



**MUNICIPALITY OF NORTH MIDDLESEX
REGULAR MEETING MINUTES**

February 7, 2024, 6:00 p.m.

Members Present: Mayor Brian Ropp
Deputy Mayor Paul Hodgins
Councillor Ward 1 Sara Nirta
Councillor Ward 2 Bill Irwin
Councillor Ward 3 Charles Daigle
Councillor Ward 4 John Keogh
Councillor Ward 5 Adrian Cornelissen

Staff Present: Chief Administrative Officer, Carolyn Tripp
Treasurer Estelle Chayer
Manager of Public Works Vance Czerwinski
Recreation and Facilities Manager Brandon Drew
Manager of Infrastructure and Operations Jaden Hodgins
Clerk Ashley Cook,

The Regular Meeting of the Council of the Municipality of North Middlesex was held under the provisions contained within the North Middlesex Procedural By-law and may be held in whole or in part 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. DISCLOSURE OF PECUNIARY INTEREST

(Municipal Conflict of Interest Act – Section 5 requires any member of Council to declare a pecuniary interest and general nature thereof, prior to any consideration on that matter. Where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the Act. The disclosures become part of a Public Registry as required under the Act.

None.

3. MINUTES OF PREVIOUS MEETINGS

Moved By: C. Daigle

Seconded By: S. Nirta

Recommended Motion:

That the attached minutes from January 17th 2024 Regular Council Meeting be approved as presented.

CARRIED

Moved By: B. Irwin

Seconded By: P. Hodgins

THAT Regular Meeting adjourn to proceed to Public Meeting including Committee of Adjustment as listed on the agenda.

CARRIED

4. PUBLIC MEETING INCLUDING COMMITTEE OF ADJUSTMENT

4.1 6:00 p.m. Notice of Public Meeting to consider Application MV-1-2024, MV-2-2024 located at 132 Old Mill St.

4.1.1 Planners Evaluation Report

The Planner presented her report. The applicants were not present.

4.1.2 Provision for Applicant Remarks

None.

4.1.3 Provision for Written Submissions

None.

4.1.4 Provision for Public Comments

None.

4.1.5 Provision for Committee Questions

None.

4.1.6 Decision (approve, defer with reason, deny with reason) See Planner's report for recommendation

Moved By: C. Daigle

Seconded By: S. Nirta

THAT Application for Minor Variance MV-1-2024, in order to permit a minimum lot area of 418 square metres (4499.31 sq ft); whereas, the Residential Density One (R1) Zone requires a minimum lot area of 460 square metres (4951.4 sq ft); and to permit a front yard setback of 4.7 metres (15.4 ft) to the existing dwelling, whereas the Residential Density One (R1) Zone requires a minimum front yard setback of 6 metres (19.7 ft) be GRANTED.

THAT Application for Minor Variance MV-2-2024, in order to permit a minimum lot area of 418 square metres (4499.31 sq ft); whereas, the Residential Density One (R1) Zone requires a minimum lot area of 460 square metres (4951.4 sq ft) be GRANTED.

For the reasons listed on the Planner's Evaluation Report.

CARRIED

- 4.2** 6:00 p.m. Notice of Public Meeting to consider Application B1-2024 located at 25976 King St.

4.2.1 Planners Evaluation Report

The Planner presented her report.

4.2.2 Provision for Applicants Remarks

The applicants were present in person.

4.2.3 Provision for Written Submissions

None.

4.2.4 Provision for Public Comments

None.

4.2.5 Provision for Committee Questions

Councillor Cornelissen asked for clarification on condition #10. The Planner noted that the condition refers to the current owner and that verbiage could be added to the development agreement.

4.2.6 Decision (approve, defer with reason, deny with reason) See Planner's report for recommendation

Moved By: B. Irwin

Seconded By: J. Keogh

THAT Application for Consent B1-2024, submitted under Section 53 of the Planning Act be GRANTED subject to the conditions listed on the Planner's Evaluation Report.

CARRIED

- 4.3 6:00 Notice of Public Meeting for application B2-2024 located at 1069 West Corner Dr.

