

**THE CORPORATION OF THE TOWNSHIP OF ADELAIDE METCALFE
COUNCIL MINUTES – September 17, 2018**

Present: Mayor Kurtis Smith, Deputy Mayor Stokman, Councillor Betty Ann MacKinnon, Councillor Gerald Sanders, and Councillor Mary Ann Hendrikx

Also Present: CAO/Treasurer Cathy Case, Clerk Jennifer Turk, Public Works Manager Jeff Little, and Drainage Superintendent Jim Reeve (for part of the meeting)

Closed Session

MOVED by Councillor MacKinnon

SECONDED by Councillor Sanders

Resolved that Council, the CAO/Treasurer, and the Clerk move to closed session pursuant to Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees; and (d) labour relations or employee negotiations at 6:56 pm. CARRIED.

MOVED by Deputy Mayor Stokman

SECONDED by Councillor Sanders

Resolved that the closed session end at 7:04 pm. CARRIED.

Call to Order

At 7:05 pm, Mayor Kurtis Smith called the meeting to order. A moment of silent reflection was observed.

Rise and Report

MOVED by Councillor MacKinnon

SECONDED by Councillor Sanders

Resolved that Council direct staff to proceed as advised in Closed Session. CARRIED.

Declaration of Pecuniary Interest and General Nature Thereof

The Municipal Conflict of Interest Act requires any member of Council to declare a pecuniary interest and the general nature thereof; and where the interest of a member of Council has not been disclosed by reason of the member's absence from a meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the Act.

Deputy Mayor Stokman declared conflict of interest regarding Staff Report CAOTR-2 Petition for Drainage Works by Owners for the Knip-Ball Drain as the one of the parties requesting drainage work is a relative to Deputy Mayor Stokman.

Minutes

MOVED by Councillor Hendrikx

SECONDED by Deputy Mayor Stokman

Resolved that the Minutes of the September 4, 2018 regular meeting, be approved as circulated. CARRIED.

Addition to Agenda

MOVED by Councillor MacKinnon

SECONDED by Councillor Hendrikx

Resolved that Council approve the addition of Staff Report from the CAO/Treasurer regarding Site Plan Agreement for 28610 Centre Road. CARRIED.

Correspondence

Upcoming Conferences/Seminars/Meetings

- 1) Regular Council Meeting – Tuesday, October 9, 2018
- 2) Regular Council Meeting – Monday, November 5, 2018
- 3) Regular Council Meeting – Monday, November 19, 2018
- 4) CC-1 E. Bryant Retirement Invitation October 4, 2018

Recommended Reading

- 1) CC-2 AMO – Court of Decision and Next Steps Bill 5
- 2) CC-3 MCSCS – 2017 Compliance Emergency Management and Civil Protection Act.

MOVED by Councillor Sanders

SECONDED by Councillor Hendrikx

Resolved that Council receive and file correspondence items CC-1 to CC-3. CARRIED.

Staff Reports

Drainage Superintendent Jim Reeve gave a verbal update to Council.

- 1) Drainage Superintendent, Jim Reeve – Verbal Update

CAO/Treasurer Cathy Case advised Council of a large invoice on the Accounts Payable listing for drainage work and that any questions be directed to the Drainage Superintendent.

Deputy Mayor Stokman inquired about the Cuddy Drain bore project. Drainage Superintendent Jim Reeve advised Council that there has been no response to date. CAO/Treasurer Cathy Case advised Council that her and Mayor Smith met with Suncor representatives and discussed this issue.

Deputy Mayor Stokman inquired about tree removal for Ward Drain. Drainage Superintendent Jim Reeve advised Council that trees would be removed if required. It was determined that tree removal was not necessary to complete drain maintenance for Ward Drain.

Councillor MacKinnon inquired about paperwork for petition of drainage works that was submitted to Spriet Associates for validity. CAO/Treasurer Cathy Case advised Council that staff is following up.

