

The Corporation of the Township of Malahide**December 2, 2021 – 7:30 p.m.****Virtual Meeting - <https://youtu.be/wl4Tvx-9FmE>**

Due to COVID 19 and Public Health concerns, the Malahide Township Council met at the Malahide Community Place, at 12105 Whittaker Road, Springfield, at 7:30 p.m. in order to allow for physical distancing. No public attendance was permitted. 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 and Emergency Services J. Spoor, Director of Finance A. Boylan, and IT Manager C. Coxen.

Staff via Zoom: Drainage Superintendent B. Lopez.

CALL TO ORDER:

Mayor Mennill took the Chair and called the meeting to order at 7:30 p.m.

DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:

No declarations of pecuniary interest were declared.

MINUTES:

No. 21-524

Moved by: Rick Cerna

Seconded by: Max Moore

THAT the minutes of the regular meeting of the Council held on November 18, 2021 be adopted as printed and circulated.

Carried.

PRESENTATIONS/DELEGATIONS/PETITIONS:

Public Meeting – Minor Variance Application – Kayla and Jason Smith, relating to property at 51211 Clinton Street.

No. 21-525

Moved by: Mark Widner

Seconded by: Scott Lewis

THAT the Committee of Adjustment for the Township of Malahide be called to order at 7:31 p.m. and that Mayor Dave Mennill be appointed Chairperson for the “Committee of Adjustment”.

Carried.

Chair Mennill advised that the purpose of this Public Meeting is to consider an application for a Minor Variance as submitted by Kayla and Jason Smith.

Chair Mennill requested the Chief Administrative Officer to provide an overview of the application. The CAO advised that the applicants are seeking relief from the minimum Municipal Drain setback requirement of 7.5 metres (approximately 25 feet) in order to construct an accessory building on the subject property.

The effect of the specific relief sought would allow a new accessory building to be situated 3.5 metres (approximately 15 feet) from the Clinton Street Drain whereas the Zoning By-law requires such structures to be no closer than 7.5 metres from the centre line of a municipal tile drain. The Clinton Street Drain is located on the abutting property to the east, 0.5 metres from the eastern side lot line of the subject lands.

Chair Mennill asked the Applicant and/or their agent to provide any additional information and there were none.

Chair Mennill asked if any person in attendance wished to make any comments regarding the application and there were none.

Chair Mennill inquired if any Committee Members had any questions regarding the application and Councillor Moore wanted reassurance that if drainage work was needed that there would be sufficient space and access to this area with the proposed building. CAO Betteridge confirmed that he had spoken with the Township Drainage Superintendent and the proposed plan had enough access if any future work was required to the drain. The Township Drainage Superintendent also noted that a fence would not be a problem as it was far enough away and the majority of any maintenance work could be done street side.

Chair Mennill advised that the Committee will consider all comments received when making its final decision on the application.

No. 21-526

Moved by: Scott Lewis

Seconded by: Dominique Giguère

THAT Report No. DS-21-58 entitled "Minor Variance Application No. D13-MV-08b-21 of Kayla and Jason Smith" and affecting lands described as Part of Block 135 on Plan 120, (Part 1 on 11R-8851) in the Township of Malahide (51211 Clinton St) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-08b-21 for relief from the minimum Municipal Drain setback requirement of 7.5 metres in order to construct an accessory building on the subject property 3.5 metres from the Clinton Street Drain.

AND THAT the approval shall be subject to the following conditions:

- 1) That a development agreement be registered on title stating that any fencing on the subject lands eastern boundary may need to be removed to accommodate future drainage maintenance or installations at no cost to the Township.**

Carried.

Public Meeting – Minor Variance Application – Todd and Laurie Sprague, relating to property at 9281 Rogers Road.

Chair Mennill advised that the purpose of this Public Meeting is to consider an application for a Minor Variance as submitted by Todd and Laurie Sprague.

