



**MUNICIPALITY OF SOUTHWEST MIDDLESEX
REGULAR COUNCIL MINUTES**

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

COUNCIL MINUTES

SOUTHWEST MIDDLESEX COUNCIL MINUTES

The Municipal Council of the Municipality of Southwest Middlesex met 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

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:

Wayne Meagher, County Barrister & Solicitor

Members of the public and press

1. CALL TO ORDER

Mayor Mayhew calls the meeting to order at 7:00 p.m.

2. APPROVAL OF AGENDA

#2019-0202

Moved by Deputy Mayor Wilkins

Seconded by Councillor Vink

THAT the Regular Agenda of Council dated April 17, 2019 be accepted with the following amendment: that section 15, Closed Session be taken prior to section 9, Staff Reports.

Carried

3. DISCLOSURE OF PECUNIARY INTEREST

None declared

4. DEPUTATIONS AND PETITIONS

Drainage – Court of Revision

#2019-0203

Moved by Councillor Vink

Seconded by Councillor Bartlett

THAT Allan Mayhew, Marigay Wilkins, Christa Cowell, Mark McGill and Martin Vink are appointed as members of the Court of Revision for the Miller Municipal Drain; and

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

Carried

#2019-0204

Moved by Councillor McGill

Seconded by Councillor Carruthers

THAT the regular meeting of council is suspended to move into Court of Revision for the Miller Municipal Drain at 7:02 p.m.

Carried

Regular council resumed at 7:10 p.m.

5. MINUTES OF PREVIOUS MEETINGS

1. Southwest Middlesex Council Meeting Minutes – April 3, 2019

#2019-0205

Moved by Councillor Carruthers

Seconded by Councillor Bartlett

THAT the minutes of the meeting of Council dated - April 3, 2019 be adopted as printed.

Carried

2. Southwest Middlesex Council Meeting Minutes – April 10, 2019

#2019-0206

Moved by Deputy Mayor Wilkins

Seconded by Councillor Sholdice

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

Carried

6. BUSINESS ARISING FROM THE MINUTES

None

7. VOUCHERS

#2019-0207

Moved by Councillor Bartlett

Seconded by Councillor Carruthers

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

Carried

8. ACTION CORRESPONDENCE

1. Middlesex County Fire Inspection and Investigation Services

#2019-0208

Moved by Deputy Mayor Wilkins

Seconded by Councillor Bartlett

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.

Recorded Vote

Deputy Mayor Marigay Wilkins – Yes

Councillor Doug Bartlett – Yes

Councillor Ian Carruthers – Yes

Councillor Christa Cowell – Yes

Mayor Allan Mayhew - No

Councillor Mark McGill – Yes

Councillor Mike Sholdice - No

Councillor Martin Vink - No

Carried

15. Closed Session

#2019-0209

Moved by Councillor Bartlett

Seconded by Councillor McGill

THAT Council go into closed session, at 7:57 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 advice and clarification on property municipally owned

- Legal advice on contract agreement review

Carried

Rise and Report

Council returned to open session at 9:11 p.m.

#2019-0210

Moved by Deputy Mayor Wilkins

Seconded by Councillor Cowell

Deputy Mayor Wilkins, Chair of the Closed Session, reported the following:

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

THAT Closed Session Minutes were received and approved; and

THAT Council received legal advice related to property owned by the municipality; and further

THAT Council provided direction to staff in a recorded vote related to the contract agreement review.

Carried

9. STAFF REPORTS

a. Fire

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

#2019-0211

Moved by Councillor Bartlett

Seconded by Councillor Cowell

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

2. Captain Hiring, Glencoe Station Roster

#2019-0212

Moved by Councillor Sholdice

Seconded by Councillor McGill

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

Carried

b. Administration

1. Performance Policy Management

#2019-0213

Moved by Deputy Mayor Wilkins

Seconded by Councillor Cowell

THAT Council adopt the Performance Management Policy; and

THAT Council appoint a committee including the Mayor, Deputy Mayor, and Councillor Bartlett, 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.

Motion to Amend the Original Motion

#2019-0214

Moved by Councillor Sholdice

Seconded by Councillor Carruthers

THAT the motion be amended to include all members of council as the ad hoc committee.