Drainage Superintendent Jim Reeve advised Council that Carruthers Drain has started but not completed. Materials for the drainage work is on site but no further action. Jim also advised Council of other small drainage works will be started once harvest season has finished.

MOVED by Deputy Mayor Stokman
SECONDED by Councillor Hendrikx
Resolved that Council accept the verbal drainage report from Drainage Superintendent, Jim Reeve as presented. CARRIED.

CAO/Treasurer Cathy Case presented her reports to Council.

2) CAOTR-1 Invoice Payment Approval – August 31 – September 12, 2018

MOVED by Councillor Sanders
SECONDED by Councillor MacKinnon
Resolved that the accounts listing for the period August 31 – September 12, 2018 in the amount of \$256,582.00 be approved. CARRIED.

3) CAOTR-2 Petition for Drainage Works by Owners

At the appropriate time, Deputy Mayor Stokman reiterated his conflict of interest as declared, and pushed back from the Council table.

MOVED by Councillor MacKinnon
SECONDED by Councillor Sanders
Resolved that Council accept the Petition for Drainage Works by Owners as submitted for Lots 6, 7, and 8, Concession 1 SER and that Spriet Associates be appointed to determine the validity of the petition. CARRIED.

Deputy Mayor Stokman returned to Council table.

4) CAOTR-3 Strategic Plan – Update

MOVED by Councillor Hendrikx

SECONDED by Councillor MacKinnon

Resolved that Council accept the Strategic Plan September 17, 2018 Update as prepared by the CAO/Treasurer for information purposes. CARRIED.

6) CAOTR-5 Financial Report Including July & August Payroll

MOVED by Councillor MacKinnon

SECONDED by Councillor Sanders

Resolved that Council accept the Financial Report including July and August 2018 payroll as presented by the CAO/Treasurer. CARRIED.

7) CAOTR-6 Site Plan Application – 28610 Centre Road – Security Reconsideration

CAO/Treasurer Cathy Case presented her report to Council regarding negotiations with the cost of works for the proposed site plan application at 28610 Centre Road.

MOVED by Councillor Sanders

SECONDED by Deputy Mayor Stokman

Resolved that Council authorize staff to negotiate the security requirements to the agreement with the phases of the development in the range of 30% for the cost of works fees. CARRIED.

Public Works

Public Works Manager Jeff Little advised Council that Public Works employee Richard Elliott placed 2nd, and Public Works employee Coulter Cahill placed 4th in the Provincial Truck Safety Roadeo representing Middlesex County.

Councillor Sanders inquired about the construction taking place along Walkers Drive. Public Works Manager Jeff Little advised Council that all the dig out work is completed. It was noted that there were a few mailboxes down, Public Works Manager Jeff Little advised Council that staff put the mailboxes down on purpose while edging shoulders of the roadway.

Public Works Manager Jeff Little advised Council of the installation of the water well at Napier Public Works garage. The project was completed last week and water is running at 4 gallons per minute with no sulphur.

Public Works Manager Jeff Little advised Council that the single surface treatment to Township roadways was also complete.

Public Works Manager Jeff Little advised Council that Enbridge Pipeline will be working their pipeline, on their property located near Townsend Line between Seed Road and Morse Road. No date has been set as to when their project is taking place.

Delegations & Timed Events

7:15 PM Public Meeting

MOVED by Councillor MacKinnon

SECONDED by Councillor Hendrikx

Resolved that the public meeting to hear Zoning By-law Amendment Application ZBA12-2018 (D & S Dodge & Sons Ltd., 6259 Calvert Drive) be opened at 7:21 pm. CARRIED.

Zoning By-law Amendment ZBA12-2018

D & S Dodge & Sons Ltd., 6259 Calvert Drive

There was no representation in attendance for this application at the meeting.

Planner Erin Besch reviewed Zoning By-law Amendment Application ZBA12-2018 to rezone the severed parcel created through Consent B02-2018 from General Agriculture (A) Zone to Surplus Dwelling (SD) Zone in order to recognize the residential use of the lands and to rezone the retained parcel created through Consent B02-2018 from General Agriculture (A) Zone to Agriculture Only (AO) Zone to prohibit new residential dwellings on the lands.