4.3.1 Planner's Evaluation Report

The Planner presented her report.

4.3.2 Provision for Applicant Remarks

The Applicant and Agent were present in person.

4.3.3 Provision for Written Submissions

None.

4.3.4 Provision for Public Comments

None.

4.3.5 Provision for Committee Questions

The Mayor made comment to the process being outdated. No further comments.

4.3.6 Decision (approve, defer with reason, deny with reason) See Planner's report for recommendation

Moved By: P. Hodgins
Seconded By: C. Daigle

THAT Application for Consent B2-2024, submitted under Section 53 of the Planning Act be GRANTED subject to the conditions as listed on the Planner's Evaluation Report.

CARRIED

- 4.4 6:00 Notice of Public Meeting for Application 39T-NM2303 Lieury Plan of Subdivision Information Report

4.4.1 Planner's Evaluation Report

The Planner presented her report.

4.4.2 Provision for Applicant Remarks

The agent was present via Zoom. He noted his support for the Planner's comments.

4.4.3 Provision for Public Comments

Matt White (Lieury Resident) - Two objections, citing the fabric of Lieury being a small community and the notification process with the development. His second concern was concerning the drainage works and the costs being billed to the residents of Lieury.

The Mayor asked the Agent to clarify the costs to the neighbouring residents. He cited that the drainage improvement would be responsibility of the applicant. The agent cited the Official Plan of the Municipality.

The agent reiterated no cost to the neighbours.

Julie and Andrew Cantin spoke about their written concerns and noted that their secondary residential lot could be impacted by the new drainage works. They wanted to confirm that the new development would not hinder their ability to develop.

The agent provided clarity and noted that the drainage was meant to go west on Lieury and should not connect to the neighbouring property.. The Manager of Infrastructure and Operations noted that the Drainage Engineer has not provided their report and it is still in process to determine the exact location of the drainage in the areas.

4.4.4 Provision for Written Submissions

Written submissions were attached.

4.4.5 Provision for Council Questions

Councillor Keogh asked when the Drainage report would be completed. The Manager of Infrastructure and Operations noted it would be complete in the coming weeks.

Councillor Irwin asked to clarify that any drainage works cost would be assumed by the developer. The Councillor asked if lighting could be considered as part of the plan of subdivision. The Planner noted that there were no provisions currently in the Planning Documents of the Municipality. The Clerk noted that there is no Illumination By-Law but similar concerns have been addressed under the purview of the Municipal Public Nuisance By-Law.

Councillor Cornelissen asked the agent what the time frame for the development and when the project would begin. Matt Campbell from Zelinka confirmed there was no timeline as of yet anticipated plus or minus a year.

Councillor Irwin asked for a timeline of events. The Planner spoke to a recommendation report at the March 6th Council meeting, pending the decision it will then be forwarded to the County for ultimate draft plan approval.

Councillor Daigle asked that the Engineering report from Dobbin be received at the same time. The Manager of Infrastructure noted that he would confirm with R. Dobbin to identify it that was possible.

4.4.6 Decision

Moved By: C. Daigle

Seconded By: S. Nirta

THAT the subject report for Plan of Subdivision 39T-NM-2303 be received for information.

CARRIED

- 4.5 6:00 Notice of Public Meeting for application ZBA-3-2024 located at 29463 Coldstream Rd.

4.5.1 Planner's Evaluation Report

The Planner presented her report.

4.5.2 Provision for Applicant Remarks

The applicant and agent were both present.

4.5.3 Provision for Written Submissions

None.

4.5.4 Provision for Public Comments

None.

4.5.5 Provision for Council Questions

Deputy Mayor asked for clarification on the grain silo and if it would be removed. The silo has been removed.

4.5.6 Decision (approve, defer with reason, deny with reason) See Planner's Evaluation Report for Recommendation

Moved By: A. Cornelissen

Seconded By: S. Nirta

THAT Application for Zoning By-law Amendment No. ZBA-3-2024 which proposes to rezone the retained lot of Consent B8-2023 from the 'General Agricultural (A1) Zone' to 'Agricultural Small Holding Exception (AG1) Zone' to recognize the residential use of the lands; and to rezone severed lands from the 'General Agricultural (A1) Zone' to 'General Agricultural Exception (A1-103) Zone' to prohibit the establishment of new dwellings on the remnant farm parcel be APPROVED.

