



**MUNICIPALITY OF SOUTHWEST MIDDLESEX
REGULAR COUNCIL MINUTES**

WEDNESDAY, MAY 29, 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 May 29, 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, Public Works Manager – Greg Storms, Treasurer – Kristen McGill, Planner – Stephanie Poirier, Senior Planner – Marc Bancroft

ALSO PRESENT:

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

#2019-0292

Moved by Deputy Mayor Wilkins

Seconded by Councillor Carruthers

THAT the Regular Agenda of Council dated May 29, 2019 be accepted as presented.

Carried

3. DISCLOSURE OF PECUNIARY INTEREST

Re: Southwest Middlesex Agenda Dated May 29, 2019

Item Number 09 b 01

Item Title P4-2019 St. Charles Van Heck Report

I, Councillor Doug Bartlett, declare a potential deemed pecuniary interest on Council Agenda Dated May 29/19, Item No. 09 b 01, Item Title By-law 16.01 P4 2019 St Charles Van Heck Report for the following reasons:

Asked by St. Charles Garnier Church to help facilitate listing and sale of property.

Name: Doug Bartlett

4. DEPUTATIONS AND PETITIONS

- Chris Traini – Middlesex County Engineer – Pedestrian Cross Over (see Unfinished Business)
Mr. Traini provided information on the results of the traffic survey results, the public survey related to potential location of a cross over walkway, and an option that did not require the removal of parking spaces.

The Mayor invited to public to make comments related to the topic.

Mayor Mayhew stepped down from the Chair and turned over the gavel to Deputy Mayor Wilkins in order to speak to the matter.

#2019-0293

Moved by Councillor Sholdice

Seconded by Councillor Carruthers

THAT there be no cross-walk on Main Street

Recorded Vote

Deputy Mayor Marigay Wilkins - No

Councillor Doug Bartlett- Yes

Councillor Ian Carruthers - Yes

Councillor Christa Cowell - No

Mayor Allan Mayhew - Yes

Councillor Mark McGill - Yes

Councillor Mike Sholdice - Yes

Councillor Martin Vink – Yes

Carried

Zoning Public Meetings:

1. P-4 2019 - St. Charles Garnier Church

Chair Mayhew called the Public Meeting for P-4/2019 St. Charles Garnier Church to order at 7:27 p.m.

The Chair noted the purpose of the meeting is to provide the public an opportunity to hear all interested persons with respect to a **Zoning Amendment Application by St. Charles Garnier Church** and for Southwest Middlesex council to consider the proposal.

The purpose and effect of this Zoning By-law Amendment is to rezone the subject lands (former St. Charles Garnier Church) from the Residential First Density R1(1) and Future Residential Holding Provision Two (FR-H-2) Zones to the Residential Third Density (R3) Zone within the Southwest Middlesex Zoning By-law, in order to facilitate the construction of four townhouse dwellings

Ms. Poirier presented the staff report and recommendation and provided comments received from circulated agencies and the public. Comments received included the following:

- The County Engineer provided comments regarding the requirements for setbacks, road widening, and access.
- Property owner at 1894 Longwoods Road were received regarding development at the rear of the property. They have been advised that the development is at the front of the property not the rear.
- Lower Thames Conservation Authority noted that they have no concerns with the development as the proposal is outside the provincially-significant wetland.

The planner provided the recommendation of staff to approve the proposal and recognize the deficient side-yard setback.

The applicant or their agent was invited the opportunity to speak to the application. Jordan Van Heck noted that he had no further comments about the application, but was available to address any questions.

The Chair invited the public to ask questions or provide comments. The public was advised that comments expressed and written material presented are a matter of public record for full disclosure. The Chair asked that the public identify if they are for or against the application being considered; and was asked to state name and address.

Anisa Girchen, with an interest in the property neighbouring on Ontario Street noted that the family farm operation wishes to protect their the property access and use of farm equipment.

The Chair invited Council to ask questions of the applicant and/or staff.

Members of Council inquired about shared driveway; access; and how the proposal meets council's target of home development.

Chair Mayhew declared the Public Meeting for P4/2019 (St. Charles Garnier Church) closed at 7: 41 p.m.

The Chair will now consider motions regarding the application.

Zoning By-law Amendment Application P-4 2019

#2019-0294

Moved by Deputy Mayor Wilkins

Seconded by Councillor Cowell

THAT Application for Zoning By-law Amendment P4-2019, which proposes to rezone the subject lands from Residential First Density R1(1) and Future Residential Holding Provision Two (FR-H-2) Zones to the Residential Third Density Site Specific Three- Holding Provision (R3-3-H-2) Zone, in order to facilitate the construction of four townhouse dwellings and recognize

a deficient exterior side yard setback be **GRANTED** subject to the Holding Provision Two (H-2).

