

WEDNESDAY, APRIL 17, 2019 7:00 PM
Council Chambers

AGENDA

COUNCIL AGENDA

SOUTHWEST MIDDLESEX COUNCIL AGENDA

The Municipal Council of the Municipality of Southwest Middlesex will meet in Regular Session in the Council Chamber on April 17, 2019 at 7:00 p.m.

COUNCIL PRESENT:

Mayor Allan Mayhew (Chair presiding), Deputy Mayor Marigay Wilkins, Councillors Doug Bartlett, Ian Carruthers, Christa Cowell, Mark McGill, Mike Sholdice and Martin Vink

REGRETS:

STAFF PRESENT:

CAO/Clerk - Jill Bellchamber-Glazier, Facilities & Recreation Manager – Steve MacDonald, Fire Chief – Bob Hansen, Public Works Manager – Greg Storms, Treasurer – Kristen McGill

ALSO PRESENT:

Members of the public and press

1. CALL TO ORDER

Mayor Mayhew calls the meeting to order at ____ p.m.

2. APPROVAL OF AGENDA

#2019-

Moved by _____

Seconded by _____

THAT the Regular Agenda of Council dated April 17, 2019 be accepted as presented.

3. DISCLOSURE OF PECUNIARY INTEREST

The Municipal Conflict of Interest Act requires any member of Council declaring a pecuniary interest and the general nature thereof, 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.

<u>Name</u>	<u>Item</u>	<u>Nature</u>
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Conflict of Interest Reporting Form

- **Councillor** [03 00 C CONFLICT OF INTEREST REPORTING FORM 2018 Councillor](#)
- **Deputy Mayor** [03 00 DM CONFLICT OF INTEREST REPORTING FORM 2018 Deputy Mayor](#)
- **Mayor** [03 00 M CONFLICT OF INTEREST REPORTING FORM 2018 Mayor](#)

4. DEPUTATIONS AND PETITIONS

Drainage – Court of Revision

#2019-

Moved by _____

Seconded by _____

THAT _____, _____ and _____ are appointed as members of the Court of Revision for the Miller Municipal Drain; and

THAT _____ is appointed as Chairperson of the Court of Revision for the Miller Municipal Drain.

#2019-

Moved by _____

Seconded by _____

THAT the regular meeting of council is suspended to move into Court of Revision for the Miller Municipal Drain at _____ p.m.

Miller Municipal Drain

[04 CofR Miller Drain](#)

The Clerk noted that __ appeals have been on the Miller Municipal Drain received by the Municipality.

#2019-

Moved by _____

Seconded by _____

THAT the Assessments as levied by Spriet Associates dated March 4, 2019 and adopted by Provisional By-law 2019/034 to pay for drainage works known as Miller Municipal Drain be confirmed.

Regular council resumed at _____ p.m.

5. MINUTES OF PREVIOUS MEETINGS

1. Southwest Middlesex Council Meeting Minutes – April 3, 2019
[05_01 Minutes April 03](#)

#2019-

Moved by _____

Seconded by _____

THAT the minutes of the meeting of Council dated _____ be adopted as printed.

2. Southwest Middlesex Council Meeting Minutes – April 10, 2019
[05_02 Minutes April 10](#)

#2019-

Moved by _____

Seconded by _____

THAT the minutes of the meeting of Council dated April 10, 2019 be adopted as printed.

6. BUSINESS ARISING FROM THE MINUTES

7. VOUCHERS

Vouchers for March 29, 2019 to April 11, 2019 to be presented
[07](#)

#2019-

Moved by _____

Seconded by _____

THAT accounts as presented by the Treasurer in the amount of \$1,258,435.28 be received.

8. ACTION CORRESPONDENCE

1. Middlesex County Fire Inspection and Investigation Services

08 01 01 Fire Inspection Letter Warden Smith 1

#2019-

Moved by _____

Seconded by _____

WHEREAS:

- A. The upper-tier municipality, Corporation of the County of Middlesex, has managed/administered the fire inspections part of the fire protection and prevention on a County-wide basis continuously since 1998 and Middlesex County Fire Prevention Officers/Assistants to the Fire Marshal have provided for fire inspections on a County-wide basis continuously since 2004;
- B. The upper-tier municipality, Corporation of the County of Middlesex, has managed/administered the provision of fire investigations on a County-wide basis continuously since 1998 and Middlesex County Fire Prevention Officers/Assistants to the Fire Marshal have provided for fire investigations on a County-wide basis continuously since 2004 on behalf of the Fire Marshal;
- C. The upper-tier municipality, Corporation of the County of Middlesex, has prepared, approved, and implemented the fire safety plans part of fire protection and prevention on a County-wide basis continuously since 1998;
- D. The upper-tier municipality, Corporation of the County of Middlesex, has managed/administered the emergency fire dispatch part of fire protection and prevention on a County-wide basis continuously since December 17, 2013; and
- E. The upper-tier municipality, Corporation of the County of Middlesex, has assisted each of the local municipalities in Middlesex County, upon the request of the local municipalities in Middlesex County, with providing the public education part of fire protection and prevention since 1998.