Chair Mennill requested the Township Planner, Dan Smith, provide an overview of the application. The Planner advised that the applicants are seeking relief from the accessory structures provisions of the Zoning By-law in order to construct a detached accessory building having a ground floor area of approximately 335 sq. metres (3,605.9 sq. feet). The size of the property is similar in size to others in the area. The effect of the specific relief sought includes allowing an accessory structure that exceeds the maximum floor area of 200 sq. metres. From a planning perspective the proposal cannot be supported for the reasons set out in the report.

Mr. Smith noted that, if the committee chose to approve the application there should be a couple conditions placed in order to keep in good planning principles.

Chair Mennill asked the Applicant and/or their agent to provide any additional Information. Mr. Sprague addressed Council advising them he would be willing to move the building in order to proceed with the project.

Chair Mennill asked if any person in attendance wished to make any comments regarding the application and there were none.

Chair Mennill inquired if any Committee Members had any questions regarding the application as he suggested to the Committee that the size of the project be decreased even though the size of the lot could accommodate a larger structure. Councillor Widner noted the size of the building and agreed that it was large for the needs of a personal accessory building. Mr. Sprague agreed to decrease the size of the building to 2500 square feet. He wanted to ensure that it was known that the accessory building was for personal use only.

No. 21-527

Moved by: Rick Cerna

Seconded by: Mark Widner

THAT Report No. DS-21-59 entitled "Minor Variance Application No. D13-MV-09-21 of Todd & Laurie Sprague" and affecting lands described as Part of Lot 78, Concession South of Talbot Road N, Part 2 of 11R-6248, (Geographic Township of Malahide) (9281 Rogers Road) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-09-21 for relief from the maximum accessory building floor area of 200 square metres in order to construct an accessory building with a floor area of 2500 square feet square.

AND THAT the approval of the Minor Variance shall be subject to the following conditions:

- 1) That the owner/applicant obtain the necessary Building Permit(s) and obtain occupancy of the proposed structure within one (1) year from the date of decision, and to the satisfaction of the Chief Building Official ensuring that the approved variance applies only to the proposed detached accessory structure which is to be situated 15.2 metres from rear property line; and,**
- 2) That the owner/applicant enter into a development agreement with the Township of Malahide to regulate the use, architectural design, and location of the proposed detached accessory structure on the subject property, and any screening deemed appropriate in relation to abutting properties.**

Carried.

No. 21-528

Moved by: Max Moore

Seconded by: Rick Cerna

THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council meeting reconvene at 7:50 p.m.

Carried.

The Mayor thanked Dan Smith from Monteith Brown, Todd Sprague and Gary DeMers and they retired from the meeting.

- Presentation – Jaiman Chin, Olivia Lahaie and Connor Sharp of Strategy Corp. relating to the County of Elgin Road Maintenance Agreement.

Jaiman Chin, Olivia Lahaie and Connor Sharp, of Strategy Corp. appeared before the Council to provide information regarding the County of Elgin Road Maintenance Agreement.

Connor Sharp provided an overview of the executive summary. He advised that Strategy Corp. was retained by the County to perform a review of the Roads Maintenance Agreement and provide insight on some of the long-standing concerns by both the County and the Lower Tier Municipalities (LTM). Mr. Sharp provided an overview of the findings and what key areas are recommended to be prioritized. The outcome of this review is significant but the overall recommendations fall within increased governance and communications, scope of services, funding and reporting and enhancement are the main areas. He noted that overall in this analysis there were some gaps in data when performing the analysis and it is recommended that this data be acquired over time as it would be beneficial at the next renewal.

Deputy Mayor Giguère noted that Malahide cannot fine tune the formula until we have better data and every municipality is at different stages and capabilities of producing that data. In response to Deputy Mayor Giguère's inquiry relating to where Malahide stands in improving data collection, CAO Betteridge noted that in consultations with the Roads Manager and the Director of Public Works he understands Malahide is in a solid position.

CAO Betteridge posed the question to the Consultants if they had any comments after reviewing Malahide's data. Ms. Lahaie advised that after reviewing the data from all the different LTM's that Malahide's data was some of the most comprehensive that they received.

