

The Corporation of the Township of Malahide
March 21, 2024 – 7:30p.m.
Closed Session 6:30p.m.
Virtual Meeting – <https://youtu.be/K5od5vZYQ3Y>

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

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

Also Present: Eric Steele– Monteith Brown

Absent: Councillor J. Wilson

CALL TO ORDER:

Mayor Giguère took the Chair and called the meeting to order at 6:30p.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, Petition for Drainage – Chalet Line and Request for Improvement – Catfish Creek Drain. The nature of the conflict being that a Partner at Spriet Associates is an immediate relative of his.

MINUTES:

No. 24-085

Moved By: Rick Cerna

Seconded By: Scott Lewis

THAT the minutes of the regular meeting of Council held on March 7, 2024 be adopted as printed and circulated.

Carried

CLOSED:

No. 24-086

Moved By: Mark Widner

Seconded By: Rick Cerna

THAT Council move into Closed Session at 6:33p.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 a Staff Performance Review – CAO Department. (Section 239 (2)(d))**
- **Advice that is subject to solicitor client privilege, including communications necessary for that purpose relating to Boundary Adjustment Update. (Section 239(2)(f))**

Carried

No. 24-087

Moved By: Mark Widner

Seconded By: Sarah Leitch

THAT Council move out of Closed Session and reconvene at 7:37 p.m. in order to continue with its deliberations.

Carried

No. 24-088

Moved By: Rick Cerna

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 a Staff Performance Review – CAO Department. (Section 239 (2)(d))**
- **Advice that is subject to solicitor client privilege, including communications necessary for that purpose relating to Boundary Adjustment Update. (Section 239(2)(f))**

Carried

PRESENTATIONS/DELEGATIONS/PETITIONS:

- Public Meeting – Zoning By-law Amendment Application- Zoning By-law Amendment Application of Benjamin William & Melissa Lockington (Authorized Agent: Eugenio Dimeo), relating to the property located at Part of Lot 81, Concession South of Talbot Road, Township of Malahide, and known municipally as 48887 Brook Line

No. 24-089

Moved By: Sarah Leitch

Seconded By: Chester Glinski

THAT the Public Meeting relating to the Zoning By-law Amendment Application of Benjamin William & Melissa Lockington (Authorized Agent: Eugenio Dimeo), relating to the property located at Part of Lot 81, Concession South of Talbot Road, Township of Malahide, and known municipally as 48887 Brook Line be called to order at 7:38 p.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 February 28th and March 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. Mr. Steele provided an overview and read comments submitted after the deadline objecting the rezoning from Lou and Maureen Martin who couldn't be in attendance.

Mayor Giguère asked if the applicant had anything to add. Mr. DiMeo, the applicant's agent, reiterated the intention of the rezoning that Mr. Steele had provided. Mr. DiMeo addressed the concerns received and stated that the use would be complimentary to the existing suburban area.

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. Deputy Mayor Widner inquired if there would be potential severance. Mr. Steele confirmed that anyone can apply to sever but that it would not meet current criteria. Councillor Leitch inquired if the applicant would be willing to add some of the foliage being requested by the neighbours concerns and the agent indicated the applicant was willing to mitigate any concerns they had.

No. 23-090

Moved By: Sarah Leitch

Seconded By: Chester Glinski

THAT the Public Meeting relating to the Zoning By-law Amendment Application of Benjamin William & Melissa Lockington (Authorized Agent: Eugenio Dimeo), relating to the property located at Part of Lot 81, Concession South of Talbot Road, Township of Malahide, and known municipally as 48887 Brook Line be adjourned at 7:53p.m.

Carried

No. 23-091

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT Report No. DS-24-10 entitled “Zoning By-law Amendment Application of Benjamin William & Melissa Lockington (Authorized Agent: Eugenio Dimeo)” be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z02-23 of Benjamin & Melissa Lockington (Authorized Agent: Eugenio Dimeo), relating to the property located at Part of Lot 81, Concession South of Talbot Road, Township of Malahide, and known municipally as 48887 Brook Line, BE APPROVED for the reasons set out in this Report.