Reasons

- Consistency with the Provincial Policy Statement would be maintained;
- Conformity with the County of Middlesex Official Plan would be maintained;
- Conformity with the Municipality of Southwest Middlesex Official Plan would be maintained;
- The requirements of the Municipality of Southwest Middlesex Zoning By-law would be maintained.

Carried

2. P-5 2019 - Gerber Electric Ltd.

Chair Mayhew calls the Public Meeting for P-5/2019 Gerber Electric Ltd. to order at 7:42 p.m.

The Chair noted the purpose of the meeting is to provide the public an opportunity to hear all interested persons with respect to a **Zoning Amendment Application by Gerber Electric Ltd.** and for Southwest Middlesex council to consider the proposal.

The purpose and effect of this Zoning By-law Amendment is to amend the Site Specific Restricted Commercial - Holding Provision (C2-6-H-2) Zone within the Southwest Middlesex Zoning By-law, in order to include a 'warehouse' as an additional permitted main use to accommodate the storage of the components of Cangrow Crop Solutions Inc. fertilizer. The existing zoning currently allows for the following uses: electrical contracting business, propane transfer facility as an accessory use, warehouse as an accessory use. The subject property is 0.28 hectares (0.7 ac) in size and contains an existing 1,129 m² (12,150 sq ft) commercial building. Municipal services are available.

Ms. Poirier presented the staff report and recommendation and provided any comments received from circulated agencies and the public.

The applicant or their agent was invited the opportunity to speak to the application. Paula Down, agent for the applicants, was available to address any questions, and noted that the

applicants are trying to correct the zoning and that in future they may store other materials within the building on the property.

The Chair invited the public for comments and questions noting if they are for or against the application being considered; and to ensure that they state name and address. The public was advised that comments expressed and written material presented are a matter of public record for full disclosure.

Gordon McCallum, neighbouring property owner, inquired if there were any physical changes to the building as a result of the application. The planner and agent confirmed there were none.

The Chair invited Council to ask questions of the applicant and/or staff.

Members of Council made comments and inquired about the portion of the building where the fertilizer components are being stored and the connection to drainage; whether staff should have been aware of the fertilizer storage continuing after the temporary zoning by-law allowing for the use ended; and what type of regulation is in place for other warehouses within the municipality.

Chet Liu, engineer for the applicant, requested opportunity to speak, and indicated that he had prepared the drawings, he understood that the unregulated fertilizer was always intended to stay on site, that the material is not dangerous, that the material is stored in special totes and that he did not see any problems with the use within a warehouse.

A member of council noted that they were aware that the unregulated fertilizer was being stored on site after the temporary zoning by-law expired.

Chair Mayhew declared the Public Meeting for P5/2019 (Gerber Electric Ltd.) closed at 8:01 p.m.

Zoning Amendment Application P-5 2019

#2019-0295

Moved by Deputy Mayor Wilkins

Seconded by Councillor Bartlett

THAT Application for Zoning By-law Amendment P5-2019, which proposes to amend the Site Specific Restricted Commercial - Holding Provision (C2-6-H-2) Zone within the Southwest Middlesex Zoning By-law, in order to include a 'warehouse' as an additional permitted main use be **GRANTED** limited to first and second reading of the by-law with final reading and approval of the by-law provided, once an Official Plan Amendment has been approved.

Reasons

- Consistency with the Provincial Policy Statement would be maintained;
- Conformity with the County of Middlesex Official Plan would be maintained;
- The requirements of the Municipality of Southwest Middlesex Zoning By-law would be maintained.

Carried

3. P-6 2019 - John Mark & Cheryl Charlton

Chair Mayhew called the Public Meeting for P-6/2019 John Mark & Cheryl Charlton to order at 8:04 p.m.

The Chair noted the purpose of the meeting is to provide the public an opportunity to hear all interested persons with respect to a **Zoning Amendment Application by John Mark & Cheryl Charlton** and for Southwest Middlesex council to consider the proposal.

The purpose and effect of this Zoning By-law Amendment is to rezone the subject lands from the General Agricultural (A1) Zone to a Site Specific General Agricultural Eeleven (A1-11) Zone within the Southwest Middlesex Zoning By-law, to allow the following additional uses in conjunction with the uses permitted under the parent A1 Zone: 5 fully-serviced nature lodges, 3 farm suites, 8 unserviced bush lodges, and seasonal group events. The owners are proposing to establish an agri-tourism business as an on-farm diversified use on the subject lands. The parent A1 Zone permits the following uses: agricultural use, bed & breakfast establishment, converted dwelling, dog kennel, forestry use, group home, halfway house, mushroom farm, riding school, sawmill, single unit dwelling, and wildlife preserve.