See Planner's Evaluation Report for full listing of conditions.

CARRIED

4.6 Adjournment of Meeting

Moved By: C. Daigle

Seconded By: S. Nirta

THAT Public Meeting including Committee of Adjustment adjourn at 6:54 p.m. and proceed to Regular Meeting as listed on the agenda.

CARRIED

5. DEPARTMENTAL REPORTS

5.1 Report from Chief Building Official - North Middlesex Fourth Quarter and Building Summary Report

The CBO presented his report. Councillor Irwin asked for clarification on the term rural areas. CBO provided that land outside of the settlement areas.

Councillor Cornelissen asked about the kind of agricultural buildings. The CBO noted he could provide the exact figures.

Councillor Keogh asked about the turnaround with respect to inspections. The CBO noted that the inspection turn around was approximately 24 hrs.

Moved By: C. Daigle

Seconded By: J. Keogh

THAT the Year End and Fourth Quarter 2023 Building Activity Summary be received for information.

CARRIED

5.2 Report from Chief Building Official - Building Services Agreement: Funding

The CBO presented his report.

The Mayor noted 4.1 needed to be revised for a typo.

Councillor Cornelissen asked how this would be billed if the construction industry slows down. The CBO noted that it is a risk that is taken, but it would be considered as part of budgetary discussion. The Councillor followed up, requesting the permit revenue be considered in this proposal. The CBO spoke to the formula being a combination of the assessment and the fees collected.

Previous year's construction value + first half of the current year is the time that the formula is based on.

Moved By: C. Daigle

Seconded By: S. Nirta

THAT the report: Building Services Agreement – Update re: Funding be received for information.

AND THAT Council approve the proposed amendment for a period of 1 year, a provision to revise the costing calculation, to the monetary section of the current Building Inspection Services Agreement with Middlesex Centre.

CARRIED

5.3 Report from Manager of Infrastructure and Operations - Ailsa Craig Water Tower Project Update

The Manager of Infrastructure and Operations presented his report.

Councillor Keogh asked how the deficiency list cost is determined. The Manager noted that there is remaining uncompleted work is money that the Municipality has not billed the contractors for yet.

Councillor Cornelissen asked how CIMA was awarded this contract. The Manager noted that there was an RFP process and proposals were submitted by engineering firms and one was selected by Council based on their proposal. The Councillor asked for justification for the increases. Stuart alluded to the bid process and noted that during the design phase, CIMA was under budget. He noted that the construction phase was dependent on the contractor and some delays realistically were beyond the contractor's control. There were additional engineering efforts made as a result of the delays and those are the costs that they are requesting to be compensated for.

Councillor Irwin asked if any of the delays were attributed to the actions of the Municipality. Stuart stated that there were no actions by the Municipality cited as the delay. The Councillor followed up citing the total of the additional costs, and he asked if this is a percentage or complete picture of the costs that CIMA is requesting the Municipality assume. Stuart noted that it was an accurate depiction of the costs that are requested of the municipality.

Councillor Nirta asked for clarification on the list of deficiencies. The Manager provided that the list was not up to date but there were closer to 10 outstanding. Stuart provided an update on the contractors attending to

remedy the deficiencies. He understood that some work was completed and put on pause.

The Mayor asked how to proceed to remedy the deficiencies.

Councillor Keogh wanted to determine what it would take to complete the project. Stuart noted that what is proposed today would be it.

Councillor Daigle asked what would happen if contractual obligations were not met. Stuart cited the maintenance holdback as an option.

Councillor Irwin asked about the fairness in the costs. Stuart reiterated that he understood the bid process and the ethics in complying with the bid. He noted there are sometimes unknowns in the process. There are no compliance clauses to be enacted.

Councillor Nirta asked how much longer - Stuart noted that a non-compliance clause would be issued to remedy in a week and after the lapse there would be an opportunity to conduct on their behalf.

