration and based upon council discussion, the Clerk brought a draft motion for council consideration.

MOTION #056/2021

KEOGH/MCLINCHEY: That Council agree in principle to the proposed Zoning By-law Amendment (Temporary Use ZBA-4-2021) for 4 Alma Street, Nairn; and That staff be directed to work with the applicant on a draft By-law for Council consideration; and

That a decision be deferred until the draft by-law is brought back to a subsequent meeting.

CARRIED

The By-law passage will be considered at the next available council meeting for consideration (target March 17)

6:20 p.m. Notice of Public Meeting for Proposed Zoning Amendment (ZBA 5–2021)

Temporary Use By-law – 4486 Queens ave

Applicant: Krista Munn and John Roesner

Con 5 Part Lot 18 RP33R4804 Parts 1 & 2 and RP33R6916 Part 1
4486 Queens Ave, Nairn
(geographic East Williams)

The purpose and effect of Application for Temporary Use Zoning By-law (ZBA-5-2021) is to allow 'non-intensive agriculture uses' and 'equestrian use' as defined by the North Middlesex Zoning By-law, but limited to a total of 5 nutrient units or less as permitted uses, in order to continue to have a limited amount of livestock on the subject lands for a period of three years, whereas the Urban Reserve (A3) Zone does not permit livestock.

The subject lands contain a single detached dwelling, a barn, a shed and a stable/track. The applicant has advised that the livestock has been present on the subject land for several years and would like to continue to be permitted to do so, while respecting the surrounding residential uses. The type and quantity of livestock varies from time to time but always remains below 5 nutrient units.

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 March 3, 2021.

Subsequent to staff preparing the planning report, and in consultation with the CBO and OMAFRA, revised MDS calculations were completed which require a 37 m (121 ft) setback between type a land uses and livestock housing/manure storage and a 74 m (241 ft) setback for type b land uses, which differ from the numbers included in the planning report. The revised calculations have been uploaded on the agenda.

At a high level, PPS, County OP, NMOP permit livestock on the property subject to MDS. Revised MDS calculations are being met.

Planners recommendation in light of the revised MDS calculations would be that staff are in a position to support the application in principal as the applicant has demonstrated to meet the required setbacks.

Applicants Krista Munn and John Roesner participated in the meeting electronically. A verbal presentation was made by the applicants in addition to the submission they had provided with the Zoning By-law Amendment. The presentation detailed the history on the property and reasons that the temporary use by-law should be considered by Council. There is extensive support from the Community via the petitions and additional letters provided to the Municipality relating to the care that the applicants provide to the animals. There has been no complaints regarding the livestock until recently which in turn lead to this process. They expressed that this matter has been detrimental to their family and they are trying to do the right thing. Ms. Munn explained that they will not have roosters at their location and will relocate the bee's on their property in the spring.

AGENCY COMMENTS

ABCA – Not opposed to the proposed application.

WRITTEN SUBMISSIONS:

- a.Nairn Community Support Petitions
- b.Individual Additional Support Letters provided in favour of application
- c.Rob DeVlugt Submission in opposition which was withdrawn at the request of Mr.Devlugt on March 2
- d.Schlegel Urban Development – interest in this matter relates solely to the future intended use of the Gordon Property and ensuring no impact to the intended use as a result of MDS constraints/offsets

ORAL SUBMISSIONS:

Alex Vandersluis and Vaugh Bender representing Schlegel Urban Development reiterated their written submission and the impact of MDS consideration. In absence of by-law they still indicate their interest in review of the draft prior to council approval.

Corrie Smith – concern with community safety and livestock with respect to attraction of rodents and coyotes. His opinion was that some of the community petitions were from landowners outside of the notification area for the subject property.

Councillor Keogh once again commented on the uniqueness of this property, there has been no past issues and does not feel this livestock would contribute to the coyotes coming into the community.

Other council members had comments to the same effect.

After careful consideration and based upon council discussion, the Clerk brought a draft motion for council consideration.

MOTION #057/2021

HEMMING/KEOGH: That Council agree in principle to the proposed Zoning By-law Amendment (Temporary Use ZBA-5-2021) for 4486 Queens Ave, Nairn; and That staff be directed to work with the applicant on a draft By-law for Council consideration; and That a decision be deferred until the draft by-law is brought back to a subsequent meeting.

