

# 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, T. Loyens-Deputy Treasurer, P. Smith-Parks & Recreation Manager

## **Call To Order**

Mayor C. Burghardt-Jesson called the meeting to order at 5:30 pm. The meeting took place electronically with the Mayor and CAO/Clerk in attendance at the Township office and all other attendees via electronic participation.

## **Declaration of Pecuniary Interest & Nature Thereof**

### **Announcements**

None

### **1/ In-Camera Session**

*Moved by D. Regan*

*Seconded by D. Manders*

*Resolved that Council adjourn its regular council meeting in order to conduct a closed session pursuant to Section 239 (2)(c) of the Municipal Act in regards to a proposed disposition of land, with R. Reymer, T. Merner, J. Little and L. deBoer remaining.*

CARRIED

### **2/ Rise from In-Camera Session**

*Moved by D. Manders*

*Seconded by A. Westman*

*Resolved that the Council does now rise out of closed session and Council reconvene its regular meeting at 5:55 p.m.*

CARRIED

### **3/ Direction from In-Camera Session**

*Moved by D. Regan*

*Seconded by A. Westman*

*Resolved that Council accepts the Agreement of Purchase and Sale presented by R. Reymer for the parcel legally described as Part of Lot 25, Concession 4, designated as Parts 1, 2 and 3 on Plan 33R-20790 in the Township of Lucan Biddulph, County of Middlesex.*

CARRIED

Staff was given further direction regarding a property matter.

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

### **4/ 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 6:00 pm in order sit as a Committee of Adjustment under Section 45 of the Planning Act, R.S.O. 1990, as amended.*

CARRIED

### **a) A-1-2020 – East side of Miller Drive, (Ridge Crossing)**

D. Fitzgerald, County Planner gave a review of Planning Report PL-10-2020 and advised the purpose and effect of the application is as follows:

- requesting minor variance for relief from comprehensive Zoning By-Law to permit a reduced rear yard setback to 5.35 metres and a reduction to 0 metres for a shared interior side yard setback for a deck

D. Fitzgerald advised that one comment was received from the public that was not in favour

of the application, a copy of which is included in the planning report.

No comments were received from the applicant at this time.

Questions from Committee Members were received regarding the condition included regarding a board fence, comments received from the public and the reason for a further minor variance request from the developer. D. Fitzgerald explained that the size of the units is not increasing and the necessity of the variance was based on a measurement mistake made by the Engineer's.

5/ A-1-2020 (2219260 Ontario Inc.)

*Moved by D. Regan*

*Seconded by D. Manders*

*THAT Application for Minor Variance A-1/2020; filed by Dillon Consulting Ltd. on behalf of 2219260 Ontario Inc. for a property located on the east side of Miller Drive and backing onto Saintsbury Line (County Road 47) and legally described as Block 4 on Registered Plan 739 in the Township of Lucan Biddulph; be GRANTED, subject to the following condition:*

*THAT the minimum rear yard setback reduction shall only apply to units 1 to 14 as shown on the attached site plan.*

*AND THAT a 1.8 metre board on board fence matching the fencing constructed along the northern property line be constructed the full length of the southern property line, adjacent to the existing single detached dwelling at 34153 Saintsbury Line.*

*AND FURTHER THAT the reasons for granting Minor Variance Application A-06/2020 include:*

*Reasons:*

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

**CARRIED**

**b) B-10-2020 – 6441 Whalen Line (Carroll)**

D. Fitzgerald, County Planner gave a review of Planning Report PL-09-2020 and advised the purpose of the application is to permit the severance of a residence for the purpose of disposing a surplus farm dwelling.

The applicant's agent, David Murray was available for participation. No comments were received from the applicant at this time.

Questions from Committee Members were received regarding the rezoning of the lands and the future use of the accessory building.

