



MUNICIPALITY OF SOUTHWEST MIDDLESEX

REGULAR COUNCIL MEETING

MINUTES

Wednesday, October 13, 2021, 7:00 PM

COUNCIL PRESENT: Mayor Allan Mayhew, Deputy Mayor Marigay Wilkins, Councillor Christa Cowell, Councillor Mark McGill, Councillor Doug Bartlett, Councillor Martin Vink, Councillor Mike Sholdice

STAFF PRESENT: Jill Bellchamber-Glazier, CAO-Clerk, Kristen McGill, Treasurer, Greg Storms, Director of Operations, Andrew Neely, Drainage Superintendent, Denny Giles, Deputy Clerk

via Electronic Participation

Meeting can be viewed at:

<https://www.youtube.com/channel/UC6oo98BZcAvuVMKLDx88I4A>

1. CALL TO ORDER

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

2. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

2.a Councillor Christa Cowell - Option 1 a) – Appointment from Municipal Election Candidates

Councillor Cowell has deemed a pecuniary interest under section 3 that arises from indirect pecuniary interest pursuant to clause 2(b) pertaining to Option #1.a) in the report.

2.b Councillor Mark McGill - By-law No. 2021/050 - McFarlane Drain - Zwambag Culvert (3rd reading)

Councillor McGill declared a conflict due to being assessed on this drain, which is the subject of the by-law.

3. ADDITIONS TO THE AGENDA

#2021-280

Moved by Councillor Christa Cowell

Seconded by Deputy Mayor Marigay Wilkins

THAT the Regular Agenda of Council dated October 13, 2021 be accepted as presented, with the following changes:

THAT Administration Report on Council Vacancy Option 1) a. be discussed and dealt with separately from all other options; and

THAT the By-laws be dealt with prior to the closed session.

Carried

4. DELEGATIONS AND PRESENTATIONS

4.a Kelsey McConnell - ATV Club

Requesting access to all roads in Southwest Middlesex for ATVs.

#2021-281

Moved by Councillor Christa Cowell

Seconded by Deputy Mayor Marigay Wilkins

THAT staff be directed to bring forward a report to provide options for allowing ATVs on SWM roads.

Carried

4.b Court of Revision - Switzer Drain - McLean-Switzer Branch

#2021-282

Moved by Councillor Mark McGill

Seconded by Councillor Christa Cowell

THAT Deputy Mayor Wilkins, Councillors McGill, Cowell and Vink are appointed as members of the Court of Revision for the Switzer Drain - McLean-Switzer Branch; and

THAT Mayor Mayhew is appointed as Chairperson of the Court of Revision for the Switzer Drain - McLean-Switzer Branch

Carried

4.c Meeting to Consider Engineer's Report - Robinson Drain

#2021-283

Moved by Councillor Christa Cowell

Seconded by Councillor Martin Vink

THAT Council accepts the Engineer's Report in reference to the Robinson Drain and refers the By-law to the By-law section of the agenda for 1st and 2nd reading only.

Carried

5. **CONSENT AGENDA**

#2021-284

Moved by Councillor Christa Cowell

Seconded by Councillor Mark McGill

THAT the council for the Municipality of Southwest Middlesex receives Consent Agenda items 5.a. through 5.k. and approve the September 29, 2021 Council meeting minutes.

Carried

#2021-285

Moved by Councillor Mark McGill

Seconded by Councillor Doug Bartlett

THAT the Council of Southwest Middlesex support the Resolution from Kingsville regarding eye care.

Carried

5.a September 29, 2021 DRAFT Council Meeting Minutes

5.b SWM Vouchers

5.c SWM - September 2021 Building Report

- 5.d MLHU Section 22 Order - Sports & Recreation Facilities
- 5.e MLHU Board of Health Update - September 2022
- 5.f Kingsville - Letter to Premier re: Eye Care in Ontario
- 5.g Regulations under the Conservation Authorities Act
- 5.h Minister's Letter to Heads of Council - Construction Noise
- 5.i Thank-you Letter from Glencoe Historical Society

6. COMMITTEE OF ADJUSTMENT

7. PUBLIC MEETINGS

8. STAFF REPORTS

- 8.a Fire
- 8.b Administration

1. Asset Management

#2021-286

Moved by Deputy Mayor Marigay Wilkins

Seconded by Councillor Mike Sholdice

WHEREAS every asset management plan prepared or updated under Ontario Regulation 588/17 is required to be endorsed by the executive lead of the municipality; and

WHEREAS the CAO-Clerk, Treasurer, and Director of Operations endorse the draft Asset Management Plan; and

WHEREAS every asset management plan is required to be approved by resolution passed by the municipal council;

THEREFORE BE IT RESOLVED THAT Southwest Middlesex Council approve the draft asset management plan as proposed; and

THAT the financial strategies be included in the 2022 budget deliberation for council's consideration.

Carried

2. Council Vacancy

1. Option 1 a) – Appointment from Municipal Election Candidates

Councillor Christa Cowell declared a conflict on this item.
(Councillor Cowell has deemed a pecuniary interest under section 3 that arises from indirect pecuniary interest pursuant to clause 2(b) pertaining to Option #1.a) in the report.)

