

The Corporation of the Township of Lucan Biddulph Council Minutes

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

Absent: T. Merner-Deputy Clerk and P. Smith-Parks & Recreation Manager

Also Present: R. Reymer-CAO/Clerk, D. Kester-Manager of Public Works, K. Langendyk-Treasurer, T. Loyens-Deputy Treasurer

Call To Order

Mayor C. Burghardt-Jesson called the meeting to order at 6:12 pm.

Declaration of Pecuniary Interest & Nature Thereof

Councillor P. Mastorakos declared a conflict of interest in regards to the Middlesex Federation of Agriculture (MFA) delegation and presentation as he is a member of the Ontario Federation of Agriculture (OFA), the parent organization to the MFA.

Public Meeting

The Mayor called the public meeting to order in regards to planning matters in accordance with the requirements under the Planning Act.

Ridge Crossing Rezoning (ZBA-3-2019) – Townhouse Development

Planner M. Bancroft reviewed the planning report for the rezoning application. The purpose of the application is to allow the construction of a single unit dwelling and townhouse dwellings which is otherwise not permitted under the current zoning. M. Bancroft noted an application for site plan approval has been submitted and is currently being evaluated for the development of 96 two-storey free hold units.

Mr. Bancroft reviewed the agency comments that were received with no objections noted.

The planning report recommended approval and that proper by-laws would be brought forward for passage once a proper legal description was submitted.

1/ ZBA-03-2019 - Approval of Planner's Recommendation

Moved by A. Westman

Seconded by D. Regan

Resolved that application for Zoning Amendment ZBA 03/2019, filed by Dillon Consulting Ltd. (Jason Johnson) on behalf of 2219260 Ontario Inc. (Vito Campanale) from a property legally described as Block 103 on Registered Plan 33M-739 (geographic Township of Biddulph) in the Township of Lucan Biddulph, BE APPROVED and that the implementing By-law be forwarded to Township Council for consideration once a deposited reference plan has been received.

CARRIED

Olde Clover Village Rezoning Application (ZBA-5/2019) & Part Lot Control Exemption (PLC-1/2019)

Mr. Bancroft reviewed his report regarding the proposed rezoning and part lot control exemption within the Olde Clover Village Subdivision. The purpose and effect of these applications are to subdivide a parcel of land into multiple lots and to rezone to support residential development in the form of single unit dwellings.

Mr. Bancroft noted that the ABCA had registered no concerns regarding these applications.

Councillor Regan inquired as to whether there should be any parkland dedication in this phase? Mr. Bancroft noted that parkland for the entire Olde Clover development was accounted for in Phase I of the subdivision.

Deputy Mayor Manders asked if staff look at traffic service capacity before this comes before Council? Mr. Kester replied that staff reviews these types of issues through the developer submitted engineering reports.

2/ ZBA-5/2019 & PLC-1/2019 - Approval of Planning Recommendation

Resolved that application for Zoning By-law Amendment ZBA-5/2019, filed by Development Engineering (Jason Ross) on behalf of 2161453 Ontario Inc. (Howard Culligan) from a property legally described as Block 30 on Registered Plan 33M-759 (geographic Township of Biddulph) in the Township of Lucan Biddulph, BE APPROVED and that the implementing by-law be passed;

AND FURTHER that application for Part Lot Control Exemption PLC-1/2019, filed by Development Engineering (Jason Ross) on behalf of 2161453 Ontario Inc. (Howard Culligan) from a property legally described as Block 30 on Registered Plan 33M-759 (geographic Township of Biddulph) in the Township of Lucan Biddulph, BE APPROVED and that the implementing by-law be passed once a deposited reference plan has been provided with a valid legal description for the proposed lots.

CARRIED

Earth Week

Mayor C. Burghardt-Jesson noted that this is Earth Week and reported that one of our younger residents, Ms. Kate Legg, has been collecting roadside garbage on her walks and directed Council to check out the story on the Township's Facebook page. The Mayor congratulated Ms. Legg on her initiative and hoped that this would be great example for others to follow.

Delegations/Presentation

Mr. Ed Lee and Mr. Jason O'Neil of the Middlesex Federation of Agriculture made a presentation to Council on behalf of the farming industry. The presentation outlined the MFA's mission and activities as well as the OFA's "guide for Municipal Councillors and Staff".

Mr. Lee and Mr. O'Neil asked that the additional money received by the Township through increased assessment levels of farmland be spent in the rural areas (road improvements). Assessment values have dramatically increased over the past few years and the MFA feels farmers are shouldering more of the tax burden as a result.

