

**THE CORPORATION OF THE TOWNSHIP OF ADELAIDE METCALFE
COUNCIL MINUTES – November 18, 2019**

Present: Mayor Kurtis Smith, Deputy Mayor Mary Ann Hendrikx, Councillor Mike Brodie, Councillor Sue Clarke, and Councillor Betty Ann MacKinnon

Also Present: CAO/Treasurer Cathy Case, and Clerk Jennifer Turk

Closed Session

In attendance for the Closed Session was Mayor Kurtis Smith, Deputy Mayor Mary Ann Hendrikx, Councillor Mike Brodie, Councillor Sue Clarke, and Councillor Betty Ann MacKinnon, CAO/Treasurer Cathy Case, Clerk Jennifer Turk. In attendance for part of the Closed Session was Southwest Middlesex Mayor Alan Mayhew, CAO/Clerk Jill Bellchamber-Glazier, North Middlesex Mayor Brian Ropp, CAO Jonathon Graham, and David Samuels from the Middlesex County Barristers and Solicitors Office.

MOVED by Councillor MacKinnon

SECONDED by Councillor Clarke

Resolved that Council hold a Closed Session meeting as provided for as per Section 239 (2) of the Municipal Act, 2001, as amended:

(b) personal matters about an identifiable individual, including municipal or local board employees; and

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose at 6:02 PM. CARRIED.

MOVED by Councillor Clarke

SECONDED by Councillor Brodie

Resolved that the Closed Session end at 6:53 PM and Council convene in open session at 7:00 PM. CARRIED.

Call to Order

At 7:00 pm, Mayor Kurtis Smith called the meeting to order. A moment of silent reflection was observed.

Rise and Report

MOVED by Deputy Mayor Hendrikx

SECONDED by Councillor Brodie

Resolved that Council direct staff to proceed as discussed 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.

None

Minutes

**MOVED by Councillor MacKinnon
SECONDED by Deputy Mayor Hendrikx
Resolved that the minutes of the November 4, 2019 Regular Meeting Minutes be approved as circulated. CARRIED.**

Delegations & Timed Events

7:05 PM COMMITTEE OF ADJUSTMENT

**MOVED by Councillor MacKinnon
SECONDED by Councillor Brodie
Resolved that Council convene as the Committee of Adjustment for the purpose of hearing Minor Variance Application A09-2019 (Kyle & Ashley Dingwall, 1709 Adele Street), Minor Variance Application A10-2019 (Mike Kerrigan, 4130 Walkers Drive), and Consent Application B13-2019 (Tony & Dianne Strybosch, 29528 Morse Road) at 7:05 PM. CARRIED.**

**Minor Variance Application A09-2019
Kyle and Ashley Dingwall
1709 Adele Street**

Applicants Kyle and Ashley Dingwall were in attendance.

Planner Erin Besch review Minor Variance Application A09-2019, to seek relief from the provisions of Section 10.2 of the Township of Adelaide Metcalfe Comprehensive Zoning By-law No. 34-2007. The proposal is as follows:

Proposed Dwelling	Proposed Accessory Building
Permit an exterior side yard of 5 m (16.4 ft), whereas a minimum of 6 m (19.7 ft) is required	Permit an accessory building in the front yard, whereas the Zoning By-law restricts them to the interior side yard or rear yard only
Permit a rear yard setback of 6 m (19.7 ft), whereas a minimum of 12 m is required	Permit a front yard setback of 5.8 m (19 ft), whereas the Zoning By-law requires a minimum of 6 m (19.7 ft)
	Permit an exterior side yard width of 1.8 m, whereas the Zoning By-law requires a minimum of 6 m (19.7 ft)

The application will facilitate the construction of a 167.2 m² (1,800 ft²) single detached dwelling along Kerwood Road and a 122.6 m² (1,320 ft²) accessory structure at the corner of Havelock and Adele. Due to the definitions within the Zoning By-law, in the case of a corner lot, the “front yard” is considered to be the shortest lot line that abuts a public road. In this circumstance, the front yard of the subject lands is considered to be Havelock Street and the rear yard is Kerwood Road.

Through Planner Erin Besch’s report, it has been recommended that Minor Variance A09-2019 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.

Kyle and Ashley Dingwall had no comments

There were no comments from the gallery.

There were no comments from the Committee of Adjustment.