#2021-287

Moved by Deputy Mayor Marigay Wilkins

Seconded by Councillor Doug Bartlett

THAT Southwest Middlesex Council, in accordance with section 262 of the Municipal Act, 2001, hereby declares one Ward Two Councillor seat for the Municipality to be vacant, effective immediately; and

THAT such vacancy be filled through Option # 1a) as detailed herein.

Against (4): Mayor Allan Mayhew, Councillor Mark McGill, Councillor Martin Vink, and Councillor Mike Sholdice

Defeated (2 to 4)

2. Option 1 b) – Appointment by Call for Applications

#2021-288

Moved by Councillor Mike Sholdice

Seconded by Councillor Martin Vink

THAT Southwest Middlesex Council, in accordance with section 262 of the Municipal Act, 2001, hereby declares one Ward Two Councillor seat for the Municipality to be vacant, effective immediately; and

THAT such vacancy be filled through Option # 1b) as detailed herein.

Carried (7 to 0)

3. 2022 Council Meeting Calendar and Conference Schedule

#2021-289

Moved by Councillor Mike Sholdice

Seconded by Councillor Doug Bartlett

THAT the 2022 Council Meeting Calendar & Conference Schedule is received; and

THAT the proposed 2022 Council Meeting dates be approved, including the following:

- January 12, 2022 and January 26, 2022
- February 9, 2022 and February 23, 2022
- March 9, 2022 and March 23, 2022
- April 13, 2022 and April 27, 2022
- May 11, 2022 and May 25, 2022
- June 8, 2022 and June 22, 2022
- July 13, 2022 and July 27, 2022
- August 24, 2022
- September 14, 2022 and September 28, 2022
- October 12, 2022 and October 26, 2022
- November 9, 2022, November 16, 2022 and November 23, 2022
- December 14, 2022

Carried

4. 2022 Municipal and School Board Election Preparation

#2021-290

Moved by Deputy Mayor Marigay Wilkins

Seconded by Councillor Mark McGill

THAT Council adopt By-law No. 2021/085 to establish an Alternative Voting Method (Internet and Telephone) for the 2022 Municipal and School Board Election; and

THAT Council adopt By-law No. 2021/086 to execute an agreement with Intelivote Systems Inc. for eVoting Services for the 2022 Municipal and

School Board Elections; and
THAT Council direct staff to execute the Voter Management Services
Agreement with DataFix.

Carried

8.c Building

8.d Finance

8.e Operations

1. McArthur Drain - Section 78 Improvement

#2021-291

Moved by Councillor Mark McGill

Seconded by Councillor Martin Vink

THAT council appoint Spriet Engineering under Section 78 of the Act to produce a report to enclose a part of the McArthur Drain based on the request received in April 29, 2020.

Carried

2. McTaggart Drain - Section 78 Improvement

#2021-292

Moved by Councillor Mark McGill

Seconded by Councillor Mike Sholdice

THAT council accept the request filed under Section 78 of The Drainage Act for Range 2N S PT of Lot 14, to reconstruct the McTaggart Drainage Works

AND THAT the Drainage Superintendent contact Lower Thames Conservation Authority and other authorities to ensure legal compliance.

AND THAT staff send out notices or scoping meeting with property owners on the drain to determine the extent of work.

THAT the Drainage Superintendent report back to council after these items have been completed.

Carried

3. Water & Wastewater Contract Negotiations

#2021-293

Moved by Councillor Mark McGill

Seconded by Deputy Mayor Marigay Wilkins

That Council approves the Single Sourcing with the Ontario Clean Water Agency (OCWA);

To secure the supply of Safe Drinking Water and Wastewater Treatment Operations;

And that Council approves the CAO/Clerk & Director of Operations to enter into the Direct Negotiation with OCWA;

And that this negotiation be presented to council for contract execution;

And that council consider reserving the savings \$80,000 to \$100,000, that would have been expensed for the creation of the RFP.

Carried

9. NOTICE OF MOTION

9.a Notice of Motion - Deputy Mayor Wilkins

#2021-294

Moved by Deputy Mayor Marigay Wilkins

Seconded by Councillor Christa Cowell

WHEREAS in the past national railways have been partners in municipal drains under the Ontario Drainage Act and therefore financially contributed to all municipal drainage projects impacting railway-owned property;

AND WHEREAS national railways within Canada have recently taken the position that because they are federally regulated they are not subject to provincial laws, including the Drainage Act in Ontario, and therefore are no longer financially obligated to these projects, leaving municipalities with no compensation for municipal drain projects undertaken on railway owned land;

AND WHEREAS the Act specifically states “In addition to all other sums lawfully assessed against the property of a public utility or road authority under this Act, and despite the fact that the public utility or road authority is not otherwise assessable under this Act, the public utility or road authority shall be assessed for and shall pay all the increase of cost of such drainage works caused by the

existence of the works of the public utility or road authority.” (R.S.O. 1990, c. D.17, s. 26.);

