



**MUNICIPALITY OF SOUTHWEST MIDDLESEX  
REGULAR COUNCIL MEETING**

WEDNESDAY, NOVEMBER 25, 2020 7:00 PM

Via. Electronic Participation

# COUNCIL MINUTES

**Meeting can be viewed at:**

<https://www.youtube.com/channel/UC6oo98BZcAvuVMKLDx88l4A>

## **SOUTHWEST MIDDLESEX COUNCIL MINUTES**

The Municipal Council of the Municipality of Southwest Middlesex met in Regular Session on November 25, 2020 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, Fire Chief – Colin Shewell, Director of Operations – Greg Storms, Treasurer – Kristen McGill, Drainage Superintendent – Andrew Neely, Planner – Stephanie Poirier, Deputy Clerk – Kendra Kettler

## **1. CALL TO ORDER**

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

Mayor Mayhew noted that the meeting is being held as a virtual meeting due to the declared emergency, in order to help stop the spread of COVID-19.

Mayor Mayhew confirmed that the meeting will be recorded and streamed live and published in accordance with council's Electronic Recording of Meetings Policy.

## **2. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

None Declared

### **3. ADDITIONS TO THE AGENDA**

#2020- 266

Moved by Councillor McGill

Seconded by Councillor Bartlett

THAT the Regular Agenda of Council dated November 25, 2020 be accepted with the following change:

- Additional closed session item, information provided in confidence related to RFP for Services of Integrity Commissioner, Meeting Investigator, and Municipal Ombudsman.

Carried

### **4. DELEGATIONS AND PRESENTATIONS**

None.

### **5. CONSENT AGENDA**

- a. SWM Vouchers – October 9, 2020 to November 5, 2020
- b. SWM October 2020 Building Report
- c. LAS Response Letter – Service Line Warranties Canada
- d. Four Counties Health Service – Fall 2020 Newsletter
- e. Ontario Energy Board, Enbridge Gas Evidence Package
- f. City of Brantford Resolution – Ranked Ballots
- g. Town of Grimsby Resolution – Regulation under the Ontario Heritage Act (Bill 108)
- h. City of Belleville Resolution – AODA, Website Support
- i. City of Bellville Resolution – Extension of Election Nomination Period (Bill 218)
- j. Prince Edward County Resolution – Bill 218
- k. Township of Amaranth Resolution – Bill 218
- l. Fort Erie Resolution – Support for Bill 108
- m. Fort Erie Resolution – Support for Bill C-45 – Cannabis Act
- n. Fort Erie Resolution – Support for Amending AGCO Process to Consider Radial Separation from other Cannabis Locations

- o. SWM Council Meeting Minutes - October 28, 2020, November 4, 2020 (Special Meeting, Budget) & November 4, 2020

#2020- 267

Moved by Councillor Cowell

Seconded by Deputy Mayor Wilkins

THAT the Belleville Resolution – Extension of Nomination Period Bill 128 be supported.

Carried

#2020- 268

Moved by Councillor Sholdice

Seconded by Councillor Carruthers

THAT the Council for the Municipality of Southwest Middlesex receives Consent Agenda items 5a through 5o as information, including the approval of the October 28, 2020 Council Meeting & November 4, 2020 Budget Meeting & November 4, 2020 Council Meeting minutes.

Carried

## **6. COMMITTEE OF ADJUSTMENT**

- B-10/2020, 4986 Hyndman Drive – MacDougall Family Farms Inc.

Council moved into Committee of Adjustment to consider application B-10/2020, MacDougall Family Farms Inc. at 7:25p.m.

Council resumed at 7:46 p.m.

## **7. PUBLIC MEETINGS**

None.

## **8. STAFF REPORTS**

a. Fire  
No Reports

b. Administration

i. Child Care Facility – Kitchen Equipment Quotation

#2020- 269

Moved by Deputy Mayor Wilkins

Seconded by Councillor Cowell

**THAT** Council authorize the kitchen equipment purchase for the Child Care Facility in the amount of \$37,911.00 to be funded through the \$500,000 received through the Canada-Ontario Early Learning & Child Care, Canada Care Expansion Plan Funding allocation.

Carried

ii. Council Update – 2020

#2020- 270

Moved by Councillor McGill

Seconded by Councillor Carruthers

**THAT** Council receive the Council Update – 2020 report for information.

Carried

iii. Request for Proposals for Services of Integrity Commissioner, Closed Meeting Investigator, and Municipal Ombudsman

#2020- 271

Moved by Deputy Mayor Wilkins

Seconded by Councillor Vink

**THAT** the report for Request for Proposals for Services of Integrity Commissioner, Closed Meeting Investigator, and Municipal Ombudsman be deferred to the December 2, 2020 meeting.

Carried

c. Building  
No Reports

d. Finance  
No Reports

e. Operations

i. Rust Protection for Municipal Vehicles

#2020- 272

Moved by Councillor Vink

Seconded by Councillor Carruthers

**THAT** Council received the Rust Protection for Municipal Vehicles Report for information.

Carried

ii. Murray Huston Drain – Section 78 Improvement

#2020- 273

Moved by Deputy Mayor Wilkins

Seconded by Councillor Bartlett

**THAT** Council appoint Spriet Engineering under Section 78 of the Drainage Act to produce a report on the Murray Huston Drain base on the request received August 24, 2020.

