



## **MUNICIPALITY OF NORTH MIDDLESEX**

### **REGULAR MEETING MINUTES**

The Regular Meeting of the Council of the Municipality of North Middlesex was held on Wednesday February 5, 2020 in the Council Chambers, Shared Services Centre, 229 Parkhill Main Street, Parkhill.

#### **1. CALL TO ORDER**

Mayor Ropp called the meeting to order at 7:00 p.m. with a quorum present.

#### **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 - Absent

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 -Absent

Treasurer, Tracy Johnson

#### **3. DISCLOSURE OF PECUNIARY INTEREST (in writing)**

Mayor Ropp provided a written declaration of conflict of interest on two agenda items:

Item 6- Delegation Greg Hindmarsh - Family

Item 5-Planning Minor Variance for 11372 Petty Street (Schlegel Poultry Inc)-  
Employment

#### 4. MINUTES OF PREVIOUS MEETINGS

##### **MOTION #016/2020**

**MOIR/MCLINCHEY:** That the January 15, 2020 Regular Meeting Minutes approved as presented.

CARRIED

#### 5. PUBLIC MEETINGS

##### **MOTION #017/2020**

**KEOGH/MCLINCHEY:** That the Regular Meeting adjourn to Public Meeting at 7:00 p.m. to consider planning applications.

CARRIED

The Clerk provided an introduction to the Public Meeting which disclosed the purpose of the meeting, that comments expressed and written material presented are a matter of public record available for full disclosure and that if a member of the public wished to be notified of a decision on applications being heard this evening that a written request must be submitted to the Municipality.

7:00 and 7:10 p.m. – Applications for OPA 12 and ZBA 4/2020 Amendments -35571-35573 Salem Road

Description of Land:

Con 19 South Part Lot 5, RP33459 Part 4 and  
Con 19 Part Lot 5 RP33R9549 Parts 2 & 5  
35571 & 35573 Salem Rd, Former McGillivray Twsp.

Owner: McCann Redi Mix Inc. and William & James McCann

Agent: Barbara Rosser

The purpose and effect of the Application for Official Plan Amendment (No.12-2020) is to change the designation of the lands from 'Resource Extraction Area' to the 'Agricultural Area' designation in order to recognize the surrendering of the Aggregate License and the completion of the rehabilitation of the lands back to an agricultural state in accordance with Ministry of Natural Resources and Forestry requirements.

The purpose and effect of the Application for Zoning By-law Amendment is to rezone the subject lands from 'Extractive Industrial (M4) Zone' and the 'General Agricultural

(A1) Zone to the 'General Agricultural Exception 81 (A1-81) Zone' to recognize the undersized agricultural parcels of land.

Planner Stephanie Poirier reviewed her Planner Evaluation Report dated February 5, 2020.

The PPS, County of Middlesex and North Middlesex Official Plans all recognize extractive operations as a permitted use on prime agricultural land on an interim basis, so long as rehabilitation is completed to return the lands to their original state. The agent has provided documents from the MCRF recognizing the termination of the licence and completion of rehabilitation works on the subject lands. Staff are satisfied that lands have returned to their agricultural state and do not anticipate any negative adverse impacts as a result of the proposal. The OPA and ZBA will result in the subject lands becoming more compatible to the characteristics of the area, as the surrounding uses are predominately agricultural in nature. The applications will also recognize the minimum lot area deficiencies of 11 ha (27 ac) whereas the General Agricultural Zone requires a minimum lot area of 40 ha (100 ac).

#### AGENCY & WRITTEN SUBMISSIONS

ABCA – no concerns with the applications

No other written submissions were received

Ms. Rosser, agent for the owners, advised that her client ceased operations of the former sand pits in late 2018 for 35571 Salem Rd and early 2000 for 35573 Salem Rd and the license was surrendered to the MNRF under the Aggregate Resources Act. As part of the license termination, the property owners were required to rehabilitate the lands from sand pit to an agricultural and natural environment state as per the satisfaction of the MCRF. Additionally, consultation had also taken place with the ABCA on December 9, 2019. The basis of the amendments are to recognize the agricultural characteristics of the property and to allow for agricultural uses, such as crop production, livestock, accessory agricultural buildings, farm residence etc.