Through Planner Erin Besch's report, it has been recommended that Zoning By-law Amendment ZBA12-2018 be approved as the application is consistent with the Provincial Policy Statement; conforms to the Official Plans of both the Township of Adelaide Metcalfe and the County of Middlesex; and the requirements of the Township of Adelaide Metcalfe Zoning By-law would be satisfied.

There were no comments from the public in attendance. Council had no questions or concerns.

MOVED by Councillor Sanders

SECONDED by Councillor MacKinnon

Resolved that the public meeting to hear Zoning By-law Amendment Application ZBA12-2018 (D & S Dodge & Sons Ltd., 6259 Calvert Drive) be closed at 7:24 pm. CARRIED.

MOVED by Councillor Hendrikx

SECONDED by Councillor MacKinnon

Resolved that Council approve the application for Zoning By-law Amendment ZBA12-2018 for 6259 Calvert Drive to amend the zoning of a portion of the severed parcel created through Consent B02-2018 from General Agriculture (A)

Zone to Surplus Dwelling (SD) Zone in order to recognize the residential use of the lands and to amend the zoning of a portion of the retained parcel created through Consent B02-2018 from General Agriculture (A) Zone to Agriculture Only (AO) Zone to prohibit new residential uses on the lands and that Council proceed with the first and second reading of the implementing by-law with third and final reading to be provided once a deposited reference plan has been received to the satisfaction of the Township. CARRIED.

7:30 PM COMMITTEE OF ADJUSTMENT

MOVED by Councillor Hendrikx

SECONDED by Councillor MacKinnon

Resolved that Council convene as the Committee of Adjustment for the purpose of hearing Consent Applications B08-2018 (Ervin & Ian Bryant, 2123 Melwood Drive), B09-2018 (Carrigan MacDougall, 4747 Walkers Drive), and B03-2018 (Carrigan & Jennifer MacDougall, 4225 Calvert Drive – Deferred from April 16, 2018) at 7:30 pm. CARRIED.

Consent B08-2018

Ervin Bryant & Ian Bryant, 2123 Melwood Drive

Ervin Bryant was in attendance for the meeting.

Planner Erin Besch reviewed application for Consent B08-2018 which is a re-submission of Consent Application B12-2017, that was conditionally approved by the Committee of Adjustment on July 17, 2017. As the property was sold to Ervin Bryant and Ian Bryant from Delmar and Sherri Dodge, the application was to be resubmitted by the new property owners. The purpose of the application for Consent B08-2018 was to permit the severance of a residence from a farm parcel, facilitating the creation of a new lot to dispose of a residence surplus to a farming operation as a result of consolidation.

Through Planner Erin Besch's report, it has been recommended that Consent B08-2018 be approved subject to conditions as the application is consistent with the Provincial Policy Statement; conforms to the Official Plans of both the Township of Adelaide Metcalfe and the County of Middlesex; and subject to Condition 4, the Township of Adelaide Metcalfe Zoning By-law would be satisfied.

Ervin Bryant did inquire how to keep the livestock from being on site if it was not already removed. CAO/Treasurer Cathy Case advised that a Change of Use application would have to be submitted to the Township.

The Committee of Adjustment had no comments. There was no comment from members of the public in attendance.