Conversation on deferring the motion until the deficiencies are met was had. An amended motion was carried.

S. Nirta and A. Cornelissen recorded as opposed.

Moved By: J. Keogh

Seconded By: P. Hodgins

THAT Council receive this report for information;

AND THAT Council increase the budget for the contract administration services contract with CIMA+ Engineering for the Ailsa Craig Water Tower project by \$63,114, for a revised total contract price of \$444,807.49 to be paid upon successful completion of the noted deficiencies.

CARRIED

5.4 Report from Manager of Infrastructure and Operations - Parkhill Main St. Ca Cost Increase

The Manager presented his report. The Mayor asked for clarification about the two inspectors - does this include the additional needed to carry out the project? Stuart noted that it did not include the contract administration services. He went on to note that senior oversight would not be billed to

North Middlesex. The Mayor followed up by asking about the time expansion of the project and its association with the increase in costs.

Councillor Irwin asked for clarification on the additional costs, and the Manager of Infrastructure noted that there is cost sharing with the County. The Manager noted that this figure included the County portion. The Councillor followed up asking if the County was aware of this request. The Manager noted that there is regular communication and they will be made aware.

Councillor Irwin asked if CIMA was involved in the tender process for the Parkhill water main project, citing North Middlesex had a pre-qualification process and the successful contractor was considered under here. North Middlesex staff did perform their due diligence to evaluate the competency of the contractor.

Councillor Nirta asked if this request collectively assumes the outstanding, and CIMA noted that it is possible to be the last.

The Manager of Infrastructure noted that the County share is approx. 15-30%

Councillor Cornelissen asked about the contingency provisions. CIMA noted that there are current provisions, but the experience of this project was beyond reasonable contingency.

Moved By: P. Hodgins

THAT Council receive this report for information;

AND THAT Council increase the budget for the Contract Administration Services contract with CIMA+ Engineering for the Parkhill Main Street Construction project by \$119,545.50, for a revised total contract price of \$ 631,381.50.

Defeated

Moved By: B. Irwin

Seconded By: S. Nirta

THAT Council defer the report,

AND THAT Council direct staff to return before Council with a report including additional information on the cost breakdown including the

overrun portion and the allocation associated with the County for consideration.

CARRIED

5.5 Report from Drainage Superintendent - Municipal Drain Tender Results and Contract Award: Hutchinson-Eagleson Drain "A"

The Manager of Infrastructure and Operations presented the report on the Drainage Superintendent's behalf.

Councillor Cornelissen asked if the contractor was local. It was noted that the contractor was from Arkona.

Moved By: B. Irwin

Seconded By: S. Nirta

THAT Council receives this report and directs staff to award the Tender Contract MD01-2024 for the Hutchinson-Eagleson Drain "A" to JLH Excavating Inc., in the amount of \$222,990.00 (excluding HST).

CARRIED

5.6 Report from Manager of Infrastructure and Operations - Ailsa Craig North Drainage Issues

The Manager of Infrastructure and Operations presented the report.

Councillor Irwin asked what the cost of a municipal drain is to the residents. The Manager noted that it would be in the range of \$30,000 - \$80,000.

The Mayor asked if it was possible to do a private, or mutual drain and the Manager confirmed that these were also options to the residents.

Moved By: B. Irwin

Seconded By: A. Cornelissen

THAT Council receive this report for information;

AND THAT Council direct staff to inform residents experiencing drainage issues of their option for petitioning for a municipal drain through the Drainage Act.

CARRIED

5.7 Report from Manager of Infrastructure and Operations - Queen St. Gas Main Relocation Cost Increase

The Manager of Infrastructure and Operations presented the report.

The Deputy Mayor asked where it would be relocated to. The Manager noted the relocation was from the west to the east boulevard.

Moved By: S. Nirta

Seconded By: C. Daigle

THAT Council receive this report for information.

CARRIED

5.8 Report from Manager of Infrastructure and Operations - Parkhill Sewage Lagoon Dredging Update and Wastewater Servicing Capacity Allocation

The Manager of Infrastructure and Operations presented the report.