#### PUBLIC COMMENTS

David McClure, abutting landowner – indicated no objection to the proposal however expressed that the Municipality should verify legal descriptions for the subject lands as well as any municipal drainage reports affecting this land for possible discrepancies that he believes exist.

After careful consideration the following motion was brought forward:

**MOTION #018/2020**

**CORNELISSEN/KEOGH:** That Application for Official Plan Amendment OPA 12/2020 which would re-designate the subject lands from ‘Resource Extraction Area’ to the ‘Agricultural Area’ be ADOPTED and forwarded to the County of Middlesex for consideration and approval; and

That Zoning By-law Amendment No. ZBA 04/2020 which proposes to rezone the subject lands from the ‘Extractive Industrial (M4) Zone’ and the ‘General Agricultural (A1) Zone’ to the ‘General Agricultural Exception 81 (A1-81) Zone’ to recognize the undersized agricultural parcels of land, be APPROVED.

CARRIED

The twenty day appeal period will apply to the Zoning By-law Amendment however it will not come into force and effect until the OPA is approved by the County of Middlesex.

7:20 p.m. Application for Zoning By-law Amendment (ZBA 3-2020)– 2130 Parkhill Drive

Description of Land:

Plan 562, Part Lot 10 RP 33R13822 Part 2  
(former Town of Parkhill)  
2130 Parkhill Drive

Owner: 1370863 Ontario Inc.

Agent: Fiona David

The purpose and effect of the application for Zoning By-law Amendment is to rezone the subject lands from the ‘General Commercial (C2) Zone’ to the ‘General Commercial Exception (C2-1) Zone’ in order to permit a day care as an additional permitted use. All other permitted uses within the parent ‘General Commercial (C2) Zone’ shall continue to be permitted. The zone changes would be subject to a Holding Provision to ensure development does not proceed until all municipal requirements are in place (ie Site Plan approval etc).

Planner Stephanie Poirier presented her Planner Evaluation Report dated February 5, 2020. Staff have determined that the C2-1 is more appropriate than rezoning the lands to the ‘Core Commercial Zone (C1) Zone as core commercial uses are limited to the downtown core located on Parkhill Main Street. Although a day care use is an outright permitted use in the core commercial zone, staff are of the opinion that the proposed location of the subject lands in regards to the use is appropriate as it is located within

the settlement area of Parkhill in close proximity to the residential uses that may benefit from the childcare service. Staff will continue to work with the applicants through the site plan process and ensure all policies are either met or addressed through a subsequent Planning Act application (ie parking and loading requirements). Staff note that the applicants are proposing to renovate the existing building however no outwardly expansion is proposed at this time. As part of the rezoning application, a Holding Provision will be placed on the subject lands to ensure development does not proceed until all municipal requirements are in place. A site plan agreement shall be executed prior to the removal of the holding prefix.

The owner, Fiona David, thanked staff for all their assistance during this process. She advised that she has been in the daycare business for many years in London and her family looked forward to opening this service in Parkhill.

### AGENCY AND WRITTEN SUBMISSIONS

ABCA – Not within regulated area therefore no concerns

County of Middlesex Engineer – no objection but request that serious consideration be given to the removal of the access to the County road and fencing around any outdoor areas access by children be required prior to the operation of this site as a daycare facility.

Public Works – improvements to the access via Station St may be required as well as the lands will be subject to retain and convey stormwater flows in a pre to post scenario which shall be subject to any proposed intensification and/or building/parking additions all to the satisfaction of the municipality.

No written public comments were received.