The Planner, Ms. Poirier presented the purpose of the meeting, the staff report and recommendation and provided any comments received from circulated agencies and the public. Ms. Poirier noted that the application had been circulated and the Conservation Authority required that the applicants prepare a Development Application Report (DAR). Ms. Poirier noted that staff are of the opinion that components of the proposal can be considered within the purpose of an Agri-tourism guidelines, but that the entire lands need to be considered for the calculation. Ms. Poirier noted that the application is recommended to be deferred until all matters are dealt with, as even though the application was complete, upon circulation of the application the Conservation Authority has provided its comment related to the need for the DAR, and that Site Plan Control would be required. The purpose of the public meeting on this date is to provide an opportunity for the applicants to present the proposal.

Cheryl and John Mark Charlton presented their proposal.

The Chair invited the public for comments and questions noting if they are for or against the application being considered; and to ensure that they state name and address. The public was

advised that comments expressed and written material presented are a matter of public record for full disclosure.

Jennifer Van Hooydonks, family property located around/adjacent to subject lands, noted that she had provided a letter of concerns, and identified that she has concerns with the proposed use, related to: overnight stays, given proximity to conservation authority; private accommodation; control over what is happening on the site; scale of the proposal.

Jackie Daley, neighbouring property owner, noted concerns related to: lack of information about proposal; current initiatives on the property related to tourism; hunting on properties; trespass.

Bob Boyd, property owner located adjacent to subject lands, noted concerns related to: impact on agricultural area; long-term objective of the overall proposal; services on the property; scale of the proposal; lack of information about proposal; lack of control over what will happen on the property; accommodations on the property.

Pat Daley, neighbouring property owner, noted concerns related to: trespassing and liability; drainage and septic system; impact on wildlife.

Richard Turpin, neighbouring property owner, noted concerns related to: lack of information about proposal; scale of the proposal; fencing; trespass and liability.

Mr. Boyd, family property located around/adjacent to subject lands, noted concerns related to: potential future uses if zoning is permitted.

Council was invited to ask questions of the applicant and/or staff.

Chair Mayhew declared the Public Meeting for P6/2019 (John Mark & Cheryl Charlton) closed at 9:00 p.m.

Zoning Amendment Application P6 2019

#2019-0296

Moved by Councillor Carruthers

Seconded by Councillor Sholdice

THAT the report for Application for Zoning By-law Amendment P6-2019, which proposes to rezone the subject lands from General Agricultural (A1) Zone to a Site Specific General Agricultural- Holding Provision (A1-11-H-2) Zone, in order to facilitate an Agri-tourism business with the following uses: 5 fully-serviced nature lodges, 3 farm suites, 8 un-serviced bush lodges, seasonal group events, and all other uses permitted within the General Agricultural (A1) Zone be received for information.

Carried

Council recessed at 9:06 p.m.

Council resumed at 9:23

Deputy Mayor Wilkins is now absent from the meeting

5. MINUTES OF PREVIOUS MEETINGS

1. Southwest Middlesex Council Meeting Minutes – May 15, 2019

#2019-0297

Moved by Councillor Bartlett

Seconded by Councillor Carruthers

THAT the minutes of the meeting of Council dated May 15, 2019 be adopted as printed.

Carried

2. Southwest Middlesex Council Meeting Minutes – May 22, 2019

#2019-0298

Moved by Councillor Cowell

Seconded by Councillor Carruthers

THAT the minutes of the meeting of Council dated May 22, 2019 be adopted as printed.

Carried

6. BUSINESS ARISING FROM THE MINUTES

Councillor McGill inquired about the motion related to the arboretum and council discussed options to proceed.

#2019-0299

Moved by Councillor Sholdice

Seconded by Councillor Carruthers

THAT council amend the previous motion #2019-0279 as follows:

THAT Council approves the following approach to planning for the arboretum project:

- Staff to provide CiB with input on considerations to take into account for site plan.
- CiB to hire a landscape designer for the development of a site plan and to assist with the implementation of the project.
- CiB to submit a site plan for departmental review and input.
- Facilities & Recreation Manager to bring site plan to Council for approval.

Recorded Vote – 2/3 Majority Required

Councillor Sholdice - Yes

Councillor Vink - Yes

Councillor Bartlett - Yes

Councillor Carruthers - Yes

Councillor Cowell - No

Mayor Mayhew - Yes

Councillor McGill - Yes

Carried

7. VOUCHERS

None

8. ACTION CORRESPONDENCE

None

9. STAFF REPORTS

a. Fire

b. Administration

1. Rural Economic Development Fund – Successful Application
#2019-0300

Moved by Councillor Cowell

Seconded by Councillor Vink

THAT Council pass the draft by-law and authorize the Mayor and CAO/Clerk to execute into the agreement with the Province of Ontario to access the Rural Economic Development Fund.

