

The Corporation of the Township of Malahide**September 1, 2022 – 7:30p.m.**Virtual Meeting - <https://youtu.be/jaYZz7VeD3s>

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 R. Cerna, Councillor S. Lewis and Councillor C. Glinski.

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

Via Zoom: Councillor M. Moore

CALL TO ORDER:

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

DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:

Councillor Widner disclosed a pecuniary interest with respect to Council Agenda item D – Court of Revision – Norton Drain, item D-McDonald Drain Consideration and item E – Muilwijk Drain petition. The nature of the conflict being that a Junior Partner at Spriet Associates is an immediate relative of his.

MINUTES:**No. 22-343****Moved By: Rick Cerna****Seconded By: Max Moore**

THAT the minutes of the regular meeting of the Council held on August 4, 2022, be adopted as printed and circulated.

Carried

PRESENTATIONS/DELEGATIONS/PETITIONS:

- Court of Revision – Norton Street Drain 2022 relating to property at parts of Lot 74, Concession 7, in the Township of Malahide

Councillor Widner declared a conflict of interest with respect to Council Agenda item D – Meeting to Consider – Norton Drain. He retired from the meeting and abstained from all discussions and voting on the matter.

No.22-344

Moved By: Scott Lewis

Seconded By: Chester Glinski

THAT the Council of the Township of Malahide does hereby appoint the following members to sit on the Court of Revision for the Norton Drain:

Mayor Dave Mennill (Chair)

Deputy Mayor Dominique Giguère

Councillor Rick Cerna

Carried

No.22-345

Moved By: Dominique Giguère

Seconded By: Rick Cerna

THAT the Court of Revision for the Glinski Drain be called to order at 7:32p.m.

AND THAT Dave Mennill be appointed Chairman.

Carried

The Drainage Engineer, George Vereyken, of Spriet Associates provided an overview of the Glinski Drain application and assessments.

Chair Mennill inquired if any written comments/objections had been received and was advised that there were none.

Chair Mennill inquired if anyone wished to make comment regarding their assessment.

Mayor Mennill inquired if any persons were in attendance that wished to comment or ask questions concerning the Drainage Report and there were none.

Mayor Mennill inquired if any members of Council had any questions concerning the Drainage Report and there were none.

No 22-346

Moved By: Rick Cerna

Seconded By: Dominique Giguère

THAT the Court of Revision members for the Norton Drain do hereby accept the recommendations of Drainage Engineer George Vereyken, Spriet Associates London Limited; and further, does hereby confirm the drainage assessments as outlined in the Report of the Drainage Engineer dated June 22, 2022.

No 22-347

Moved By: Dominique Giguère

Seconded By: Rick Cerna

THAT the Court of Revision relating to the Norton Drain be adjourned and the Council Meeting reconvene at 7:34p.m.

Carried

- Meeting to Consider – McDonald Drain Branch relating to property at parts of Lot 11, Concession 1, in the Township of Malahide

Drainage Engineer, George Vereyken, of Spriet Associates, appeared before the Council to present the Drainage Engineer's Report, dated June 24, 2022, regarding the Norton Drain and outlined the nature of the proposed work.

Mayor Mennill asked the Clerk if any correspondence or comments had been received. Clerk Adams indicated no comments had been received regarding the Norton Drain.

Mayor Mennill asked what the next steps were and Mr. Vereyken provided the next stages of the process.

Mayor Mennill inquired if any persons were in attendance that wished to comment or ask questions concerning the Drainage Report and there were none.

Mayor Mennill inquired if any members of Council had any questions concerning the Drainage Report and there were none.

No.22-348

Moved By: Scott Lewis

Seconded By: Chester Glinski

THAT the Engineer's Report for the McDonald Drain Branch E be accepted;

AND THAT By-law No. 22-61 being a by-law to provide for the McDonald Drain Branch E drainage works be read a first and second time and provisionally adopted.