MOVED by Councillor Clarke

SECONDED by Councillor Brodie

Resolved that Application for Minor Variance A09-2019 by Kyle and Ashley Dingwall, which seeks relief from the provisions of Section 10.2 of the Zoning By-law to facilitate the construction of a 167.2 m² single detached dwelling along Kerwood Road and a 122.6 m² accessory structure at the corner of Havelock Street and Adele Street be granted, subject to the following conditions:

1. THAT the subject accessory building include eave and troughs along the lengths of the building’s fascia and the related downspout be directed away from any neighbouring property to the satisfaction of the Township’s Chief Building Official; and

2. THAT a building permit for the dwelling be issued prior to issuance of a building permit for the detached garage. CARRIED.

Minor Variance Application A10-2019

Mike Kerrigan
4130 Walkers Drive

Applicant Mike Kerrigan was in attendance.

Planner Erin Besch reviewed Minor Variance Application A10-2019, to seek relief from the Township of Adelaide Metcalfe Comprehensive Zoning By-law No. 34-2007 in order to permit the construction of a 353 m² (3,800 ft²) barn to expand an existing hog operation located on an agricultural parcel of land. Section 5.17 of the By-law states that no livestock facility shall be erected or expanded unless it complies with the Minimum Distance Separation II (MDS II). Relief from MDS II has been requested between the proposed hog barn and a Type B Land Use, being the settlement boundary for the hamlet of Walkers. The proposal is as follows:

MDS II Requirement	Required Setback	Requested Setback
Type B Land Use (hamlet of Walkers)	540 m (1,772 ft)	182.9 m (600 ft)

The subject lands are located within the 'Agricultural Areas' land use designation of the Adelaide Metcalfe Official Plan and within the 'General Agriculture (A) Zone' and 'Environmental Protection (EP) Zone' of the Adelaide Metcalfe Zoning By-law. A portion of the subject lands are regulated by the St. Clair Region Conservation Authority.

Through Planner Erin Besch's report, it has been recommended that Minor Variance A10-2019 be denied as the application does not meet the four (4) tests.

Mike Kerrigan had no comments.

Lynda Annis, 24407 Tait's Road had no concerns with Mike Kerrigan expanding his farming operation.

Gord Walker, 4071 Walkers Drive had no concerns with Mike Kerrigan expanding his farming operation and indicated to the Committee of Adjustment that the applicant is a very respectful neighbour.

Councillor Clarke inquired if the applicant would be expanding his manure pits located behind the barns. Mike Kerrigan advised that the new barn would be all enclosed and no expansion of the manure pits would be required.

Deputy Mayor Hendrikx inquired if MDS I (Minimum Distance Separation I) applied to vacant lots within the hamlet area of Walkers. Planner Erin Besch advised that MDS I does not apply.

MOVED by Councillor MacKinnon

SECONDED by Councillor Clarke

Resolved that the Application for Minor Variance A10-2019 by Mike Kerrigan, which seeks relief to Minimum Distance II (MDS II) to allow for the construction of a new livestock barn to facilitate an expansion to an existing swine operation be granted as proposed. CARRIED.

Consent Application B13-2019

Tony & Dianne Strybosch
29528 Morse Road

Applicants Tony & Dianne Strybosch were in attendance.

Planner Erin Besch reviewed application for Consent B13-2019. Consent Application B13-2019 is to sever a surplus farm dwelling on a lot with a frontage of 100 m (328.1 ft) along Morse Road and an area of approximately 0.8 ha (1.98 ac) from a farm holding with a lot area of approximately 40 ha (98.8 ac).

Through Planner Erin Besch's report, it was initially recommended that Consent B13-2019 be denied as consistency with the Provincial Policy Statement would not be maintained, conformity with the County of Middlesex Official Plan would not be maintained; and, conformity with the Township of Adelaide Metcalfe Official Plan would not be maintained. Planner Erin Besch informed the Committee of Adjustment that she received new information late in the afternoon that the applicants were willing to obtain a crop share agreement with the current farmer that farms the lands in order to achieve the requirement for the application to be the result of consolidation of a farming operation. Due to the new information, Planner Erin Besch recommended that Consent Application B13-2019 be deferred until the next planning meeting in order for staff to provide the Committee of Adjustment with a new recommendation based on the new information received.

Tony Strybosch thanked the Committee of Adjustment for their time and gave a verbal indication that he would arrange for a crop share agreement if that would grant the application.

