

**THE CORPORATION OF THE TOWNSHIP OF ADELAIDE METCALFE  
COUNCIL MINUTES – April 6, 2020  
ELECTRONIC MEETING PARTICIPATION – LIVE STREAM TO YOUTUBE**

**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, Clerk Jennifer Turk, County of Middlesex Director of Information Technology Morgan Calvert, as Moderator for the meeting, and Public Works Manager Coulter Cahill (by phone)

**Call to Order**

At 7:00 pm, Mayor Kurtis Smith called the meeting to order.

**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.

**Resolution to Amend Procedural By-law to Permit Electronic Council Meetings During a Period of Emergency**

Mayor Smith advised Council and the public that Council was participating electronically due to the global COVID-19 pandemic.

**MOVED by Deputy Mayor Hendrikx**

**SECONDED by Councillor MacKinnon**

**Resolved that Council approve to amend Procedural By-law No 11 of 2018 regarding Electronic Council Meeting (regular, special or other) during COVID-19 Emergency**

**WHEREAS:**

- A. the Municipal Act, 2001, S.O. 2001, c. 25, section 238 provides that a municipality shall establish a procedure by-law to govern meetings;**
- B. Meetings pursuant to the definition in section 238(1) of the Municipal Act, 2001 include any regular, special or other meeting;**
- C. The Corporation of the Township of Adelaide Metcalfe has enacted Rules of Procedure By-law #11 of 2018;**



- D. the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 (hereinafter, “COVID-19”);**
- E. On March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act (“EMCPA”) related to COVID-19;**
- F. On March 17, 2020 at 2:14pm, a Declaration of Emergency was made by the Corporation of the Township of Adelaide Metcalfe pursuant to section 4(1) of the EMCPA related to COVID-19;**
- G. On March 17, 2020 at 11:20am, a Declaration of Emergency was made by the Corporation of the County of Middlesex, which is the geographic location where the Township Municipal Office is located;**
- H. the Lieutenant Governor has issued Order-in-Council 520/2020, pursuant to the EMCPA, prohibiting all organized public events of over fifty people due to COVID-19;**
- I. Section 7.2 of the EMCPA provides that in the event of any conflict between Order-in-Council 520-2020 and any statute, regulation, rule, by-law or other order or instrument of a legislative nature, the Order-in-Council prevails;**
- J. Section 7.0.11(1) of the EMCPA provides that it is an offence to fail to comply with, interfere with, or obstruct the enforcement of Order-in Council 520/2020;**
- K. The Ministry of the Solicitor General in a Declaration on March 18, 2020 confirmed the duty of police to enforce Order-in-Council 2020;**
- L. In the event The Corporation of the Township of Adelaide Metcalfe were to hold a meeting (regular, special and other) in relation to COVID-19 and its Councillors, regular complement of staff, the public, and media attended physically, Township of Adelaide Metcalfe would be at risk of breaching Order-in-Council 2020;**
- M. The Council of the Township of Adelaide Metcalfe considers the protection of the health and safety of the public to be the paramount concern during COVID-19 but values business continuity for its citizens;**
- N. The Corporation of the Township of Adelaide Metcalfe, commencing Monday, March 16, 2020 has effectively used social distancing initiatives to productively and effectively continue its operations and services with approximately just four staff physically present at the Municipal Office, thus complying with Provincial Order-in-Council 520/2020 and doing its part in furthering the social distancing required by the World to defeat COVID-19;**
- O. The Corporation of the Township of Adelaide Metcalfe considers it desirable to continue to further its business continuity for the good of its citizens during COVID-19 by holding meetings (regular, special or other) electronically during COVID-19;**
- P. On March 19, 2020, the Province of Ontario provided the Corporation of the Township of Adelaide Metcalfe with the tool to further its business continuity while maintaining compliance with Provincial Order-in-Council 520/2020 when it enacted the Municipal Emergency Act, 2002 to amend the Municipal Act, 2001 to enact section 238(3.3) and 238(3.4) to permit**



**meetings (regular, special and other) to be held electronically during an emergency declared pursuant to the EMCPA;**

- Q. The Council of the Corporation of the Township of Adelaide Metcalfe believes it inappropriate to require the public to physically attend at a meeting held at the Municipal Office during COVID-19 while Councillors have been provided the ability through legislation for their respective votes to be counted as quorum when participating in meetings electronically;**
- R. During COVID-19, The Corporation of the Township of Adelaide Metcalfe is able to:**
- hold meetings (regular, special and other) at a location other than the place set out in the Procedural By-law # 11 of 2018 pursuant to section 236(1) of the Municipal Act, 2001**
  - without physical attendance pursuant to sections 238(3.3) and 238(3.4) of the Municipal Act, 2001**
  - ensure agenda material is public**
  - ensure that delegations/submissions are accepted in writing**
  - ensure that Councillors, the general public, and the press are able to watch and/or hear the business to be carried out at meetings by using a teleconference method or online streaming service and that Members have appropriate contemporaneous input into the meetings electronically through video and/or audio teleconference;**
  - publicly post minutes in an expeditious manner; and**
  - ensure meetings are open and transparent;**
  - as it possesses the technology and resources to do so.**

