

The Corporation of the Township of Malahide**October 20, 2022 – 7:30p.m.**Virtual Meeting - <https://youtu.be/J01XnS7X2hI>

The Malahide Township Council met at the Springfield & Area Community Services Building, at 51221 Ron McNeil Line, Springfield, at 7:30p.m. Seating capacity is limited and those individuals with matters pertaining to agenda items were prioritized for in person attendance. The following were present:

Council: Mayor D. Mennill, Deputy Mayor D. Giguère, Councillor M. Widner, Councillor M. Moore, Councillor R. Cerna, Councillor S. Lewis and Councillor C. Glinski.

Staff: Chief Administrative Officer A. Betteridge, Clerk A. Adams, Director of Fire & Emergency Services J. Spoor, and Director of Finance A. Boylan.

Absent:

CALL TO ORDER:

Mayor Mennill took the Chair and called the meeting to order at 7:00p.m.

DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:

N/A

CLOSED:

No. 22-417

Moved By: Chester Glinski

Seconded By: Max Moore

THAT Council move into Closed Session at 7:00 p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following

- (i) A Labour Relations or Employee Negotiations regarding Performance Review.**

Carried

No. 22-418

Moved By: Mark Widner

Seconded By: Max Moore

THAT Council move out of Closed Session and reconvene at 7:28p.m. in order to continue with its deliberations.

Carried

The Mayor advised that during the Closed Session, Council provided direction to Municipal Staff regarding a Labour Relations or Employee Negotiations Matter regarding a Staff Performance Review. There is nothing further to report.

MINUTES:

No. 22-419

Moved By: Max Moore

Seconded By: Mark Widner

THAT the minutes of the regular meeting of the Council held on October 6, 2022, be adopted as printed and circulated.

Carried

PRESENTATIONS/DELEGATIONS/PETITIONS:

-Public Meeting – Zoning By-law Amendment - Applicant Leverton Developments Inc. (Authorized Agent: Matt Campbell c/o Zelinka Priamo Ltd.) relating to property at Lot G, Plan 18, Township of Malahide and known municipally as 51403 Ron McNeil Line

No. 22-420

Moved By: Mark Widner

Seconded By: Dominique Giguère

THAT the Public Meeting concerning the Zoning By-law Amendment Application No. D14-Z10-22 of Leverton Developments, relating to the property located at Lot G, Concession South of Main Street, Registered Plan No. 18; and known municipally as 51403 Ron McNeil Line; be called to order at 7:39p.m

Carried

Mayor Mennill advised that the purpose of this Public Meeting is to consider an application to amend the zoning of the subject property.

Mayor Mennill asked the Clerk to advise and confirm on the method and date of notice given for this meeting. The Clerk advised that this public meeting was advertised in the Aylmer Express for two consecutive weeks. In addition, affected property owners within 120 meters were sent a notice by prepaid first-class mail that was posted at least twenty days prior to this meeting.

Mayor Mennill requested that Eric Steele of Monteith Brown provide an overview of the application.

CAO Adam Betteridge provided an overview of the application in regards to options of how Council could proceed with site plan control and the Township owned unopened lane.

Mayor Mennill asked if the applicant had anything to add. Mr. Campbell clarified some concerns that still were remaining with the application. Mayor Mennill inquired if he could address the comments received in respect to the application. Mr. Campbell noted that through the site control process privacy would be addressed with fencing around lot lines and other possible areas as well as including visual screening with greenery. Any concerns regarding adequate water service would be addressed through engineering criteria. Parking access has been mentioned and to use the laneway for vehicular and pedestrian access. There is significant parking established on site for visitors. Garbage bins would be internal to the building. Plowing of snow and removal would be the client subject to a maintenance agreement with the Township.

Mayor Mennill asked if anyone in the gallery had any concerns they wanted to bring forth.

Bill MacIntyre of 11748 Springfield Road noted there was no mention of setbacks from a municipal drain from the building location and there was in fact a drain there. CAO Betteridge explained the difference between an open municipal drain setback and this closed drain which has no setback requirements. Mr. MacIntyre stated the parking lot being proposed is not sufficient for the size of vehicles. He believes that the Village does need houses and development but this building size for this lot doesn't work.