The Mayor noted that the County of Middlesex sets the farmland and managed forest tax rate and it remains unchanged at 25% of the current residential tax rate. The County usually fixes the rate for four years but in recognition of these presentations has agreed to look further at this issue over the course of the coming year.

Deputy Mayor Manders asked how the MFA supports farmers when it comes to animal rights activists like the recent break-in at Adare Pork? Mr. Lee commented that they need policing support to combat these types of activities.

The delegation exited the meeting at 6:50 p.m.

3/ Minutes

Moved by D. Regan

Seconded by D. Manders

That the regular Council Minutes of April 2, 2019 and the special meeting minutes of January 22nd, 2019 be approved as circulated.

CARRIED

Communications Reports

4/ Museum Month – Declaration

Moved by D. Regan

Seconded by A. Westman

RESOLVED:

May is Museum Month

May 1st to 31st, 2019

WHEREAS throughout our community, museums, art galleries, and heritage sites reflect our local history and culture and contribute to our development

WHEREAS this month provides an opportunity to increase awareness of our community's museums and celebrate the contributions these institutions make to quality of life, education, and economic development, and

WHEREAS museums, galleries, and heritage sites welcome visitors and tourists to our community, and

WHEREAS these museums, galleries and heritage sites are valuable resources for education and learning, and are important community hubs,

NOW THEREFORE The Corporation of the Township of Lucan Biddulph does hereby proclaim May 2019 as "May is Museum Month" in the Township of Lucan Biddulph, and encourage all residents and tourists to visit our local museums in May.

CARRIED

County Fire Inspection Services

Mr. Reymer updated Council on this issue. The County is proposing to continue providing fire inspection services but in order to continue there are a few legalities that have to be dealt with to ensure that they are operating under current legislation. This service has been in place through the County for upwards of twenty years. There is a draft motion by the County included in the Council package which seeks to ensure that the current practice of the provision of fire inspection services continues at the County level.

OPP 2019 Citizens Academy Application

A notice will be placed on the Township's Facebook page to publicize the fact that the OPP are looking for applicants for their "Citizens Police Academy".

Committee Reports

BRA

Deputy Mayor D. Manders indicated that they have an upcoming meeting.

CEDC

The Mayor reported that they have an upcoming meeting.

Staff Reports

CAO/Clerk

R. Reymer reviewed the proposed updated cell phone policy with Council. Councillor P. Mastorakos asked a number of questions in regards to the policies and whether or not they were all up to current legislative standards? Mr. Reymer indicated that staff are slowly reviewing all the policies with an eye to updating them to current standards but that with limited time and staff, it's a challenge. Mayor C. Burghardt-Jesson commented that we should look at this issue during budget deliberations to see if we have any capability of affording someone who could assist in this updating exercise.

Finance

K. Langendyk noted that the list of accounts as paid is included in the Council package and that her department continues to make good progress towards finalizing 2018 so that we can undertake the 2019 budget.

Public Works

Mr. Kester reviewed the two submitted tenders for the Coursey Line (Elginfield Road to William St.) and St. James Drive paving projects. The budget estimate for Coursey Line was \$495,000

and \$60,000 for St. James Drive. The submitted prices were as follows:

Lavis Contracting Co. Ltd.	\$441,242.40
Dufferin Construction	\$587,297.16

Both bids included HST.

A resident in the gallery, Mr. Albert Gilbert, was allowed to speak at this time. Mr. Gilbert voiced his concerns to Council in regards to gravel, dust and the height of the gravel roads after being built up over the years by the application of additional gravel.

Parks & Recreation

In P. Smith's absence, Mr. Reymer reviewed the proposed new rental rates at the arena and parks facilities.

Councillor's Comments

Councillor A. Westman advised that Pitch-In Day is scheduled for April 27th, 2019. He also reported that an anonymous donation had been received by the Granton Park Committee. A big thank-you to whomever made the donation.

Ms. Loyens commented on the "Welcome Letter" that gets sent out as a new resident package. The letter encourages homeowners to sign up for email distribution of water/sewer bills and sets out information regarding water/sewer information.

Mayor C. Burghardt-Jesson outlined a request from Victim Services asking for a lower rental fee for an upcoming human trafficking awareness seminar at the community centre. A discussion ensued about this request. Councillor P. Mastorakos commented that he may know a person/organization that may be willing to make an offsetting donation to cover the rental cost of the seminar.