MOVED by Councillor MacKinnon

SECONDED by Councillor Sanders

Resolved that Application for Consent B08-2018, submitted under Section 53 of the Planning Act, to permit the severance a residence from a farm parcel, at 2123 Melwood Drive be GRANTED subject to the following conditions:

- 1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled.**
- 2. That the Applicants' Solicitor submits an undertaking in a form satisfactory to the Secretary-Treasurer of the Committee of Adjustment to register an electronic transfer of title exactly consistent with the Acknowledgement and Direction executed by the applicants and the decision of the Committee of Adjustment.**
- 3. That the applicant establish a permanent easement over the lands to be retained in favour of the lands to be severed to facilitate access to the existing private water well.**
- 4. That the lands to be severed be re-zoned to 'Surplus Dwelling (SD) Zone' and that the portion of the lands to be retained which are currently zoned 'General Agriculture (A) Zone' be re-zoned to 'Agriculture Only (AO) Zone'.**
- 5. That an adequate and potable water supply be demonstrated to exist to the satisfaction of the Township's Chief Building Official.**
- 6. That, unless replaced, the existing septic system is to be inspected by a qualified septic installer and the inspection report be provided to the Township for determination as to any replacement or remedial works that may be required. The qualified septic installer shall also confirm the location of the existing septic system and confirm that the clearance distance from the septic system to the well is adequate.**
- 7. That the habitability of the single detached dwelling be confirmed by the Township's Chief Building Official.**
- 8. That the existing steel quonset building located on the lands to be retained be made incapable of housing livestock or be otherwise removed from the lands to the satisfaction of the Township's Chief Building Official.**
- 9. That drain assessment schedules be revised in accordance with the Drainage Act, as amended, to be commissioned and paid for by the owners, to the satisfaction of the Township.**
- 10. That the owner enter into a severance agreement with the Township in order to advise future owners of the severed lot of Consent B08-2018 of normal farm practices occurring in the area as outlined in the Farming and Food Production Protection Act, 1998, as amended.**
- 11. That any outstanding property taxes for the severed and retained lots of Consent B08-2018 be paid in full.**
- 12. That a preliminary survey showing the location of the permanent easement, the lands being severed and the location of all buildings and structures including their setbacks from the property lines and the location of the**

private water well and the replacement septic system be submitted to the satisfaction of the Township.

- 13. That two printed copies and one digital copy of the reference plan be submitted to the satisfaction of the Township.**

as the application is consistent with the Provincial Policy Statement; conforms to the Official Plans of both the Township of Adelaide Metcalfe and the County of Middlesex; and subject to Condition 4, the requirements of the Township of Adelaide Metcalfe Zoning By-law are satisfied. CARRIED.

Consent B09-2018

Carrigan MacDougall, 4747 Walkers Drive

There was no representation in attendance for this application at the meeting.

Planner Erin Besch reviewed application for Consent B09-2018 to sever a surplus farm dwelling on a lot with a frontage of approximately 48.8 m (160 ft) along Walkers Drive and an area of approximately 4047 m² (1 ac) from a farm holding with a lot area of approximately 20.64 ha (51 ac).

Through Planner Erin Besch's report, it has been recommended that Consent B09-2018 be approved subject to conditions as the application is consistent with the Provincial Policy Statement; conforms to the Official Plans of both the Township of Adelaide Metcalfe and the County of Middlesex; and, subject to Condition 4, the requirements of the Township of Adelaide Metcalfe Zoning By-law would be satisfied.

There was no one from the gallery wishing to speak to the application.

CAO/Treasurer Cathy Case advised the Committee of Adjustment that neighbour, Cynthia Little, asked questions regarding the application via email and would like a copy of the decision.

MOVED by Councillor MacKinnon

SECONDED by Councillor Hendrikx

Resolved that Application for Consent B09-2018, submitted under Section 53 of the Planning Act, to permit the severance a residence from a farm parcel, at 4747 Walkers Drive be GRANTED subject to the following conditions:

- 1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled.**
- 2. That the applicant's solicitor submits an undertaking in a form satisfactory to the Secretary-Treasurer of the Committee of Adjustment to register an electronic transfer of title exactly consistent with the Acknowledgement and Direction executed by the applicants and the decision of the Committee of Adjustment.**