Carried

- Public Meeting –Zoning By-law Amendment Application of K2 Custom Homes Inc (c/o Henry Klassen), relating to the property located at Lot 48 on Registered Plan 71, and known municipally as 51237 Ashton Street

No. 24-092

Moved By: Scott Lewis

Seconded By: Mark Widner

THAT the Public Meeting relating to Zoning By-law Amendment Application No. D14-Z02-24 of K2 Custom Homes Inc (c/o Henry Klassen), relating to the property located at Lot 48 on Registered Plan 71, and known municipally as 51237 Ashton Street be called to order at 7:54p.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 February 28th and March 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. Applicant Henry Klassen was present for any questions that there may be regarding the application.

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. Deputy Mayor Widner inquired if Malahide's zoning was similar to other municipalities. Mr. Steele noted there are different residential zones for different needs, further regulation could occur with review of the zoning by-law for provisions or updates as needed. He stated that zoning classifications are based on the level of servicing available and that there could be different tiers for different density zones. If Council wants this to be reviewed, there could be more specific classifications applied instead of a catchall approach.

Mayor Giguère stated that our commitment is to preserve farm land with responsible growth and this is using land efficiently. She noted that the severance was previously approved by Council and that everything is happening as per the rules and as per the vision of the area.

Councillor Glinski inquired about the frontage requirements and confirmed what the house is. Mr. Steele noted that the building is a semi-detached dwelling divided vertically above grade and is two dwelling units that are side by side that have a shared party wall. One dwelling unit per severed property and that the property has 20 metres of frontage and will be severed along the party wall. Councillor Glinski inquired what the frontage was when the building permit was applied for. Mr. Steele indicated that the property frontage is 20metres and after the construction has taken place a severance along the shared party wall will occur so that each building is on a separate property which is a common practice to sever after the construction has taken place to ensure that the new severance line aligns with the foundation and party wall.

Councillor Lewis thanked staff for the clarification of the permit and the process. He stated that we will likely see more of this type occurring as it meets the need of housing and it provides an opportunity for those to get into the housing market.

No. 24-093

Moved By: Scott Lewis

Seconded By: Sarah Leitch

THAT the Public Meeting relating to Zoning By-law Amendment Application No. D14-Z02-24 of K2 Custom Homes Inc (c/o Henry Klassen), relating to the property located at Lot 48 on Registered Plan 71, and known municipally as 51237 Ashton Street be adjourned at 8:07p.m.

Carried

No. 24-094

Moved By: Scott Lewis

Seconded By: Sarah Leitch

THAT Report No. DS-24-11 entitled "Zoning By-law Amendment Application of K2 Custom Homes Inc (c/o Henry Klassen)" be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z02-24 of K2 Custom

Homes Inc (c/o Henry Klassen), relating to the property located at Lot 48 on Registered Plan 71, and known municipally as 51237 Ashton Street, BE APPROVED for the reasons set out in this Report.

Carried

REPORTS OF DEPARTMENTS:

Building/Planning/By-law

- Elgin County Official Plan Review

No. 24-095

Moved By: Sarah Leitch

Seconded By: Mark Widner

THAT Report No. DS-24-12 entitled “Elgin County Official Plan Review” be received;

AND THAT this report be forwarded to the County of Elgin as comments for its consideration in the review and update of the County Official Plan.

Carried

- Application for Consent to Sever No. E19-24 of Peter James Forsythe, Force Installations Ltd

No. 24-096

Moved By: Mark Widner

Seconded By: Scott Lewis

THAT Report No. DS-24-13 entitled “Application for Consent to Sever No. E19-24 of Peter James Forsythe, Force Installations Ltd” be received;

AND THAT the Application for Consent to Sever of Peter James Forsythe, Force Installations Ltd relating to the property located at Part of Lot 10, Concession 8 S, Township of Malahide, and known municipally as 11241 Imperial Road, 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 No. E20-24 of Peter James Forsythe, Force Installations Ltd

No. 24-097

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT Report No. DS-24-14 entitled “Application for Consent to Sever No. E20-24 of Peter James Forsythe, Force Installations Ltd” be received’

AND THAT the Application for Consent to Sever of Peter James Forsythe, Force Installations Ltd relating to the property located at Part of Lot 10, Concession 8 S, Township of Malahide, and known municipally as 11229 Imperial Road, 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

Director of Public Works

Deputy Mayor Widner disclosed a pecuniary interest with respect to Council Agenda item E-Request for Improvement – Catfish Creek Drain and Petition for Drainage – Chalet Line. He retired from the meeting and abstained from all discussions and voting on the matter.