Patricia Zimmer of 51422 Pressey Line noted that a petition was distributed throughout the Village and 170 plus people signed it objecting to this proposal. There is a need for affordable housing in the Village and to keep the community prospering but the residents feel that there is a better location for this building. She also mentioned that the laneway is a safety concern.

Kodi Becker of 51421 Pressey Line noted that the setback is not similar to others as it intrudes the street view with its size and that the proposal drawings and boundaries aren't representative of the actual lot. She noted her other comments were similar to the other two individuals who had already spoke in relation to the proposal.

Mr. Campbell stated that the parking lot is designed to municipal standards and if you have a large vehicle perhaps this isn't the right spot for you. The proposal is not looking for relief from coverage and there is open space on the property for landscaped open space for the residents of the building. In regards to accurate representation of the site it was surveyed by an Ontario surveyor for accuracy. Mr. Campbell agrees that the proposal shouldn't be at the expense of public safety and he hasn't been made aware of this concern by any agency for review. He doesn't believe that having a parking lot this size brings any safety concerns or any hazards.

CAO Betteridge reiterated that the drain setbacks Mr. MacIntyre inquired about are in relation to open municipal drains in the agricultural area not buried drains on Ron McNeil Line as those setbacks don't apply to that sort of drain.

Mayor Mennill asked if any Council Members wished to make any comments regarding the application.

Councillor Widner inquired about drain setbacks and how there couldn't be any. CAO Betteridge stated that there were no setback requirements from these type of buried drains on private property but rather it's for open municipal drains that go across agricultural parcels.

Councillor Glinski inquired how close to a farm drain can a structure be built. CAO Betteridge noted that this wasn't applicable for this scenario. The drain setbacks being referred to are for open drains that would run across an agricultural parcel this makes sure that buildings aren't too close to those features. There is no development

occurring over a drain in this scenario and if there was the County or the Township would have commented about the impacts this would have.

No. 22-421

Moved By: Rick Cerna

Seconded By: Mark Widner

THAT the Public Meeting concerning Zoning By-law Amendment Application No. D14-Z07-22 of Leverton Developments, relating to the property located at Lot G, Concession South of Main Street, Registered Plan No. 18; and known municipally as 51403 Ron McNeil Line; be adjourned and the Council reconvene at 8:18p.m

Carried

Mayor Mennill referenced the concerns of this application regarding setbacks, parking and road access.

Councillor Cerna noted that this application could be continued to be discussed but the fact remained that the proposed building does not fit the lot and it doesn't fit the appearance in the Village that the residents are trying to preserve.

Councillor Widner wanted to ensure that it was understood that the Township is not against development but rather this building and its location.

Councillor Glinski stated that as elected officials we are to listen to the people and the 170 people that have signed this petition are presenting a strong argument if we didn't listen to their concerns. He reiterated that he was well wasn't against development but that the proposed location wasn't ideal.

Deputy Mayor Giguère noted that Council's role is to listen to the people and some of those people are employers who are struggling to bring skilled employees to the area with the housing shortage. We are a community and we all need to do our part of give and take. Having a developer interested in building in the Village to assist with the ongoing housing shortage call is promising but decisions can't be made only to meet that urgency. Perhaps this give and take perspective can occur with the developer adjusting the size to a unit that is better for the space.

No. 22-422

Moved By: Max Moore

Seconded By: Chester Glinski

THAT Report No. DS-22-55 entitled "Zoning By-law Amendment Application of Leverton Developments" be received;

AND THAT the Zoning By-law Amendment Application No D14-Z10-22 of Leverton Developments, relating to the property located at Lot G, Concession South of Main Street, Registered Plan No. 18; and known municipally as 51403 Ron McNeil

Line, BE DENIED on the basis that Council does not support the development of the site obtaining vehicular access through the adjacent Township-owned unopened lane.

Carried

Mayor Mennill thanked the residents who attended the meeting and they retired from the meeting.