Carried

2. Eastlink Land Lease Agreement – Municipal Office

#2019-0301

Moved by Councillor Cowell

Seconded by Councillor Bartlett

THAT Council approve the by-law and authorize the Mayor and CAO-Clerk to enter into agreement with Eastlink for a land lease for the purpose of an additional building to be located in the municipal parking lot at 153 McKellar Street; and

THAT the revenue from the land lease be dedicated to increased connectivity for municipal facilities.

Carried

#2019-0302

Moved by Councillor Sholdice

Seconded by Councillor Vink

THAT council extend the meeting beyond curfew.

Carried

c. Building

d. Finance

e. Facilities and Recreation

f. Public Works

2. Public Works Report

#2019-0303

Moved by Councillor Cowell

Seconded by Councillor Sholdice

THAT the Public Works report dated May 29, 2019 is received.

Carried

10. REPORTS OF COMMITTEES

None

11. UNFINISHED BUSINESS

1. Pedestrian Crossover Analysis – Village of Glencoe, Municipality of Southwest Middlesex (taken under Delegation and Petitions)

12. INFORMATION CORRESPONDENCE

1. Canadian Pacific 2019 Vegetation Control Program

2. FCHS Foundation:

1. Thank you for supporting the Diagnostic Imaging Equipment campaign

2. 25th Annual FCHS Foundation Golf Tournament

3. Quad County Support Services thank you for donation

4. The Business of Accessibility – How to Make Your Main Street Business Accessibility Smart

5. Town of Petrolia resolution concerning OGRA and ROMA conferences

#2019-0304

Moved by Councillor Carruthers

Seconded by Councillor McGill

That the information correspondence items are received and filed.

Carried

13. COUNCILLORS COMMENTS AND ENQUIRIES

Members of Council made comments and inquires about the following: on-street accessible parking and safety; use of transfer station and potential upgrades; survey status for Sunday Gun Hunting; cannabis by-laws.

Notice of Motions:

At the upcoming June 5, 2019 meeting, notice of motion was given regarding the following:

Councillor Carruthers is expected to move the following:

THAT Council direct staff to report back on all available options related to municipal regulation of recreational cannabis use and location of growing cannabis.

Mayor Mayhew is expected to move the following:

THAT Council direct staff to prepare a report on moving the parking signs further back on Main Street and McRae Street, and on Main Street and Symes Street; and THAT accessible parking zones be identified on the corners of the intersections around Main Street businesses in Glencoe in coordination with the County.

14. NOTICE OF FUTURE MEETINGS (subject to change)

- June 5, 2019 – Council – 1:30 p.m.
- June 19, 2019 – Council – 7:00 p.m.
- June 26, 2019 – Planning/Council – 7:00 p.m.
- June 27, 2019 – Sunday Gun Hunting Open House – 7:00 p.m.

15. CLOSED SESSION (Committee of the Whole)

No Closed Session

16. BY-LAWS

1. By-law No. 2019/057

Being a by-law to rezone the lands known legally as Plan 42, Lots 5 & 6, Part Lot 4, East King Street, South Church Street, Wardsville from the Residential First Density R1(1) and Future Residential Holding Provision Two (FR-H-2) Zones to the Residential Third Density (R3) Zone, in order to facilitate the construction of four townhouse dwellings

2. By-law No. 2019/058 - 1st and 2nd reading

Being a by-law to amend the Site-Specific Restricted Commercial - Holding Provision (C2-6-H-2) Zone within the Southwest Middlesex Zoning By-law, in order to include a 'warehouse' as an additional permitted main use to accommodate the storage of the components of CanGrow Crop Solutions Inc. fertilizer.

3. By-law No. 2019/059

Being a by-law to authorize the Mayor and the Clerk to sign a funding agreement with Her Majesty the Queen in Right of Ontario for funding through Minister of Agriculture, Food and Rural Affairs Rural Economic Development (RED) Program for the development of a comprehensive multi-year Strategic Economic Development Plan for Southwest Middlesex

4. By-law No. 2019/060

Being a by-law to authorize the Mayor and Clerk to sign a lease agreement between the Municipality and Persona Communications Inc. doing business as Eastlink respecting a portion of the property known as 153 McKellar Street, Glencoe, ON

5. By-law No. 2019/061

Being a by-law to confirm the proceedings of the council of the Municipality of Southwest Middlesex (May 29, 2019)

#2019-0305

Moved by Councillor Carruthers

Seconded by Councillor Bartlett

That By-law No. 2019/057 to By-law No. 2019/061 be given first and second readings.

Carried

#2019-0306

Moved by Councillor Vink

Seconded by Councillor Carruthers

THAT By-law No. 2019/057, 2019/059 to 2019/061 be read a third and final time.

Carried

17. ADJOURNMENT

The Mayor adjourned the meeting at 10:31 p.m.

Mayor

CAO/Clerk