

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: T. Merner-Deputy Clerk, P. Smith-Parks & Recreation Manager, L. deBoer-Economic Development Coordinator, K. Langendyk-Treasurer, Chief Building Official-A. Marsman, County Planner-D. Fitzgerald, Senior Planner-D. Vanderwerff

Call To Order

Mayor C. Burghardt-Jesson called the meeting to order at 6:00 pm.

Declaration of Pecuniary Interest & Nature Thereof

None

Announcements

Mayor C. Burghardt-Jesson congratulated Councillor A. Westman on an article featuring himself in last week's Middlesex Banner. The article was titled "Beyond your life as a Councillor" and highlighted the great stewardship work Mr. Westman does for our community.

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

1/ Committee of Adjustment

Moved by D. Manders

Seconded by D. Regan

Resolved that the Council of the Township of Lucan Biddulph adjourn its regular meeting at 6:02 pm in order sit as a Committee of Adjustment under Section 45 of the Planning Act, R.S.O. 1990, as amended, to consider the following Consent Application.

CARRIED

Mayor C. Burghardt-Jesson introduced and welcomed new Planner, Dan Fitzgerald who has been hired by the County of Middlesex Planning Department and assigned to represent Lucan Biddulph. She further introduced and welcomed County of Middlesex Director of Planning, Durk Vanderwerff.

a) B-1-2020 (Holland Farms Ltd.)

D. Fitzgerald, County Planner gave a review of Planning Report PL-02-2020 and advised the purpose and effect of the application is as follows:

- To permit the severance of a residence for the purpose of disposing a surplus farm dwelling
- 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 (PPS)
- The rezoning application also seeks to address a lot frontage deficiency for the lands to be severed.

He noted that appropriate conditions of consent have been included in the recommendation to satisfy the comments provided by the Chief Building Official, Arnie Marsman.

Mayor C. Burghardt-Jesson advised written comments were received from Paul Hodgins and submitted to staff and council via email.

Deputy Mayor D. Manders addressed a concern listed in the written comments received and noted previous severance examples that were not a straight lined severance. He further

noted a concern with condition no. 7 and the costs involved to satisfy same. Chief Building Official, A. Marsman explained that the owner would be required to obtain a building permit to demolish or alter the existing livestock building as per the requirements of the condition and before the permit is closed the owner would be required to sign an acknowledgment confirming livestock will no longer occupy the building.

Mayor C. Burghardt-Jesson asked the applicant for comments at this time.

Applicant, Ellen Holland advised there is currently livestock in the building. She further advised that water will be disconnected therefore the building will no longer be suitable for livestock. She further acknowledged they are aware of the costs involved and are happy to meet with the building department at the property to go through the buildings.

Councillor P. Mastorakos asked why council would consider steering away from the typical process of requiring that the buildings be removed. R. Reymer advised council has approved severances in past wherein the agricultural building(s) has remained. He further noted that in this particular instance the building is fairly new therefore a shame to demolish a perfectly good building that could be used for agricultural storage purposes. He added that council would be granting the applicant the option of altering the building or removing it completely.

Councillor P. Mastorakos asked if documentation would be retained noting the building is no longer suitable for livestock and A. Marsman advised the applicant would be required to sign-off on the change of use permit and this document would be retained permanently.

Mayor C. Burghardt-Jesson asked the planner to confirm that there is nothing in our surplus farm dwelling policy that stipulates severances must be completed with straight lines and D. Fitzgerald advised yes, that is correct. She further asked for confirmation that the address for the retained parcel would be off of Mt. Carmel Drive and D. Fitzgerald advised yes and that condition further satisfies the MTO.

Deputy Mayor D. Manders asked the applicant if they are aware of the approximate location of the septic system and Ellen Hodgins advised they believe the septic system is located to the west of the dwelling.

Mayor C. Burghardt-Jesson asked if any person in attendance wished to make any comments regarding the application and the following made oral submissions:

Eric Devlaeminck

Mr. Devlaeminck advised he is a neighbour to the south of the subject property and that to his recollection the septic tank is located on the south side of the dwelling, possibly in the field. R. Reymer advised a condition is included that the septic system has to be located wholly within the severed parcel.

No further comments were received from the public.

2/ B-1-2020 (Holland Farms Ltd.)