Carried

No.22-349

Moved By: Dominique Giguère

Seconded By: Rick Cerna

THAT the Court of Revision for the McDonald Drain Branch E be scheduled to be held on October 6, 2022, at 7:30 p.m.

Carried

The Mayor thanked Mr. Vereyken and he retired from the meeting. Councillor Widner returned to his seat at the table.

REPORTS:

Director of Fire & Emergency Services

- Emergency Services Activity Report – July

No.22-350

Moved By: Rick Cerna

Seconded By: Max Moore

THAT Report No. F-22-11 entitled “Emergency Services Activity Report – July” be received.

Carried

Director of Public Works

- Petition for Drainage – Muilwijk Petition

Councillor Widner disclosed a pecuniary interest with respect to Council Agenda item E – Muilwijk Drain petition. He retired from the meeting and abstained from all discussions and voting on the matter.

No.22-351

Moved By: Chester Glinski

Seconded By: Scott Lewis

THAT Report No. PW-22-56 entitled “Petition for Drainage – Muilwijk Petition” be received;

**AND THAT Mike Devos, P. Eng., of Spriet Associates Ltd., be appointed to prepare an Engineer’s Report for the Muilwijk petition, it being noted that the Petitioner is requesting this petition to be incorporated into the Engineers report currently being prepared for the construction of the Pressey Line Drain.
Carried**

Councillor Widner returned to his seat at the Council table.

-Amendment to the Use of Off-Road Vehicles By-law

No.22-352

Moved By: Rick Cerna

Seconded By: Mark Widner

THAT Report No. PW-22-57 entitled “Amendment to the Use of Off-Road Vehicles By-Law No. 20-80” be received;

AND THAT the effective term of By-law No. 20-80 be extended by a period of three (3) years to allow the continuance of the operation of Off-road Vehicles on specified highways within the Township.

Carried

- Port Bruce Provincial Beach Clean-up

Mayor Mennill provided an overview of the process for applying for the annual beach clean-up. Councillor Cerna inquired if a Ministry representative who is making the decision had been on site to look at the beach and Mayor Mennill noted a local supervisor provides an inspection report.

No.22-353

Moved By: Scott Lewis

Seconded By: Chester Glinski

THAT Report No. PW-22-30 entitled “Follow Up Report: Port Bruce Provincial Beach Clean-up” be received.

Carried

Clerk

-Restricted Acts after Nomination Day

No.22-354

Moved By: Dominique Giguère

Seconded By: Rick Cerna

THAT Report No. CLERK-22-10 entitled “Restricted Acts after Nomination Day (Lame Duck)” be received.

Carried

Building/Planning/By-law

- Application for Consent to Sever of Robert & Constance Foster

No.22-355

Moved By: Mark Widner

Seconded By: Scott Lewis

THAT Report No. DS-22-36 entitled “Application for Consent to Sever of Robert & Constance Foster” be received;

AND THAT the Application for Consent to Sever of Robert & Constance Foster, relating to the property located in Part Lot 8, Concession 6; RP 11R-6241 (Geographic Township of Malahide) 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 William & Katherine DeSutter

No.22-356

Moved By: Mark Widner

Seconded By: Dominique Giguère

THAT Report No. DS-22-42 entitled “Consent Application of William and Katherine DeSutter” be received;

AND THAT the Application to Sever No. D10-E67-22 of William & Katherine DeSutter relating to the property located at Part Lot 103, Concession STR; and known municipally as 52339 Talbot 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 Henry Hiebert c/o SBM Limited

Councillor Glinski inquired if this property would be able to be severed in the future. CAO Betteridge noted that if an application was submitted it would be referenced against the Provincial Policy Statement, the County Official Plan and the Malahide Official Plan to ensure conformance and how these documents are currently written a severance would be difficult to obtain.