Mayor C. Burghardt-Jesson reported that she recently attended the "teeny tiny summit" in Thames Centre and noted that it was a very worthwhile and informative session.

Mayor C. Burghardt-Jesson thanked the Fire Department for their quick action in regards to the recent fire at Hogtown Cycles and preventing it from spreading to other buildings downtown.

5/ Parks & Rec Fees – 2019/20

Moved by D. Regan

Seconded by A. Westman

That the council of the Township of Lucan Biddulph approves the Lucan Biddulph Parks & Rec Rates 2019/20 as presented.

CARRIED

6/ County Fire Inspection Service

Moved by P. Mastorakos

Seconded by D. Regan

WHEREAS:

- A. The upper-tier municipality, Corporation of the County of Middlesex, has managed/administered the fire inspections part of fire protection and prevention on a County-wide basis continuously since 1998 and Middlesex County Fire Prevention Officers/Assistants to the Fire Marshal have provided for fire inspections on a County-wide basis continuously since 2004;
- B. The upper-tier municipality, Corporation of the County of Middlesex, has managed/administered the provision of fire investigations on a County-wide basis continuously since 1998 and Middlesex County Fire Prevention Officers/Assistants to the Fire Marshal have provided for fire investigations on a County-wide basis continuously since 2004 on behalf of the Fire Marshal;
- C. The upper-tier municipality, Corporation of the County of Middlesex, has prepared, approved, and implemented the fire safety plans part of fire protection and prevention on a County-wide basis continuously since 1998;
- D. The upper-tier municipality, Corporation of the County of Middlesex, has managed/administered the emergency fire dispatch part of fire protection and prevention on a County-wide basis continuously since December 17, 2013; and
- E. The upper-tier municipality, Corporation of the County of Middlesex, has assisted each

of the local municipalities in Middlesex County, upon the request of the local municipalities in Middlesex County, with providing the public education part of fire protection and prevention since 1998.

Council for the Corporation of the Township of Lucan-Biddulph hereby resolves as follows:

Acknowledgment

1. Council acknowledges that:

- a. As a lower-tier and local municipality under the *Municipal Act, 2001*, SO 2001, Chapter 25, as amended or replaced (hereinafter, the "*Municipal Act*") and the *Fire Protection and Prevention Act, 1997*, S.O. 1997, Chapter 4, as amended or replaced (hereinafter, the "*FPPA*"), the Corporation of the Township of Lucan-Biddulph has default responsibility for fire protection and prevention services within its jurisdiction, pursuant to the *FPPA*; and
- b. Subsections 188-192 of the *Municipal Act* provide for a procedure by which all or a part of the fire protection and prevention powers/responsibilities of lower-tier/local municipalities may be transferred to an upper-tier municipality and pursuant to ss. 188(2) of the *Municipal Act*, a by-law under ss. 189(1)(a) of the *Municipal Act* prevails over any other act or regulation.

Confirmation

2. Council confirms:

Fire Inspections

- a. that it wishes to transfer the fire inspections part of its fire protection and prevention powers, including the enforcement and recovery of costs powers related to those responsibilities, to the upper-tier municipality, Corporation of the County of Middlesex. Such transfer includes the transfer of the fire inspection powers set out in ss. 18-27 of Part VI of the *FPPA*, the enforcement and recovery of costs powers associated with inspections set out in ss. 28-34 of Part VII and ss. 35-40 of Part VIII of the *FPPA*, and any fire inspection responsibilities or powers contained in any other applicable legislation, including but not limited to the responsibility to assess complaints and requests for inspections under ss. 2(1) and 3(1) of *Ontario Regulation 365/13: Mandatory Assessment of Complaints and Requests for Approval*, as amended or replaced (hereinafter, "*Regulation 365/13*");

Fire Safety Plans

- b. that it wishes to transfer the preparation, approval and implementation of fire safety plans part of its fire protection and prevention powers, to the upper-tier municipality, Corporation of the County of Middlesex and that it wishes for an individual County Fire Prevention Officer/Assistant to the Fire Marshal, as designated by the Corporation of the County of Middlesex, to continuously be appointed by the Ontario Fire Marshal as the Chief Fire Official for the purposes of approving fire safety plans for each of the lower-tier municipalities located in Middlesex County. Such transfer includes the power set out in Division B, Part 2, section 2.8, subsection 2.8.2, articles 2.8.2.1(1-8) of the *Fire Code O. Reg 213/07*, as amended or replaced (hereinafter, the "*Fire Code*"). The appointment as Chief Fire Official for the purpose of approving fire safety plans is in accordance with the definition of Chief Fire Official in the *Fire Code* and made pursuant to Division C, Section 1.1, Subsection 1.1.1, articles 1.1.1.1(1-2) of the *Fire Code*.