**NOW THEREFORE BE IT RESOLVED that:**

- 1. That Council that The Corporation of the Township of Adelaide Metcalfe does hereby enact amendments to Procedural By-law #11 of 2018 in the form attached as APPENDIX #1 hereto to enable electronic meetings to be held during a period of declared emergency;**
- 2. That Council for The Corporation of the Township of Adelaide Metcalfe does hereby approve the Emergency Electronic Meeting Protocol attached as APPENDIX #2 hereto to be applied to any electronic meeting held in conjunction with the amendments to Procedural By-law #11 of 2018, as amended, enacted under paragraph 1 of this Resolution, and that amendments to the Emergency Electronic Meeting Protocol be permitted to be made by simple majority vote of Council to accommodate an effective and efficient meeting so long as any such amendments are not contrary to prevailing Provincial legislation or orders; and**
- 3. That any notice requirement under the Procedural By-law #11 of 2018 be hereby waived for the purpose of this Resolution on the basis that COVID-19 and related social distancing and self-isolation are considered to be of an urgent or time sensitive nature and affect the health or well-being of the residents or property in the Township of Adelaide Metcalfe. CARRIED.**

## Minutes

**MOVED by Deputy Mayor Hendrikx**

**SECONDED by Councillor MacKinnon**

**Resolved that the minutes of the March 2, 2020 Regular Council meeting, the minutes of the March 10, 2020 Budget meeting, and the minutes of the Public Meeting regarding Special Policy Areas on March 12, 2020 be approved as circulated. CARRIED.**

## Staff Reports

Clerk Jennifer Turk presented her reports to Council.

- 1) C-1 LPAT Appeal - 28636 Centre Road  
C-1 Attachment 1 - LPAT Appeal - Form 1  
C-1 Attachment 2 - Acknowledgement Letter for LPAT Case Number PL200124  
(28636 Centre Road)

**MOVED by Deputy Mayor Hendrikx**

**SECONDED by Councillor Brodie**

**Resolved that Council receive the LPAT Appeal for 1536850 Ontario Inc., at 28636 Centre Road Staff Report as presented by the Clerk. CARRIED.**

- 2) C-2 CBO-Building Permit Report

**MOVED by Councillor MacKinnon**

**SECONDED by Councillor Clarke**

**Resolved that Council receive the Building Permits Issued Staff Report for the period November 29, 2019 to February 29, 2020 as presented by the Clerk. CARRIED.**

CAO/Treasurer Cathy Case presented her reports to Council.

- 3) CAOTR-1 Invoice Payment Approval  
CAOTR-1 Invoice Payment Approval List-Feb 29 to Apr 2 2020

**MOVED by Deputy Mayor Hendrikx**

**SECONDED by Councillor MacKinnon**

**Resolved that Council receive the Invoice Payment Approval Staff Report as presented by the CAO/Treasurer and that Council approve the accounts listing for the period February 28 to April 2, 2020 in the amount of \$1,136,722.51 as presented. CARRIED.**



- 4) CAOTR-2 Deferral of Penalty and Interest

**MOVED by Councillor Clarke**

**SECONDED by Councillor Brodie**

**Resolved that Council receive the Deferral of Penalty and Interest Staff Report as presented by the CAO/Treasurer and that Council direct the CAO/Treasurer to waive the application of penalty to outstanding 2020 property tax accounts for the months of April and May; that the returned payment fee be reduced to cost recovery until June 30, 2020; that the property tax registration process for new properties be suspended until June 30, 2020; and that drainage invoice payments be deferred without interest until June 30, 2020. CARRIED.**

- 5) CAOTR-3 Statement of Council Remuneration 2019  
CAOTR-3 Statement of Council Remuneration 2019-Attach 1

**MOVED by Councillor MacKinnon**

**SECONDED by Councillor Brodie**

**Resolved that Council receive the Statement of Council Remuneration 2019 Report as presented by the CAO/Treasurer. CARRIED.**

- 6) CAOTR-4 Public Sector Salary Disclosure 2019

**MOVED by Councillor Clarke**

**SECONDED by Councillor Brodie**

**Resolved that Council receive the Public Sector Salary Disclosure for 2019 Staff Report as presented by the CAO/Treasurer. CARRIED.**

- 7) CAOTR-5 Enbridge Natural Gas Expansion Program Report  
CAOTR-5 Enbridge Gas Line Location Map  
CAOTR-5 Enbridge Natural Gas Expansion Program-Property Counts  
CAOTR-5 Enbridge-Expression of Support

Councillor Clarke advised Council that she was happy to see Murphy Drive area add to the Expression of Support, however was disappointed that Inadale Drive, Walkers Drive and Scotchmere Drive was not included in the list of areas.

