

**The Corporation of the Township of Malahide
December 21, 2023 – 7:30p.m.**

Virtual Meeting – <https://youtu.be/IPZR6TCTgOs?si=FjdkDxTMyPTCLVR2>

The Malahide Township Council met at the Springfield & Area Community Services Building, at 51221 Ron McNeil Line, Springfield, at 7:30p.m. The following were present:

Council: Mayor D. Giguère, Deputy Mayor M. Widner, Councillor S. Leitch, Councillor J. Wilson, Councillor R. Cerna, Councillor S. Lewis, and Councillor C. Glinski.

Staff: Chief Administrative Officer N. Dias, Clerk A. Adams, Director of Corporate Services A. Boylan, Director of Fire & Emergency Services J. Spoor, Director of Public Works J. Godby, and HR Manager S. Loewen

Also Present: Eric Steele– Monteith Brown

CALL TO ORDER:

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

DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:

Deputy Mayor Widner disclosed a pecuniary interest with respect to Council Agenda item E– Reports of Departments, Harvest Bowl Grant Applications. The nature of the conflict being that he is a member of the Harvest Bowl board.

MINUTES:

No. 23-479

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT the minutes of the regular meeting of Council held on December 7, 2023 be adopted as printed and circulated.

Carried

PRESENTATIONS/DELEGATIONS/PETITIONS:

- Ontario Fire Marshal’s Public Safety Council Presentation– Enbridge Gas Safety Community Assist Program Campaign

Director Spoor stated that Malahide Fire Services were one of fifty municipalities to receive grant funding across the Province from Enbridge Gas Inc. for purchasing firefighting training

materials, through the Safe Community Project Assist program with the Fire Marshal's Public Fire Safety Council.

- Public Hearing - Minor Variance Application– Owner Donald & Cindy Sproul, relating to property at Part of Lot 34, Concession 3 in the Township of Malahide, and being municipally known as 53273 Calton Line

No. 23-480

Moved By: Sarah Leitch

Seconded By: Scott Lewis

THAT the Committee of Adjustment for the Township of Malahide be called to order at 7:33 p.m. and that Mayor Dominique Giguère be appointed Chairperson for the "Committee of Adjustment".

Carried

Chair Giguère advised that the purpose of this Public Hearing is to consider an application for a Minor Variance submitted by Donald and Cindy Sproul, Part of Lot 34, Concession 3 in the Township of Malahide, and being municipally known as 53273 Calton Line.

Chair Giguère requested that Eric Steele of Monteith Brown Planning Consultants (MBPC) provide an overview of the application.

Chair Giguère asked if any comments were received and the Clerk advised there were no comments received that haven't already been discussed.

Chair Giguère asked if any person in attendance wished to make any comments and there were none.

Chair Giguère asked if any Committee members wished to make any comments regarding the application. Councillor Leitch clarified the size request of the current variance request from the previous variance request and Mr. Steele noted that this request was for a slightly larger allowance.

No. 23-481

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT Report No. DS-23-39 entitled "Application No. D13-MV-09-23 of Donald and Cindy Sproul" and affecting lands described as Part of Lot 34, Concession 3 in the Township of Malahide, and being 53273 Calton Line, be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-09-23 to permit an increase in the maximum floor area for an accessory structure;

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

1. That the owner/applicant obtain the necessary Building Permit within 2 years from the date of decision to the satisfaction of the Chief Building Official, ensuring that the approved variance applies only to the proposed accessory structure as illustrated with the application; and,
2. That the structure be constructed as per the details shown in the drawings as provided with the application (site location and architectural detail) to the satisfaction of the Chief Building Official.

Carried

No. 23-482

Moved By: Rick Cerna

Seconded By: Scott Lewis

THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council meeting reconvene at 7:38p.m.

Carried

- Public Meeting –Zoning By-law Amendment Application– Owner Chad Underhill Farms Ltd. (Authorized Agent: Logan Burnett C/O Harrison Pensa LLP), relating to property at Part Lot 29, Concession 1 W, Township of Malahide, and known municipally as 52361 Nova Scotia Line

No. 23-483

Moved By: Chester Glinski

Seconded By: Sarah Leitch

THAT the Public Meeting relating to the Zoning By-law Amendment Application of Chad Underhill, relating to the property located at Part Lot 29, Concession 1 W, Township of Malahide, and known municipally as 52361 Nova Scotia Line be called to order at 7:39p.m.