Council for the Corporation of the Municipality of Southwest Middlesex hereby resolves as follows:

Acknowledgement

- 1. Council acknowledges that:
 - a. As a lower-tier and local municipality under the *Municipal Act, 2001*, S.O. 2001. Chapter 25, as amended or replaced (hereinafter, the “*Municipal Act*”) and the *Fire Protection and Prevention Act, 1997*, S.O. 1997, Chapter 4, as amended or replaced (hereinafter, the “*FPPA*”), the Corporation of the Municipality of Southwest Middlesex has default responsibility for fire protection and prevention services within its jurisdiction, pursuant to the *FPPA*; and

- b. Subsections 188-192 of the *Municipal Act* provide for a procedure by which all or a part of the fire protection and prevention powers/responsibilities of lower-tier/local municipalities may be transferred to an upper-tier municipality and pursuant to ss. 188(2) of the *Municipal Act*, a by-law under ss. 189(1)(a) of the *Municipal Act* prevails over any other act or regulation.

Confirmation

2. Council confirms:

Fire Inspections

- a. that it wishes to transfer the fire inspections part of its fire protection and prevention powers, including the enforcement and recovery of costs powers related to those responsibilities, to the upper-tier municipality, Corporation of the County of Middlesex. Such transfer includes the transfer of the fire inspection powers set out in ss. 18-27 of Part VI of the *FPPA*, the enforcement and recovery of costs powers associated with inspections set out in ss. 28-34 of Part VII and ss. 35-40 of Part VIII of the *FPPA*, and any fire inspection responsibilities or powers contained in any other applicable legislation, including but not limited to the responsibility to assess complaints and requests for inspections under ss.2(1) and 3(1) of *Ontario Regulation 365/13: Mandatory Assessment of Complaints and Requests for Approval*, as amended or replaced (hereinafter, “*Regulation 365/13*”);

Fire Safety Plans

- b. that it wishes to transfer the preparation, approval and implementation of fire safety plans part of its fire protection and prevention powers, to the upper-tier municipality, Corporation of the County of Middlesex and that it wishes for an individual County Fire Prevention Officer/Assistant to the Fire Marshal, as designated by the Corporation of the County of Middlesex, to continuously be appointed by the Ontario Fire Marshal as the Chief Fire Official for the purposes of approving fire safety plans for each of the lower-tier municipalities located in Middlesex County . Such transfer includes the power set out in Division B, Part 2, section 2.8, subsection 2.8.2, articles 2.8.2.1(1-8) of the *Fire Code O. Reg 213/07*, as amended or replaced (hereinafter, the “*Fire Code*”). The appointment as Chief Fire Official for the purpose of approving fire safety plans is in accordance with the definition of Chief Fire Official for the purpose of approving fire safety plans is in accordance with the definition of Chief Fire Official in the *Fire Code* and made pursuant to Division C, Section 1.1, Subsection 1.1.1, articles 1.1.1.1(1-2) of the *Fire Code*.

Emergency Fire Dispatch

- c. that the emergency fire dispatch part the fire protection and prevention powers of the lower-tier municipalities located in the County of Middlesex were transferred to the upper-tier municipality, Corporation of the County of Middlesex pursuant to Middlesex County By-law No. 6508 under the authority of subsection 189(1)(a) the *Municipal Act*, the preconditions of subsection 189(2)(a-c) of the *Municipal Act* having first been met.

