

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

| a. <u>Member</u> | <u>Item #</u> |
|-------------------------|---------------|
| Deputy Mayor D. Manders | 4 |

Nature of Conflict

Family member is an employee and position is on the salary grid

Deputy Mayor D. Manders further noted that he declared a pecuniary interest against Motion No. 10 from the December 1, 2020 Council meeting due to a family member being a Township employee.

1/ In-Camera Session

Moved by A. Westman

Seconded by D. Regan

Resolved that Council adjourn its regular council meeting in order to conduct a closed session pursuant to Section 239 (2)(b) of the Municipal Act in regards to personnel matters about an identifiable individual, including municipal or local board employees with R. Reymer and T. Merner remaining.

CARRIED

2/ Rise from In-Camera Session

Moved by D. Regan

Seconded by P. Mastorakos

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

CARRIED

Staff was given direction regarding a personnel matter.

Announcements

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

As of yesterday, Lucan Biddulph, the County and the City of London we are in the Red Zone. To put it quite bluntly, it sucks. I have heard from a number of residents and businesses who are deeply concerned on a variety of levels at where we are today. I share those concerns, but here we are. So we must continue to be vigilant and adhere to the restrictions.

I would ask at this time, as I have many times over the last months, to consider the mental well-being of neighbours and family members who may experience further isolation and heightened health problems because of how we are living. Holidays, in the best of times, always trigger stresses, on top of a pandemic well, we need to make sure we are looking out for others. Consider calling a neighbour to do a grocery run for them. Pick up an extra coffee and drop it off to a friend. Call someone just to chat. There are many community resources to assist those in crisis. Information and links can be found easily on our website and through many community resources. If we don't look out for each other...who will?

As this will be the last time we meet as council before the holidays, I want to extend to all of you, council, staff and our residents the very best for a blessed and meaningful holiday season. This year more than ever, whatever and however you celebrate take the time to celebrate and reflect

on all that is important all you are blessed to have and to experience. As challenging as this year has been, in some respects, dark, holidays both religious and secular do provide light in the darkness.

So from me to you, Merry Christmas and bring on 2021!

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 6:04 pm 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 – 33799 Stonehouse Line (Moray and Joan Watson)

D. Fitzgerald, County Planner reviewed report no. PL-24-2020. He noted the purpose of the application is to sever a farm dwelling from a 102.3 acre farm as deemed surplus by the applicant. He further noted the total acreage requested to be severed is 11.8 acres. D. Fitzgerald further commented on the analysis completed by staff and recommended the application be deferred until such time as the applicant provides proof that a farm consolidation is occurring and that the lands be reduced not to exceed the maximum permissible size of 1.0 hectare as required in the Surplus Dwelling Zone of the Lucan Biddulph Comprehensive Zoning By-law.

The Applicant, Moray Watson provided the following comments:

- a conditional offer for the property has been received and accepted however Mr. Watson will be proceeding with the application for Consent at this time;
- Mr. Watson reviewed the supplemental information that he provided on December 3, 2020 (copy of which is attached in report PL-24-2020);
- Mr. Watson noted his December 3rd submissions are intended to assure Council the application conforms with the County Official Plan, Township Official Plan and Provincial Policy Statement;
- Mr. Watson further noted he disagrees with the Planning the staff analysis and recommendation.

Discussion from the Committee members followed. Councillor A. Westman noted the applicant made some compelling arguments including 5 acres of the property being woodlot which is under protection of the County and would not be of any use for agricultural property and that the ponds on the property serve a purpose for storm water management and keeping water away from the basement of the dwelling. He further noted each consent application should be considered on a case by case situation. Further discussion from the Committee took place regarding how the size of parcel that is permitted for severance from the agricultural land is determined; the impact that a decision of this nature would have on planning decisions going forward; the benefit and option for an easement to address the underground heating source and concern of no identified purchaser for the retained agricultural land.

Comments from the public were received as follows:

Hugh and Krista Dietrich

- Mr. Dietrich noted he is against the request for severance of 11.8 acres
- Mr. Dietrich urged Council to be more restrictive rather than less when it comes to following provincial policy and noted Council should be very cautious when setting a precedent of this nature
- Mrs. Dietrich suggested it would make sense in future to not accept incomplete applications that do not meet minimum requirements
- Mr. Dietrich further noted that new minimum distances are created with each severance.