Councillor Irwin asked about the increased life capacity of the lagoons. The Manager noted that the lagoons have been accumulating sludge since its inception and removal of any would contribute to an increase in capacity. The Manager noted that he would return with more information.

The Chief Administrative Officer noted there were potential opportunities to do more regular maintenance on them.

Councillor Cornelissen asked for clarification on the capacity allocations put forth in the report. The Manager noted that the removal of sludge would impact the capacity rates. The Councillor followed up by asking if the proposed is the total tonnage of sludge and the Manager confirmed.

Councillor Nirta asked if the ultimate goal was still the creation of the wastewater treatment plant. The Manager noted that both projects are considered a priority. The Councillor asked if there was a timeline expected for the project. The Manager noted that the timeline would be defined by the contractors who would be doing the work, est. a flexible timeline from March to the end of the year.

Councillor Nirta asked if this project would allow developers waiting to be able to proceed. The Manager noted that yes this is the hope. The CAO

noted that this would be subject to an allocation process as proposed within the report.

Councillor Daigle asked if there was an estimated time for completion of the project - the duration of the project would be approximately a month.

Councillor Cornelissen asked about the already established design. OCWA confirmed that the design was tied to the cell and it was not gone to waste.

Councillor Keogh asked the Treasurer how it would be funded. The Treasurer noted that it would be considered through budget.

Moved By: S. Nirta

Seconded By: B. Irwin

THAT Council receive this report for information;

AND THAT Council direct staff to develop a wastewater servicing capacity allocation policy for review and approval by the Policy Committee and Council.

CARRIED

5.9 Report from Manager of Infrastructure and Operations - William St. Sewage Pumping Station - Project Update and Engineering Cost Increase

The Manager of Infrastructure and Operations presented the report. Dillion Consulting joined virtually via Zoom.

Councillor Daigle asked how this would be funded. The CAO spoke about funding opportunities through the Province.

The Mayor asked if this project could be split into sections. The consultants noted that it could be phased into two phases. Councillor Keogh asked if the funding application was only applicable to the entire project or if it could be done in phases.

The motion below would be considered an asset to the application for funding.

Councillor Irwin asked if the \$50,000 would be part of the Development Charges Fund. The CAO noted that she would confirm and bring back the specifics. The Councillor followed up by asking what the impact of the Ausable Bluffs subdivision. The CAO spoke noting that they were provided a level of allocation that is not comparable to the availability today.

The consultant provided that the project was a necessity for future works.

Moved By: C. Daigle

Seconded By: J. Keogh

THAT Council receive this report for information;

AND THAT Council increase the budget for the William Street Pumping Station and Forcemain Upgrade engineering design contract with Dillon Consulting Limited by \$50,000, for a revised total contract price of \$175,072.20 (excluding HST).

CARRIED

5.10 Report from Manager of Recreation and Facilities - Scoreboard Sponsorship Report

The Manager of Recreation and Facilities presented the report. Councillor Irwin asked for clarification on the use of RFP. The Manager noted in the past an RFP was used to get the highest bidder.

Councillor Nirta asked how the measure of success would be determined. The Manager noted that a return report would come with an update.

Councillor Cornelissen supported the report.

Moved By: S. Nirta

Seconded By: P. Hodgins

THAT Council approve the sponsorship methods outlined in this report to secure funding for the new scoreclock.

CARRIED

6. PASSING OF ACCOUNTS

6.1 Report from Treasurer - Accounts Payable

The Treasurer presented the report. The Manager of Recreation and Facilities provided a breakdown of the Firehall costs asked out of the previous AP report.

Moved By: B. Irwin

Seconded By: S. Nirta

That council receive and accept the following accounts payable report as information only.

CARRIED

7. COMMITTEE REPORTS

7.1 Lake Huron Primary Water Supply Joint Mgmt Board

March 7th 2024 next meeting.