- Request for Improvement – Catfish Creek Drain

No. 24-098

Moved By: Rick Cerna

Seconded By: Chester Glinski

THAT Report No. PW-24-05 entitled “Request for Improvement – Catfish Creek Drain” be received;

AND THAT Council proceed with this matter and appoint Mike Devos, P. Eng., of Spriet Associates, to prepare an Engineer’s Report for this petition pursuant to *Section 78* of the *Drainage Act R.S.O. 1990*.

Carried

- Petition for Drainage – Chalet Line

No. 24-099

Moved By: Scott Lewis

Seconded By: Sarah Leitch

THAT Report No. PW-24-10 entitled “Petition for Drainage – Chalet Line” be received;

AND THAT George Veryken, P. Eng., of Spriet Associates, be appointed to prepare an Engineer's Report for this petition.

Carried

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

- Malahide Water Distribution System-2023 Fourth Quarter Operations Report

No. 24-100

Moved By: Sarah Leitch

Seconded By: Rick Cerna

THAT Report No. PW-24-06 entitled "Malahide Water Distribution System-2023 Fourth Quarter Operations Report" be received.

Carried

- Malahide Water Distribution: Drinking Water Quality Trends and Management Review of DWQMS Operational Plan

No. 24-101

Moved By: Rick Cerna

Seconded By: Chester Glinski

THAT Report No. PW-24-07 entitled "Malahide Water Distribution: Drinking Water Quality Trends and Management Review of DWQMS Operational Plan" be received.

Carried

- Malahide Water Distribution System: 2023 Section 11 Annual Report and Schedule 22 Summary Report

No. 24-102

Moved By: Sarah Leitch

Seconded By: Scott Lewis

THAT Report No. PW-24-08 entitled "Malahide Water Distribution System: 2023 Section 11 Annual Report and Schedule 22 Summary Report" be received.

Carried

- Malahide Wastewater Collection System: 2023 Performance Report

No. 24-103

Moved By: Sarah Leitch

Seconded By: Mark Widner

THAT Report No. PW-24-09 entitled “Malahide Wastewater Collection System: 2023 Performance Report” be received.

Carried

- Contract Award 2024-2026 Parks and Maintenance

No. 24-104

Moved By: Rick Cerna

Seconded By: Chester Glinski

THAT Report No. PW-24-11 entitled “Contract Award 2024-2026 Parks and Maintenance” be received;

AND THAT the tender be awarded to Doxtator Property Maintenance, of Southwold, Ontario, at a cost of \$1,860.00 plus applicable taxes per week for the grass cutting and general landscape maintenance for scoped Township properties;

AND THAT the Director of Public Works be authorized to enter into an agreement with Doxtator Property Maintenance with respect to the Township Parks and Lawn Maintenance Contract for the 2024, 2025 and 2026 seasons.

Carried

Director of Corporate Services/Treasurer

- Springfield Special Area Levy

No. 24-105

Moved By: Rick Cerna

Seconded By: Chester Glinski

THAT Report No. FIN-24-10 entitled “Springfield Special Area Levy” be received;

Carried

CAO

- Transition to OPP Detachment Board: Community Safety and Policing Act, 2019

No. 24-106

Moved By: Chester Glinski

Seconded By: Sarah Leitch

THAT Report No. CAO-24-03 entitled “Transition to OPP Detachment Board: Community Safety and Policing Act, 2019” be received;

AND THAT Council appoints Dominique Giguère as the Bayham/Malahide appointee to the Elgin OPP Detachment Board until the end of the current term of Council;

AND THAT Council supports the remuneration for the OPP Detachment Board members at \$1,500 per year for members and \$2,000 per year for the Chair;

AND THAT correspondence on this matter be provided to the OPP Detachment Board Lead under the CAO's signature.