Henk and Annie van den Berg

- Mrs. Van den Berg advised they own land that is adjacent to the subject farm parcel;
- She noted a lot of farmers have woodlots therefore that should not be taken into consideration;
- Mrs. Van den Berg advised there are other possibilities such as drains to take water away from the house
- Mrs. Van den Berg noted their main concern is having such a big parcel in an

agricultural community and the potential that could impose in the future.

Steve Thomas and Laurie Lucas were called upon however no comments were received.

Mr. Watson provided further comments and noted the Planning Act and Provincial Policy Statement are not about protecting agricultural lands at all costs and the provincial interests are set out in the Planning Act and some conflict with each other. He further noted the A1 and A3 zones permit use for forestry and a surplus farm dwelling zone does not permit forestry use.

D. Fitzgerald further noted the lands are identified as a natural heritage feature and the lands are protected by the County of Middlesex Woodlands Harvest Bylaw which would require a permit in order to harvest forestry.

4/ B-15-2020 33799 Stonehouse Line (Moray and Joan Watson)

Moved by D. Manders

Seconded by D. Regan

*THAT consent application B-15/2020 for a surplus farm dwelling consent submitted by 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 DEFERRED** to provide an opportunity for the applicant to demonstrate that a farm consolidation is occurring and to limit the area of the proposed severance to the maximum permissible size in Lucan Biddulph's Comprehensive Zoning By-law's Surplus Dwelling Zone; and that the Planner provide a subsequent report for Council/Committee's consideration at a future meeting.*

CARRIED

5/ Public Meeting

Moved by A. Westman

Seconded by D. Manders

Resolved that the Committee does now rise out and move into a Public Meeting at 6:54 pm under Section 34 of the Planning Act, R.S.O. 1990, as amended, to consider the following Zoning By-law Application.

CARRIED

b) 39T-LB2002 and ZBA-10-2020 – Part Lots 27 & 28, Conc. 5, Lucan Biddulph (2219260 Ontario Inc.)

D. Fitzgerald reviewed report no. PL-23-2020. He noted the applicant is proposing a plan of subdivision encompassing parts of two separate blocks of land. The plan of subdivision would include the following:

- 177 building lots for single-detached dwellings (8.3 hectares);
- 1 Block for medium density residential, conceptually designed from 78 units (4.07 hectares);
- An extension of Gilmore Drive across Saintsbury Line
- 4 new roads – listed as Street A, Street B, Street C, and Street D;
- 2 blocks (Block 181, 182) for future road extension considerations;
- 4 blocks (Block 179, 180, 183, 184) representing a 0.3 metre (1 foot) reserve to restrict access to remnant lands outside of the proposed subdivision;
- 1 block (Block 185) for future consideration of an extension of a residential building lot.

The Applicant's agent Melanie Muir and Jason Johnson from Dillon Consulting advised they had nothing further to add but are available to answer any of questions.

Comments from Council members were received as follows:

- Concern of lack of green space offered;
- Concern regarding the comments provided by the Thames Valley District School Board. Councillor D. Regan added that a school helps make a sense of community;
- Current sewer capacity and whether there is enough to service this development. J. Little noted there is currently capacity available however not enough to service the entire development;
- Lack of storm water management ponds and concern for the logistics required to direct the storm water to the regional pond that is owned by the Township on Saintsbury Line;
- Lack of diversification of housing types, i.e. possible affordable housing options, bigger lots and one floor condominiums;
- Potential for design requirements to be incorporated into the development, i.e. spacing, street lighting, architecture;
- Concern for traffic calming measures and ensuring same is incorporated in the

- development;
- Concerns for snow removal in the medium density block;
- Inclusion of more requirements of trees in new developments.

Public comments were received as follows:

Gord, Joanne and Frank Hardy

- Mrs. Hardy noted they agree with all the comments made previously by Council;
- Mrs. Hardy further noted they are concerned with the water management and the impact it could potentially have on adjacent farming parcels;
- Mr. Frank Hardy noted he is concerned with how the water will go from the temporary storm pond to the opposite side of the road and that the current municipal drain is not large enough to handle excess water. J. Little noted it will follow the municipal drain that is currently there and engineering will determine the size and upgrades required to the drain;

Sheila Hodgins

- Mrs. Hodgins noted this development would surround her existing property;
- She noted her biggest concern is with traffic on Saintsbury Line;
- Mrs. Hodgins asked what the development timeline is? Mr. Jason Johnson noted the earliest development would begin is 2024 and the build-out would be based on market demand;
- Mrs. Hodgins noted a lot of seniors are looking for one-floor condominiums which would be suitable for the medium density block as opposed to 2 or 3-storey townhomes.