7.2 ABCA

7.3 BWRA

7.3.1 Board of Directors Meeting Highlights - January 17, 2024

7.4 EDAC

7.5 LSAC

7.5.1 Upcoming Agenda - February 8th 2024

7.6 Recreation Committee

7.7 Policies Review Committee

7.8 Fire Committee

7.9 Budget Committee

7.10 Community Development Fund Committee

7.11 OCWA Client Advisory Board

8. CORRESPONDENCE

8.1 AORS - Skills Development Fund

Receive and Consider Support

Filed.

8.2 Municipality of Tweed - License Plate Renewal

Receive and Consider Support

Moved By: A. Cornelissen

Seconded By: J. Keogh

THAT the Council of the Municipality of North Middlesex receive and support the enclosed correspondence.

CARRIED

8.3 City of Sarnia - Carbon Tax

Receive and Consider Support

Moved By: A. Cornelissen

Seconded By: S. Nirta

THAT the Council of the Municipality of North Middlesex receive and support the enclosed correspondence.

CARRIED

8.4 Township of Larder Lake - Occupational Health and Safety Act

Receive and Consider Support

Filed.

8.5 Letter from Enbridge - Ontario Energy Board Phase 1 Decision of Gas Rebasing Application

Receive and File

Filed.

8.6 MLHU Board of Health Meeting Summary - December 14 2023

Receive and File

Filed.

8.7 City of Stratford - Civic Night Invitation

Receive and File

Filed.

9. OTHER AND URGENT BUSINESS

9.1 Councillor Keogh - Road Grading specific to Argyle

Request for all of Council to determine where the graders will be.

9.2 Councillor Cornelissen - Tax Bill Automatic Payments

PAP programs are still in place. Councillor Cornelissen asked about phone systems and return phone calls, request for phone calls

9.3 Councillor Nirta - Parking Control on Hasting St.

The Clerk noted that attempts have been made to manage the overflow of parking in this area including building relationships with neighbouring parking opportunities, using Municipal lots, adding signage in the area and working with Planning and Infrastructure to create more parking at the Church itself.

9.4 Grant Applications

A discussion was had about a record of grant applications and if the outcome was recorded on which grants the Municipality was successful in receiving in the past. The CAO noted that this type of document could be formulated.

10. DEFERRED ITEMS FROM PREVIOUS MEETINGS

10.1 Environment Committee

Deferred April 5, 2023 - Councillor Irwin to follow up.

10.2 Surplus Farm Severance Education Session

Deferred December 6, 2023

Planning to follow up.

11. COMMUNICATIONS (Including County Council Meeting Report)

11.1 Council Meeting Highlights - January 16, 2024

12. READING OF THE BY-LAWS

Moved By: A. Cornelissen

Seconded By: J. Keogh

That By-laws 006-010 of 2024 be read a first and second time

Provision for questions

CARRIED

Moved By: C. Daigle
Seconded By: P. Hodgins

That By-laws 006-010 of 2024 be read a third and final time

CARRIED

12.1 006 of 2024 - Amend Assessment Schedule for Actual Costs – Jennison Drain Branch “A” and “B

12.2 007 of 2023 - ZBA-3-2024 29463 Coldstream Rd.

12.3 008 of 2024 - Agreement Service Ontario

12.4 009 of 2024 - Amending Service Agreement For Building Services MXC

12.5 010 of 2024 - Confirming

13. CLOSED MEETING (Under Section 239 of the Municipal Act)

Moved By: S. Nirta
Seconded By: B. Irwin

**That the Open Meeting adjourn to Closed Meeting at 9:40 p.m.
To receive information under the following exception:**

**(f) advice that is subject to client-solicitor privilege, including
communications necessary for that purpose. Winter Maintenance Contracts**

Approval of past minutes.

CARRIED

14. CONSIDERATION OF MATTERS ARISING FROM CLOSED MEETING

Moved By: P. Hodgins
Seconded By: C. Daigle

**That the Closed Meeting adjourn and return to Open Meeting at without
recommendations**

CARRIED


15. ADJOURNMENT

Moved By: S. Nirta
Seconded By: J. Keogh

That the Meeting adjourn at 9:49 p.m.

CARRIED


MAYOR


CLERK