

# The Corporation of the Township of Lucan Biddulph Council Minutes

**Present:** Mayor C. Burghardt-Jesson, Deputy Mayor D. Manders, Councillor D. Regan, Councillor P. Mastorakos and A. Westman

**Also Present:** R. Reymer-CAO/Clerk, T. Merner-Deputy Clerk, L. deBoer-Economic Development Coordinator, J. Little-Public Works Manager, K. Langendyk-Treasurer, P. Smith-Parks & Recreation Manager, D. Fitzgerald-County Planner

## Call To Order

Mayor C. Burghardt-Jesson called the meeting to order at 5:30 pm. The meeting took place electronically.

## Declaration of Pecuniary Interest & Nature Thereof

a. <u>Member</u>	<u>Item #</u>
Councillor P. Mastorakos	11 (g) Report No. EDC-04-2021 & EDC-05-2021

### Nature of Conflict

Owns investment property that could potentially benefit from the Community Improvement Plan and temporary medical office space

## 1/ Closed Session

*Moved by D. Regan*

*Seconded by A. Westman*

*Resolved that Council adjourn its regular meeting in order to conduct a closed session pursuant to Section 239 (2) of the Municipal Act for the purpose of litigation or potential litigation matters, including matters before administrative tribunals, affecting the municipality or local board.*

**CARRIED**

## 2/ Rise from Closed Session

*Moved by A. Westman*

*Seconded by D. Regan*

*Resolved that Council reconvene its regular meeting at 6:08 p.m.*

**CARRIED**

## 3/ Report from Closed Session

*Moved by D. Regan*

*Seconded by A. Westman*

*That Council support the revised 4-storey proposal from Brock Developments as per the discussion from the Closed Session of Tuesday, Apr 20, 2021.*

**CARRIED**

## Announcements

Like you, I imagine, I was disheartened by the Premier's announcement on Friday. All of us have our own particular areas of concern given our own individual likes and priorities. Some may see restrictions or new rules that don't make sense to us because they affect our personal concerns while we think others aren't being affected. It is important to remember that everyone is being affected and it is a burden that we all share, although it will show on us all in different ways. It is a big province and what makes sense in Toronto and the GTA on the surface may not make sense here. However, it has been made clear these last few weeks we are all connected by a fragile health care system and so we all must participate in maintaining it to ensure it is there when we need it.

As much as we look to government for answers, this is a time that our own personal accountability is essential for success. This virus is not going away. It will be a fact of life for the foreseeable future. The only assurance any of us have is a rise in vaccinations so that the spread slows. That rise is dependent on many things, largely out of our control.

I think it is safe to say we all share frustrations around many aspects of the pandemic. My frustrations may be different than yours but the one thing we can agree on is, constant judgement and scorn isn't doing anyone any good. When venting (and I do my share...ask my family), becomes anger our own personal mental health suffers. In connecting with friends, family, and residents, it seems the last week or so has been emotionally difficult, perhaps the worst week yet when dealing with a constant barrage of restrictions. As I have said many times, being physically distant does not mean being socially apart. Reach out to family and friends. Keep in touch, pick up the phone, or send a text. Should your mental health be challenged, please make use of the many community resources available. A personal self-check in to see how we are doing is a good idea. You may not even be aware of how the stressors have impacted you. It's been said: "At different stages in our lives, the signs of love may vary: dependence, attractions, contentment, worry, loyalty, grief, but at the heart of it, the source is always the same. Human beings have the rare capacity to connect with each other, against all odds." It may feel like we have a lot stacked against us, but find it in yourself to connect with people who are important to you.

In all my years in office I've trumpeted the strength and character of Lucan Biddulph across the province and I am here to tell you our community is unmatched. We have had many successes because of our character; Relay for Life, Baconfest, and of course Hockeyville. When called upon, you always do us proud. We need to channel that energy into the responsibilities before us now. It is that commitment and dedication to a greater good that will surely lead us to better days shining through..so with that in mind...I asked you for good news stories, and I want to thank you for sharing! Shout-outs and thank you's to the following community members.

