

MINUTES
NEWBURY MUNICIPAL COUNCIL
Tuesday, October 4, 2022
6:00 pm



PRESENT: Reeve Diane Brewer, Councillors Ron Challis, Stacey Goldrick, Mike Noe and Russ Patton

STAFF PRESENT: Clerk-Treasurer Cathy Case
Planner Marion Cabral (for part of meeting)

CALL TO ORDER

Reeve Brewer called the meeting to order at 6:00 pm.

1. **DECLARATION OF PECUNIARY INTEREST:**

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 the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the Act.

Councillor Patton declared a pecuniary interest agenda item 8-Accounts and in agenda item 9(a)-New and Unfinished Business No. 3-Winter Maintenance 2022-2023 as owner of Patton Excavating.

2. **DELEGATIONS & TIMED EVENTS:**

6:00 pm Official Plan Amendment OPA01-22
Kenneth Daley & Nadine Grant
3 York Street

The purpose of the Official Plan Amendment application is to re-designate the lands at 3 York Street from "Commercial" to "Residential" to facilitate the conversion of the existing building (former church) into a single-family residence.

Planner Marion Cabral attended this portion of the meeting. Property owners Ken Daley and Nadine Grant were present. Also in attendance were Ken and Marietta Hart, Gary Field, Sonya Soetjens and Denise Smith.

Planner Cabral reviewed the Staff Planning Report for Official Plan Amendment OPA 01-22 (OPA 14) which supported the application for re-designation. Cabral noted that there are no significant changes proposed for the building, only minor alterations. The property will require site specific rezoning.

Ken Hart advised that he had no problem with the application but expressed concern that there is no driveway for parking. Owner Ken Daley explained that they plan to install a driveway to a garage once final drawings are complete. Clerk-Treasurer Cathy Case advised that the Official Plan Amendment is only one step in the process to be able to renovate the property. A zoning amendment and building permit are still required.

Gary Field, Denise Smith and Sonya Soetjens all spoke in support of the application.

Council had no concerns with application.

Moved By: Councillor Noe

Seconded By: Councillor Challis

“THAT Official Plan Amendment application OPA 01-2022 (OPA 14), filed by Kenneth Daley and Nadine Grant, in order to re-designate the lands known as 3 York Street from ‘Commercial’ to ‘Residential’ be adopted and forwarded to the County of Middlesex for consideration and approval.” – Carried.

6:00 pm COMMITTEE OF ADJUSTMENT
Consent B02-2022 and Minor Variance A01-2022
2467381 Ontario Limited (Newbury Mini Storage)
22760n Hagerty Road

Moved By: Councillor Noe

Seconded By: Councillor Challis

“THAT Council convene as the Committee of Adjustment for the purpose of hearing Consent Application B02-2022 and Minor Variance Application A01-2022 from 2467381 Ontario Limited (Newbury Mini Storage) at 6:15 pm.” – Carried.

The purpose of the consent application B02-2022 is to sever 1 parcel of land from the subject lands. The severed parcel would contain the existing car wash and the retained parcel would contain an existing self-storage facility with access onto Hagerty Road. No new buildings or development are proposed. As a result of the proposed severance, the Owner has applied for a minor variance (A01-2022) to seek relief from the Zoning By-law for four Highway Commercial (C2) Regulations.

Planner Marion Cabral attended this portion of the meeting. No one attended to represent the property owner nor was anyone in attendance from the public.

Planner Cabral reviewed the Staff Planning Report for Consent Application B02-2022 and Minor Variance A01-2022 which supported the both the consent and the minor variance with conditions.

The Committee Members discussed the application and recommendations. Members are concerned about the use of a shared driveway between potentially two separate property owners and the limited commercial uses for the severed parcel if a car wash does not remain as a viable business.

Moved By: Councillor Noe

Seconded By: Councillor Challis

“THAT Consent application B02-2022, in order to sever a 1,300.44 m2 lot from the land at 22760 Hagerty Road be denied;

FURTHER THAT Consent application B02-2022 be denied for the following reasons:

1. The Committee is of the opinion that the creation of the severed parcel will limit a full range of commercial uses to occur on the severed and retained parcels, and that it represents inappropriate development of the land; and,

2. The Committee is not supportive of the required access easements on the retained parcel that are required to provide access to from a public right-of-way to the severed parcel; and

FURTHER THAT Minor Variance application A01-2022 be denied for the following reasons:

1. The request represents inappropriate development on the subject property.” – Carried.

Moved By: Councillor Challis

Seconded By: Councillor Goldrick

“THAT the Committee of Adjustment meeting be closed at 6:25 pm and Council resume regular session.” – Carried.

2.1 WATER:

1. Water Financial Report

The water financial report was not complete for review at the meeting. The Clerk-Treasurer advised that there were no exceptional issues for the period.