Pat Ryan

- Mr. Ryan noted he previously submitted written comments;
- Mr. Ryan noted he was pleased with Council's comments and is concerned with the density this development proposes and the loss of small town feel;
- Mr. Ryan noted urban policy design incorporated into this design would be beneficial;
- Mr. Ryan asked about the urbanization plans for Saintsbury Line;
- Mr. Ryan inquired about the process going forward and opportunity for future public review and input. D. Fitzgerald advised this meeting would fulfill the provincial planning requirement for the public meeting however the Township is still open to receiving comments and there will be a follow-up meeting where a report with recommendation will be presented. He further noted given the scale being proposed in this application a 2nd public meeting open house is likely.
- Mr. Ryan further relayed his concerns with esthetics and privacy for the houses that will back onto Saintsbury Line.

D. Fitzgerald noted that because this property is located on a County Road a noise study would form part of draft plan of approval and noise barrier requirements would most likely be required in terms of board fencing. He further noted that from a planning perspective he would rather see front lotting onto Saintsbury line, where the unit faces the street but access is retained through the rear of the property which would eliminate the need for individual access onto Saintsbury Line.

Mayor C. Burghardt-Jesson further noted accessibility issues and how minimum standards are changing which will need to be considered with new future sidewalks.

6/ 39T-LB2002 and ZBA-10-2020 – Part Lots 27 & 28, Conc. 5, Lucan Biddulph (2219260 Ontario Inc.)

Moved by D. Manders

Seconded by D. Regan

Resolved that Council accepts planning report no. PL-23-2020 as information.

CARRIED

7/ Adjourn Public Meeting

Moved by D. Manders

Seconded by A. Westman

Resolved that the Council of the Township of Lucan Biddulph adjourn the public meeting at 8:13 p.m. and reconvene its regular meeting to continue with its deliberations.

CARRIED

Mayor C. Burghardt-Jesson announced a 5-minute recess at this time.

Adoption of Minutes

8/ Minutes

Moved by A. Westman

Seconded by D. Regan

That the regular council minutes of December 1, 2020 be approved as circulated.

CARRIED

Business Arising

All items were noted as ongoing.

Correspondence

No questions or comments were received.

9/ Receive Communication Reports

Moved by P. Mastorakos

Seconded by D. Regan

That Items 9 a) 1 through 10 (Correspondence) be received for information.

CARRIED

Committee Reports

CEDC

L. deBoer gave an update on recent events including the Market Street lighting of the lights ceremony, the festive shop local event and campaign which were all well received by the community and businesses.

ABCA and UTRCA

Councillor A. Westman noted both conservation authorities are making their best efforts of informing the province they are against the proposed changes to the Conservation Act.

Parks & Recreation

P. Smith advised that the Parks & Recreation committee met on December 9th and provided a brief update of that meeting. He further noted one member, Mark Nixon has stepped down from the committee and thanked him for his contribution over the years.

Staff Reports

CAO/Clerk

R. Reymer advised that Middlesex-London region moved to red zone recently and encouraged Council, staff and residents to review the Middlesex London Health Unit website for details. He further noted local CAO's met recently and discussed large increases in insurance premiums that some are currently experiencing. R. Reymer further noted the holiday hours for the municipal office and some upcoming events being hosted by the County.

Mayor C. Burghardt-Jesson noted a local update from Middlesex County Warden and CAO will take place on January 14th at 7:00 pm and a round-table discussion meeting will take place on January 21st at 7:00 pm with a special guest scheduled to attend. Both meetings will take place virtually and Council and staff are invited to attend.

T. Merner reviewed report no. CL-11-2020 noting our current bylaw expires December 31, 2020 and staff is recommending an extension until the current state of emergency declared by the Township of Lucan Biddulph is lifted.

Finance

K. Langendyk reviewed report no. FIN-16-2020. She noted Lucan Biddulph has been allotted \$100,000 under for eligible special capital project funds under the COVID-19 Resilience Infrastructure fund and the deadline to apply for same is Monday, December 21st. She further advised staff is recommending Lucan Biddulph consider building a sand/salt storage facility which would be eligible under this stream of funding.

Planning

D. Fitzgerald advised a bylaw is included to implement the zoning amendment applied for by Catharina Malbrecht which was approved by Council earlier this year.