3. That a Zoning By-law Amendment that recognizes the residential use of the severed lot of Consent B09-2018 and prohibits new dwellings on the retained lot of Consent B09-2018 be in full force and effect.
4. That the existing sheds and any debris be removed from the severed lands to the satisfaction of the Township.
5. That the existing shed retained on the severed lands be inspected by a qualified professional and the inspection report be provided to the Township for determination of structural adequacy and/or identification of any remedial works that may be required to bring the existing building into conformity with the minimum construction standards for a residential accessory building, or be removed to the satisfaction of the Township.
6. That the barn located on the retained land be issued a Change of Use permit to prohibit livestock and allow for farm equipment storage only, or be removed to the satisfaction of the Township.
7. That the applicant establish a permanent easement over the lands to be retained in favour of the lands to be severed to facilitate access to the existing private water well.
8. That unless replaced, the existing septic system is to be inspected by a qualified septic installer and the inspection report be provided to the Township for determination as to any replacement or remedial works that may be required. The qualified septic installer shall also confirm the location of the existing septic system and confirm that the clearance distance from the septic system to the well is adequate.
9. That the habitability of the single detached dwelling be confirmed to the satisfaction of the Township.
10. That drain assessment schedules be revised in accordance with the Drainage Act, as amended, to be commissioned and paid for by the owners, to the satisfaction of the Township.
11. That independent accesses to the lands to be severed and the lands to be retained are provided, to the satisfaction of Township.
12. That the owner enter into a severance agreement with the Township in order to advise future owners of the severed lot of Consent B09-2018 of normal farm practices occurring in the area as outlined in the Farming and Food Production Protection Act, 1998, as amended.
13. That any outstanding property taxes for the severed and retained lots of Consent B09-2018 be paid in full.
14. That a preliminary survey showing the lands being severed, any required land dedication, and the location of all buildings and structures including their setbacks from the property lines and the location of the private water well and septic system be submitted to the satisfaction of the Township prior to being deposited at the Land Registry Office.
15. That two paper copies and one digital copy of the reference plan be submitted to the satisfaction of the Township.

as the application is consistent with the Provincial Policy Statement; conforms to the Official Plans of both the Township of Adelaide Metcalfe and the County of Middlesex; and subject to Condition 4, the requirements of the Township of Adelaide Metcalfe Zoning By-law are satisfied. CARRIED.

Consent B03-2018

Carrigan and Jennifer MacDougall, 4225 Calvert Drive

There was no representation in attendance for this application at the meeting.

Planner Erin Besch reviewed application for Consent B03-2018, that was deferred from April 16, 2018, to sever a surplus farm dwelling on a lot with a frontage of approximately 112.8 m (370 ft) along Calvert Drive and an area of approximately 0.6 ha (1.4 ac) from a farm holding with a lot area of approximately 41.1 ha (101.6 ac). The application was deferred to give the applicants the opportunity to address the comments from St. Clair Region Conservation Authority and Hydro One.

Through Planner Erin Besch's report, it has been recommended that Consent B03-2018 be approved subject to conditions as the application is consistent with the Provincial Policy Statement; conforms to the Official Plans of both the Township of Adelaide Metcalfe and the County of Middlesex; and, subject to Condition 4, the requirements of the Township of Adelaide Metcalfe Zoning By-law would be satisfied.

There was no one from the gallery wishing to speak to the application. The Committee of Adjustment had no comments.

MOVED by Councillor Sanders

SECONDED by Councillor MacKinnon

Resolved that Application for Consent B03-2018, submitted under Section 53 of the Planning Act, to permit the severance a residence from a farm parcel, at 4225 Calvert Drive be GRANTED subject to the following conditions:

- 1. That the Certificate of Consent under Section 53(42) of the Planning Act shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled.**
- 2. That the applicant's solicitor submits an undertaking in a form satisfactory to the Secretary-Treasurer of the Committee of Adjustment to register an electronic transfer of title exactly consistent with the Acknowledgement and Direction executed by the applicants and the decision of the Committee of Adjustment.**
- 3. That the applicant revise the area of the lot to be severed to be approximately 0.6 ha (1.6 ac) with a lot frontage of 120 m (393 ft) and a depth of 110 m (360 ft).**

