



## **MUNICIPALITY OF NORTH MIDDLESEX REGULAR MEETING MINUTES**

The Regular Meeting of the Council of the Municipality of North Middlesex was held on Wednesday April 7, 2021 under provisions of the Procedural By-law which allows both with or without physically being present in the Council Chambers located 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

Manager of Economic Development and Community Services – Mike Barrier

Facilities Manager, Brandon Drew - absent

Infrastructure Supervisor, Jonathon Lampman

Treasurer, Tracy Johnson

Fire Chief, Greg Vandenheuvel

### **3. DISCLOSURE OF PECUNIARY INTEREST (*Municipal Conflict of Interest Act*) in writing or at anytime during the meeting)**

None

#### 4. MINUTES OF PREVIOUS MEETINGS

##### **MOTION #076/2021**

**MOIR/HEMMING:** That the March 17<sup>th</sup> Regular and March 25 Special Meeting Minutes be approved as presented.

CARRIED

#### 5. DEFERRED – PLANNING (March 3, 2021)

##### a.6:00 p.m. Request for Zoning Amendment (Temporary Use) – 4 Alma Street, Nairn

Planner Stephanie Poirier provided Council with a supplementary report (dated April 7, 2021) in response to the decision of council on March 3, 2021 that accepted the applicant's proposal in principal but deferred the application until staff had the opportunity to draft a by-law. After discussion with the landowner and taking into account information received at the public meeting, staff recommend the following:

##### **MOTION #077/2021**

**KEOGH/HEMMING:** That the agricultural non-intense use have a maximum of 3 nutrient units and that no new livestock housing structures requiring a building permit will be permitted. Staff also suggest that any future structures not requiring a building permit be located 74m (241 ft) away from the closest residential building in accordance to MDS setbacks.

CARRIED

##### b.6:00 p.m. Request for Zoning Amendment (Temporary Use) – 4486 Queens Ave, Nairn

Planner Stephanie Poirier provided Council with a supplementary report (dated April 7, 2021) in response to the decision of council on March 3, 2021 that accepted the applicant's proposal in principal but deferred the application until staff had the opportunity to draft a by-law. After discussion with the landowner and taking into account information received at the public meeting, staff recommend the following:

##### **MOTION #078/2021**

**KEOGH/MCLINCHEY:** That the agricultural non-intense use have a maximum of 3 nutrient units and that no new livestock housing structures requiring a building permit will be permitted. Staff also suggest that any future structures not requiring a building permit be located 74m (241 ft) away from the closest residential building in accordance to MDS setbacks.

CARRIED

The Planner acknowledged a letter from Schlegel Urban Developments pertaining to both applications. Draft by-laws were provided to them as requested at the public meeting and the letter will be received and filed.

Draft By-laws were reviewed with Council for both applications and they will be considered for all three readings later in the meeting.

## **6. PUBLIC MEETING - PLANNING**

c.6:10 p.m. Notice of OPA and ZBA Amendments for 26428 Fletcher Rd

Owners: Arie, Carla & Kyle Pennings

Agent: Dan Smith, Monteith Brown Planning Consultants

Con 5 Part Lot 4 RP33R4813 Part 1  
(former East Williams)

The purpose and effect of the Application for Official Plan Amendment (OPA No.13) is to change the designation of the lands from the 'Agricultural Area' to an 'Agricultural Special Policy Area' designation in order to permit a 'granny flat' or garden suite on the subject lands for a temporary period of time not to exceed 20 years in accordance with Section 39.1 of the Planning Act where as the North Middlesex Official Plan permits 'granny flats' or 'garden suites' in the Agricultural Area designation through a Temporary Use Zoning By-law for a period not exceeding 3 years.

The purpose and effect of the Temporary Use Zoning By-law Amendment (no. ZBA-6-2021) is to allow the establishment of a 156 m<sup>2</sup> (1,680 sq ft) 'granny flat' or 'garden suite' in the form of a one storey modular home with site specific zoning standards on an agricultural parcel of land for a period of 20 years for the purpose of housing aging parents on the same property as their child resides on.

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

### **AGENCY OR WRITTEN SUBMISSIONS**

ABCA: the location of the new building does not encroach into the Natural Heritage feature. It is the authority's opinion that an EIS is not required for the proposed development. The location does encroach into the Regulation Limit and as such an concerns will be addressed at the permit stage. Otherwise no objection to the approval of both applications

Chief Building Official: no objection to the applications. The existing septic system will need to be upgraded to accommodate the additional unit if necessary, or a new septic system be installed for the additional unit at the time of the building permit process.