2. DWQMS
3. Hydrant Repairs

The Clerk-Treasurer advised that Patton Construction was on site with Sco-Terra representatives to investigate water hydrants at 26 York Street and Four Counties Hospital. No water leaks were detected. Richard Villeneuve from Sco-Terra suggested that the hydrant seal may not have closed completely following last fall's flushing operations due to miniscule pieces of debris. Spring flushing may have cleared out any gaps. Both hydrants will be visually inspected for signs of leaks going forward.

2.2 SEWER:

1. Sewer Financial Report

The sewer financial report was not complete for review at the meeting. The Clerk-Treasurer advised that there were no exceptional issues for the period.

2. Sewer Connection Repair

The Clerk-Treasurer advised that Patton Construction was on site with Sco-Terra representatives to complete repairs to sewer connection at 76 York Street.

2.3 DRAINAGE: None.

2.4 FIRE:

Fire Chief Trethewey did not attend the meeting. No written report was submitted.

1. Training update
2. Blue Card training
3. Firefighter Recruitment
4. Base Radio Repair (MRC invoice \$2460.86)

2.5 BY-LAW ENFORCEMENT:

By-law Enforcement Report for September 2022 as submitted by Officer Garrett Cloud was reviewed.

Moved By: Councillor Goldrick

Seconded By: Councillor Patton

“THAT Council accept the By-law Enforcement Report for September 2022 as submitted.” – Carried.

Council discussed on-going parking issues on the west side of Hagerty Road from Elgin Street to Gratton Street.

Moved By: Councillor Noe

Seconded By: Councillor Goldrick

“THAT Council authorize staff to proceed with eliminating on street parking on the west side of Hagerty Road from Elgin Street south to the north entrance to 22789 Hagerty Road.” – Carried.

2.6 CHIEF BUILDING OFFICIAL:

There were no building permits issued in August 2022.

3. COUNCIL MINUTES:

Minutes of the regular Council meeting held on September 12, 2022 were reviewed.

Moved By: Councillor Noe
Seconded By: Councillor Goldrick

“THAT the minutes from the regular Council meeting held on September 12, 2022 be approved as circulated.” – Carried.

4. **BUSINESS ARISING FROM THE MINUTES:**

1. Site Plan Control By-law – no update
2. Insurance Claim-Wind Damage – staff have submitted all documentation to insurance adjuster for review and are waiting for decision on claim; application to the Municipal Disaster Recovery Assistance through the Ministry of Municipal Affairs has been submitted
3. Entrance/Welcome Sign Repair – no update
4. Electric Vehicle Charging Station – Conditions of Offer/Approval to Proceed

Moved By: Councillor Patton
Seconded By: Councillor Noe

“THAT Council proceed with electric vehicle charging station and that the Clerk-Treasurer be authorized to sign the agreement with Middlesex County on behalf of the Village.” – Carried.

5. **CORRESPONDENCE:**

INFORMATION ITEMS

1. Steve Clark, Minister of Municipal Affairs and Housing – Public consultation in the land use planning process
2. CN – CN in your Community 2022 Report
3. County of Middlesex – County Council Meeting Highlights – August 30, 2022

6. **ACTION REQUIRED ITEMS:**

1. Municipality of East Ferris Police Services Board – requesting support for additional safety measures to protect students during drop off and pick up by school bus

Moved By: Councillor Noe
Seconded By: Councillor Patton

“THAT Council note and file the correspondence from the Municipality of East Ferris Police Services Board.” – Carried.

2. Municipality of Grey Highlands – requesting support to have speed fines increased for all levels of speeding

Moved By: Councillor Patton

Seconded By: Councillor Goldrick

“THAT Council note and file the correspondence from the Municipality of Grey Highlands.” – Carried.

7. FINANCIAL REPORTS:

1. Monthly Financial Report – September Financial Report not available

8. ACCOUNTS:

The Clerk-Treasurer advised that the revised listing of accounts had been circulated by email prior to the meeting. A copy of the listing with additions and changes to accounts highlighted.

Councillor Patton reiterated his pecuniary interest in item #8.48.

Moved By: Councillor Goldrick

Seconded By: Councillor Challis

“THAT Council approve the revised accounts totaling \$86,234.74 as presented.” – Carried.

9. (a) NEW & UNFINISHED BUSINESS

1. Water Connection Request – 1761 Concession Drive (outside user-Southwest Middlesex)

Moved By: Councillor Noe

Seconded By: Councillor Challis

“THAT Council approve the request for connection to the Newbury Distribution System for 1761 Concession Drive.” – Carried.

2. Noise Complaint Report

Council took no action on the Noise Complaint Report.

3. Winter Maintenance 2022-2023

Councillor Patton reiterated his pecuniary interest in item 9.(a).3., vacated his seat and left Council Chambers for the duration of discussion of this item.