Carried

iii. Drainage Matters: CN Rail

#2020- 274

Moved by Councillor McGill

Seconded by Councillor Vink

WHEREAS municipalities are facilitators of the provincial process under the *Drainage Act* providing land owners to enter into agreements to construct or improve drains, and for the democratic procedure for the construction, improvement and maintenance of drainage works;  
and

WHEREAS municipal drain infrastructure and railway track infrastructure intersect in many areas in Ontario; and

WHEREAS coordination with national railways is required for the construction or improvement of drains that benefit or intersect with national railways; and

WHEREAS the national railways have historically participated in the process for construction, improvement and maintenance of drainage works; and

WHEREAS currently municipalities are experiencing a lack of coordination with national railways on drainage projects; and

WHEREAS the lack of coordination is resulting in projects being significantly delayed or cancelled within a year; and

WHEREAS municipal drain remove excess water to support public and private infrastructure and agricultural operations;

THEREFORE be it resolved that the Province of Ontario work with the Federal Minister of Transportation to address concerns regarding municipal drainage matters and need for coordination with the national railways; and

THAT Council circulate the resolution to the Provincial Ministers of Agriculture, Food, and Rural Affairs, and Municipal Affairs and Housing, and the Federal Minister of Transportation, the local MP and MPP, the Association of Municipalities of Ontario, and all municipalities

Carried

## **9. NOTICE OF MOTION**

#2020- 275

Moved by Deputy Mayor Wilkins

Seconded by Councillor Carruthers

WHEREAS individuals' food security is being impacted due to economic challenges associated with the COVID-19 pandemic; and

WHEREAS COVID-19 is impacting how food banks are giving out and collecting donations; and

WHEREAS annual food drives may be more challenging for communities to support in 2020;

NOW THEREFORE BE IT RESOLVED THAT Southwest Middlesex Council provide a one-time additional donation of \$1000 support to local area food banks as part of the donations from the 2020 budget.

Carried

## 10. CORRESPONDENCE AND PETITIONS

### Proposed Changes to the Conservation Authorities Act

The St. Clair Region Conservation Authority & The Lower Thames Conservation Authority are seeking a municipal response to the proposed changes to the Conservation Authorities Act contained within Bill 229.

SCRCA Municipal Letter

Summary of Proposed Amendments – Received from SCRCA

Proposed Municipal Council Resolution - Received from SCRCA

LTVCA Media Release

LTVCA Request to Repeal Schedule 6 of Bill 229

#2020- 276

Moved by Councillor Sholdice

Seconded by Councillor Carruthers

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act;

WHEREAS the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications;

WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the Planning Act;

WHEREAS the changes allow the Minister to make decisions without CA watershed data and expertise;

WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs;

WHEREAS municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs;

WHEREAS conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative;

WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water

THEREFORE BE IT RESOLVED

THAT the Province of Ontario work with conservation authorities to address their concerns by repealing and/or amending changes to the Conservation Authorities Act and the Planning Act

THAT the Province of Ontario delay enactment of clauses affecting municipal concerns

THAT the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of CA-municipal budget processes

THAT the Province respect the current conservation authority/municipal relationships

AND THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act

WHEREAS the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications

WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the *Planning Act*

WHEREAS the changes allow the Minister to make decisions without CA watershed data and expertise

WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs

WHEREAS municipalities believe that the appointment of municipal representatives on CA Boards should be a municipal decision; and the Chair and Vice Chair of the CA Board should be duly elected

WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a CA board member to represent the best interests of the conservation authority and its responsibility to the watershed

WHEREAS conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative

WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process

AND WHEREAS municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water



THEREFORE BE IT RESOLVED

THAT the Province of Ontario repeal Schedule 6 of the Budget Measures Act (Bill 229)

THAT the Province continue to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth

THAT the Province respect the current conservation authority/municipal relationships

AND THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

Carried

**11. UNFINISHED BUSINESS**

None

**12. NEW BUSINESS**

None

**13. COUNTY COUNCIL AND CONFERENCE UPDATE**

Mayor Mayhew provided an update related to Middlesex County matters.

**14. ANNOUNCEMENTS**

None

**15. BY-LAWS**

- i. By-law No. 2020/086

Being a by-law to requiring an emergency management program, emergency coordinator, program committee and plan for the protection of public safety, health, the environment, the critical infrastructure and property, and to promote economic stability and a disaster-resilient community.

- ii. By-law No. 2020/094

Being a by-law to confirm the proceedings of the council of the Municipality of Southwest Middlesex (November 25, 2020)

#2020- 277

Moved by Councillor Sholdice

Seconded by Councillor Bartlett

That By-law No. 2020/086 and By-law No. 2020/094 be given first, second, third and final readings.

Carried

## **16. CLOSED SESSION**

#2020- 278

Moved by Councillor Vink

Seconded by Councillor Carruthers

THAT Council go into closed session, at 9:04 p.m., as per subsection 239(2) of the Municipal Act, 2011, to consider the following:

- a. Personal matters about an identifiable individual, including municipal or local board employees;
- b. Labour relations or employee negotiations;
- c. Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- d. a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

Specifically, the matter relates to the following: Hiring Policy & information supplied in confidence by Canada, a province or territory or a Crown agency, and confidential information supplied in response to request for proposals for the services of Integrity Commissioner, Meeting Investigator, and Municipal Ombudsman.

Carried

Council resumed in open session at 9:43 p.m.

#2020- 279

Moved by Deputy Mayor Wilkins

Seconded by Councillor Carruthers

THAT a closed session meeting was held and only closed session items identified were discussed in closed session; and  
THAT staff proceed as directed.

Carried

**17. FUTURE MEETINGS (subject to change)**

- December 2, 2020 – Budget Meeting
- December 2, 2020 – Regular Meeting of Council

**18. ADJOURNMENT**

The Mayor adjourned the meeting at 9:45 p.m.