No.22-357

Moved By: Rick Cerna

Seconded By: Scott Lewis

THAT Report No. DS-22-43 entitled “Application for Consent to Sever of Henry Hiebert” be received;

AND THAT the Application for Consent to Sever of Henry Hiebert (E-68-22), relating to the property located in Part Lot 33, Concession 4 S (Geographic Township of Malahide) 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

- Zoning By-law Amendment Application of Leverton Developments

Mr. Steele of MBPC provided an overview of his report in relation to the changes submitted by Leverton Developments after the public meeting occurred on July 7, 2022.

Councillor Moore inquired how many units were now being proposed. It was noted that there are still six units being requested but the building height has been reduced.

Councillor Moore noted his disappointment that there was no public meeting after the updates to the application have been made. Councillor Glinski agreed with Councillor Moore regarding a second public meeting as there are still items that remain dangerous that need to be reviewed.

CAO Betteridge noted that the applicant's agent was available for questions and inquiries on the application changes.

Mr. Campbell, agent of Leverton Developments reiterated there had been a public meeting with public consultation which resulted in amendments to the application. Mr. Campbell recognizes that this is a new use for this area but there are policies that encourage this type of use. If there were any hazards identified another review would have been taken. The site lines being proposed adequate and place the building in line with the others. If there remain concerns with the use of the laneway those particulars can be reviewed as part of the site plan procedures.

Councillor Moore would like another public consultation so that the neighbours in that area know what is now being proposed. CAO Betteridge doesn't know if this would be worthwhile as technical changes have been made to the design to reduce its height to meet the maximum size but otherwise minimal changes are occurring to what has been originally proposed.

Mayor Mennill noted that neighbours had opportunity to voice opinions on the original but not on the amendment. CAO Betteridge confirmed that was correct.

No.22-358

Moved By: Chester Glinski

Seconded By: Max Moore

THAT Report No. DS-22-45 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 DEFERRED

Carried

- Site Plan Control Activity Report

Mayor Mennill inquired if the current septic system meets the increase as it was installed for a maximum number of students. CAO Betteridge noted there has been changes to the fixtures in the building and depending on the calculation and that it could be suitably sized and the building department is monitoring it for an interim period.

Councillor Widner inquired what the term monitoring meant. CAO Betteridge further explained that there are devices that are installed into the lines that monitors the flows that will send notifications in advance of any potential backup problems.

Councillor Widner also inquired the number of washrooms within the school. CAO

Betteridge noted that the number of washrooms wasn't dealt with in the site plan process.

Councillor Glinski noted his surprise to add that many classrooms in portables to double the size of the school. CAO Betteridge explained that those decisions and approvals of accommodations were made by the school board and doesn't pertain to the Township. The Township has ensured that the proposal through the site plan process addresses this growth.

Councillor Glinski noted that there never was enough parking for staff. CAO Betteridge referenced the 12 additional spaces for parking on the site plan and that buses were being redirected to the back of the school.

Deputy Mayor Giguère wanted to clarify that the number of washrooms is neither a site plan or building code item but rather a public health issue to ensure adequacy.

No.22-359

Moved By: Mark Widner

Seconded By: Dominique Giguère

THAT Report No. DS-22-44 entitled "Site Plan Control Activity Report" be received.

Carried

- Shared Review of Building & Planning Fees

Councillor Glinski inquired why this process couldn't be performed in house as it was done 5 years ago and didn't take a year to complete.

CAO Betteridge referenced the importance of the fee review and necessity to perform the due diligence so that building and planning services are properly assessed.

No.22-360

Moved By: Scott Lewis

Seconded By: Dominique Giguère

THAT Report No. DS-22-47 entitled "Shared Review of Building and Planning Fees" be received;

AND THAT a review of Building and Planning Fees and Charges for the Township of Malahide be awarded to Performance Concepts Consulting Inc., of Uxbridge, Ontario at a cost to the Township of no greater than \$35,000.00 (plus HST);

AND THAT the Chief Administrative Officer be authorized and directed to take the necessary actions to enter into an agreement with Performance Concepts

Consulting Inc. to undertake such review.