Transfer of Fire Inspection and Fire Safety Plans

3. Council consents to the passing of a by-law by the upper-tier municipality, the Corporation of County of Middlesex pursuant to subsections 189(1)(a) of the *Municipal Act*, which:

Fire Inspections

- a. transfers the fire inspections part of the fire protection and prevention power of the lower-tier municipalities located in the County of Middlesex, including the enforcement and recovery of costs powers related to those responsibilities, to the upper-tier municipality, the Corporation of the County of Middlesex. Such transfer includes the transfer of the fire inspection powers set out in ss. 18-27 of Part VI of the *FPPA*, the enforcement and recovery of costs powers associated with inspections set out in ss. 28-34 of Part VII and ss. 35-40 of Part VIII of the *FPPA*, and any fire inspection responsibilities or powers contained in any other applicable legislation, including but not limited to the responsibility to assess complaints and requests for inspections under ss. 2(1) and 3(1) of *Regulation 365/13*; and

Fire Safety Plans

- b. transfers the preparation, approval and implementation of fire safety plans part of the fire protection and prevention powers of the lower-tier municipalities located in the County of Middlesex to the upper-tier municipality, the Corporation of the County of Middlesex. Such transfer includes the power set out in Division B, Part 2, section 2.8, subsection 2.8.2, articles 2.8.2.1(1-8) of the *Fire Code*.

Fire Investigations

4. Council directs that fire investigations, as set out in s. 14, 16 and 17 of Part V of the *FPPA*, be exclusively carried out and administered by the Corporation of the County of Middlesex on behalf of the Fire Marshal;

Emergency Powers/Responsibilities

5. Council confirms that the emergency powers/responsibilities in ss. 15, 16 and 17 of Part V of the *FPPA* may be utilized by the Corporation of the Municipality of Southwest Middlesex and the Fire Prevention Officers/Assistants to the Fire Marshal of the Corporation of the County of Middlesex where a risk of fire reasonably poses an immediate threat to life;

Public Education

6. Council confirms that the Corporation of the Municipality of Southwest Middlesex may request the assistance of the Corporation of the County of Middlesex's Fire Prevention Officers with providing the public education part of fire protection and prevention found in s. 2(1) of Part II of the *FPPA* within the geography of the Municipality of Southwest Middlesex but that the public education part of fire protection and prevention remains the jurisdictional responsibility of the Corporation of the Municipality of Southwest Middlesex.

9. STAFF REPORTS

a. Fire

1. Southwest Middlesex Fire Department Incident Details (December, 2018 to March, 2019)

[09 a 01 CUSTOM_FIRE_REPORT](#)

#2019-

Moved by _____

Seconded by _____

THAT the Southwest Middlesex Fire Department Incident Details (December, 2018 to March, 2019) is received.

2. Captain Hiring, Glencoe Station Roster

[09 a 02 Captain Hiring Glencoe Station](#)

#2019-

Moved by _____

Seconded by _____

THAT council receive the Captain Hiring, Glencoe Station Roster report as information.

b. Administration

1. Performance Policy Management

[09 b 01 Performance Management Policy](#)

#2019-

Moved by _____

Seconded by _____

THAT Council adopt the Performance Management Policy; and

THAT Council appoint a committee including the Mayor, Deputy Mayor, and Councillor _____, to serve as an ad hoc committee whose purpose is to undertake the performance evaluation of the CAO-Clerk; and further

THAT Council direct staff to proceed with engaging an independent consultant to conduct a 360-degree performance review of the CAO-Clerk and report to the Committee.

c. Building

d. Finance

e. Facilities and Recreation

1. Floor Scrubber Purchase

[09 e 01 FloorScrubber](#)

#2019-

Moved by _____

Seconded by _____

THAT the Floor Scrubber report is received as information.

2. Appin Ball Park Lights

[09 e 02 Appin Ball Park Lights](#)

#2019-

Moved by _____

Seconded by _____

THAT Council receive the Appin Ballpark Light Tower Bids report for information.

3. Asbestos Testing Results

[09 e 03 Asbestos Testing Results](#)

#2019-

Moved by _____

Seconded by _____

THAT Council receive the Asbestos Testing Results report for information.

4. Streetlight Maintenance Request

[09 e 04 Streetlight Mtce](#)

#2019-

Moved by _____

Seconded by _____

THAT Council reconsider the \$60,000.00 in the 2019 budget that is earmarked for Christmas lights, benches and garbage cans to have some or all of that amount used for improvements to downtown Glencoe street light poles;

OR

THAT Council defers streetlight repairs or replacement until the 2020 budget planning.

f. Public Works

1. Appointment of Engineer – Switzer Drain

[09 f 01 Appt Engineer Switzer Drain](#)

#2019-

Moved by _____

Seconded by _____

THAT council appoint Spriet Engineering to produce a preliminary report under Section 78 of the Drainage Act based on the request received in November, 2018.

And THAT if the engineer finds the works are not required or impractical, Section 40 of the act instructs them to file a report to that effect and to assess the costs.