6/ B-10-2020 (Carroll)

*Moved by A. Westman*

*Seconded by D. Regan*

*THAT Application for Consent B-10/2020 filed by Devereaux Murray Professional Corporation on behalf of Ryan Wayne Carroll and Lynn Marie Cowdrey-Carroll, to sever a parcel of land for the purpose of disposing a surplus farm dwelling having a lot frontage of approximately 59.08 metres along Whalen Line and an area of approximately 0.82 hectares from a property legally described as Part of Lot 7, Concession North Boundary, in the Township of Lucan Biddulph, County of Middlesex and known municipally as 6441 Whalen 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 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 Exception (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-10/2020 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 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.
  12. That the Owner be required to dedicate lands up to 18 m from the centerline of construction of Whalen Line to the County of Middlesex for the purposes of road widening across the severed and retained parcels if the right of way is not already to that width.
  13. That two copies of the reference plan are submitted to the satisfaction of the Township.
- CARRIED**

**c) B-11-2020 – 142 Main Street (Radcliffe)**

D. Fitzgerald, County Planner gave a review of Planning Report PL-11-2020 and advised the purpose and effect of the application is to convey a parcel of land to enlarge abutting lands to the east; municipally know as 131 Francis Street, the effect of which would provide the abutting lands with an additional driveway to accommodate access and parking on the land.

The applicant's agent, Mike Radcliffe was available for participation. No comments were received from the applicant at this time.

Questions from Committee Members were received regarding the need for additional parking. D. Fitzgerald advised the applicant is seeking more parking to accommodate an additional residential unit in the dwelling.

**7/ B-11-2020 (Radcliffe)**

*Moved by D. Regan*

*Seconded by P. Mastorakos*

**THAT** Application for Consent B-11/2020 filed by Mike Radcliffe on behalf of Scott Dart, to sever a parcel of land for lot addition purposes having an area of approximately 90 m<sup>2</sup> (968.7 ft<sup>2</sup>) and legally described as Part Lot 206, Plan 188, 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 lands to be conveyed be merged in the same name and title as the adjacent lands to the east known municipally as 131 Francis Street to the satisfaction of the Township; and that subsection 50(3) or (5) of the Planning Act apply to any subsequent conveyances involving the enlarged parcel, and that any mortgages that may be required take into the account the parcel as enlarged.
3. 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.
4. That the taxes on the subject lands are paid in full.
5. That a deposited reference plan be provided to the satisfaction of the Township which provides a valid legal description for the lands to be conveyed.
6. That the applicant's solicitor submits an Acknowledgment and Direction duly signed by the applicant.
7. 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.

**CARRIED**

Mayor C. Burghardt-Jesson was absent due to technical difficulties during the vote for Application B-10-2020 and B-11-2020. Deputy Mayor D. Manders chaired the meeting during this time.

**8/ Public Meeting**

*Moved by P. Mastorakos*

*Seconded by A. Westman*

*Resolved that the Committee does now rise out and move into a Public Meeting at 6:30 pm under Section 34 of the Planning Act, R.S.O. 1990, as amended, to consider the following Zoning By-law Application.*

**CARRIED**

Mayor C. Burghardt-Jesson re-joined the meeting at 6:32 pm.

**d) ZBA-7-2020 – 6441 Whalen Line, Lucan - (Carroll)**

D. Fitzgerald, County Planner gave a review of Planning Report PL-09-2020 and advised the purpose of the application is to rezone the subject lands to recognize the residential use associated with the lands to be conveyed, while prohibiting the construction of a new dwelling on the lands to be retained consistent with the Provincial Policy Statement. He further noted the rezoning application also seeks to address a lot area deficiency for the lands to be retained. D. Fitzgerald noted a deposited reference plan to legally describe the lands will be required prior to passing of the zoning By-law.

No questions or comments were received from Council.

**9/ ZBA-7-2020 (Carroll)**

*Moved by P. Mastorakos*

*Seconded by A. Westman*

*THAT Application for Zoning By-law Amendment ZBA 7/2020, for lands owned by Ryan Wayne Carroll and Lynn Marie Cowdrey-Carroll and legally described as Part of Lot 7, Concession North Boundary, in the Township of Lucan Biddulph, County of Middlesex being located on the south side of Whalen Line and municipally known as 6441 Whalen 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**

**e) ZBA-9-2020 – 131 Francis Street, Lucan (Radcliffe)**

D. Fitzgerald reviewed report no. PL-12-2020 and advised the purpose and effect of the application is to amend the zoning of land from Residential First Density (R1) zone to the Mixed Use Residential (MUR) zone to accommodate the addition of another residential dwelling unit within the existing structure.