### PUBLIC COMMENTS

No public input was received

A few questions were asked by Council and responded to by Ms. David

The following motion was then brought forward for consideration:

### **MOTION #019/2020**

**MCLINCHEY/HEMMING:** That Application for Zoning By-law Amendment ZBA03-2020 to rezone the lands from 'General Commercial (C2) Zone' to the General Commercial Exception Holding ((H)C2-1) Zone in order to permit a day care as an additional permitted use 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; satisfies the requirements of the North Middlesex Zoning By-law; and, represents sound land use.

CARRIED

A twenty day appeal period will apply from date of notice of decision.

The remaining planning applications were considered under Committee of Adjustment – see minutes under separate cover.

Regular Meeting resumed at 8:25 p.m.

## 6. DELEGATION

Due to the declaration of conflict provided at the beginning of the meeting – Mayor Ropp left the council chambers and Deputy Mayor Cornelissen assumed the Chair for this portion of the meeting.

7:40 p.m. – Mr. Greg Hindmarsh (31097 Springbank Rd) requested to attend Council to ask for reimbursement of repairs to his laneway (culvert) that was caused due to the May 25, 2019 rain event. He indicated that the municipal drain (Thomson Drain 2) and watershed which includes the Kennedy Farm, Doer-Thomson Farm, Russell Farm/Wisnowski Farm/Teeple Farm and Thomson Farm are responsible for the washout as all the water passes through his farm. Several pictures of the damage along with invoices for the costs were submitted as part of the presentation. Pictures of the layout of the drain was also provided.

CAO/Director of Operations provided background and purpose of municipal drains. He advised that the culvert in question is not assessed to the Municipal Drain (Thomson Drain 2). The damages incurred (as they relate to a municipal drain) can only be recouped when lands are assessed to a municipal drain. The laneway culvert is located on private property. Reimbursing cost would set unwarranted precedent in similar instances. The rationale for this is there was no neglect, omission or error, the rainfall event of May 25, 2019 may be considered an exceptionally acute event and/or an ‘Act of God’. As such and in this instance, the Municipality of North Middlesex takes no responsibility for damages incurred on private property. Furthermore, it is noted, that the Thomson Drain #2 has recently been petitioned for improvements which would include these lands within the municipal drain’s boundary. This would provide proportionate ‘relief’ in future towards damages subject to the *Drainage Act R.S.O. 1990*.

Staff advised that Mr. Hindmarsh has since petitioned to be included in the Municipal Drain and this is in process.

Several questions were asked by members of Council.

Cr. Hemming asked why the ABCA (through the watershed) would not pay for damages?

Staff advised that this damage occurred on private property.

Cr. Keogh inquired whether there has been contact with the ABCA?

Mr. Hindmarsh advised that they require a permit fee in order to initiate a review.

Cr. Keogh brought forth a motion which was subsequently seconded for consideration:

**MOTION #020/2020**

**KEOGH/HEMMING:** That any decision on the request be deferred until Mr. Hindmarsh makes contact with the ABCA to determine if they would be receptive to cost sharing on reimbursement to Mr. Hindmarsh.

DEFEATED

Deputy Mayor Cornelissen advised that he sits on the Board and had inquired about this matter. He was advised that there is no compensation from the ABCA.

There was no further deliberation on the request and therefore Mayor Ropp rejoined the meeting.

**7. DEPARTMENTAL REPORTS**

a. Jackie Tiedeman, Clerk – Community Development Fund Program 2020

**MOTION #021/2020**

**KEOGH/MCLINCHEY:** Be it resolved that Council accept the report entitled '2020 Community Development Fund Program Report'; and

That Council direct staff to notify all applicants on the status of their application which includes approvals and/or denials along with a reason for the decision; and

That the cash assistance requisitions be processed following approval of the 2020 Budget anticipated to be in April/May 2020; and

Further that staff be directed to amend Policy CDFP.04 as noted in the report.

CARRIED

b. Jackie Tiedeman, Clerk – Records Management and Information Policy

**MOTION #022/2020**

**NICHOL/HEMMING:** That Council receive the report entitled ‘Records and Information Management Policy’; and

That Council approve this Policy through the enactment of the By-law.