REPORTS:

Director of Fire & Emergency Services

- Elgin County Communications Study

Councillor Lewis inquired what type of burn complaints are being submitted. Director of Fire & Emergency Services Spoor noted that typical complaints are from concerned neighbours inquiring if a permit was obtained or about products being burned.

No. 22-423

Moved By: Scott Lewis

Seconded By: Chester Glinski

THAT Report No. F-22-14 entitled “Emergency Services Activity Report – September” be received.

Carried

- Elgin County Communications Study

Councillor Widner inquired about shoreline coverage. Director of Fire & Emergency Services Spoor stated that it is spotty at best and dependent on the weather but that it is not as bad as it once was.

Deputy Mayor Giguère inquired if future water damaged can be prevented. Director of Fire & Emergency Services Spoor stated the water leak had been fixed and another hook up will need to be found. Deputy Mayor Giguere also inquired if we should continue to budget annually for a replacement and what is the life cycle. Director Spoor stated that this would be included in future capital budgets and currently the units last from ten to fifteen years.

No. 22-424

Moved By: Rick Cerna

Seconded By: Dominique Giguère

THAT Report No. F-22-15 entitled “Elgin County Communications Study” be received;

AND THAT Council direct staff to follow the recommendations of KVA Communications and initiate a capital reserve fund of \$30,000 per year for 5 years starting in 2023.

Carried

Director of Public Works

- Blue Box Transition Update

Deputy Mayor Giguere wanted to confirm that there is no change to recycling is every two weeks. Public Works Coordinator Young noted that it will remain the same until 2025 until Circular Materials Ontario (CMO) will have full control of the program and schedules could change.

Councillor Widner inquired if garbage pick-up would still be weekly. Public Works Coordinator Young noted that garbage pick-up would remain weekly with the current contractor until 2025.

Councillor Widner inquired if more materials would be accepted in the program. Director of Finance Boylan indicated that more materials would be added to the program with the main one being single sourced plastics.

No.22-425

Moved By: Scott Lewis

Seconded By: Mark Widner

THAT Report No. PW-22-51 entitled “Blue Box Transition Update” be received;

AND THAT Council direct Staff to provide an expression of intent to enter into a service agreement with Circular Materials Ontario as described in Option 1 of Report No. PW-22-51.

AND THAT Council direct Staff to provide an expression of intent to extend its garbage and leaf waste collection contract with Miller Waste for two years and consider transitioning from a five day to a four-day collection schedule in a manner least disruptive for Township residents in exchange for full waiver of any potential termination fees as a result of legislative amendments to the Blue Box program.

Carried

Clerk

- Follow-up Report: RFP Results – County of Elgin RFP No. 2022 P36 – Integrity Commissioner Services with Closed Meeting Investigator and Ombudsman Options

Councillor Glinski inquired if the price would change depending on the number of services selected. Clerk Adams indicated that the hourly price would remain the same regardless of the number of services selected.

Councillor Widner supported the idea of a filing fee to ensure that frivolous complaints weren't being made. CAO Betteridge noted this option in the report and a draft whereas clause was included if Council chose to proceed with that option.

Councillor Glinski inquired if there was a retainer with choosing this firm. Clerk Adams noted there was no retainer.

No. 22-426

Moved By: Max Moore

Seconded By: Dominique Giguère

THAT Report CLERK-22-12 entitled "Follow-up Report: RFP Results – County of Elgin RFP No. 2022 P36 – Integrity Commissioner Services with Closed Meeting Investigator and Ombudsman Options" be received;

AND THAT Council agrees to enter into a 2-year agreement with Aird & Berlis LLP for Integrity Commissioner, Closed Meeting Investigator and Ombudsman Services;

AND THAT Council proceed with the adoption of By-law 22-80 authorizing the Mayor and Clerk to sign an Agreement with Aird & Berlis LLP for the appointment of Integrity Commissioner, Closed Meeting Investigator and Ombudsman Services.