Public Works Department: there is existing water service connected to the residence at 26428 Fletcher Rd. The new granny suite will be required to be fed via the fronting water distribution system and a meter pit at the property line to facilitate the additional unit.

No Public Written or Oral Submissions at the meeting

Dan Smith, Agent from Monteith Brown Planning Consultants represented the owners with a submission of a Planning Justification Report. His clients had no concerns with being able to meet the servicing requirements.

After careful consideration, the following recommendation was considered:

**MOTION #079/2021**

**KEOGH/CORNELISSEN:** That Application for Official Plan Amendment OPA 13 which would re-designate the subject lands from 'Agricultural Area' to the 'Agricultural Special Policy Area' be **ADOPTED** and forwarded to the County of Middlesex for consideration and approval; and

That Zoning By-law Amendment No. ZBA-6-2021 which proposes to rezone the subject lands from the 'General Agricultural (A1) Zone' to the 'General Agricultural Exception (A1-86(t)) Zone' to permit a 'granny flat' located in the front yard for a period not exceeding twenty years, and to permit a front yard setback of 10m (33ft) be

**APPROVED.**

CARRIED

d.6:20 p.m. Notice of Zoning Amendment (Temporary Use Renewal) for 2242 Elm Tree Drive

Owners: Kevlin Farms c/o Kevin Boere

Lot 5 Con 11  
(former West William Twsp)

The purpose of the Temporary Use Zoning By-law ZBA-07-2021 is to temporarily allow a second residential dwelling on an agricultural parcel of land for the purpose of boarding seasonal farm labourers. In order to recognize the Temporary Use, the lands will be rezoned from 'General Agricultural (A1) Zone' to 'General Agricultural Exception

70 (t) Zone for a period of three years. When the Temporary Use By-laws expires after three years time, the lands will return to the 'General Agricultural (A1) Zone'.

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

#### AGENCY AND WRITTEN SUBMISSIONS

Public Works Dept – no objection

No Public Written or Oral submissions were received.

#### **MOTION #080/2021**

**NICHOL/HEMMING:** That Application for Temporary Zoning By-law ZBA-07-2021 to rezone lands from 'General Agricultural (A1) Zone to 'General Agricultural Exception 70 (t)Zone' be **APPROVED** for a period of 3 years as t he 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 planning.

CARRIED

#### **MOTION#081/2021**

**MCLINCHEY/KEOGH:** That Public Meeting adjourn to Committee of Adjustment at 6:32 p.m. to consider planning applications.

CARRIED

See separate Committee of Adjustment minutes

The Regular Meeting resumed at 6:51 p.m. following the planning portion of the meeting.

### **7. DELEGATION**

None

### **8. DEPARTMENTAL REPORTS**

a. 2020 Annual Development Charges Update – Treasurer

**MOTION #082/2021**

**MCLINHEY/MOIR:** That Council receive the report entitled 2020 Annual Development Charges Update as information.

CARRIED

b. 2020 Unaudited Year End Surplus Reserve Transfers – Treasurer

The Treasurer requested direction from Council on the suggested transfer of \$90,000, intended for the CIP Plan, to be set up as a new reserve or included in Economic Development – the direction was to include this amount with the existing Economic Development Reserve.

**MOTION #083/2021**

**MCLINCHEY/KEOGH:** That the report entitled 2020 Unaudited Year End Surplus Reserve Transfers be received;

That Council approves the 2020 unaudited year end operating surplus reserve transfers per Schedule B;

That Council approves any 2020 operating surplus/deficit after the year end audit is complete, be transferred to/from the general working capital reserve;

That \$577.26 be transferred from the Santa Claus Parade reserve to cover 2020 expenses;

And That Council authorize the 2020 purchase of the Water Wagon be funded from the Vehicle/Equipment Reserve.

CARRIED

c. Tender Award West Williams Pumping Station Rehabilitation Contractor Award-Infrastructure Supervisor

**MOTION #084/2021**

**HEMMING/NICHOL:** Be it resolved that Selecta Inc. be awarded the West Williams Pumping Station Rehabilitation project in the amount of \$184,749.26 (excluding contingency and HST)

CARRIED

d. Fire Safety Grant Transfer Payment Agreement – Fire Chief

**MOTION #085/2021**

**MCLINCHEY/NICHOL:** That Council receive the report and direct the Mayor and Clerk to execute the grant authorization agreement.