CARRIED

c. Donna Vanhooydonk, Executive Assistant – Mosquito Larvicide Program 2020

Cr. Keogh inquired whether the 2020 program included provision for the problematic areas in East Williams ward from last year. Staff advised that Pestalto is aware of this area and will be under surveillance. If ground treatment is recommended he will advise.

**MOTION #023/2020**

**MCLINCHEY/NICHO:** Be it resolved that Council receive the report entitled 2020 Larvicide Application Program;

And that Council directs staff to retain Pestalto Environmental Health Services Inc. immediately to begin North Middlesex’s 2020 larvicide program; starting with the facilitation of a ground treatment program (as referenced in this report as ‘Mod-High Level’ mosquito larva). The scope of the program is earmarked within the 2020 Operating Budget.

CARRIED

d. Donna Vanhooydonk, Executive Assistant – YMCA Policy

**MOTION #024/2020**

**MCLINCHEY/KEOGH:** Be it resolved that Council approve the YMCA Membership Policy for the non-union staff as recommended by the Policy Committee on January 23, 2020.

CARRIED

e. Jonathan Lampman, Infrastructure Supervisor – Beechwood Bridge Engineering Award

**MOTION #025/2020**

**KEOGH/CORNELISSEN:** Be it resolved that Spriet Engineering be awarded the consulting services for the Beechwood Bridge Rehabilitation in the amount of \$128,280 (excluding HST).

CARRIED

f. Mike Barnier, Director of Economic Development & Community Services-SOMA Membership

**MOTION #026/2020**

**MCLINCHEY/HEMMING:** That Council receive the report and direct staff to proceed with the withdrawal from membership with the Southwest Ontario Marketing Alliance (SOMA).

CARRIED

g. Jonathon Graham, CAO/Director of Operations – OCWA Agreement

**MOTION #027/2020**

**MCLINCHEY/HEMMING:** That Council receive the report 'OCWA contract renewal 2020-2029'; and

That the Mayor and Clerk be directed to proceed with the OCWA contract renewal as attached for the services of operating the Municipality's Sanitary Treatment and water/watermain distribution system.

CARRIED

**8. PASSING OF ACCOUNTS**

Compilation of accounts from January 11-29, 2020 in the amount of \$739,983.35.

**MOTION #028/2020**

**KEOGH/NICHOL:** Be it resolved that the following Bills and Accounts be approved for payment in the amount of \$739,983.35

General Cheques \$89,803.66

Direct Deposit \$507,321.25

On-line/PAP \$142,858.44

CARRIED

**9. COMMITTEE REPORTS**

a. Lake Huron Primary Water Supply Joint Mgmt Board (Cr. Hemming)

b. ABCA (Deputy Mayor Cornelissen) Flood Emergency Seminar Feb.11

c. BWRA (Cr. McLinchey)

- d. EDAC (Cr. Moir)
- e. LSAC – (Cr. Nichol)
- f. Recreation Committee (Cr. Hemming)
- g. Water/Wastewater Committee (Cr. Moir)
- h. Policies Review Committee (Cr. Nichol) Nov.21, 2019 approved (R&F)
- i. Fire Committee (Cr.Keogh)
- j. Budget Committee (Mayor Ropp) Jan.7, 2020 approved (R&F)
- k. Community Development Fund Comm (Cr. Hemming) Jan.15, 2020 (R&F)
- l. OCWA Client Advisory Board (Jonathon Graham)

## **10. CORRESPONDENCE**

- A .MPAC – 2019 Year End Assessment Report for 2020 tax year  
(action: receive and file –MPAC invited to attend as delegation in spring)
- b. 2020 Farmland Forum Notice – March 26 at Grand Banquet Event Centre Guelph  
(action: receive and file)
- c. City of Stratford – Civic Night June 16<sup>th</sup> – anyone interested can order their own tickets  
(action: receive and file)
- d. Miranda Burgess – question regarding sustainable housing solution to reduce homelessness  
(action: staff prepare a written response on behalf of council referencing the County of Middlesex and City of London interaction with lower tier municipality regarding this issue)
- e. City of Sarnia – request motion endorsement regarding Ontario Power Generations Project