To Sheena & Dave Clarke! Thank you for organizing a neighbourhood scavenger hunt. From what I understand it was a great success, all the while ensuring it was COVID safe. Your brightened up some kiddies and provided a fun, family friendly event.

To Ashlynn Read! You have taken it upon yourself to highlight and champion our local businesses during our initial 28 days of stay-at-home. It is so encouraging to see small businesses supporting other small businesses...that is what helps build community.

The residents of Granton have done a great job of raising money for their speed sign. It is gratifying to see during these challenging times. And I also understand all the garden plots have once again been spoken for.

Stay strong my friends...we are in the last leg of the race, we will get through this.

### **Public Meeting Under Planning Act, R.S.O. 1990, c.P.13**

#### **3/ Committee of Adjustment**

*Moved by A. Westman*

*Seconded by D. Regan*

*Resolved that the Council of the Township of Lucan Biddulph adjourn its regular meeting at 6:17 p.m. in order sit as a Committee of Adjustment under Section 45 of the Planning Act, R.S.O. 1990, as amended.*

**CARRIED**

#### **a) B-15-2020 and B-3-2021 – 33799 Stonehouse Line**

D. Fitzgerald, County Planner reviewed report no. PL-10-2021 and advised the purpose of the application B-15-2020 is to sever a surplus farm dwelling. He noted the application previously came forward to Council on December 15, 2020 and the applicant has since revised the application to reduce the hectares and provide proof of surplus farm dwelling qualification. D. Fitzgerald further noted the applicant has also applied for a Consent to establish an easement to accommodate the existing geothermal heating system which supports the residential portion of the lands.

No questions were received from Council.

The agent, Steve Thomas and his solicitor, Andrew Phillips participated and Mr. Phillips advised Mr. Thomas has now purchased the property and is satisfied with the planner's report and conditions presented.

The following public members participated:

#### **Henk and Annie vanden Berg**

Mr. and Mrs. Vanden Berg, raised concerns regarding the easement and the property changing hands in the future and how a discrepancy could affect future use of the agricultural land. D. Fitzgerald advised the easement runs in perpetuity with the land and it cannot be discharged, noting the easement will be registered on title to the lands naming the residential owner as the beneficiary.

No further comments were received.

**4/ B-15-2020 and B-3-2021 – 33799 Stonehouse Line**

Moved by D. Regan

Seconded by A. Westman

THAT consent application B-15/2020 and B-3/2021 for a surplus farm dwelling and servicing easement consent submitted by Steve Thomas, on behalf of Joan and Moray Watson for lands legally described as Lot 32, Concession 10, in the Township of Lucan Biddulph, County of Middlesex and known municipally as 33799 Stonehouse Line, **BE GRANTED**, subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act be issued within one year of the date of the notice of decision.
2. That the lands being conveyed be rezoned to a Surplus Dwelling (SD) Zone to permit their size and use for residential purposes.
3. That the lands being retained be rezoned to Agricultural (A3) Zone to prohibit any new residential use.
4. That the applicant confirms, to the satisfaction of the Township, that the septic system will be wholly contained on the lands being conveyed in accordance with Ontario Building Code requirements and that a 100 percent contingency area be shown to exist on same.
5. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of revised assessment schedule(s) for any municipal drain having jurisdiction in accordance with the Drainage Act, as amended, such costs to be paid in full to the appropriate engineering firm prior to submitting a registered copy of the transfer.
6. That the taxes on the subject lands are paid in full.
7. That the applicant's solicitor submits an Acknowledgment and Direction duly signed by the applicant.
8. That the applicant's solicitor submits an undertaking, in a form satisfactory to the Secretary-Treasurer, to register an electronic transfer of title consistent with the Acknowledgment and Direction and the decision of the Committee of Adjustment.
9. That the Owner enter into a severance agreement with the Municipality in order to advise future Owner(s) of the severed lot of Consent B-15/2020 of normal farm practices occurring in the area as outlined in the Farming and Food Production Act, 1998, as amended.
10. That the accessory building located on the severed lands be removed or altered in such a way, through a building permit, that it would no longer be suitable for housing livestock to the satisfaction of the municipal building department, thereby ensure no compliance issues with MDS.
11. That the accessory building be confirmed to meet residential standards outlined in the OBC, to the satisfaction of the CBO.
12. That a separate access be established for the farm parcel independent from that of the severed residential lands.
13. That an address be assigned and number erected for the retained agricultural parcel.
14. That the lands be transferred to Steve Thomas or named company under his care and control, thereby ensuring a farm consolidation occurs.
15. That two copies of the reference plan are submitted to the satisfaction of the Township and the Ministry of Transportation.
16. That any dug wells not in use on the property be removed to the satisfaction of the municipality.
17. That the hydro service, if required, be re-routed to be fully contained on the separate parcels of land.
18. That an address be assigned and number erected for the retained agricultural parcel.
19. Subject lands to have any/all concrete and construction debris removed and site to be confirmed to meet Tidy Yard By-law;