P. Mastorakos asked if the Township should be concerned with any proposed developments by Brock Developments in Lucan given the recent events of an unfortunate accident at a development site in London. D. Fitzgerald advised Lucan does have a proposal from Brock

Developments being considered in Lucan however there are no concerns at this time.

Public Works

J. Little reviewed report no. PW-36-2020. He noted a motion regarding a memorandum of understanding for emergency winter maintenance services is included which will support an arrangement between the County of Middlesex and lower-tiers for should COVID-19 affect the availability of staff for winter maintenance services this coming winter season.

Parks & Recreation

P. Smith reviewed report no. PR-16-2020 regarding potential wetland projects in our community. He noted the ABCA is applying for a \$30,000 grant through the Habitat Stewardship Program and is requesting partnership support from the Township of Lucan Biddulph of \$30,000.00. Discussion took place regarding the Canada Tree Grant recently applied for, where this money would be allocated from in the Budget and staff time availability to contribute to this project. P. Smith advised the \$30,000 would be contributed over 3 years and if successful the Canada Tree Grant would be \$10,000 which could be contributed to this project.

P. Smith provided some additional department updates including the effects of the recent announcement of London-Middlesex moving to the red zone within the provinces COVID-19 Response Framework. He noted Lucan Minor Hockey has decided to continue at this time. He further noted Granton Park Committee has advised they will be contributing \$4,500 to new playground equipment at the Granton Park.

Economic Development

L. deBoer gave a department update including the rural economic development Grant through OMAFRA, Mayor's Honour roll nominations and the Huron Shores transit system which includes a stop in Lucan located near the Lucan Medical Centre and is free for citizens up until January 10, 2020.

Councillor's Comments

Mayor C. Burghardt-Jesson unveiled a donation made to our community from artist, Andy Golay which will hang in the municipal office. She noted he has done murals for our community in the past and is pleased to donate this piece which commemorates the hundredth anniversary of the Battle of the Vimy Ridge on April 12, 1917.

Mayor C. Burghardt-Jesson mentioned a presentation given at County Council recently from Mark Brown on fragmites and how it provided information on how to get rid of fragmites.

Mayor C. Burghardt-Jesson provided information on a recent pilot project between the Lucan Library, County of Middlesex and Canadian Mental Health Association Elgin-Middlesex (CMHA) called MINDS which is geared towards supporting youths in mental health crisis. As part of this project youths in crisis will be able to access a Star taxi services free of charge to take them to the CMHA crisis centre in London.

Motions

11/ Accounts Paid

Moved by A. Westman

Seconded by D. Regan

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

| | |
|---------------|--------------|
| November 2020 | \$511,215.91 |
|---------------|--------------|

CARRIED

12/ Changes to Ontario's Conservation Authorities Act

Moved by A. Westman

Seconded by D. Manders

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act;

AND WHEREAS the legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications;

AND WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the Planning Act;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking

water;

NOW THEREFORE be it resolved:

THAT the Council of the Township of Lucan Biddulph is in support of the request from local Ontario Conservation Authorities that the Province of Ontario repeal Schedule 6 of the Budget Measures Act (Bill 229);

AND THAT the Municipal Clerk and Chief Administrative Officer be directed to submit correspondence to the Ministry of the Environment, Conservation and Parks regarding this request.

CARRIED

13/ Confidential Policy No. 101-20-2021

Moved by D. Regan

Seconded by P. Mastorakos

That the Council of the Township of Lucan Biddulph adopt the following Human Resources policy:

Policy No. 101-20-2021 (Confidential Salary Grid Policy)

CARRIED

14/ ICIP COVID Funding

Moved by D. Manders

Seconded by D. Regan

That the Council of the Township of Lucan Biddulph accepts the Treasurer's recommendation as presented in report no. FIN-16-2020.