CARRIED

e. Deferred – By-law to prohibit Off Road Vehicles on Municipal Roads

CAO, Jonathon Graham, provided a review of the changes made to the By-law to address concerns Council had with ensuring agricultural off road vehicles were exempt. Additionally, suggested set fines were included, rather than fines under the Highway Traffic Act, which were considerably more. Discussion included challenges with Off Road Vehicles in the urban areas – the following motion was considered:

**MOTION #086/2021**

**MCLINCHEY/NICHOL:** That Council enact the proposed by-law to prohibit Off Road Vehicles on highways/roads within the Municipality of North Middlesex's jurisdiction as defined by the Ontario Highway Traffic Act and that the Set Fine Schedule be adopted.

DEFEATED

**9. PASSING OF ACCOUNTS**

Compilation of accounts from March 12-29, 2021 in the amount of \$2,089,593.03

**MOTION #087/2021**

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

General Cheques \$90,228.58  
Direct Deposit \$1,815,554.72  
On-line/PAP \$183,749.73  
Cemetery Cheques \$0.00  
Cemetery Direct Deposit \$0.00

CARRIED

## 10. COMMITTEE REPORTS

a. Lake Huron Primary Water Supply Joint Mgmt Board (Cr. Hemming) None

b. ABCA (Deputy Mayor Cornelissen) March 18, 2021 Board Highlights

Deputy Mayor Cornelissen reported that the ABCA is partnering with Lambton Shores for treatment on their land in Port Franks for Gypsy Moths and inquired whether the same partnership was in place for the Mosquito Abatement Program on their land in North Middlesex. Staff advised that permission is given but no monetary contribution.

Cr. Keogh inquired whether land in the Bear Creek Area is being sprayed for Gypsy Moths by the CA and Deputy Mayor Cornelissen said any proposed treatment areas would have to be initiated with a complaint.

c. BWRA (Cr. McLinchey) March 2021 Notes

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

Cr. Keogh reported that the Build Committee has had a meeting and another one will be scheduled soon. He inquired into why past minutes have not been forwarded to council – staff will look into the status of them.

j. OCWA Client Advisory Board (Jonathon Graham) None

## 11. CORRESPONDENCE

a. Township of Warwick – Notice of Open House and Public Meeting Official Plan Review  
(action: receive and file)



b.Ministry of the Solicitor General – 2020 Compliance with the *Emergency Management and Civil Protection Act (EMCPA)*  
(action: receive and file)

c.Parkhill Community Garden – thank you note for Community Development Fund allocation for 2021.  
(action: receive and file)

## **12.OTHER OR URGENT BUSINESS**

Cr. Hemming requested the Speed Sign be set up in Hungry Hollow for public awareness.

Cr. Moir inquired into the status of Techy Savvy project. Staff advised that there has not been a lot of progress in this regard anywhere but would make contact with them again.  
Cr. Moir also inquired whether the store front grant program was still being implemented and staff replied that it is ongoing.

Mike Barnier provided a brief update on status of the Community Improvement Plan and that meetings will be set up in April/May for this project.

Deputy Mayor Cornelissen reported on activities of the Rural Education Task Force. They were hoping to set up in person Public Consultation Meetings of which one would be in North Middlesex. Due to the current COVID restrictions, timelines for this may vary.

## **13.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 2<sup>nd</sup> quarter billing cycle

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

Deputy Mayor Cornelissen reported on a recent MPAC presentation at the County as well as the progress report from each Department was very informative.

Mayor Ropp advised that there will be a virtual meeting for residents affected by the Blacks Bridge project soon which will set out the next steps.

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

005 of 2021 VanMassenhoven Drain (3<sup>rd</sup> and final reading)

027 of 2021 ZBA (Temp Use) 4 Alma Street, Nairn

028 of 2021 ZBA (Temp Use) 4486 Queens Ave, Nairn

031 of 2021 Council Remuneration and Expenses for 2021

032 of 2021 OPA 26428 Fletcher Rd

033 of 2021 ZBA 26428 Fletcher Rd

034 of 2021 ZBA (Temp Use) 2242 Elm Tree Rd

035 of 2021 Appointment By-law for Building Inspectors Middlesex Centre

036 of 2021 Appointment of MLEO - Middlesex Centre

037 of 2021 Authorize Agreement for Fire Safety Grant Allocation

038 of 2021 - Confirming

Draft By-law 039 of 2021 was pulled as the report to approve the by-law was defeated earlier in the meeting.

### **MOTION #088/2021**

**MCLINCHEY/NICHOL:** That By-law #027-038 of 2021 be read a first and second time

CARRIED

### **MOTION #089/2021**

**MOIR/HEMMING:** That By-law #005, 027-038 of 2021 be read a third and final time

CARRIED

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

None

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

None

**18.ADJOURNMENT**

**MOTION #090/2021**

**MCLINCHEY/KEOGH:** That the meeting adjourn at 7:36 p.m.

CARRIED

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MAYOR

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CLERK