

# 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 6:00 pm. The meeting took place electronically.

## Declaration of Pecuniary Interest & Nature Thereof

None

## Announcements

Mayor C. Burghardt-Jesson opened regular council meeting with the following:

Today marks the easing of restrictions that we have recently been under. While we are currently considered to be in the "red" zone, the lifting of restrictions makes us all feel cautiously optimistic about moving forward. The hard work that the residents of Lucan Biddulph has been putting in is paying off. I think we can all agree, it has not been easy. As restrictions begin to ease, I would ask that our residents ease back into being out and about as well. We cannot get complacent, we still have to be mindful of how we go out. So continue to plan your strategy. If you are like me, you likely want to shop for something in person besides groceries! As our small business retailers and services begin to reopen to actually physical customers, now is a good time to encourage everyone in Lucan Biddulph to continue to support OUR retailers and services. Lucan Biddulph's small businesses, retailers and services have done such a great job pivoting to new business models in an effort to continue to keep their business going. Now that doors can be opened and appointments made, please find a way to support our businesses in our community.

On this note I would like to offer on behalf of Council, our congratulations to Lucan's Seelster Farms. They were recently named Canada's Top Breeder. This is an honour they have received four (4) times in 15 years. The Standardbred industry is a thriving industry in our area and we want to acknowledge Seelster's for this achievement and for continuing to invest in their operations in Lucan Biddulph.

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

### 1/ 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 6:03 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-1-2021 – 35098 Mitchell Line (John and Sandra Damen)

D. Fitzgerald, County Planner reviewed report no. PL-02-2021. He noted the application seeks to permit severance of a residence from the existing farm land for the purpose of disposing a residence surplus to a farm operation. He further noted the application represents a reverse residence surplus to a farm operation wherein the applicant would keep the residential lands and the farmland will be sold to a farmer who qualifies for a farm consolidation.

The Applicant, John and Sandra Damen were present to answer any questions but did not have any further comments to provide. The purchaser for the balance of the farm lands, Willem Bloemen was also present but did not provide any comments.

Mayor C. Burghardt-Jesson raised a question about a possible severance involving the farm lands in the past. D. Fitzgerald explained that while it is likely that did occur with a corner piece adjacent to the subject parcel it would have happened prior to implementation of the Planning Act and Provincial Policy Statement being in place. He further noted that today the generalized goal is to protect farm land and appropriate zoning is put in place to limit future residential parcels from being created.

**2/ B-1-2021 - 35098 Mitchell Line (John and Sandra Damen)**

Moved by A. Westman

Seconded by D. Manders

**THAT Application for Consent B-1/2021 filed by John and Sandra Damen, to sever a parcel of land for the purpose of disposing a residence surplus to a farm operation, having a lot frontage of approximately 50.0 metres along Mitchell Line and an area of approximately 1.0 hectares from a property legally described as Part of Lot 16, Concession 9, in the Township of Lucan Biddulph, County of Middlesex and known municipally as 35098 Mitchell 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. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of consent has been fulfilled.
2. That the lands being retained be rezoned to a Surplus Dwelling (SD) Zone to permit their size and use for residential purposes.
3. That the lands being conveyed be rezoned to 'Agricultural (A3)' zone to prohibit any new residential use.
4. That the applicant confirm, 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-1/2021 of normal farm practices occurring in the area as outlined in the Farming and Food Production Act, 1998, as amended.
10. That an address be assigned and number erected for the retained agricultural parcel.
11. That the land be transferred to Willem Bloemen of Bloemen Dairy, confirming that a consolidation has occurred.
12. That the retained accessory building must be confirmed by a professional engineer, or to the satisfaction of the Chief Building Official, to be suitable to support a residential accessory use. A building permit is required if any improvements are to be made.
13. That a building permit be required for the partial removal of the existing accessory building.
14. That the silo and barn be removed from the severed farm lands.
15. That two copies of the reference plan are submitted to the satisfaction of the Township.
16. That an MTO entrance permit is required to update ownership and define the use of the Highway 23 residential entrance and the Highway 23 agricultural field entrance.