CARRIED

The By-law passage will be considered at the next available council meeting for consideration (target March 17)

The Clerk announced that this has concluded the Public Meeting requirement for the planning applications and that Council will formally make a decision on the applications when the draft by-laws are available.

6. DELEGATION

None

7. DEPARTMENTAL REPORTS

a. Middlesex Centre – Three Year Agreement for Building Service – CAO

Councillor Moir inquired into the Cloud Permitting Program and whether previous issues have been resolved and cost comparison for services from Joint Building Agreement with Adelaide Metcalfe compared to Middlesex Centre?

CBO Arnie Marsman replied that the approach for this service agreement is very similar to Lucan Biddulph which has been in existence for many years. This department is cost neutral meaning expenses should be offset by the revenue. A review of the Fees and Charges will be undertaken to ensure this is the result. Mr. Marsman also advised that many improvements have been made to Cloud Permitting and they are still working on some other enhancements. Alternatively, anyone wishing to submit a paper application will be accepted.

Deputy Mayor Cornelissen inquired about inspection timing for projects in North Middlesex. Mr. Marsman assured Council that he will try their best to fit schedules and work with the contractors to ensure projects stay on track.

Mayor Ropp inquired as to the process for individuals to access the building department. Mr. Marsman replied that residents can call the North Middlesex Office and staff will assist them. There is also a dedicated email addresses for contact purposes as well.

Councillor Moir inquired whether we would still have designated days in the office and the reply was not at this time.

MOTION #058/2021

CORNELISSEN/KEOGH: That Council direct staff to enter into the attached Building Services Agreement with Middlesex Centre for a period of three (3) years.

CARRIED

b. Municipal Modernization Program – Treasurer

The Treasurer provided a verbal overview of the report and the recommended allocations for consideration.

MOTION #059/2021

NICHOL/MCLINCHEY: That the report entitled Municipal Modernization Program be received; and

Further that Council approve the 2020 Council Chamber Connectivity cost be allocated from the 2019 Municipal Modernization Program Funding; and

Further that the remaining unallocated One Time Modernization funds be allocated per Table 1.2; and

Further that Council direct the Treasurer to proceed with a submission of an Expression of Interest for Intake 2 of the Municipal Modernization Program.

CARRIED

8. PASSING OF ACCOUNTS

Compilation of accounts from Feb 12-25, 2021 in the amount of \$558,705.70

MOTION #060/2021

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

General Cheques \$206,259.55
Direct Deposit \$219,364.95
On-line/PAP \$132,798.70
Cemetery Cheques \$0.00
Cemetery Direct Deposit \$282.50

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

10. CORRESPONDENCE

None

11. OTHER OR URGENT BUSINESS

Deputy Mayor Cornelissen advised that the Rural Education Taskforce is meeting regularly and more recommendations will be coming forward throughout this process.

12. DEFERRED ITEMS FROM PREVIOUS MEETING

- Report on options for municipal regulations pertaining to certain Cannabis Operations
- Report from Treasurer on Credit Card Payment Option
- Report from Treasurer on Lifting Temporary Amendments to Municipal Fees and Charges By-law- March 2021
- Review of Water Budget after 2nd quarter billing cycle
- Off Road Vehicles By-law Report (Draft By-law)

13. COMMUNICATIONS (including County Council)

County of Middlesex Budget will be considered on March 9th

14. READING OF BY-LAWS

024 of 2021 Amend Assessment Schedule – Laurens Drain

025 of 2021 Authorize agreement with Middlesex Centre for Building Department Services

026 OF 2021 Confirming

MOTION #061/2021

MCLINCHEY/KEOGH: That By-law #024-026 of 2021 be read a first and second time

CARRIED

MOTION #062/2021

NICHOL/MOIR: That By-law #024-026 of 2021 be read a third and final time

CARRIED

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

None

15. CONSIDERATION OF MATTERS ARISING FROM CLOSED MEETING

None

16. ADJOURNMENT

MOTION #063/2021

MCLINCHEY/KEOGH: That the meeting adjourn at 7:30 p.m.

CARRIED

MAYOR

CLERK