Council reviewed the proposals from Patton Excavating for winter maintenance for the 2022-2023 season.

Option #1: per event pricing, 5% increase over 2021-2022 costs plus 20% fuel surcharge and \$500.00 per month standby pay from December 1, 2022 to March 31, 2023; includes clearing streets, parking lots and sidewalks; hourly rates are plow truck \$103.30/hour (7 hours), sidewalk machine \$85.40/hour (5 hours); bus stop salting \$150.00 each time. Hst in addition to all rates.

Option #2: seasonal price of \$18,000 inclusive of clearing streets, parking lots and sidewalks, salting bus stops and standby rate; to be paid in four equal payments of \$4,500 from December 1, 2022 to March 31, 2023. Hst in addition to all rates.

Moved By: Councillor Noe

Seconded By: Councillor Goldrick

“THAT Council accept Option #1 per event pricing as submitted by Patton Excavating for 2022-2023 Winter Maintenance.” – Carried.

proposal from Cloudpermit for building permit tracking

4. Coltsfoot Drive Roadside Maintenance Report

Moved By: Councillor Goldrick

Seconded By: Councillor Challis

“THAT the Council accept the quote from Dirt Devils in the amount of \$300.00 plus hst for maintenance work on Coltsfoot Drive road allowance.” – Carried.

5. Utility Locate Services Report

Moved By: Councillor Noe

Seconded By: Councillor Patton

“THAT Council accept the quote from Priority Locates of \$70.00 per hour for standard locate services and \$90.00 per hour for rush priority locate services plus taxes as applicable for municipal water and sewer locates for the Village of Newbury.” – Carried.

6. Seasonal Office Hours Report

Moved By: Councillor Goldrick

Seconded By: Councillor Challis

“THAT Council approve the following seasonal hours:

Monday, December 26, 2022 -Closed

Tuesday, December 17, 2022 -Closed

Monday, January 2, 2023 -Closed

as proposed.” – Carried.

7. November Council Meeting Report

Moved By: Councillor Noe

Seconded By: Councillor Challis

“THAT Council cancel the regular meeting scheduled for November 14, 2022.” – Carried.

8. Annual Christmas House Decorating Contest and Draws

Council had no objection to staff proceeding with the Christmas decorating contest and draws.

9. (b) OTHER BUSINESS:

Reeve Brewer thanked retiring Councillors Mike Noe, Ron Challis and Stacey Goldrick for their service to the community and time and efforts on Council. The Councillors reciprocated with thanks for Reeve Brewer's leadership.

10. CLOSED SESSION

Moved By: Councillor Noe

Seconded By: Councillor Patton

"THAT Council move to closed session with the inclusion of the Clerk-Treasurer under the authority of the Municipal Act, Section 239(2) (b) personal matters about an identifiable individual including municipal or local board employees; and (c) a proposed or pending acquisition or disposition of land by the municipality or local board at 7:25 pm." – Carried.

Moved By: Councillor Noe

Seconded By: Councillor Challis

"THAT Council rise from the closed session at 7:36 pm and resume regular session." – Carried.

11. RISE AND REPORT FROM CLOSED SESSION

Moved By: Councillor Challis

Seconded By: Councillor Patton

"THAT the decision to install a light at the back of the park be rescinded and that no light be installed until all risk management concerns can be addressed." – Carried.

12. BY-LAWS

1. By-law No. 18-22, being a by-law to adopt Amendment No. 14 to the Official Plan of Newbury

Moved By: Councillor Noe

Seconded By: Councillor Challis

"THAT By-law No. 18-22, being a by-law to adopt Amendment No. 14 to the Official Plan of Newbury be given first and second reading this 4 day of October, 2022." – Carried.

Moved By: Councillor Goldrick

Seconded By: Councillor Patton

"THAT By-law No. 18-22 be given third reading, taken as read, properly signed and sealed, and numbered 18-22, this 4 day of October, 2022." – Carried.

2. By-law No. 19-22, being a by-law to confirm the proceedings of the Council of the Village of Newbury

Moved By: Councillor Noe

Seconded By: Councillor Goldrick

"THAT By-law No. 19-22, being a by-law to confirm the proceedings of the Council of the Village of Newbury be given first and second reading this 4 day of October, 2022." – Carried.

Moved By: Councillor Patton

Seconded By: Councillor Challis

"THAT By-law No. 19-22 be given third reading, taken as read, properly signed and sealed, and numbered 19-22, this 4 day of October, 2022." – Carried.

10. ADJOURNMENT:

Moved by: Councillor Noe

Seconded by: Councillor Challis

"THAT the meeting be adjourned at 7:38 pm." – Carried.



REEVE DIANE BREWER



CLERK-TREASURER CATHY CASE