FURTHER THAT Consent B-03/2021 be 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 severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-03/2021 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.

4. That the Owners' solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.
5. That the Owners' solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the subject lands of Consent B-03/2021 be paid in full.

CARRIED

**b) B-2-2021 – 175 Stanley Street (Bast and Simons)**

D. Fitzgerald, County Planner reviewed report no. PL-12-2021 and advised the purpose of the application is to seek consent to sever a residential lot from the existing parcel of land with the effect of establishing a new residential lot that would accommodate a future single family dwelling. He noted comments from the Ausable Bayfield Conservation Authority were received after the report was written and the ABCA has advised they are not in support of the severance as a large portion of the land is contained within the flood plain and it would further fragment land. D. Fitzgerald further noted that ABCA advised that alternatively if Council permits the severance ABCA would apply a condition that the development is located outside of the flood plain area. D. Fitzgerald noted staff has consulted with the applicant and determined that there is sufficient land to building outside of the regulated flood plain area.

Discussion followed from Council regarding the cash-in-lieu of parkland fee requirement and the applicant's awareness of the condition imposed by the ABCA.

The applicant was in attendance but had no comments or concerns.

**5/ B-2-2021 175 Stanley Street, Lucan (Bast and Simons)**

*Moved by D. Manders*

*Seconded by A. Westman*

*THAT Application for Consent B-2/2021, filed by Michael Bast and Jodi Lynn Simons, to sever a portion of land with a frontage of approximately 18.28 metres (60 ft) along Walnut Street and an area of approximately 1213.9 square metres (0.3 ac), and the remnant with a frontage of approximately 46.87 metres (153.7 ft) along Stanley Street and an area of approximately 2000.2 square metres (0.49 ac), from a property legally described as Part of Lot 162, Plan 340, Part 2 of Reference Plan 33R8340, in the Township of Lucan Biddulph, County of Middlesex; **BE GRANTED** subject to the following conditions:*

1. That the Certificate of Consent under Section 53(42) of the Planning Act be issued within one year of the date of the notice of decision.
2. That the applicant pay any outstanding property taxes for the subject lands.
3. That the applicant pay \$1,000 cash-in-lieu of parkland dedication to the Township for the severed lot.
4. That the applicant enter into a development agreement with the Township, and that the agreement be registered against the title of the subject lands, which addresses amongst other matters, building envelope locations, lot grading and drainage that ensures conformity with the adjacent subdivision, entrance locations, all to the satisfaction of the Township.
5. That the conveyed lot be municipally serviced with all necessary permits obtained to achieve servicing.
6. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of revised assessment schedule(s) for any municipal drain having jurisdiction in accordance with the Drainage Act, as amended, such costs to be paid in full to the appropriate engineering firm prior to submitting a registered copy of the transfer.
7. That the applicant's solicitor submits an Acknowledgment and Direction duly signed by the applicant.
8. That the applicant's solicitor submits an undertaking, in a form satisfactory to the Secretary-Treasurer, to register an electronic transfer of title consistent with the Acknowledgment and Direction and the decision of the Committee of Adjustment.
9. That the applicant apply for a demolition permit for the accessory building and remove it from the lands prior to the issuance of a certificate of consent.
10. That the applicant be required to obtain a permit from the Ausable Bayfield Conservation Authority for the proposed development or provide the Township with notice from the Ausable Bayfield Conservation Authority that they are satisfied with clearance of this condition.