Carried

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

Mayor Giguère 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 on November 29th and December 6th. In addition, affected property owners within 120 meters were sent a notice by mail at minimum 20 days prior to this meeting.

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

Mayor Giguère asked if the applicant had anything to add and they did not.

Mayor Giguère asked if anyone in attendance had any questions and they did not.

Mayor Giguère asked if any Council Members wished to make any comments regarding the application and they did not.

No. 23-484

Moved By: Mark Widner

Seconded By: Chester Glinski

THAT the Public Meeting relating to the Zoning By-law Amendment Application of Chad Underhill, relating to the property located at Part Lot 29, Concession 1 W, Township of Malahide, and known municipally as 52361 Nova Scotia Line be adjourned at 7:42p.m.

Carried

No. 23-485

Moved By: John H. Wilson

Seconded By: Rick Cerna

THAT Report No. DS-23-38 entitled “Zoning By-law Amendment Application of Chad Underhill Farms Limited (Authorized Agent: Logan Burnett C/O Harrison Pensa LLP)” Be Received;

AND THAT the Zoning By-law Amendment Application No. D14-Z15-23 Of Chad Underhill Farms Limited (Authorized Agent: Logan Burnett C/O Harrison Pensa LLP), relating to the property located at Part Lot 29, Concession 1 W, Township of Malahide, and known municipally as 52361 Nova Scotia Line, BE APPROVED for the reasons set out in this Report.

Carried

- Public Meeting –Zoning By-law Amendment Application– Owner B&AM Reymer (Authorized Agent: David Roe), relating to property at Part Lot 19, Concession 5, Township of Malahide, and known municipally as 50783 Chalet Line

No. 23-486

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT the Public Meeting relating to the Zoning By-law Amendment Application of B&AM Reymer, relating to the property located at Part Lot 19, Concession 5, and known municipally as 50783 Chalet Line be called to order at 7:43p.m.

Carried

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

Mayor Giguère 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 on November 29th and December 6th. In addition, affected property owners within 120 meters were sent a notice by mail at minimum 20 days prior to this meeting.

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

Mayor Giguère asked if the applicant had anything to add and they did not.

Mayor Giguère asked if anyone in attendance had any questions and they did not.

Mayor Giguère asked if any Council Members wished to make any comments regarding the application. Councillor Wilson inquired if a stipulation would be placed on the property so that no additional residences would be allowed and Mr. Steele confirmed this.

No. 23-487

Moved By: Sarah Leitch

Seconded By: Chester Glinski

THAT the Public Meeting relating to the Zoning By-law Amendment Application of B&AM Reymer, relating to the property located at Part Lot 19, Concession 5, and known municipally as 50783 Chalet Line be adjourned at 7:46p.m.

Carried

No. 23-488

Moved By: Scott Lewis

Seconded By: Sarah Leitch

THAT Report No. DS-23-36 entitled “Zoning By-law Amendment Application of B & AM Reymer Ltd (Authorized Agent: David Roe C/O Civic Planning Solutions Inc.)” be received;

AND THAT the Zoning By-Law Amendment Application No. D14-Z14-23 of B & AM Reymer Ltd (Authorized Agent: David Roe C/O Civic Planning Solutions Inc.) relating to the property located at Part Lot 19, Concession 5, Township of Malahide, and known municipally as 50783 Chalet Line, be approved for the reasons set out in this report.

Carried

- Public Meeting –Zoning By-law Amendment Application– Owner Judy & David Mennill-Zacharias (Authorized Agent: Helena Zacharias), relating to property at Concession 3, Part 1 of Registered Plan 11R6019, and known municipally as 51048 and 51200 Vienna Line

No. 23-489**Moved By: Scott Lewis****Seconded By: Rick Cerna**

THAT the Public Meeting relating to the Zoning By-law Amendment Application of David and Judy Mennill, relating to the property located at Part Lot 22, Concession 3, Part 1 of Registered Plan 11R6019, and known municipally as 51048 and 51200 Vienna Line be called to order at 7:47p.m.

Carried

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

Mayor Giguère 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 on November 29th and December 6th. In addition, affected property owners within 120 meters were sent a notice by mail at minimum 20 days prior to this meeting.

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

Mayor Giguère asked if the applicant had anything to add and they did not.

Mayor Giguère asked if anyone in attendance had any questions and they did not.