Moved by D. Manders

Seconded by D. Regan

*Resolved that Application for Consent B-1/2020 filed by Ellen Holland on behalf of Holland Farms Ltd.; to sever a parcel of land for the purpose of disposing a surplus farm dwelling having a lot frontage of approximately 33.27 metres along Richmond Street, a lot depth of approximately 215 metres and a lot area of approximately 0.83 hectares from a property legally described as Lot 6, Concession 1 (geographic Township of Biddulph) in the Township of Lucan Biddulph and known municipally as 35882 Richmond Street; **BE GRANTED** subject to the following conditions:*

- 1. That the Certificate of Consent under Section 53(42) of the Planning Act be issued within one year of the date of the notice of decision.*

2. That the lands being conveyed be rezoned to a Surplus Dwelling (SD#) Zone to permit their size and use for residential purposes.
3. That the lands being retained be rezoned to Agricultural (A3) 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-1/2020 of normal farm practices occurring in the area as outlined in the Farming and Food Production Act, 1998, as amended.
10. That the three grain bins and shop immediately behind (east) of the severed lot be removed and cleared of wood and concrete/rubble.
11. That the livestock building located on the retained lands east of the proposed severed lands be removed or altered in such a way, through a building permit, that it would no longer be suitable for housing livestock to the satisfaction of the municipal building department, thereby ensure no compliance issues with MDS.
12. That any residue of manure storage kept behind the existing barn be removed to the satisfaction of the Municipality.
13. That the water service to the farm buildings be removed to the satisfaction of the Municipality.
14. That the hydro service serving the farm buildings be re-routed off the residential parcel.
15. That the laneway to the farm building complex be disconnected from the laneway from the residential parcel.
16. That an address be assigned and number erected for the retained agricultural parcel.
17. That the site of the recently removed barn be confirmed to be clear of all debris and concrete from its recent demolition
18. That all existing entrances to the agricultural lands, other than the formal identified access of Mount Carmel Drive, shall be closed to the satisfaction of MTO.
19. That a new MTO Entrance Permit shall be applied for and obtained, which will specifically state the permitted use of the access connection as a "Residential Access" only, setting out all conditions of its' use to the satisfaction of MTO.
20. That the owner is required to convey to MTO by deed, free and clear of all encumbrances, a 0.3m reserve along the entire highway frontage of the retained parcel (north and south of the lands to be severed), as well as along the entire frontage of the lands to be severed, with the exception of the opening for the residential access connection. This reserve must be illustrated as parts on a reference plan. A draft of the transfer deed and certification of title conveying the parts to MTO must be submitted for our review and approval prior to being registered.
21. That two copies of the reference plan are submitted to the satisfaction of the Township and the Ministry of Transportation.

CARRIED

3/ Public Meeting

Moved by D. Regan

Seconded by A. Westman

Resolved that the Committee does now rise out and move into a Public Meeting at 6:25 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-1-2020 (Holland Farms Ltd.)

D. Fitzgerald, County Planner 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 (PPS).

No further comments were received.

4/ ZBA-1-2020 (Holland Farms Ltd.)

Moved by D. Regan

Seconded by D. Manders

Resolved that Application for Zoning By-law Amendment ZBA 01/2020, for lands owned by Holland Farms Ltd. and legally described as Lot 6, Concession 1 (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 provided to the satisfaction of the Township.

CARRIED

5/ Adjourn Public Meeting

Moved by A. Westman

Seconded by P. Mastorakos

Resolved that the Council of the Township of Lucan Biddulph adjourn the public meeting at 6:29 pm and reconvene its regular meeting to continue with its deliberations.

CARRIED

Delegations

a) Green Builders Award Presentation

Chief Building Official A. Marsman welcomed Blake Loyens on behalf of Riverstone Design & Build and Dane Vandermolen on behalf of Vandermolen Homes Inc. and recognized each for their participation in the township's Green Builder Recognition program. Both were presented with a plaque as an acknowledgment of using a certain amount of sustainable and efficient building practices and materials. Council and Staff congratulated both recipients and each exited the building thereafter.

Mayor C. Burghardt-Jesson permitted A. Marsman to present Staff Report BD-02-2020 at this time. A. Marsman reviewed the 2019 Year End Building and By-law Enforcement Summary and noted a few highlights including a new record of 85 new dwelling starts in 2019. He added that Lucan Biddulph is continuing to grow significantly faster than expected and we are fortunate to have a great group of home builders in our community. He further commented on the introduction of the electronic Permitting application, Evolve which started in 2019 and that Middlesex Centre and Lucan Biddulph were among the leaders in Ontario who took the leap and joined this program, which expects to triple in users by the end of this year.