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

**10/ ZBA-9-2020 (Radcliffe)**

*Moved by D. Manders*

*Seconded by D. Regan*

*THAT Application for Zoning By-law Amendment ZBA 9/2020, filed by Mike Radcliffe on behalf of Jacob Radcliffe to rezone the lands from a Residential First Density (R1) Zone to a Mixed Use Residential (MUR) Zone for a property known municipally as 131 Francis Street, Lucan and legally described as Part Lot 207, Part 2 of Reference Plan 33R13399, Plan 188 in the Township of Lucan Biddulph, County of Middlesex, BE APPROVED and that the implementing By-law be passed forthwith.*

**CARRIED**

**11/ Adjourn Public Meeting**

*Moved by A. Westman*

*Seconded by D. Regan*

*Resolved that the Council of the Township of Lucan Biddulph adjourn the public meeting at 6:40 p.m. and reconvene its regular meeting to continue with its deliberations.*

**CARRIED**

**Delegations**

**a) Jennifer Kirkham, Consultant for the County of Middlesex**

Jennifer Kirkham attended to present the Middlesex Community Safety and Well-Being Plan (CSWB). She advised this is a plan required by the province and is being done as joint initiative by municipalities in Middlesex County. Ms. Kirkham advised the purpose of the CSWB is to identify risk factors within your municipality and outline strategies and

actions to improve community safety and well-being within communities. The province had originally mandated CSWB plans be completed by January 2021, however that deadline has been extended. Ms. Kirkham noted the County is on track for having this plan ready for 1<sup>st</sup> quarter of 2021 and is currently moving into Phase 3 of a 4-phase approach to development of the plan.

Discussion and questions followed from council regarding implementation and who is responsible, online survey response and participation and collaboration with other regions.

Mayor C. Burghardt-Jesson thanked Ms. Kirkham for the presentation at which time she exited the meeting.

**b) Sheila Hodgins, Lucan Area Heritage**

Sheila Hodgins attended and presented an update regarding Lucan Area Heritage and the Donnelly Museum. She noted a number of events have unfortunately been cancelled this year due to the COVID-19 pandemic. Mrs. Hodgins advised that although revenues have been sustainable the museum struggles to keep sustaining increases in wages and new members continue to be needed. Mrs. Hodgins advised the Museum is respectfully submitting a request of an additional \$5,000.00 support from the Township which would bring the total annual support contribution to \$20,000.

Discussion took place regarding recruitment of new members, grants received including student reimbursement, canvassing service clubs for donations and comparisons of financial support/investment in heritage from other municipalities. Mayor C. Burghardt-Jesson advised that the request for additional financial support will be brought forward during budget discussions.

Mayor C. Burghardt-Jesson thanked Mrs. Hodgins for her presentation and Mrs. Hodgins then exited the meeting at 7:31 p.m.

**Adoption of Minutes**

**12/Minutes**

*Moved by A. Westman*

*Seconded by D. Regan*

*That the regular council minutes of July 14, 2020 and special meeting minutes of July 24, 2020 be approved as circulated.*

**CARRIED**

**Business Arising**

Discussion took place regarding future development lands and the status of the comprehensive review. R. Reymer advised a meeting with council and our consultant Stewart Findlater will be taking place later next week to update council on the status and expectation going forward.

**Correspondence**

R. Reymer commented on the letter received from MMAH regarding recent changes to the Municipal Act, 2001. He noted Bill 197 will allow council to continue to meet virtually once declared emergencies are lifted and that amendments to the procedural By-law are required to permit continued virtual meetings once the emergency order is lifted. Discussion took place regarding options for electronic signatures of council members and investing in infrastructure to broadcast council meetings once they return to council chambers.

Councillor P. Mastorakos commented on the Notice of Subdivision received from Municipality of South Huron. D. Fitzgerald advised municipalities will be circulated when a Notice of Subdivision is taking place within certain boundary limits of adjacent municipalities. Discussion took place regarding possibility of shared service agreements in future regarding new developments in close proximity of our boundaries.

**13/ Receive Communication Reports**

*Moved by P. Mastorakos*

*Seconded by A. Westman*

*That Items 9 a) through 9 b) 18 (Correspondence) be received for information.*

**CARRIED**

### Committee Reports

#### *ABCA and UTRCA*

Councillor A. Westman advised there is an upcoming UTRCA meeting next week. He further noted content of meetings generally involve COVID-19 response and plans. He further noted that there are some budget implications due to COVID-19 however the conservation authorities feel confident same will not have an impact on its member municipalities.