CARRIED

**3/ Public Meeting**

Moved by D. Regan

Seconded by P. Mastorakos

Resolved that the Committee does now rise out and move into a Public Meeting at 6:16 pm under Section 34 of the Planning Act, R.S.O. 1990, as amended, to consider the following Zoning By-law Application.

CARRIED

**b) ZBA-3-2021 - 35098 Mitchell Line (John and Sandra Damen)**

D. Fitzgerald advised this zoning application is concurrent to the surplus farm dwelling severance application B-1-2021, to recognize the residential use associated with the lands, while prohibiting the construction of a new dwelling on the agricultural lands. The details of both applications were reviewed earlier in the meeting. No further comments from members or the public were received.

**c) ZBA-2-2021 – Block 103, Plan 33M-739, (2219260 Ontario Inc.)**

D. Fitzgerald reviewed report no. PL-03-2021. He noted the purpose of the application is to amend existing permissions in the residential zone for the purpose of establishing a 44-unit townhome development in the form of a vacant land condominium plan. He further advised that current zoning permissions permit development in the format of townhouse dwellings however to meet requirements of a vacant land condominium plan further reductions are required. D. Fitzgerald advised a site plan approval has been submitted for the development and is currently being evaluated. He also noted two public comments have been received in opposition of the development which are included in the report.

Discussion from the Committee members followed regarding concerns related to parking, traffic and availability at the local schools, snow removal, density of the development, traffic calming measures on Saintsbury Line leading into the development and repeat zoning applications in developments such as this particular one.

**4/ Adjourn Public Meeting**

*Moved by D. Regan*

*Seconded by A. Westman*

*Resolved that the Council of the Township of Lucan Biddulph adjourn the public meeting at 6:43 p.m. and reconvene its regular meeting to continue with its deliberations.*

**CARRIED**

**5/ ZBA-3-2021 - 35098 Mitchell Line (John and Sandra Damen)**

*Moved by A. Westman*

*Seconded by D. Regan*

*THAT Application for Zoning By-law Amendment ZBA 3/2021, for lands owned by John and Sandra Damen and legally described as Part of Lot 16, Concession 9, in the Township of Lucan Biddulph, County of Middlesex being located on the east side of Mitchell Line and municipally known as 35098 Mitchell Line, BE APPROVED and that the implementing By-law be forwarded to Township Council for consideration once a deposited reference plan has been provided to the satisfaction of the Township.*

**CARRIED**

**6/ ZBA-2-2021 - Block 103, Plan 33M-739, (2219260 Ontario Inc.)**

*Moved by D. Manders*

*Seconded by D. Regan*

*THAT Application for Zoning By-law Amendment ZBA 02/2021, filed by Dillion Consulting Ltd c/o Melanie Muir on behalf of 2219260 Ontario Ltd, for a property known legally described as Block 103, Plan 33M739, in the Township of Lucan Biddulph, in the County of Middlesex, to amend the 'site specific' Residential Third Density Exception Holding (R3-6-H) Zone, BE APPROVED, as the application satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; conforms to the Official Plans of both the Township of Lucan Biddulph and the County of Middlesex; satisfies the requirements of the Township of Lucan Biddulph Zoning By-law; and presents sound land use planning.*

**CARRIED**

**Adoption of Minutes**

**7/ Minutes**

*Moved by D. Regan*

*Seconded by P. Mastorakos*

*That the regular council minutes of February 2, 2021 be approved as circulated.*

**CARRIED**

**Business Arising**

All items were noted as ongoing. Councilor D. Regan noted the affordable housing item on the list and when a report may be coming back to Council regarding this topic. Members further commented on the term affordable housing and what the amount will be considering Lucan is a bedroom community to the City of London.

**Correspondence**

No questions or comments were received.