Debbie McPherson, 1991 Cuddy Drive, supported the proposal.

MOVED by Councillor Clarke

SECONDED by Councillor MacKinnon

Resolved that the Application for Consent B13-2019, submitted under Section 53 of the Planning Act, 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, at 29528 Morse Road 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 applicants provide documentation that a share crop agreement has been put into place, which satisfies the criteria of being a bonafide farming operation, to the satisfaction of the Township.
4. That any outstanding property taxes for the severed and retained lots of Consent B13-2019 be paid in full.
5. 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.
6. That two paper copies and one digital copy of the reference plan be submitted to the satisfaction of the Township.
7. That a Zoning By-law Amendment that recognizes the residential use of the severed lot of Consent B13-2019 and prohibits new dwellings on the retained lot of Consent B13-2019 be in full force and effect.
8. That the existing accessory buildings 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 buildings into conformity with the minimum construction standards for a residential accessory building, or be removed to the satisfaction of the Township.
9. 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.
10. That the habitability of the single detached dwelling be confirmed to the satisfaction of the Township.
11. That an adequate and potable water supply be demonstrated to exist to the satisfaction of the Township.
12. 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.
13. That independent accesses to the lands to be severed and the lands to be retained are provided, to the satisfaction of the Township.

14. That the owner enter into a severance agreement with the Township in order to advise future owners of the severed lot of Consent B13-2019 of normal farm practices occurring in the area as outlined in the *Farming and Food Production Protection Act, 1998*, as amended.

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 7, the requirements of the Township of Adelaide Metcalfe Zoning By-law are satisfied. CARRIED.

MOVED by Councillor MacKinnon

SECONDED by Councillor Clarke

Resolved that the Committee of Adjustment be closed at 7:35 PM and Council reconvene in regular session. CARRIED.

7:35 PM

Public Meeting

MOVED by Councillor MacKinnon

SECONDED by Councillor Brodie

Resolved that the public meeting to hear Zoning By-law Amendment Z10-2019 (Douglas, 24049 Thames Road), and Z11-2019 (Leitch, 23920 Tait's Road), be opened at 7:36 PM. CARRIED.

Zoning By-law Amendment Application Z10-2019

James Allan Douglas

Authorized Agent: Jeffrey Douglas

24049 Thames Road

Jeff and Allan Douglas were in attendance for the application.

Planner Erin Besch reviewed Zoning By-law Amendment Application Z10-2019 to amend the zoning of the lot to be severed from the General Agriculture (A) Zone to the Surplus Dwelling (SD) Zone in order to recognize the residential use of the lands. Although a zone change would typically be required of the lands to be retained, planning staff note that there is currently a dwelling located on this lot, which would prevent the construction of an additional residential dwelling. Thus, a rezoning of the retained land is not required.

Through Planner Erin Besch's report, it has been recommended that Zoning By-law Amendment Z10-2019 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.

Jeff and Allan Douglas had no comments.

There were no comments from members of the public in attendance. There were no comments from Council.

Zoning By-law Amendment Application Z11-2019
William and Norma Leitch, 23920 Taits Road

There was no representation for the application.

Planner Erin Besch reviewed Zoning By-law Amendment Application Z11-2019 to amend the zoning of the lot to be severed from the General Agriculture (A) Zone to the Surplus Dwelling (SD) Zone in order to recognize the residential use of the lands. The application also proposes to amend the zoning of the lot to be retained from the General Agricultural (A) Zone to the Agriculture Only (AO) Zone to prohibit new residential uses on the lands.

Through Planner Erin Besch's report, it has been recommended that Zoning By-law Amendment Z11-2019 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 members of the public in attendance. There were no comments from Council.

MOVED by Councillor Clarke
SECONDED by Deputy Mayor Hendrikx
Resolved that the public meeting to hear Zoning By-law Amendment Z10-2019 (Douglas, 24049 Thames Road), and Z11-2019 (Leitch, 23920 Taits Road), be closed at 7:42 PM. CARRIED.

MOVED by Councillor Clarke
SECONDED by Councillor MacKinnon
Resolved that Council approve the application for Zoning By-law Amendment Z10-2019 for 24049 Thames Road to amend the zoning of a portion of the severed parcel created through Consent B07-2018 from General Agriculture (A) Zone to Surplus Dwelling (SD) Zone in order to recognize the residential use of 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.