4. That a Zoning By-law Amendment that recognizes the residential use of the severed lot of Consent B03-2018 and prohibits new dwellings on the retained lot of Consent B03-2018 be in full force and effect.
5. That the hydro service for the lot to be severed be wholly contained without encroaching onto the lot to be retained. Or that a hydro easement be required in favour of the owner of the lot to be severed over the lot to be retained to allow access to the hydro service.
6. That the owner provide road widening dedications to the County of Middlesex of up to 15 metres from the centerline of Calvert Drive (County Road 10) along the frontage of the lands to be severed to the satisfaction of the County Engineer.
7. That the garage be inspected by a qualified professional and the inspection report be provided to the Township for determination of structural adequacy and/or identification of any remedial works that may be required to bring the existing building into conformity with the minimum construction standards for a residential accessory building.
8. That unless replaced, the existing septic system is to be inspected by a qualified septic installer and the inspection report be provided to the Township for determination as to any replacement or remedial works that may be required. The qualified septic installer shall also confirm the location of the existing septic system and confirm that the clearance distance from the septic system to the well is adequate.
9. That the habitability of the single detached dwelling be confirmed by the Township's Chief Building Official.
10. That an adequate and potable on-site water supply be demonstrated to exist on the land to be severed, to the satisfaction of the Township.
11. That drain assessment schedules be revised in accordance with the Drainage Act, as amended, to be commissioned and paid for by the owners, to the satisfaction of the Township.
12. That independent accesses to the lands to be severed and the lands to be retained be confirmed, to the satisfaction of the Township.
13. That the owner enter into a severance agreement with the Township in order to advise future owners of the severed lot of Consent B03-2018 of normal farm practices occurring in the area as outlined in the Farming and Food Production Protection Act, 1998, as amended.
14. That any outstanding property taxes for the severed and retained lots of Consent B03-2018 be paid in full.
15. That a preliminary survey showing the lands being severed and the location of all buildings and structures including their setbacks from the property lines and the location of the private water well and septic system be submitted to the satisfaction of the Township prior to being deposited at the Land Registry Office.
16. That two printed copies and one digital copy of the reference plan be submitted to the satisfaction of the Township.

as the application is consistent with the Provincial Policy Statement; conforms to the Official Plans of both the Township of Adelaide Metcalfe and the County of Middlesex; and subject to Condition 4, the requirements of the Township of Adelaide Metcalfe Zoning By-law are satisfied. CARRIED.

Other Business

Mayor Smith advised Council that the larger stop sign was installed on Pike Road at Napperton Drive by County of Middlesex.

By-laws

MOVED by Councillor MacKinnon

SECONDED by Councillor Sanders

Resolved that third and final reading be given to:

By-law No. 45 of 2018 – Zoning By-law Amendment ZBA10-2018 Van Geffen

And that the by-law be signed by the Mayor and Clerk and have the corporate seal attached. CARRIED.

MOVED by Councillor MacKinnon

SECONDED by Councillor Hendrikx

Resolved that all three readings be given to:

By-law No. 50 of 2018 – Zoning By-law Amendment ZBA12-2018 D & S Dodge & Sons Ltd.

By-law No. 51 of 2018 – Confirm Council Proceedings


And that the by-law be signed by the Mayor and Clerk and have the corporate seal attached. CARRIED.

Adjournment

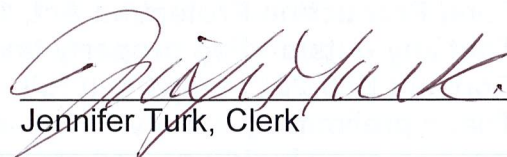
MOVED by Councillor Sanders

SECONDED by Deputy Mayor Stokman

Resolved that the meeting be adjourned at 8:15 pm. CARRIED.



Kurtis Smith, Mayor



Jennifer Turk, Clerk