**8/ Receive Communication Reports**

*Moved by A. Westman*

*Seconded by D. Regan*

*That Items 9.1 a) through s) (Correspondence) be received for information.*

**CARRIED**

### **Committee Reports**

#### ***ABCA and UTRCA***

A. Westman advised annual general meetings for both conservation authorities are taking place this Thursday. He noted he will be attending the UTRCA meeting as he represents both Lucan Biddulph and Thames Centre on that board.

#### **Staff Reports**

##### ***CAO/Clerk***

R. Reymer reviewed report no. CAO-03-2021. He noted that based on recommendations from Nigel Bellchamber recently, formalizing some of our committee structures and format would be appropriate. R. Reymer suggested appointing the finance working group as a formal committee and dissolving the policy working group, as it was noted policy creation is a staff function and should not involve members of Council. R. Reymer further recommended agenda's and minutes be posted for all appointed Committee's.

Discussion from members followed regarding recommendations made from Nigel Bellchambers during the governance training recently provided to staff and Council, accountability and transparency and the validity of policies developed last year. R. Reymer advised no decisions were made at the working group stage and all policies were brought forward to Council for review and adoption. Members further noted the value in having working groups in the past however based on recommendations received believe it would be a step in the right direction to formalize the finance working group as an appointed Committee and make all agenda's and minutes available and accessible to the public on the Township website. R. Reymer further noted that with development of the new Township website there will be a designated point of reference for Committee information in future.

T. Merner advised an update to the appointment bylaw is included to add a recently appointed building inspector from Middlesex Centre. She further noted an email will be going out to members that will include a link to view the upcoming case management conference scheduled with LPAT on February 26, 2021.

##### ***Finance***

K. Langendyk reviewed report no. FIN-02-2021. She noted the purpose of the report is to outline the draft 2021 budget and give Council and the public a chance to review and submit comments or questions prior the formal Budget presentation scheduled for the March 2<sup>nd</sup> Council meeting. She further noted a deadline for submission of comments has been set for Thursday, February 25<sup>th</sup> at 4:30 p.m. Discussion followed regarding water meter installation and costs and expenses that are incurred and how that will be incorporated into the budget. It was further noted that the draft budget details would be posted through the website, social media and newsletter for the public to view.

##### ***Planning***

D. Fitzgerald reviewed report no. PL-04-2021. He noted the applicant has submitted for site plan approval to permit development of the lands known as 1020 Heenan Court with a four unit industrial building. D. Fitzgerald advised a site plan agreement is included which outlines a number of requirements pertaining to the development of the site.

#### **9/ SPA-3-2021 Colden Contracting Ltd. (1020 Heenan Court)**

*Moved by D. Regan*

*Seconded by D. Manders*

*Resolved that the Council of the Township of Lucan Biddulph receives report no. PL-04-2021 and accepts the planner's recommendation.*

**CARRIED**

##### ***Public Works***

J. Little reviewed report no. PW-04-2021. He noted ten bids were received with the lowest coming from Elgin Construction. Discussion took place regarding ensuring conditions of the tender are met and J. Little advised Dillon Consulting reviews the bid in detail to make sure it qualifies and a security deposit is also obtained.

J. Little provided a couple of verbal updates including a recent meeting with BM Ross Engineers regarding expansion of the Lucan Waste Water Treatment Plant and notice of the upcoming OGRA Virtual Conference taking place next week.

##### ***Parks & Recreation***

P. Smith reviewed report no. PR-02-2021 regarding the joint community reforestation project between Lucan Biddulph and Ausable Bayfield Conservation Authority. He noted ABCA was successful in their application for funding of Phase 1 of the project and the Township expects to

receive an answer from Tree Canada sometime in March with respect to funding for Phase 2 of the project. Mayor C. Burghardt-Jesson cautioned staff and Council that although grants are being received and applied for there will still be costs incurred as this type of infrastructure grows, i.e. entrance and parking.