MOVED by Deputy Mayor Hendrikx
SECONDED by Councillor Brodie
Resolved that Council approve the application for Zoning By-law Amendment Z11-2019 for 23920 Taits Road to amend the zoning of a portion of the severed parcel created through Consent B08-2018 from General Agriculture (A) Zone to Surplus Dwelling (SD) Zone in order to recognize the residential use of the lands

and to the amend the zoning of a portion of the retained parcel created through Consent B08-2018 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.

P-1 Special Policy Area Review Follow-Up Memo

Erin presented her Memo to Council and advised recommendations would be coming forth to the December 16, 2019 Council meeting.

Councillor Clarke inquired next steps. Planner Erin Besch advised Council that a recommendation report with options would be presented to Council at the December 16, 2019 Council meeting. Staff would take Council comments and reconvene at a future Council meeting with a draft Official Plan Amendment and draft Zoning By-law Amendment.

**MOVED by Deputy Mayor Hendrikx
SECONDED by Councillor MacKinnon
Resolved that Council accept the Special Policy Review Follow-up Memo to Council as presented by the Planner. CARRIED.**

Correspondence

- A. Upcoming Conferences/Seminars/Meetings
- 1) Regular Council Meeting - Monday, December 2, 2019
 - 2) Regular Council Meeting - Monday, December 16, 2019
 - 3) Regular Council Meeting - Monday, January 6, 2020
 - 4) Emergency Management Debriefing Meeting – Wednesday, December 4, 2019, 10:00 AM
 - 5) ROMA Conference 2020 – January 18 – 21
 - 6) OGRA Conference 2020 – February 23 - 26
 - 7) CC-1 Middlesex County Inaugural Meeting Invitation – December 5, 2019

Mayor Smith advised Council that there was one (1) name put forth for the next Warden of Middlesex County, Mayor Cathy Burghardt-Jesson of the Township of Lucan Biddulph.

- 8) CC-2 Stewart Findlater Retirement, December 6, 2019
- 9) CC-3 Glencoe Historical Society Presentation - Nov 20, 2019
- 10) CC-4 TVDSB Inaugural Invite - Dec 10, 2019

B. Recommended Reading

- 1) CC-5 ABCA - GM's Report-Nov 14 2019
CC-5 ABCA - November 14, 2019 Agenda-Board of Directors
CC-5 ABCA - October17 Board of Directors Minutes

C. Action Required

- 1) CC-6 London District Catholic School Board - Facility Partnerships Annual Meeting - 2019 Capital Plan
- 2) CC-7 Niagara Region - Resolution - Proposed Cuts to Legal Aid Ontario Budget
- 3) CC-8 Town of Wasaga - Resolution - Nottawasaga Valley Conservation Authority Levy
- 4) CC-9 Township of Ramara - Resolution - Conservation Authority Exit Clause
- 5) CC-10 C Gleeson - Maintenance Request - Sidewalk Snow Removal

Councillor Clarke inquired about snow removal options. Public Works Manager Coulter Cahill advised Council that he has contacted the contractor that removes snow at the fire hall for costs associated with removing snow on the sidewalks along Kerwood Road. A report on Sidewalk Snow Removal will be prepared for the next meeting.

MOVED by Councillor Clarke

SECONDED by Councillor Brodie

Resolved that Council receive correspondence from C. Gleeson regarding snow removal on the sidewalks along Kerwood Road, and that staff be directed to investigate options including costs for Council's consideration at the next Council meeting. CARRIED.

- 6) CC-11 Women's Rural Resource Centre - Request to Lower Flags to Half Mast

MOVED by Councillor Brodie

SECONDED by Deputy Mayor Hendrikx

Resolved that Council receive and file Correspondence items CC-1 to CC-9, and CC-11. CARRIED.

Staff Reports

Public Works Manager Coulter Cahill presented his report to Council

- 1) PWM-1 Public Works Information Report

MOVED by Councillor Clarke

SECONDED by Councillor MacKinnon

Resolved that Council accept the Public Works Information Report as prepared by the Public Works Manager. CARRIED.

Clerk Jennifer Turk presented her reports to Council

- 2) C-1 Petition for Drainage Works - Brown-Petch Drain
C-1 Brown-Petch Drain - Petition Form 1

MOVED by Councillor Clarke

SECONDED by Deputy Mayor Hendrikx

Resolved that Council receive the Petition for Drainage Works – Brown-Petch Drain Staff Report as presented by the Clerk. CARRIED.