CARRIED

**c) A-2-2021 – 35025 Saintsbury Line (Bissonnette)**

D. Fitzgerald, County Planner reviewed report no. PL-09-2021 and advised the purpose of

the application is to seek permission to construct an accessory building within the front yard. He further noted the proposed building would be buffered from the road way by the existing established tree line. D. Fitzgerald advised no comments were received agencies of staff.

No questions or comments were received from Council or the Applicant.

**6/ A-2-2021 – 35025 Saintsbury Line (Bissonnette)**

*Moved by A. Westman*

*Seconded by D. Regan*

*THAT Application for Minor Variance A-2/2021; filed by Roy Bissonnette for a property located on the west side of Saintsbury Line and legally described as Part of Lot 17, Concession 4 S, in the County of Middlesex, Township of Lucan Biddulph, and municipally known as 35025 Saintsbury Line, to permit the construction of an accessory building in the front yard; be GRANTED, subject to the following condition:*

*THAT the permission to construct an accessory building in the front yard be limited to the area as shown on the attached site plan; and,*

*THAT the owner receives section 28 permit approval from the Conservation Authority in advance of building permit issuance.*

*AND FURTHER THAT the reasons for granting Minor Variance Application A-02/2021 include:*

- The request complies with the general intent and purpose of the Township of Lucan Biddulph's Official Plan;*
- The request complies with the general intent and purpose of the Township of Lucan Biddulph's Comprehensive Zoning By-law;*
- The request is minor in nature; and*
- The request represents appropriate development on the subject property.*

**CARRIED**

**7/ Adjourn Committee of Adjustments Meeting**

*Moved by P. Mastorakos*

*Seconded by D. Regan*

*Resolved that the Committee does now rise at 6:41 p.m. and reconvene its regular meeting to continue with its deliberations.*

**CARRIED**

**Delegations**

*Lindsay Brock, CEO Middlesex County Library*

*Leigh Robinson, Lucan Branch Supervisor*

*Doug Warnick, Parkhill Branch Supervisor*

*Josh Smith, Middlesex Library Community Navigator*

*Pauline Andrew, Manager of Social Services*

L. Brock began by noting that the Global Pandemic has challenged libraries to change service models. She introduced each member in attendance and the two brief topics to be presented.

L. Robinson and D. Warnick presented information regarding the MINDS Crisis Shuttle program which provides free transportation to youth in crisis to the CMHA crisis centre in London. This program is a collaboration between MINDS of London Middlesex, Middlesex Library and Star Taxi. L. Robinson noted the group continues to meet regularly to address any issues that arise and discuss funding and future goals.

J. Smith presented information on the recently added community navigator position within the Middlesex County Library. He noted the focus of this position is to provide supports related to homelessness and housing related services. He further added the service helps people in our County get connected with the proper resources such as youth programming, clothing and food supports, social service applications, mental health supports, community legal services, addiction services, birth certificate applications, housing services and employment.

Discussion followed regarding support for social housing and steps being taken to decrease wait times and promoting these services in our community.

**8/ Adoption of Minutes**

*Moved by A. Westman*

*Seconded by D. Manders*

*That the special council minutes of April 12, 2021 be approved as circulated.*

**CARRIED**

**Business Arising**

Mayor C. Burghardt-Jesson noted all items are on-going at this time.