Emergency Fire Dispatch

- c. that the emergency fire dispatch part the fire protection and prevention powers of the lower-tier municipalities located in the County of Middlesex were transferred to the upper-tier municipality, Corporation of the County of Middlesex pursuant to Middlesex County By-law No. 6508 under the authority of subsection 189(1)(a) the *Municipal Act*, the preconditions of subsection 189(2)(a-c) of the *Municipal Act* having first been met.

Transfer of Fire Inspections and Fire Safety Plans

3. Council consents to the passing of a by-law by the upper-tier municipality, the Corporation of County of Middlesex pursuant to ss. 189(1)(a) of the *Municipal Act*, which:

Fire Inspections

- a. transfers the fire inspections part of the fire protection and prevention power of the lower-tier municipalities located in the County of Middlesex, including the enforcement and recovery of costs powers related to those responsibilities, to the upper-tier municipality, the Corporation of the County of Middlesex. Such transfer includes the transfer of the fire inspection powers set out in ss. 18-27 of

Part VI of the *FPPA*, the enforcement and recovery of costs powers associated with inspections set out in ss. 28-34 of Part VII and ss. 35-40 of Part VIII of the *FPPA*, and any fire inspection responsibilities or powers contained in any other applicable legislation, including but not limited to the responsibility to assess complaints and requests for inspections under ss. 2(1) and 3(1) of *Regulation 365/13*; and

Fire Safety Plans

- b. transfers the preparation, approval and implementation of fire safety plans part of the fire protection and prevention powers of the lower-tier municipalities located in the County of Middlesex to the upper-tier municipality, the Corporation of the County of Middlesex. Such transfer includes the power set out in Division B, Part 2, section 2.8, subsection 2.8.2, articles 2.8.2.1(1-8) of the *Fire Code*.

Fire Investigations

- 4. Council directs that fire investigations, as set out in s. 14, 16 and 17 of Part V of the *FPPA*, be exclusively carried out and administered by the Corporation of the County of Middlesex on behalf of the Fire Marshal;

Emergency Powers/Responsibilities

- 5. Council confirms that the emergency powers/responsibilities in ss. 15, 16 and 17 of Part V of the *FPPA* may be utilized by the Corporation of the Township of Lucan-Biddulph and the Fire Prevention Officers/Assistants to the Fire Marshal of the Corporation of the County of Middlesex where a risk of fire reasonably poses an immediate threat to life;

Public Education

- 6. Council confirms that the Corporation of the Township of Lucan-Biddulph may request the assistance of the Corporation of the County of Middlesex's Fire Prevention Officers with providing the public education part of fire protection and prevention found in s. 2(1) of Part II of the *FPPA* within the geography of the Township of Lucan-Biddulph but that the public education part of fire protection and prevention remains the jurisdictional responsibility of the Corporation of the Township of Lucan-Biddulph.

CARRIED

7/ Cell Phone & Mobile Device Policy

Moved by D. Manders

Seconded by D. Regan

RESOLVED that the Council of the Township of Lucan Biddulph adopt the following policy:
Policy No. 100-45-2019 (Cell Phone and Mobile Device Policy)

CARRIED

8/ Paving Tender – Coursey Line & St. James Drive

Moved by D. Manders

Seconded by A. Westman

RESOLVED that the Township of Lucan Biddulph authorizes staff to accept the Tender from Lavis Contracting Co. Limited in the amount of \$441,242.40 including HST for the supply of hot mix asphalt.

CARRIED

9/ Accounts As Paid

Moved by A. Westman

Seconded by D. Manders

RESOLVED that the Council of the Township of Lucan Biddulph approved the accounts, as listed identified below, as paid:

June 2018 – December 2018	\$11,217,768.00
January 2019	\$ 467,473.32
February 2019	\$ 289,469.92
Total	\$11,974,711.24

CARRIED

10/ By-Laws

Moved by D. Regan

Seconded by D. Manders

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:

- *ZBA 202-2019 (216453 Ontario Inc.)*
- *22-2019 Appointment By-law*
- *23-2019 Borrowing By-law*
- *24-2019 Confirming Bylaw*

CARRIED

11/ Adjournment

Moved by D. Manders

Seconded A. Westman

Resolved that the Council meeting be adjourned at 7:47 p.m.

CARRIED


MAYOR

CLERK