Mayor Giguère asked if any Council Members wished to make any comments regarding the application. Councillor Wilson commented about the placement of the shop in the front yard and the location of the driveway on the lot. Councillor Glinski inquired about how a residence is being allowed in this agricultural area when it's not in a hamlet designation. Mr. Steele noted this is not for a new lot creation but rather an accessory unit. Councillor Wilson commented that this is how people can obtain that second house. Deputy Mayor Widner noted that this has been done in the past with current stipulations. Mr. Steele noted that the Planning Act has since changed what it allows for secondary dwellings.

No. 23-490**Moved By: Scott Lewis****Seconded By: Sarah Leitch**

THAT the Public Meeting relating to the Zoning By-law Amendment Application of David and Judy Mennill, relating to the property located at Part Lot 22, Concession 3, Part 1 of Registered Plan 11R6019, and known municipally as 51048 and 51200 Vienna Line be adjourned at 7:57p.m.

Carried

No. 23-491

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT Report No. DS-23-37 entitled “Zoning By-law Amendment Application of Judy And David Mennill (Authorized Agent: Helena Zacharias” be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z10-23 of Judy And David Mennill (Authorized Agent: Helena Zacharias), relating to the property located at Part Lot 22, Concession 3, Part 1 of Registered Plan 11R6019, Township of Malahide, and known municipally as 51048 and 51200 Vienna Line, BE APPROVED for the reasons set out in this Report.

Carried

REPORTS OF DEPARTMENTS:

Director of Public Works

- 51403 Ron McNeil Line – Request for Access Over Unopened Road Allowance

No. 23-492

Moved By: Scott Lewis

Seconded By: Sarah Leitch

THAT Report No. PW-23-64 entitled “51403 Ron McNeil Line – Request for Access Over Unopened Road Allowance” be received;

AND THAT Council declare the unopened road allowance between Ron McNeil Line and Pressey Road to be surplus to municipal needs;

AND FURTHER THAT Staff further engage the 4 property owners abutting the unopened road allowance between Ron McNeil Line and Pressey Road to negotiate the conveyance of the unopened road allowance.

Carried

- Port Bruce Provincial Park Maintenance Agreement

No. 23-493

**Moved By: Sarah Leitch
Seconded By: Scott Lewis**

THAT Report No. PW-23-63 entitled “Port Bruce Provincial Park Maintenance Agreement” be received;

AND THAT staff be directed to enter discussions with the Ministry of Environment, Conservation and Parks to negotiate a new agreement, including but not limited to possible revisions to the compensation model and the performance and maintenance standards described in Appendix B and C.

Carried

Director of Corporate Services/Treasurer

- Applications for Assessment Adjustments under Section 357 & 358 of the Municipal Act, 2001

No. 23-494

**Moved By: Chester Glinski
Seconded By: Scott Lewis**

THAT Report No. FIN-23-21 titled “Applications for Assessment Adjustments under Section 357 & 358 of the Municipal Act, 2001” be received;

AND THAT, pursuant to Section 357 (a) and (d) of the *Municipal Act, 2001*, the Township’s Treasurer be authorized to amend the Township’s tax collection roll for the amount of \$6,225.21.

Carried

Deputy Mayor Widner disclosed a pecuniary interest with respect to Council Agenda item E--Harvest Bowl Grant Applications. He retired from the meeting and abstained from all discussions and voting on the matter.

- Harvest Bowl Grant Applications

No. 23-495

**Moved By: Scott Lewis
Seconded By: Rick Cerna**

THAT Report No. FIN 23-22 entitled “Harvest Bowl Grant Applications” be received;

AND THAT facility Harvest Bowl’s 2023 facility rental fees in the amount of \$1,580.16 and Harvest Bowl’s 2024 Community Grant Application be referred to the Community Grant Committee.

Deputy Mayor Widner returned to his seat at the Council table.

Clerk

- Elgin County and LMPs Joint Diversity, Equity, and Inclusion Plan 2024-2026

No. 23-496

Moved By: Sarah Leitch

Seconded By: Chester Glinski

THAT Report No. CLERK-23-06 entitled “Elgin County and LMPs Joint Diversity, Equity, and Inclusion Plan 2024-2026” be received;

AND THAT the Plan be approved.