**Correspondence**

Discussion took place regarding items 9.1 and 9.2 (k)

**9/ Endorsement of Support regarding Support for Fire Departments**

*Moved by P. Mastorakos*

*Seconded by D. Regan*

*Resolved that Council direct staff to send a letter of support regarding the Township of Hudson's request for support for fire departments.*

**CARRIED**

**10/ Endorsement of Support regarding Joint and Several Liability - Item 9.2 (k)**

*Moved by D. Regan*

*Seconded by A. Westman*

*Resolved that Council direct staff to send a letter of support regarding the Township of Zorra's endorsement of support for the Municipality of Tweed's call for reform and reconsideration of the Negligence Act, R.S.O. 1990, c N.1.*

**CARRIED**

**11/ Receive Communication Reports**

*Moved by A. Westman*

*Seconded by P. Mastorakos*

*That Items 9.1 through 9.2 (p) (Correspondence) be received for information.*

**CARRIED**

**Committee Reports**

**ABCA and UTRCA**

A Westman provided an update on a special meeting recently. He further noted conservation authorities are dealing with a lot of changes regarding permits for development along shoreline lands.

**PRAC**

P. Smith noted new members Amanda Morrison, Stephanie Ash and Ian Watson were welcomed at the recent Parks & Recreation Committee meeting. Council members further welcomed and thanked each member for the volunteer contribution in our community.

**Staff Reports**

**CAO/Clerk**

R. Reymer noted staff at the municipal office will be minimal in order to adhere to provincial regulations during the current lockdown orders.

R. Reymer provided an update on a recent meeting regarding the future Police Services Board requirements. Discussion followed regarding the proposed board representative composition and the proposal deadline of June 7, 2021.

**Finance**

K. Langendyk reviewed report no. FIN-06-2021 regarding the current reserve balances. She noted some reserves are discretionary, some are obligatory and some established due to legislation and can only be used for their specific purposes. She further noted the 2020 balances have not been audited as of this date. Discussion followed regarding targets for reserve funds and K. Langendyk noted the Township does have long financial goals set.

K. Langendyk reviewed report no. FIN-07-2021 and advised the budget to actual summary has been prepared to provide current financial standings and operating results. She further noted staff has been doing its best to minimize financial impacts of COVID-19.

**12/ Reserves Summary and Budget to Actual March 2021**

*Moved by D. Regan*

*Seconded by P. Mastorakos*

*That Council receive report no. FIN-06-2021 and FIN-07-2021 for information.*

**CARRIED**

**Planning**

D. Fitzgerald reviewed the Lucan Biddulph 2020 Annual Planning summary report. A significant

increase of planning applications was seen in 2020 with a total of 40 applications as opposed to 22 in 2019. D. Fitzgerald further noted Lucan Biddulph did receive two draft plan of subdivision applications in 2020. He further noted that based on aging population trends and demographics, planning policies will likely change in the future to accommodate.

**13/ 2020 Annual Planning Summary Report**

*Moved by D. Regan*

*Seconded by P. Mastorakos*

*That Council receives report no. PL-08-2021 for information.*

**CARRIED**

D. Fitzgerald reviewed report no. PL-11-2021 regarding site plan approval submitted by Vandermolten Homes to establish a 4-unit industrial building in Phase 1 of the Industrial Subdivision on the West side of Heenan Court.

**14/ SPA-1-2021 1005 Heenan Court (Vandermolten)**

*Moved by A. Westman*

*Seconded by D. Manders*

*That Council receives report no. PL-11-2021 and accepts the Planner's recommendation.*

**CARRIED**

***Public Works***

J. Little reviewed report no. HS-01-2021. He noted the Township has entered into a program with WSIB, namely the Health and Safety Excellence program and staff has prepared three statement policies which will go to departments heads for input and then Council for approval and adoption. Discussion followed regarding our existing policies and J. Overholt advised the Township currently has a health and safety program in place and this update program will work through a review and update of existing policies while encouraging engagement from staff on procedures in place.