AND WHEREAS “railways however operated” is defined in the Drainage Act under the definition of a “public utility”;

AND WHEREAS according to the Drainage Superintendents of Ontario, there is currently 55 outstanding projects that have been invoiced to railway companies (collectively) totaling \$850,000 in which Ontario Municipalities have not been compensated for;

AND WHEREAS; the above total does not reflect any current or potential projects underway that impact railway owned lands;

THEREFORE BE IT RESOLVED THAT the Municipality of Southwest Middlesex direct the CAO, Mayor, and Deputy Mayor to draft a letter requesting the assistance of the Rural Ontario Municipal Association for advocacy on this topic;

AND THAT a copy of this motion be sent to:

- Graydon Smith, President, Association of Municipalities of Ontario
- Robyn Jones, Chair, Rural Ontario Municipal Association
- Joanne Vanderheyden, President, Federation of Canadian Municipalities
- Dave Burton, President, Ontario Good Roads
- Robin Kurpjuweit, Rural Caucus Chair Federation of Canadian Municipalities
- Honourable Lisa Thompson, Minister of Agriculture and Rural Affairs
- Honourable Omar Alghabra, Minister of Transport Canada
- Honourable Monte McNaughton, Minister of Labour, Training and Skills Development, MPP for Lambton-Kent-Middlesex
- Lianne Rood, MP for Lambton-Kent-Middlesex
- Cathy Burghardt-Jesson, Warden, Middlesex County

Carried

10. CORRESPONDENCE AND PETITIONS

11. UNFINISHED BUSINESS

12. NEW BUSINESS

5.d.) SWM Mandatory Vaccination Procedure

5.j.) Resolution from Township of Scugog - Structure Inventory and Inspections

12.a SWM COVID-19 Vaccination Procedure

#2021-295

Moved by Councillor Mark McGill

Seconded by Deputy Mayor Marigay Wilkins

THAT Council be included in the Health & Safety - COVID-19 procedure as a group mandated to be vaccinated.

Carried (7 to 0)

12.b Resolution - Township of Scugog re: Structure Inventory and Inspections

#2021-296

Moved by Councillor Christa Cowell

Seconded by Councillor Martin Vink

THAT Southwest Middlesex Council support the resolution from the Township of Scugog regarding Structure Inventory and Inspections.

Carried

13. COUNTY COUNCIL AND CONFERENCE UPDATE

14. ANNOUNCEMENTS

15. BY-LAWS

#2021-297

Moved by Councillor Christa Cowell

Seconded by Councillor Mike Sholdice

THAT By-law No. 2021/049, and 2021/054 receive third and final reading; and

THAT By-law No. 2021/083 receive first and second reading; and

THAT By-law No. 2021/084, 2021/085, 2021/086, 2021/087 and 2021/088 receive first, second, third and final reading.

Carried

#2021-298

Moved by Deputy Mayor Marigay Wilkins

Seconded by Councillor Doug Bartlett

THAT By-law No. 2021/050 receive third and final reading; and

Carried

15.a By-law No. 2021/049 - Frederick Marsh Drain (3rd reading)

15.b By-law No. 2021/050 - McFarlane Drain - Zwambag Culvert (3rd reading)

Councillor Mark McGill declared a conflict on this item. (Councillor McGill declared a conflict due to being assessed on this drain, which is the subject of the by-law.)

15.c By-law No. 2021/054 - 4986 Hyndman Drive ZBA (3rd reading)

15.d By-law No. 2021/083 - Robinson Drain By-law (1st & 2nd reading)

15.e By-law No. 2021/084 - Speed Reduction

15.f By-law No. 2021/085 - Alternative Voting Methods

15.g By-law No. 2021/086 - Execute Agreement with Intelivote

15.h By-law No. 2021/087 - CIP Funding Agreement - Elite Agri

15.i By-law No. 2021/088 - Confirming October 13 Meeting

16. CLOSED SESSION

#2021-299

Moved by Councillor Doug Bartlett

Seconded by Councillor Martin Vink

THAT Council go into closed session, at 9:44 p.m., as per subsection 239(2) of the Municipal Act, 2001, to consider the following:

(c) A proposed or pending acquisition or disposition of land by the municipality or local board;

Carried

16.a September 15, 2021 and September 29, 2021 DRAFT Closed Session Minutes

16.b A proposed or pending acquisition or disposition of land by the municipality or local board

17. CLOSED SESSION - RISE & REPORT

Council resumed in open session at 9:56 p.m.

#2021-300

Moved by Deputy Mayor Marigay Wilkins

Seconded by Councillor Christa Cowell

THAT the closed session meeting minutes for September 15, 2021 and September 29, 2021 were approved; and

THAT a verbal report about a property matter was received and there is nothing further to report.

Carried

18. FUTURE MEETINGS (subject to change)

- October 27, 2021 - 7:00 p.m. - Council and Committee of Adjustment Meeting
- November 10, 2021 - 7:00 p.m. - Council Meeting

19. ADJOURNMENT

The Mayor adjourned the meeting at 9:58 p.m.