### Staff Reports

#### *CAO/Clerk*

R. Reymer reviewed the COVID-19 Health and Safety training slideshow presentation that has been completed with managers and staff. He noted the training explains a number of tools including screening requirements, sign-in sheet for members entering the building, continuance of controlled entry for public entering and disinfection and log sheets in all municipal vehicles.

#### 14/ COVID-19 Health & Safety Training Presentation

*Moved by A. Westman*

*Seconded by D. Regan*

*That the COVID-19 Health & Safety Training report as presented by R. Reymer on August 11, 2020 be received for information.*

**CARRIED**

T. Merner reviewed report No. CL-06-2020 regarding proposed Human Resources policies. T. Merner advised that previous policies were forwarded to council as reference and a brief overview of changes made to each policy was presented. No questions or comments were received from council however discussion took place regarding the possibility of shared services of Human Resources and policy/procedure development in future. Staff agreed that a shared service for HR policies/procedures would be beneficial as most municipalities are working on similar policy updates and development.

#### *Finance*

Discussion took place regarding status of used holiday time of staff and bringing forward reports to Council in the fall for consideration of carry-over requests prior to year-end. R. Reymer advised most staff are using vacation time and he does not anticipate an issue this year.

#### *Public Works*

J. Little reviewed report no. PW-22-2020. He advised one bid package was received from BM Ross Engineers and the proposal met all requirements as outlined in the RFP. J. Little described the benefit of the Master Servicing Plant and how it will identify where expansions are needed for infrastructure such and sewer and water in order to keep moving forward with development in Lucan. He further noted the costs of this plan will be covered through Development Charges and the study is expected to be completed by January 2021.

J. Little gave a department update on items including, appointment of Drainage Superintendent to the Elginfield Drain, traffic light project status, Nagle Drive watermain project, damage and repairs completed as a result of the recent windstorm, recent water valve replacement on Nicoline Avenue and status of Phase 4 development in Olde Clover Village.

R. Reymer reminded council that a Ministry Delegation meeting with the MTO will be taking place during the AMO 2020 Virtual Conference next week to discuss our sand/salt storage arrangement.

Deputy Mayor D. Manders discussed concerns of standing water at the Townhomes site location in the Ridge Crossing subdivision. J. Little explained why the grade is lower at this time and noted that once the townhomes are completed and the grade is brought back up the water will flow properly towards Miller Street and the catch basins. J. Little further advised he will have a conversation with the developers for interim remedies at this time to address safety concerns.

#### *Planning*

D. Fitzgerald reviewed the included zoning bylaw amendment application no. ZBA-6-2020, 33318 Richmond Street. Site-Specific restrictions included in the bylaw were reviewed and discussion took place regarding with provincial policy and intensifications. D. Fitzgerald advised there is nothing limiting the land owner from coming back to council and requesting additional density on the site, however they will be required to re-apply and go through the public planning process for their request.

*Parks & Recreation*

P. Smith reviewed report no. PR-09-2020 regarding the agreement in place for use of the 3<sup>rd</sup> soccer field this season. He noted that although organized soccer did not take place this season, citizens continued to use the field for recreation purposes and the parks & recreation staff continued to cut grass and maintain the condition of the fields, therefore a formal agreement signed by the land owner and Township is recommended.

P. Smith reviewed report no. PR-10-2020 regarding the ice season and plant start-up and return to play guidelines. P. Smith noted that August and September are typically the hottest months of the year to operate and maintain the ice surface and staff has suggested installing the ice in middle to late September in preparation for an October season start. He further noted that dates could change based on discussions with user groups. Discussion took place regarding division of facilities within the community centre to adhere to COVID-19 guidelines and entrance and exit points in order to safely permit guests to and from locations of the building.

P. Smith gave some further department updates including a partnership with Early-On and some upcoming fun for kids to experience in our community, play it forward program, hogweed removal and early identification for next year and landscaping improvements that have been made to space surrounding the walking path adjacent to Campanale Way.

*Economic Development*

L. deBoer gave some updates including development of the mural next to Foodland, the Community Improvement Plan status, additional grants that have been received for the downtown core and the status of development of the new Township website. Discussion took place regarding the new Lucan welcome signs and poor visibility of the signs and attributes.