### **MOTION #028/2020**

**CORNELISSEN/NICHOL:** Be it resolved that the Council of the Municipality of North Middlesex hereby supports the following motion from the City of Sarnia:

*“That Sarnia City Council support the halting of the construction of the Deep Geological Repository, in the Bruce Peninsular, so that less dangerous solutions can be found for the longer storage of nuclear waste; and*

*That Sarnia City Council instruct the Sarnia City Clerk to notify all 444 Ontario municipalities, through AMO, by January 24, 2020 of our objective; and*

*That the Sarnia City Clerk send a copy of our resolution to the County of Lambton Clerk along with all the County Councillors asking for their endorsement.*

CARRIED

f. News Release from ABCA for nomination of conservation award by Feb 15<sup>th</sup>, invite to Conservation Dinner on April 16<sup>th</sup> and other related news  
(action: receive and file)

## **11.OTHER OR URGENT BUSINESS**

a. Verbal update on amendments to Procurement By-law – Jonathon Graham

Mr. Graham provided a review of the recent updates being recommended for the Procurement By-law. These changes had been vetted through the Policies Committee on January 23, 2020.

b. Verbal update on renewal of Parkhill Agricultural Society agreement – Mike Barnier

Mr. Barnier advised that the agreement had no changes other than a modest monetary update and was being recommended for another three year period.

## **12.COMMUNICATIONS (including County Council)**

Deputy Mayor Cornelissen advised that he was appointed to the Planning Advisory Committee at the County.

February 27<sup>th</sup> – The County is hosting an Agricultural Day at Western Fair District

The County Council will be receiving a report on Road and Bridget Assumption. He will update Council further when this has been reviewed.

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

#### **MOTION #029/2020**

**HEMMING/KEOGH:** That the Regular Meeting adjourn to Closed Meeting at 8:30 p.m. to receive information under the following exceptions:

- Security of the property of the municipality – Reserve Review and update on Water/Wastewater Rates
- Proposed acquisition/disposition of land by the Municipality – Parkhill Ward

CARRIED

### **14. CONSIDERATION OF MATTERS ARISING FROM CLOSED MEETING**

#### **MOTION #030/2020**

**KEOGH/CORNELISSEN:** That the Closed Meeting adjourn and return to Regular Meeting without recommendations for Open Meeting at 9:36 p.m.

CARRIED

### **15.READING OF BY-LAWS**

- a. By-law 7 of 2020 – OPA for 35571 and 35573 Salem Road
- b. By-law 8 of 2020 – ZBA for 35571 and 35573 Salem Road
- c. By-law 9 of 2020 – ZBA for 2130 Parkhill Drive
- d. By-law 10 of 2020 – Adopt Records and Information Management Policy
- e. By-law 11 of 2020 – Adopt Procurement Policy for the purchase of goods and services
- f. By-law 12 of 2020 – Confirming
- g. By-law 13 of 2020 – Authorize agreement with OCWA to operate and maintain the water distribution system and sanitary sewer treatment facilities.
- h. By-law 14 of 2020 – Authorize the renewal of agreement with Parkhill Agricultural Society

#### **MOTION #031/2020**

**MCLINCHEY/KEOGH:** That By-laws #7-13 of 2020 be read a first and second time

CARRIED

#### **MOTION #032/2020**

**NICHOL/CORNELISSEN:** That By-laws #7-13 of 2020 be read a third time and final time

CARRIED

**16.ADJOURNMENT**

**MOTION #033/2020**

**MCLINCHEY/KEOGH:** That the meeting adjourn at 9:36 p.m.

CARRIED

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MAYOR

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CLERK