Carried

Building/Planning/By-law

- Application for Consent to Sever of Stan Putnam

No. 22-427

Moved By: Rick Cerna

Seconded By: Chester Glinski

THAT Report No. REPORT NO.: DS-22-52 entitled “Application for Consent to Sever of Stan Putnam” be received;

AND THAT the Application for Consent to Sever of Stan Putnam (E-71-22), relating to the property located in Part Lot 13, Concession 10 (Geographic Township of South Dorchester) be supported for the reasons set out in this Report;

AND THAT this Report be forwarded to the Land Division Committee for its review and consideration.

Carried

- Application for Consent to Sever of Anne Van Blyderveen

No. 22-428

Moved By: Rick Cerna

Seconded By: Max Moore

THAT Report No. REPORT NO.: DS-22-50 entitled “Application for Consent to Sever of Anne Van Blyderveen” be received;

AND THAT the Application for Consent to Sever of Anne Van Blyderveen (E-77-22), relating to the property located in Part Lot 3, Concession 8, RP 11R-10226 (Geographic Township of South Dorchester) be supported for the reasons set out in this Report;

AND THAT this Report be forwarded to the Land Division Committee for its review and consideration.

Carried

REPORTS OF COMMITTEES/OUTSIDE BOARDS:

No. 22-429

Moved By: Scott Lewis

Seconded By: Dominique Giguère

THAT the following Reports of Committees/Outside Boards be noted and filed

- (i) Long Point Region Conservation Authority Board of Directors – Minutes of September 7, 2022**

Carried

CORRESPONDENCE:

No. 22-430

Moved By: Mark Widner

Seconded By: Chester Glinski

THAT the following correspondence be noted and filed:

- 1. Association of Municipalities of Ontario - Watch File – dated October 6, 2022 and October 13, 2022. (Pages 2-7)**
- 2. County of Elgin – Council Highlights – September 27, 2022 and October 11, 2022. (Pages 8-15)**
- 3. Town of Aylmer – Notice of Passing – Zoning By-law Amendment: –Part of Lots 85 & 86, Concession NTR and Part of Block W Plan Registered Plan 164, Town of Aylmer (geographic Township of Malahide). (Pages 16-18)**
- 4. Municipality of East Ferris – Resolution advocating for the Province of Ontario to address the child care workforce shortage. (Pages 19-21)**

Carried

OTHER BUSINESS:**No. 22-431****Moved By: Mark Widner****Seconded By: Rick Cerna**

THAT Council direct staff to prepare specific municipal impacts and costs in relation to current cannabis legislation as per the Association of Municipalities of Ontario's (AMO) initiative encouraging municipalities to submit feedback as part of the federal government's cannabis legislation review process;

AND THAT staff forward this information to the federal government for inclusion in the cannabis legislation review process and to AMO.

Carried

Councillor Cerna inquired about the possibility of a pole light at the intersection of Springfield Road and Calton Line. He also mentioned comments he had been hearing from residents regarding the election content on the website. Lastly, he wanted to recognize Bill 50, that recognize's October as Hungarian Heritage Month.

BY-LAWS:

- By-law No. 22-77 – Appoint Municipal By-Law Enforcement/Property Standards Officers

No. 22-432**Moved By: Max Moore****Seconded By: Rick Cerna**

THAT By-law No.22-77 being a By-law to Appoint Municipal By-Law Enforcement/Property Standards Officers for the Corporation of the Township of Malahide, be given first, second and third readings, and be properly signed and sealed.

Carried

-By-law No.22-61 – Third Reading of McDonald Drain Branch E

No. 22-433**Moved By: Scott Lewis****Seconded By: Chester Glinski**

THAT By-law No.22-61, being a By-law to provide for Drainage works on the McDonald Drain Branch E, be read a third time, finally passed, and be properly signed and sealed.

Carried

CONFIRMATORY:

No: 22-434

Moved By: Max Moore

Seconded By: Mark Widner

THAT By-law No. 22-78, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried

ADJOURNMENT:

No. 22-435

Moved By: Chester Glinski

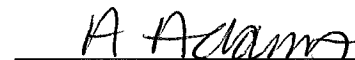
Seconded By: Mark Widner

THAT the Council adjourn its meeting at 9:00p.m. to meet again on November 3, 2022, at 7:30p.m.

Carried



Mayor – D. Mennill



Clerk – A. Adams