Carried

REPORTS OF COMMITTEES/OUTSIDE BOARDS:

No. 24-107

Moved By: Scott Lewis

Seconded By: Sarah Leitch

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

- **General Manager 2023 LPRCA Annual Report, 2023 LPRCA Audited Financial Statements;**
- **LPRCA Minutes of February 7, 2024**

Carried

- **2024 EECC Operational Budget**

No. 24-108

Moved By: Sarah Leitch

Seconded By: Mark Widner

THAT the Council of the Township of Malahide approve the 2024 EECC Operational Budget in the total amount of \$626,320 (\$313,160 per municipal partner).

Carried

- **2024 EECC Capital Budget**

No. 24-109

Moved By: Rick Cerna

Seconded By: Mark Widner

THAT the Council of the Township of Malahide approve the 2024 EECC Capital Budget in the total amount of \$738,859.00 (\$369,429.50 per municipal partner).

AND THAT correspondence be sent to the Town of Aylmer as the EECC Administrator for a further clarification on the scope of the parking lot project.

Carried

CORRESPONDENCE:

No. 24-111

Moved By: Rick Cerna

Seconded By: Sarah Leitch

THAT item 4,6,7 and 8 be supported;

THAT Council direct staff to provide a follow-up report for the Talbot Trail ATV Club- Designated Highway Extension Request;

AND THAT the remaining items be noted and filed.

- 1. Association of Municipalities of Ontario - WatchFile – March 7, 2024, and March 14, 2024**
- 2. Elgin St. Thomas Coalition to End Poverty – 2023 Timeline of Success**
- 3. Thames Valley District School Board - Accommodation Plan - 2023/2024**
- 4. Town of Aurora - Request for Amenity Sharing Memorandum of Understanding (MOU) with School Boards for Evening/Weekend Gymnasium Use**
- 5. Catfish Creek Conservation Authority – Notice of approval of Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits) under the Conservation Authorities Act by the Province**
- 6. Town of Lincoln – Urgent Need for Increased Funding to Libraries and Museums in Ontario**
- 7. Municipality of Chatham Kent - Request to the Province to Amend Blue Box Regulation for 'Ineligible' Sources**
- 8. Town of Bracebridge - Resolution of Support Regarding Request to the Province of Ontario for New Provincial-Municipal Fiscal Framework**
- 9. Talbot Trail ATV Club- Designated Highway Extension Request**

Carried

OTHER BUSINESS:

BY-LAWS:

No. 24-112
Moved By: Scott Lewis
Seconded By: Sarah Leitch

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

- **By-law No. 24-12 – Lockington Rezoning**
- **By-law No. 24-10 – K2 Custom Homes Inc/Henry Klassen**

Carried

CLOSED:

No. 24-113
Moved By: Mark Widner
Seconded By: Sarah Leitch

THAT Council move into Closed Session at 9:51p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following:

- **Advice that is subject to solicitor client privilege, including communications necessary for that purpose relating to —EECC Governance. (Section 239(2)(f))**

Carried

No. 24-114
Moved By: Rick Cerna
Seconded By: Mark Widner

THAT Council move out of Closed Session and reconvene at 10:53p.m. in order to continue with its deliberations.

Carried

No. 24-115
Moved By: Rick Cerna
Seconded By: Sarah Leitch

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

- **Advice that is subject to solicitor client privilege, including communications necessary for that purpose relating to —EECC Governance. (Section 239(2)(f))**

Carried

CONFIRMATORY:

No. 24-116

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT By-law No.24-11, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried

ADJOURNMENT:

No. 24-117

Moved By: Mark Widner

Seconded By: Rick Cerna

THAT Council adjourn its meeting at 10:54p.m. to meet again on April 4, 2024, at 7:30p.m.

Carried

Original Signed By: _____
Mayor – D. Giguère

Original Signed By: _____
Clerk – A. Adams