Councillor MacKinnon inquired if another letter could be sent to express support for Dundonald Road to be included as well as the areas mentioned by Councillor Clarke. CAO/Treasurer Cathy Case advised Council that she would send a follow-up letter to include Inadale Drive, Walkers Drive, Scotchmere Drive, and Dundonald Road. Mayor Smith advised Council that the Municipality of Southwest Middlesex sent a letter of support for the whole municipality instead of specific areas.

**MOVED by Councillor Clarke**

**SECONDED by Councillor MacKinnon**

**Resolved that Council direct staff to submit an Expression of Support for Natural Gas Expansion for the Township of Adelaide Metcalfe for the following projects:**

- 1. Cuddy Drive (Sexton Road to Centre Road)**
- 2. Napperton Drive (Sexton Road to Existing Gas Line)**
- 3. Katesville Drive (Sexton Road to Existing Gas Line)**
- 4. Napier Block (Melwood/Napier/Winter/Kerwood)**
- 5. Calvert Drive (Dodge Drive to Thames Road)**
- 6. Egremont Drive (continuation of Existing Gas Line)**
- 7. Murphy Drive (from Kerwood Road to Melbourne Road)**

**And that staff be directed to send a letter of consideration to include the following additional areas:**

- 8. Inadale Drive (Dundonald Drive to Melbourne Road)**
- 9. Scotchmere Drive (Dundonald Drive to Melbourne Road)**
- 10. Walkers Drive (Dundonald Drive to Melbourne Road)**
- 11. Dundonald Road (Calvert Drive to Inadale Drive). CARRIED.**

8) CAOTR-6 COVID-19 - Provincial Legislative Updates

Councillor Brodie inquired about the issuance of building permits for agricultural purposes. CAO/Treasurer advised Council that those permit applications can be submitted for the CBO to review prior to issuance to ensure compliance is met with O. Reg. 82/20.

**MOVED by Deputy Mayor Hendrikx**

**SECONDED by Councillor Brodie**

**Resolved that Council receive the COVID-19 Legislative Updates Staff Report as presented by the CAO/Treasurer. CARRIED.**

Public Works Manager Coulter Cahill presented his report to Council.

- 9) PWM-1 Tenders and Quotes  
PWM-1 Tender Results 02-2020-Maintenance Gravel  
PWM-1 Tender Results 03-2020-Dust Suppressant

**MOVED by Councillor Clarke**

**SECONDED by Councillor Brodie**

**Resolved that Council accept the tender from McKenzie & Henderson Ltd. for the supply of 14,000 tonnes of Granular M gravel in the amount of \$14.13 per tonne plus HST subject to the submission of proof of insurance, hold harmless agreement and WSIB certificate, as recommended by the Public Works Manager. CARRIED.**



**MOVED by Councillor Brodie**  
**SECONDED by Councillor MacKinnon**  
**Resolved that Council accept the tender from Pollard Distribution Inc. for the supply of dust suppressant as quoted in the amount of \$73,462.50 plus HST subject to the submission of insurance, hold harmless agreement and WSIB certificate, as recommended by the Public Works Manager. CARRIED.**

Mayor Smith inquired is the tendered amounts that have been accepted were in line with the 2020 draft Budget. Public Works Manager Coulter Cahill advised Council that both were a little lower than estimated.

**Other Business**

None.

**By-laws**

**MOVED by Deputy Mayor Hendrikx**  
**SECONDED by Councillor Clarke**  
**Resolved that all three readings be given to:**  
**By-law No. 14 of 2020 – Amendment to By-law No 11 of 2018 – Procedural By-law**  
**By-law No. 15 of 2020 – Joint Building Committee**  
**By-law No. 16 of 2020 – RSM Building Consultants - Agreement**  
**By-law No. 17 of 2020 – Interim Control By-law – Special Policy Areas Extension**  
**By-law No. 18 of 2020 – 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 Deputy Mayor Hendrikx**  
**SECONDED by Councillor Clarke**  
**Resolved that the meeting be adjourned at 7:25 PM. CARRIED.**

  
\_\_\_\_\_  
Kurtis Smith, Mayor

  
\_\_\_\_\_  
Jennifer Turk, Clerk