Carried

Building/Planning/By-law

- Application for Consent to Sever No. E5-24 of Gregory Underhill Farms Ltd C/O Civic Planning Solutions Inc

No. 23-497

Moved By: Rick Cerna

Seconded By: John H. Wilson

THAT Report No. DS-23-35 entitled “Application for Consent to Sever No. E5-24 of Gregory Underhill Farms Ltd C/O Civic Planning Solutions Inc” be received;

AND THAT the Application for Consent to Sever of Gregory Underhill Farms Ltd C/O Civic Planning Solutions Inc relating to the property located at Part of Lots 34 And 35, Concession 1, Part 4 of 11R-5475, Township of Malahide and known municipally as 53367 Nova Scotia Line, 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. 23-498****Moved By: Scott Lewis****Seconded By: Sarah Leitch****THAT the following Reports of Committees/Outside Boards be noted and filed:**

- **Township of Malahide - Fleet Management Advisory Committee – Minutes November 23, 2023**
- **Aylmer Area Secondary Water Supply System & Port Burwell Area Secondary Water Supply System – December 6, 2023 Draft Minutes**
- **Long Point Region Conservation Authority – November 1, 2023 Minutes**
- **Long Point Region Conservation Authority - November 8, 2023 Budget Meeting Minutes**

Carried**CORRESPONDENCE:****No. 23-499****Moved By: Scott Lewis****Seconded By: Chester Glinski****THAT items 4 and 5 be supported and the remaining items be noted and filed:**

1. **Association of Municipalities of Ontario - WatchFile –December 7, 2023, and December 14, 2023**
2. **Elgin County – Council Highlights – December 6, 2023**
3. **Ministry of Natural Resources – Environmental Registry Ontario finalizing “Technical bulletin – Flooding hazards: data survey and mapping specifications”**
4. **Greater Grand Sudbury - Amendment to the Occupational Health and Safety Act to Clarify the Definition of “Employer”**
5. **Township of Clearview - Cemetery Transfer/Abandonment Administration & Management Support**

Carried**OTHER BUSINESS:**

BY-LAWS:**No. 23-500****Moved By: Rick Cerna****Seconded By: Scott Lewis**

THAT the following by-laws be considered read a first, second and third reading and properly signed and sealed:

- **By-law No. 23-89 – Use of County CEMC**
- **By-law No. 23-86 – 2024 Municipal Water Rates**
- **By-law No. 23-87 – 2024 Municipal Sewage Rates**
- **By-law No. 23-85 – Mennill/Zacharias Rezoning**
- **By-law No. 23-83 – B & AM Reymer Rezoning**
- **By-law No. 23-84 – Underhill Rezoning**

- By-law No. 23-90 - Municipal Law Enforcement Policy

CAO Dias provided an overview of the changes made to the policy since being first introduced to Council at the previous meeting.

No. 23-501**Moved By: Mark Widner****Seconded By: Sarah Leitch**

THAT By-law No. 23-90 - Municipal Law Enforcement Policy be considered read a first, second and third reading and properly signed and sealed.

Carried

CLOSED:**No. 23-501****Moved By: Rick Cerna****Seconded By: John H. Wilson**

THAT Council move into Closed Session at 8:57p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following:

- **A Labour Relations or Employee Negotiations Matter regarding Staff Performance Reviews, HR Policy Update and CUPE Contract Negotiations. (Section 239 (2)(d)).**
- **Personal matters about an identifiable individual, including municipal or local board employees (Section 239 (2)(b)).**

Carried

No. 23-502
Moved By: Rick Cerna
Seconded By: Scott Lewis

THAT Council move out of Closed Session and reconvene at 9:56p.m. in order to continue with its deliberations.

Carried

- Staff Performance Reviews

No. 23-503
Moved By: Rick Cerna
Seconded By: Chester Glinski

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, 2024.

Carried

No. 23-504
Moved By: Sarah Leitch
Seconded By: Scott Lewis

THAT Staff were given direction by Council on the following items that were discussed in the Closed Session:

- A Labour Relations or Employee Negotiations Matter regarding an HR Policy Update and CUPE Contract Negotiations. (Section 239 (2)(d)).
- Personal matters about an identifiable individual, including municipal or local board employees (Section 239 (2)(b)).

Carried

CONFIRMATORY:

No. 23-505
Moved By: John H. Wilson
Seconded By: Sarah Leitch

THAT By-law No.23-88, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried

ADJOURNMENT:

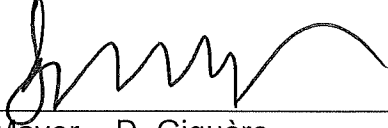
No. 23-506

Moved By: Mark Widner

Seconded By: Rick Cerna

THAT Council adjourn its meeting at 9:58p.m. to meet again on January 18, 2024, at 7:30p.m.

Carried



Mayor – D. Giguère



Clerk – A. Adams