MOVED by Councillor MacKinnon

SECONDED by Councillor Brodie

Resolved that Council accept the Petition for Drainage Works by Owners for East ½ Lot 11, Concession 3 SER and that Spriet Associates be appointed to determine the validity of the petition, subject to the notification of the appropriate Conservation Authority. CARRIED.

- 3) C-2 Petition for Drainage Works - Morgan Drain
C-2 Morgan Drain - Petition Form 1

MOVED by Councillor Brodie

SECONDED by Deputy Mayor Hendrikx

Resolved that Council receive the Petition for Drainage Works – Morgan Drain Staff Report as presented by the Clerk. CARRIED.

MOVED by Councillor Clarke

SECONDED by Councillor Brodie

Resolved that Council accept the Petition for Drainage Works by Owners for East ½ Lot 11 Concession 2 SER and that Spriet Associates be appointed to determine the validity of the petition, subject to the notification of the appropriate Conservation Authority. CARRIED.

- 4) C-3 Petition for Drainage Works - Timmermans Drain
C-3 Timmermans Drain - Petition Form 1

MOVED by Councillor MacKinnon

SECONDED by Councillor Clarke

Resolved that Council receive the Petition for Drainage Works – Timmermans Drain Staff Report as presented by the Clerk. CARRIED.

MOVED by Councillor MacKinnon

SECONDED by Deputy Mayor Hendrikx

Resolved that Council accept the Petition for Drainage Works by Owners for Lots 11 & 12 Concession 2 SER and that Spriet Associates be appointed to determine the validity of the petition, subject to the notification of the appropriate Conservation Authority. CARRIED.

5) C-4 Council Meeting Schedule Jan-Feb 2020

Council discussed potential dates for Council meetings in January to be held.

MOVED by Deputy Mayor Hendrikx

SECONDED by Councillor Brodie

Resolved that Council receive the Council Meeting Schedule – January – February 2020 Staff Report as presented by the Clerk. CARRIED.

MOVED by Councillor Clarke

SECONDED by Deputy Mayor Hendrikx

Resolved that Council approve the recommendation as presented by the Clerk as the regular Council meeting dates scheduled for:

- **Tuesday, January 28, 2020**
- **Monday, February 3, 2020**
- **Tuesday, February 18, 2020**

to accommodate conferences, and have quorum at the meetings, and staff be directed to post notice of the meetings of Council on the Township's website and Facebook Page. CARRIED.

6) CAOTR-1 Invoice Payment Approval

CAOTR-1 Invoice Payment Listing-November 2 to 15 2019

MOVED by Councillor MacKinnon

SECONDED by Councillor Brodie

Resolved that Council receive the Invoice Payment Approval – November 2 to November 15, 2019 as presented by the CAO/Treasurer. CARRIED.

Councillor MacKinnon inquired if future account listings could be summarized by departments.

MOVED by Councillor MacKinnon

SECONDED by Councillor Brodie

Resolved that Council approve the accounts listing for the period November 2, 2019 to November 15, 2019 in the amount of \$85,277.88 as presented. CARRIED.

7) CAOTR-2 Automated Co-collection of Waste and Recycling

CAOTR-2 Attach 1-Automated Collection Info

CAOTR-2 Attach 2-System Financing Comparison

CAOTR-2 Attach 3-Comparative System User Fees

CAOTR-2 Attach 4-Proposed Notice of Change

MOVED by Councillor Clarke

SECONDED by Councillor MacKinnon

Resolved that Council receive the Automated Co-collection of Waste and Recycling as presented by the CAO/Treasurer. CARRIED.

Other Business

Remembrance Day Service

Councillor MacKinnon informed Council she was unable to attend the service. Deputy Mayor Hendrikx informed Council that Grace United Church sang during the service.

By-laws

MOVED by Councillor MacKinnon

SECONDED by Councillor Clarke

Resolved that all three readings be given to:

By-law No. 73 of 2019 – Zoning By-law Amendment Z10-2019, Douglas

By-law No. 74 of 2019 – Zoning By-law Amendment Z11-2019, Leitch

By-law No. 75 of 2019 – Confirm Council Proceedings


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

Adjournment


MOVED by Councillor Brodie

SECONDED by Deputy Mayor Hendrikx

Resolved that the meeting be adjourned at 8:47 pm. CARRIED.



Kurtis Smith, Mayor



Jennifer Turk, Clerk