Councillor Widner requested clarification on contractual recommendation four from the presentation/report that references changes to service levels with respect to grass cutting, line painting, and road signs. Ms. Lahaie stated that these items were reviewed to find efficiencies and collaboration between the County and LTM's. It would remove onerous tasks that everyone agreed weren't necessarily needed. For example, property line and naturalization concepts for grass cutting, line painting collaboration to ensure its only being done once and any road signs needing replacement due to reflectivity issues are looked after by the County whereas replacement due to other circumstances are done by the LTM's.

No. 21-529

Moved by: Dominique Giguère

Seconded by: Chester Glinski

THAT the presentation from Jaiman Chin, Olivia Lahaie and Connor Sharp of Strategy Corp. relating to County of Elgin Road Maintenance Agreement Review, be received.

Carried.

REPORTS:

Director of Public Works

- Request for Improvement – J. L. Ferguson Drain

The Drainage Superintendent identified changes to the drainage application process to ensure the processes outlined in the Drainage Act is followed more closely. Once a petition is received by Council, the Drainage Act requires municipalities to notify local conservation authorities, other involved municipalities, and OMAFRA. These agencies are then allowed a 30 day period to request an environmental analysis or cost benefit statement at their expense prior to Council appointing an engineer to prepare a report. This will result in the previously presented 'combined' petition report to be separated into two reports; one to receive the petition and notify agencies, and the second to appoint the engineer after the request period has expired.

No. 21-530

Moved by: Max Moore

Seconded by: Chester Glinski

THAT Report No. PW-21-59 entitled "Request for Improvement – J. L. Ferguson Drain" be received;

AND THAT the Request for Improvement be accepted by the Council, and that notice be sent to the CA/MNRF, OMAFRA and local municipalities affected.

Carried.

- Petition for Drainage – Burks Petition

No. 21-531

Moved by: Mark Widner

Seconded by: Rick Cerna

THAT Report No. PW-21-55 entitled “Petition for Drainage – Burks Petition” be received;

AND THAT the Petition for Drainage accepted by the Council, and that notice be sent to the CA/MNRF, OMAFRA and local municipalities affected so they may request a Benefit Cost Statement or Environmental Appraisal.

Carried.

Director of Financial Services/Treasurer

- 2022 Budget Committee Schedule

No. 21-532

Moved by: Mark Widner

Seconded by: Scott Lewis

THAT Report No. FIN 21-15 titled “2022 Budget Committee Schedule” be received;

AND THAT the following meeting schedule for the Budget Committee for 2021 Budget deliberations be approved:

- Tuesday, March 15, 2022 @ 7:00 pm
- Tuesday, March 29, 2022 @ 7:00 pm
- Tuesday, April 12, 2022 @ 7:00 pm.

Carried.

- Assessment Update Postponement

Mayor Mennill noted that in addition to this report there was correspondence received that is included in the correspondence agenda later in the meeting and that he intended to endorse the concerns of those other municipalities regarding the continued postponement of property assessments.

No. 21-533

Moved by: Scott Lewis

Seconded by: Dominique Giguère

THAT Report No. FIN 21-16 entitled “Assessment Update Postponement” be received.

Carried.

Building/Planning/By-law

- Application for Consent to Sever of Rockx Farms Ltd. - Report

No. 21-534

Moved by: Widner

Seconded by: Cerna

THAT Report No. DS-21-61 entitled “Application for Consent to Sever of Rockx Farms Ltd” be received;

AND THAT the Application for Consent to Sever of Rockx Farms Ltd., relating to the property located at Part of Lot 11, Concession 11, (Geographic Township of South Dorchester), and

known municipally as 49779 Lyons Line, be supported for the reasons set out in this Report;

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

Carried.

- Application for Consent to Sever of Rockx Farms Ltd. - Conditions

No. 21-535

Moved by: Dominique Giguère

Seconded by: Scott Lewis

THAT the Malahide Township Council has no objection to the Land Severance No. E92/21 in the name of Rockx Farms Ltd., relating to the property located at Part Lot 11, Concession 11, Geographic Township of South Dorchester, Township of Malahide, subject to the following conditions:

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
3. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
5. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
8. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
9. That the applicants initiate and assume all planning costs associated with the required Zoning By-law Amendment as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.

Carried.