CARRIED

15/ Emergency Winter Maintenance Services

Moved by D. Regan

Seconded by P. Mastorakos

WHEREAS

- A. In and around March 2020 a worldwide pandemic regarding the Novel Coronavirus 19 commenced ("COVID-19");
- B. On March 17, 2020, a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 (the "EMCPA") related to COVID-19;
- C. On March 17, 2020, a Declaration of Emergency was made by the County of Middlesex and each of the local municipalities within the geography of the County, being The Corporation of the Township of Adelaide Metcalfe, The Corporation of the Township Of Lucan Biddulph, the Municipality of Middlesex Centre, The Corporation of the Municipality of North Middlesex, The Corporation of the Municipality of Southwest Middlesex, The Corporation of the Municipality of Strathroy Caradoc, The Corporation of the Municipality of Thames Centre, and The Corporation of the Village of Newbury (the "Local Municipalities"), pursuant to section 4(1) of the EMCPA related to COVID-19 (the "Emergency");
- D. The upper-tier municipality, The Corporation of the County of Middlesex (the "County") and the Local Municipalities, due to the nature of the Emergency, wish to assist each other with winter maintenance upon request should the circumstances of the Emergency require it and the appropriate resources exist;
- E. The County and the Local Municipalities acknowledge that jurisdiction over any highway subject to this resolution remains that of the municipality which established the highway by by-law, but that the municipality providing the winter maintenance services is responsible for the services provided; and
- F. Where the term Claims is used in this resolution, "Claims" shall mean any claim, action, allegation, cause of action, loss, expense, costs (including legal costs), fine, penalty, liability, damages, interest, and/or judgment (including but not limited to, costs and expenses incidental thereto).

NOW THEREFORE:

1. The above recitals are true and the same are hereby incorporated into this Resolution.
2. County Council hereby authorizes each of the Local Municipalities to perform sanding, salting, snowplowing and/or winter patrol operations ("Winter Maintenance Services") on highways under the jurisdiction of the County, should the County Engineer or his or her designate, request such services at any time during the Emergency.
3. Township Council does hereby authorize Municipal staff to perform Winter Maintenance Services on highways under the jurisdiction of the county and/or a Local Municipality, at the request of the county and/or the Local Municipality, at any time during the Emergency, if in the opinion of the Public Works Manager, the municipality has sufficient resources to perform such work.
4. The municipality requesting Winter Maintenance Services will make best efforts to provide the municipality from which the services are being requested with twelve (12) hours written

- notice (includes e-mail) of the need for the provision of Winter Maintenance Services and for each request to specify, in writing, (a) the highways or portions of highways for which assistance is required; and (b) the length of time for which assistance is required.*
5. *Any Winter Maintenance Services provided by the county or any municipality within the geography of Middlesex County shall be provided for the whole width of the highway and in accordance with all applicable laws, including the "Minimum Maintenance Standards for Municipal Highways" established under Ontario Regulation 239/02 of the Municipal Act 2001, SO 2001, c 25, as amended or replaced, and the Ontario Traffic Manual, as amended or replaced.*
 6. *The county and/or the local municipality requesting assistance shall be responsible for all expenses incurred by the municipality performing the Winter Maintenance Services, save and except for the costs to repair any damage caused to a highway as a result of the Winter Maintenance Services, which shall be borne by the municipality performing the services.*
 7. *The county and/or the local municipality performing the Winter Maintenance Services shall be responsible and liable for Claims attributed to direct damages caused by its provision of Winter Maintenance Services and shall not be responsible, accountable or liable for any indirect, consequential or special damages as a result of performing Winter Maintenance Services.*
 8. *The Municipality does hereby release and agrees to indemnify, defend and save harmless the county and/or other Local Municipalities, their respective Councillors, officers, employees, legal counsel, and agents, from and against any Claims attributed to direct damages caused by its provision of the Winter Maintenance Services. The County shall not be responsible, accountable or liable for any indirect, consequential or special damages as a result of performing Winter Maintenance Services.*
 9. *This resolution comes into effect immediately upon its passing and expires at the earliest of the County repealing its Emergency Declaration of Emergency related to COVID-19 pursuant to section 4(1) of the EMCPA or April 15, 2021.*
 10. *In the event the county and/or a local municipality repeals its respective Declaration of Emergency related to COVID-19 pursuant to section 4(1) of the EMCPA, no Emergency Winter Maintenance Services will be provided to that municipality.*
 11. *Township Council may at any time, by resolution, terminate the authorization contained in this resolution.*

CARRIED

16/ Confirming

Moved by A. Westman

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:

- *58-2020 Face Mask By-law*
- *59-2020 Confirming By-law*
- *209-2020 ZBA (Malbrecht)*

CARRIED

17/ Adjournment

Moved by D. Regan

Seconded by P. Mastorakos

Resolved that the Council meeting be adjourned at 9:15 p.m.

CARRIED

Cathy Burghardt-Jesson

Ron Reymer

MAYOR

CLERK