Recorded Vote on the Motion to Amend

Councillor Sholdice – Yes

Deputy Mayor Wilkins – No

Councillor Vink - Yes

Councillor Bartlett – No

Councillor Carruthers – Yes

Councillor Cowell – No

Mayor Mayhew - No

Councillor McGill – No

Defeated

Vote on the Main Motion – (#2109-0213)

Recorded Vote on the Main Motion

Councillor Sholdice – No

Deputy Mayor Wilkins – Yes

Councillor Vink - No

Councillor Bartlett – Yes

Councillor Carruthers – No

Councillor Cowell – Yes

Mayor Mayhew - Yes

Councillor McGill – Yes

Carried

c. Building
No Reports

d. Finance
No Reports

e. Facilities and Recreation

1. Floor Scrubber Purchase
#2019-0215

Moved by Deputy Mayor Wilkins

Seconded by Councillor Cowell

THAT the Floor Scrubber report is received as information.

Carried

2. Appin Ball Park Lights

#2019-0216

Moved by Councillor Cowell

Seconded by Councillor Bartlett

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

Carried

3. Asbestos Testing Results

#2019-0217

Moved by Councillor Carruthers

Seconded by Councillor McGill

THAT Council receive the Asbestos Testing Results report for information.

Carried

4. Streetlight Maintenance Request

#2019-0218

Moved by Councillor Cowell

Seconded by Councillor Carruthers

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

Carried

f. Public Works

1. Appointment of Engineer – Switzer Drain

#2019-0219

Moved by Councillor McGill

Seconded by Councillor Vink

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.

Carried

#2019-0220

Moved by Councillor Carruthers

Seconded by Councillor Bartlett

THAT council exceed the curfew of 10:00 p.m.

Carried

2. Appointment of Engineer - Sparling Drain Branch A

#2019-0221

Moved by Deputy Mayor Wilkins

Seconded by Councillor Bartlett

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.

Carried

3. Public Works Staffing

#2019-0222

Moved by Councillor Cowell

Seconded by Deputy Mayor Wilkins

THAT the Public Works staffing report is received as information.

Carried

4. Public Works Report

#2019-0223

Moved by Councillor Cowell

Seconded by Councillor Carruthers

THAT the Public Works report is received as information.

Carried

10. REPORTS OF COMMITTEES

None

11. UNFINISHED BUSINESS

None

12. INFORMATION CORRESPONDENCE

1. Gas Tax Fund one-time top-up – Minister of Infrastructure and Communities
2. Chatham-Kent Notice of Passing – Cannabis Production Facility
3. QUEST Centre Community Initiatives information and invitation to tour the Centre
4. Ontario Federation of Agriculture commentary – Fair farm tax ratios are a tough sell in many municipalities – provided by Council M. McGill
5. Municipality of Brockton resolution concerning recreation infrastructure

#2019-0224

Moved by Councillor Carruthers

Seconded by Councillor Bartlett

That the information correspondence items are received and filed.

Carried

13. COUNCILLORS COMMENTS AND ENQUIRIES

Members of council made comments and inquiries regarding: update on Communities in Bloom unanimously moved that the proposed arboretum not be located at 208 Walker Street and a notice of motion was made to that effect:

Notice of Motion for next meeting from Councillor Sholdice

THAT Council approve in principle the location of the proposed arboretum to be located at the Water Tower, in principle.

Notice of Motion re: Related Hiring Policy from April 10, 2019 Council Meeting

#2019-0225

Moved by Councillor Cowell

Seconded by Deputy Mayor Wilkins

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.

Carried

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. BY-LAWS

1. By-law No. 2019/025 - **3rd reading only**

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. 2019/044

Being a by-law to appoint a Municipal Weed Inspector

3. By-law No. 2019/045

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. 2019/046

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

5. By-law No. 2019/047

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

#2019-0226

Moved by Bartlett

Seconded by Councillor Sholdice

That By-law No. 2019/044 to By-law No. 2019/047 be given first and second readings.

#2019-0227

Moved by Deputy Mayor Wilkins

Seconded by Councillor Carruthers

That By-law No. 2019/025, By-law No. 2019/044 to By-law No. 2019/047 be given third and final readings.

16. ADJOURNMENT

The Mayor adjourned the meeting at 10:24 p.m.

Mayor

CAO/Clerk