REPORTS OF COMMITTEES/OUTSIDE BOARDS:

No. 21-536

Moved by: Max Moore

Seconded by: Scott Lewis

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

- (i) East Elgin Community Complex Board of Management Minutes – Draft Minutes of November 24, 2021

Carried.

CORRESPONDENCE:

No. 21-537

Moved by: Mark Widner

Seconded by: Max Moore

THAT the Town of Plympton-Wyoming, Township of Amaranth, Township of Thornloe – Resolution supporting Municipality of Mattice-Val Cotés regarding concerns with the continued postponement of property assessments from Municipal Property Assessment Corporation (MPAC) be supported.

Carried.

No. 21-538

Moved by: Mark Widner

Seconded by: Max Moore

THAT the following correspondence be noted and filed:

1. Association of Municipalities of Ontario - Watch File – dated November 18 and 25, 2021.
2. Town of Aylmer - Notice of Study Commencement – Replacement of the Existing Water Storage Facility – dated November 12, 2021.
3. City of Vaughan - Resolution endorsing national teen driver safety week and requesting the Ministry of Transportation to review measures impacting newly licensed drivers.
4. City of Kitchener - Requesting Provincial government to review Liquor Licence Sales and patio extensions.
5. Municipality of Chatham-Kent – Resolution supporting City of Kitchener requesting the Province to provide financial supports for businesses to cover capital and human resources costs necessary to implement the Covid 19 vaccine passport program.
6. Municipality of Chatham-Kent – Resolution supporting City of Kitchener requesting all levels of government to collaborate in data sharing and collection related to renovations, specifically the impacts of renovations on tenancy.
7. Municipality of Chatham-Kent – Resolution supporting County of Huron requesting the provincial and federal governments to identify Homelessness as a “Provincial” and “National Crisis” and provide financial support for housing and homelessness programs as well as increase funding to mental health and addiction services.
8. Township of Lake of Bays, Township of Wainfleet – Resolution supporting Township of Adelaide Metcalfe requesting the Federal and Provincial Governments to provide more funding to rural municipalities to support infrastructure projects related to major bridge and culvert replacements.
9. Municipality of Central Elgin – Notice of Passing Zoning By-law Amendment relating to the following:
 - 45561 Elm Line.
 - 6531 Bostwick Road.

Carried.

OTHER BUSINESS

- VIA Rail High frequency Project

Mayor Mennill requested that staff be directed to send a letter of support to Karen Vecchio office in relation to VIA Rail's high frequency rail project.

- Long Term Service Recognition

Council Moore recognized an upcoming retirement of a long-time contract employee for the Township of Malahide, Bonnie Kellington, and wanted to provide her with an honourable mention for her service.

- Southwestern Public Health Reporting Measures

Councilor Cerna requested that staff be directed to follow up with Southwestern Public Health in regards to reporting procedures of COVID-19 case counts by municipality.

- Service Club Recognition

Councillor Widner recognized the Aylmer Kinsmen Santa Claus Parade held on November 27 in Aylmer noting the great organization of the parade and that it was well attended.

CLOSED SESSION:

No. 21-539

Moved by: Scott Lewis

Seconded by: Chester Glinski

THAT Council move into Closed Session at 8:25p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following matter:

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

Carried.

No. 21-540

Moved by: Rick Cerna

Seconded by: Scott Lewis

THAT Council move out of Closed Session and reconvene at 8:30 p.m. in order to continue with its deliberations.

Carried.

No. 21-541

Moved by: Chester Glinski

Seconded by: Max Moore

THAT the Municipal Staff be directed to award the appropriate grid level advancements to all eligible Non-union and Management Municipal Staff effective January 1, 2022.

CONFIRMATORY:

No. 21-542

Moved by: Scott Lewis

Seconded by: Rick Cerna

THAT By-law No. 21-86, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried.

ADJOURNMENT:

No. 21-543

Moved by: Chester Glinski

Seconded by: Mark Widner

THAT the Council adjourn its meeting at 8:32 p.m. to meet again on December 16, 2021, at 7:30 p.m.

Carried.



Mayor – D. Mennill



Clerk – A. Adams