And THAT if council chooses not to proceed to with a final report, council agrees to pay the costs of the preliminary report.

2. Appointment of Engineer - Sparling Drain Branch A

[09 f 02 Appt Engineer SparlingDrBrA](#)

#2019-

Moved by _____

Seconded by _____

THAT council appoint Spriet Engineering under Sections 4 and 78 of the Act to produce a report on the Sparling Drain – Branch A based on the requests received in February, 2019.

3. Public Works Staffing

[09 f 03 Public Works Position](#)

#2019-

Moved by _____

Seconded by _____

THAT the Public Works staffing report is received as information.

4. Public Works Report

[09 f 04 Public Works Report](#)

#2019-

Moved by _____

Seconded by _____

THAT the Public Works report is received as information.

10. REPORTS OF COMMITTEES

11. UNFINISHED BUSINESS

12. INFORMATION CORRESPONDENCE

1. Gas Tax Fund one-time top-up – Minister of Infrastructure and Communities

[12 01 Gas Tax Fund](#)

2. Chatham-Kent Notice of Passing – Cannabis Production Facility

[12 02 Chatham-Kent Notice of Passing Cannabis Production Facility](#)

3. QUEST Centre Community Initiatives information and invitation to tour the Centre

[12 03 QUEST Centre](#)

4. Ontario Federation of Agriculture commentary – Fair farm tax ratios are a tough sell in many municipalities – provided by Council M. McGill

[12 04 MarkMcGillArticle](#)

5. Municipality of Brockton resolution concerning recreation infrastructure

#2019-

Moved by _____

Seconded by _____

That the information correspondence items are received and filed.

13. COUNCILLORS COMMENTS AND ENQUIRIES

Notice of Motion

Councillor C. Cowell intends to propose the following motion for council consideration:

THAT staff be directed to provide a draft hiring policy for the municipality which establishes that it is the role of senior staff to hire positions that report to supervisors and department heads.

- Councillors Comments/Councillor and Staff Conference & Seminar Reports

14. NOTICE OF FUTURE MEETINGS (subject to change)

- April 24, 2019 – 7:00 p.m. – Planning/Council
- May 1-3, 2019 – OSUM Conference
- May 8, 2019 – 1:30 p.m. – Council
- May 22, 2019 – 7:00 p.m. – Council
- May 29, 2019 – 7:00 p.m. – Planning/Council

15. CLOSED SESSION (Committee of the Whole)

#2019-

Moved by _____

Seconded by _____

THAT Council go into closed session, at _____ p.m., as per subsection 239(2) of the Municipal Act, 2011, to consider the following:

- a. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

Specifically, the matter relates to the following:

- Legal clarification on property municipally owned
- Contract agreement review

#2019-

Moved by _____

Seconded by _____

THAT Council return to open session at _____ p.m.

Rise and Report

Confirmation of action from Closed Session

THAT a closed session meeting was held and only closed session items identified were discussed in closed session; and THAT

- a. There is nothing further to report
- b. Outline direction provided

16. BY-LAWS

1. By-law No. 2019/ - **3rd reading only**

[16 01 Simpson Cemetery Bylaw](#)

Being a by-law to establish the rules and regulations that govern Simpson Cemetery have been approved by the Registrar of Funeral, Burial and Cremation Services Act, 2002 (FBCSA), Bereavement Authority Ontario (BAO).

2. By-law No. 2019/

[16 02 Weed Inspector Appointment CouncilTerm](#)

Being a by-law to appoint a Municipal Weed Inspector

3. By-law No. 2019/

[16 03 2019 Budget Bylaw](#)

Being a By-law to confirm the 2019 budget estimates of the Municipality of Southwest Middlesex and adopt tax rates to be levied by the local municipality.

4. By-law No. 2019/

[16 04 Repeal Bylaw 2016 076 McLeanSwitzerDr](#)

Being a by-law to repeal By-law No. 2016/076

5. By-law No. 2019/

[16 05 Confirming April 17 Mtg](#)

Being a by-law to confirm the proceedings of the council of the Municipality of Southwest Middlesex (April 17, 2019)

#2019-

Moved by _____

Seconded by _____

That By-law No. 2019/ to By-law No. 2019/ be given first and second readings.

#2019-

Moved by _____

Seconded by _____

That By-law No. 2019/ to By-law No. 2019/ be given third and final readings.

17. ADJOURNMENT

The Mayor adjourned the meeting at ____p.m.