P. Smith reviewed report no. PR-03-2021 regarding the Perfect Mind Booking software program for the parks & recreation department. He noted this will be a joint implementation project with North Middlesex and the efficiency reserve funds will be used to cover the costs.

P. Smith gave a verbal update regarding returning to the red zone of the COVID-19 response framework. Discussion followed regarding the ice situation and when it may possibly be reinstalled. P. Smith advised that once a formal contract is in place with the interested hockey development school a date for installation of the ice will be determined.

*Economic Development*

L. deBoer reviewed report no. EDC-02-2021 regarding a new hydro one community grant program. She noted that staff is recommending applying for the full grant of \$25,000 to purchase outdoor fitness equipment for community parks which would align with the Township strategic goals of providing community well-being.

**Councillor's Comments**

Councillor A. Westman commended the public works staff on snow removal and in light of the recent unfortunate events in Texas reminded members, staff and residents to have proper emergency kits prepared.

Councillor D. Regan inquired regarding an update on improvements to the Lucan entrance signs.

Councilor P. Mastorakos inquired regarding a presentation update from our insurance provider prior to the Township's annual renewal and an update regarding the health & safety excellence program and audit.

**Motions**

**10/ Accounts Paid**

*Moved by A. Westman*

*Seconded by P. Mastorakos*

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

*January 2021                      \$511,215.91*

**CARRIED**

**11/ Committee and Working Group Format**

*Moved by D. Regan*

*Seconded by D. Manders*

*That the Council direct staff to proceed with Option No. 2, 3 and 4 as presented in report no. CAO-03-2021 regarding Committee and Working Group format.*

**CARRIED**

**12/ Public Meeting Date for Draft 2021 Budget**

*Moved by A. Westman*

*Seconded by D. Regan*

*That Council receive this report no FIN-02-2021 for information;*

*AND FURTHER that Staff be instructed to schedule the formal public meeting for purposes of the 2021 budget for 5:30 p.m. Tuesday March 2nd, 2021 and publicize the public meeting via the Township webpage, social media and the electronic municipal sign at the municipal office; AND FURTHER that comments and questions from both council and the public in regards to the draft 2021 budget will be received by the Treasurer up to 4:30 p.m. Thursday February 25th, 2021.*

**CARRIED**

**13/ Frank Street Reconstruction**

*Moved by P. Mastorakos*

*Seconded by D. Regan*

**RESOLVED** That Council authorizes staff to accept the tender from Elgin Construction for the Frank Street Reconstruction project in the amount of \$763,717.71 including HST.

**CARRIED**

14/ Community Forest Restoration Project

Moved by D. Regan

Seconded by A. Westman

That Council direct staff to proceed with Phase 1 of the joint Community Forest Restoration project with Ausable Bayfield Conservation Authority, as presented by staff in report no. PR-02-2021.

CARRIED

15/ Perfect Mind Software

Moved by D. Manders

Seconded by P. Mastorakos

That the Council direct staff to proceed with implementation of the Perfect Mind Software utilizing efficiency funds up to \$12,000, as presented in report no. PR-03-2021.

CARRIED

16/ Hydro One Community Fund

Moved by P. Mastorakos

Seconded by D. Regan

That Council direct staff to apply for the Hydro One Community Fund for outdoor exercise equipment to be located throughout our park system as presented in report no. EDC-02-2021.

CARRIED

17/ 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:

- 12-2021 Appointment of Staff Bylaw
- 13-2021 Execution of Site Plan Agreement (Colden Homes)
- 14-2021 Confirming Bylaw
- 202-2021 ZBA Ridge Crossing Townhomes Phase 2

CARRIED

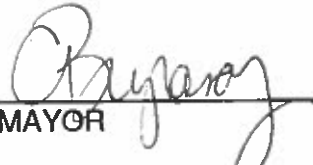
18/ Adjournment

Moved by A. Westman

Seconded by D. Regan

Resolved that the Council meeting be adjourned at 7:50 p.m.

CARRIED

  
MAYOR

  
CLERK