**16/ Health and Safety Policy and Procedure update**

*Moved by A. Westman*

*Seconded by D. Regan*

*That Council receive report no. HS-01-2021 for information.*

**CARRIED**

J. Little provide a brief department update and noted there was a recent non-compliance at the Granton Sanitary Treatment Plant due to an increase in the monthly average of suspended solids in March. He noted this is not unusual during snow melt or large rain seasons and OCWA is looking into solutions to rectify this problem in the future.

***Parks & Recreation***

P. Smith gave a department update and note staff have been working hard to comply with provincial orders. He noted playgrounds and green space remain open, however tennis courts, skate parks, ball diamonds and soccer fields are closed. He further noted staff is hopeful recreational sports will resume this summer. P. Smith further advised they are having difficulty finding lifeguards for the pool and continue to try and recruit applicants.

***Economic Development***

L. deBoer advised Jessie McPhail has joined to present the final Community Improvement Plan document and Bylaws. Mr. McPhail explained the purpose of the Bylaws included for adoption noting there were some minor textural changes merited to the Lucan Biddulph Official Plan which is why an Official Plan Amendment is being brought forward. The Official Plan Amendment bylaw will then be sent onto County Council for approval.

**17/ Public Urbanism Report**

*Moved by D. Regan*

*Seconded by D. Manders*

*That Council receive report No. EDC-04-2021 for information;*

**CARRIED**

L. deBoer reviewed report no. EDC-05-2021 and advised staff have been working with Dr. Viguera to try and find future office space for her medical practice. She noted finding existing space that meets accessibility requirements has been difficult to find. L. deBoer advised staff has investigated options for a temporary mobile trailer space until Dr. Viguera is able to find a permanent location. Discussion followed regarding timelines involved and staff advised Dr. Viguera has been requested to vacate the existing building at 280 Main Street by the end of September 2021. It was further noted that Dr. Viguera has approximately 3 – 4,000 patients

and past Councils of Lucan Biddulph have invested in Doctors for our community.

**18/ Temporary Office Space for Dr. Mia Viguera**

Moved by D. Regan

Seconded by P. Mastorakos

That Council receive report no. EDC-05-2021;

And That Council direct staff to continue to investigate the cost of leasing and servicing of a

mobile trailer unit for the temporary use of Dr. Mia Viguera due to the loss of her current facility;

And Further That staff bring forward a summary of costs and a proposed leasing agreement with Dr. Viguera at the next Council meeting.

CARRIED

**Councillor's Comments**

Councillor Westman noted work has begun on the Granton community gardens. He further noted fundraising for radar signs in Granton has begun and support has been great and they are well on their way to raising enough funds for two radar signs for the Granton Community.

Mayor C. Burghardt-Jesson noted in honour of earth week and by pitching in to clean up in our community this week residents can share and enter a draw on social media for a chance at winning a local gift certificate. Councillor D. Regan noted he and residents will be cleaning up along Nicoline Avenue and the park this week.

**Notice of Motions**

None

**Motions**

**19/ Accounts Paid**

Moved by P. Mastorakos

Seconded by A. Westman

Resolved that the Council of the Township of Lucan Biddulph receive the attached accounts as paid for information, as follows:

March 2021	\$1,543,668.96
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CARRIED

**12/ Confirming**

Moved by D. Regan

Seconded by D. Manders

Resolved that if no one cares to speak to these By-laws on their First, Second and Third Reading, that they be considered to have been read a First time and Passed, read a Second time and Passed, read a Third time and Passed, that they be numbered:

- 27-2021 Designation of CIPA & Adoption of CIP
- 28-2021 OPA No. 9 – Community Improvement Plan
- 29-2021 Execution of Site Plan Agreement (Vandermolen)
- 30-2021 Confirming Bylaw

CARRIED

**21/ Adjournment**

Moved by A. Westman

Seconded by D. Manders

Resolved that the Council meeting be adjourned at 8:23 p.m.

CARRIED

  
MAYOR

  
CLERK