Carried

- Municipal By-law Enforcement Service Agreement

Councillor Moore inquired if this new company will be looking after the parking in the Village of Springfield as there continues to be problems with transport trucks and trailers being parked and encroaching views and streets.

CAO Betteridge stated that by-law enforcement is complaint driven and that having an enforcement officer back in the area with this new company would hopefully lead to a more effective service. He noted that a service agreement could be arranged for a six month or a year term to ensure service standards are met.

Deputy Mayor Giguère pointed out that this new company appears to be taking on a lot of work with other municipalities but have they provided assurance they can meet this demand. CAO Betteridge posed that question to Tenet knowing the struggles the former company had endured and it seems that they have addressed these potential areas of concern. Deputy Mayor Giguère agreed with the six month agreement term.

Councillor Glinski inquired if this service can be reviewed so that it is not complaint driven. CAO Betteridge noted that Council would have passed a By-law as to how By-law enforcement was to be initiated and if we don't conform to. There may be opportunities to have certain matters investigated without a formal complaint submitted.

Councillor Moore referenced a parking By-law that was endorsed by Malahide and other municipalities within Elgin and where that By-law is. CAO Betteridge noted that staff would look into this.

No.22-361

Moved By: Rick Cerna

Seconded By: Mark Widner

THAT Report No. DS-22-39 entitled "Municipal By-law Enforcement Service Agreement" be received;

AND THAT Council declares that the existing service agreements with Municipal Enforcement Unit be terminated effective immediately;

AND THAT Staff be directed to bring forward a Service Agreement with Tenet Security Group for by-law enforcement services for Council's review.

Carried

CORRESPONDENCE:**No. 22-362****Moved By: Scott Lewis****Seconded By: Chester Glinski**

THAT Ontario Sheep Farmers correspondence seeking support to alter Municipal By-laws to consider the use of livestock guardian dogs when developing Animal By-law be supported.

Carried**No. 22-363****Moved By: Scott Lewis****Seconded By: Chester Glinski**

THAT the following correspondence be noted and filed:

- 1.Association of Municipalities of Ontario - Watch File – dated August 4, 2022, August 11, 2022, August 18, 2022 and August 25,2022. (Pages 2-12)**
- 2.County of Elgin – Council Highlights – August 9, 2022. (Pages 13-15)**
- 3.City of Brantford – Resolution seeking support of municipalities that oversee lands within the Haldimand Tract Land Dispute. (Pages 16-19)**
- 4.County of Oxford – Public Notice of Official Plan Amendment OP 22-16-9. (Page 24)**
- 5.County of Oxford – Public Notice of Official Plan Amendment OP 22-17-9. (Page 25)**

Carried**OTHER BUSINESS:****No.22-364****Moved By: Max Moore****Seconded By: Chester Glinski**

THAT the Springfield Santa Claus Parade Committee request to facilitate the Springfield Santa Claus Parade be authorized to be held on Saturday, December 3, 2022, at 1:00 p.m;

AND THAT a copy of this resolution and request from the Springfield Santa Claus Parade Committee be forwarded to the County of Elgin for their information;

AND THAT if required the Chief Administrative Officer/Clerk be authorized and directed to enter into an Agreement with the County of Elgin to permit the temporary closure of Ron McNeil Line within the Village of Springfield on December 3, 2022, to facilitate the parade.

Carried

CONFIRMATORY:

No. 22-365

Moved By: Rick Cerna

Seconded By: Mark Widner

THAT By-law No. 22-63, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried

ADJOURNMENT:

No. 22-366

Moved By: Chester Glinski

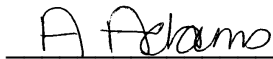
Seconded By: Mark Widner

THAT the Council adjourn its meeting at 8:30 p.m. to meet again on September 15, 2022, at 7:30p.m.

Carried



Mayor - D. Mennill



Clerk – A. Adams