**Councillor's Comments**

Councillor D. Regan raised concerns of continued public safety and traffic on streets within our community. Discussion took place regarding traffic calming measures and how to incorporate these measures into new developments. J. Little advised this is an ongoing issue and staff will bring back a report on traffic calming measures and suggestions.

Councillor D. Regan advised of residents' concerns regarding new developments in Lucan where surveying is taking place and information is being relayed that the Township is unaware of. R. Reymer advised that unfortunately until draft plan of subdivision approval is applied for by developers, any presumptions made by municipal staff regarding the development of the land would be speculative at best.

Councillor P. Mastorakos advised of recent news where Lambton Shores received funding for transit services to and from London and if this is something Lucan Biddulph would be a candidate for. Discussion took place regarding the benefits of transit and a pilot program that Middlesex County is currently undertaking which will be started out of Municipality of Thames Centre. Mayor. C. Burghardt-Jesson noted that should the pilot program be successful expansion may take place in the County.

**15/ In-Camera Session**

*Moved by D. Regan*

*Seconded by A. Westman*

*Resolved that Council adjourn its regular council meeting at 9:19 p.m. in order to conduct a closed session pursuant to Section 239 (2)(c) of the Municipal Act in regards to a proposed disposition of land, with R. Reymer, T. Merner, J. Little and L. deBoer remaining.*

CARRIED

**16/ Rise from In-Camera Session**

*Moved by A. Westman*

*Seconded by D. Regan*

*Resolved that the Council does now rise out of closed session and Council reconvene its regular meeting at 9:38 p.m.*

CARRIED

Staff was given direction on a property matter.

**17/ Accounts Paid**

*Moved by A. Westman*

*Seconded by D. Regan*

*Resolved that Council receive the attached accounts as paid for information, as follows:*

*July 2020*

*\$941,047.82*

CARRIED

18/ MAP Course

Moved by P. Mastorakos

Seconded by D. Manders

That the Council of the Township of Lucan Biddulph authorize Abby Vandermuren to enrol in Unit 2 of the Municipal Administration Program offered through AMCTO for the Fall 2020 term at a registration cost of \$446.35 (including HST).

CARRIED

19/ HR Policies

Moved by A. Westman

Seconded by P. Mastorakos

That Council approves the proposed Human Resources Policies as listed in Report No. CL-06-2020 presented August 11, 2020;

AND THAT Council repeals policy no. 100-24-2004, 100-12-2004, 100-20-2004, 100-33-2004, 100-31-2004, 100-26-2007, 100-27-2009, 100-34-2004;

AND FURTHER THAT Council direct staff to review these policies and procedures on an annual basis based on changes in employment trends, economic conditions and legislation.

CARRIED

20/ Appoint Engineer – Elginfield Drain

Moved by D. Regan

Seconded by D. Manders

That Council appoint Spriet Associates London Ltd. under Section 4 (or 78) of the Drainage Act to prepare a drainage report for the requested work to the Elginfield Drain subject to the required 30 days' notice to the applicable Conservation Authority.

CARRIED

21/ Master Servicing Plan

Moved by P. Mastorakos

Seconded by D. Regan

That Council authorize staff to accept the BM Ross proposal for a Lucan Master Servicing Plan as presented in report no. PW-22-2020 on August 11, 2020.

CARRIED

22/ Confirming

Moved by A. Westman

Seconded by D. Regan

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

- 23-2020 Hodgins Drain By-law
- 24-2020 Casey-McCarthy Drain By-law
- 25-2020 Riddell-McCarthy Drain By-law

CARRIED

23/ Confirming

Moved by A. Westman

Seconded by D. Regan

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:

- 35-2020 Execution of Development Agreement (Finch and Simpson)
- 36-2020 Execution of Agreement (Soccer Field Lease – VanGeel)
- 37-2020 Confirming By-law
- 205-2020 ZBA (Radcliffe)
- 206-2020 ZBA (Verhoog)

CARRIED

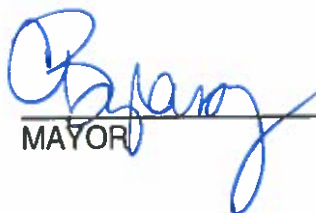
24/ Adjournment

Moved by A. Westman

Seconded by D. Manders

Resolved that the Council meeting be adjourned at 9:43 p.m.

CARRIED

  
MAYOR

  
CLERK