No questions were received and A. Marsman exited the building at this time.

b) Development Charges Public Meeting Presentation

Lisa Courtney from B.M. Ross and Associates Limited Engineers and Planners presented the Development Charges presentation to the public. She advised this is the stage throughout the development charges process where we bring forward the

proposed development charges and seek input from the public. L. Courtney reviewed the presentation and advised the next step will be passing the draft bylaw at the March 17th council meeting. She further advised that there is a 40-day appeal period following passage of the bylaw.

Questions from council and staff were received including why our development charges are so different from others, soft services being eliminated and expected timing for community benefits bylaw information. L. Courtney advised development charges are a way to collect for future growth and that every 5 years this process is reviewed and each development charges study is independent from each other. In regards to soft services being eliminated from eligible projects, Mayor C. Burghardt-Jesson advised the province will have to advise what a community benefits charge is and until that time we can still collect for these services under development charges.

Mayor C. Burghardt-Jesson further reminded council and the public that while council can choose to decrease the recommended development charges they cannot increase the charge beyond what was identified in the background study report.

Mayor C. Burghardt-Jesson asked members of the public for oral submissions at this time, and the following submissions were made:

Steve Gould

Mr. Gould raised concerns with the recommended development charges (DC's) noting they are not enough to keep up with servicing new growth in our community. He further added there has been a steady incline of prices in the housing market and the home builder's are benefiting more while the DC's remain low. He further asked why council is not adding more projects to be included in the calculation of the DC's? L. Courtney advised there is no connection between housing prices and DC's. Mayor C. Burghardt-Jesson advised we are in the process of completing the necessary studies required for expansion of the sewage treatment plant, however until the studies are completed and a cost is forecasted for the expansion we cannot add it or any other projects to DC's which are not in the development stage. R. Reymmer further advised that once the cost is arrived at we can re-open the DC's at that time, which is the goal we are aiming towards. Mr. Gould further commented that Lucan is growing at an unprecedented rate and the facilities are not keeping up with growth. Council thanked Mr. Gould for his comments and input.

No further comments were received from the public.

L. Courtney advised that any changes to development charges process has to come from the province and they are in place as a way to level the playing field and let everyone know what they are paying for.

Mayor C. Burghardt-Jesson asked if the bylaw can be passed prior to March 17th and L. Courtney advised no due to a 60-day period required after the background study report was made available.

Mayor C. Burghardt-Jesson thanked L. Courtney for her presentation and comments and L. Courtney then exited the meeting.

Adoption of Minutes

6/ Minutes

Moved by A. Westman

Seconded by D. Regan

That the regular council meeting minutes of February 4, 2020 be approved as circulated.

CARRIED

Business Arising

Nothing new was added and no discussion took place.

Communications Reports

R. Reymer commented on the request received from the Middlesex London Health Unit regarding support for private applications for mosquito larviciding permits. He advised we have supported this in past and it is a way to treat standing water in the catch basins of communities.

Mayor C. Burghardt-Jesson noted the Medway Creek Open House invitation included which takes place on February 25th at Medway High school. Councillor D. Regan advised he will be attending.

Committee Reports

CEDC

L. deBoer advised that Cara Finn, Director of Economic Development for Middlesex County and Dan Fitzgerald, County Planner will be attending the March 25th EDC meeting to talk about the community improvement plan. She further encouraged council to attend to understand what community improvement plans are and the costs that are involved.

ABCA and UTRCA

A. Westman advised he and R. Reymer attended the regional MECP consultation on February 14th in London, Ontario, wherein Minister Jeff Yurke was in attendance. He noted the province is looking for input into the current situation with the Conservation Authorities (CA's) given the economic constraints they are facing and what the CA's core services should be. He advised attendees broke out into group sessions and shared their concerns regarding the funding cuts and essential services that CA's provide. R. Reymer further added that a major concern from developers was a lack of adequate mapping available from CA's.

Staff Reports

CAO/Clerk

T. Merner reviewed report no. CL-02-2020 regarding HR policy revisions and additions. She noted some changes made to the Respect in Workplace policy which replaces an existing policy from 2014 and further advised the Employee Code of Conduct is a new policy being proposed. She further noted that once these policies have been approved and adopted by council, a formal training session will be scheduled for council and staff with HR Practice Leader, Cindy McNair from Selectpath.

Councillor P. Mastorakos raised some concerns with the Respect in Workplace policy including procedures to be implemented and direction for employee's filing complaints should the complaint be directed towards their Department Manager or CAO. Mayor C. Burghardt-Jesson advised if the complaint is regarding the CAO then staff would most likely report to the Mayor or Deputy Mayor. Staff was requested to seek advice regarding this provision and the legal requirements and report back to council.

Public Works

In the absence of J. Little, R. Reymer reviewed the report submitted regarding the Roman Line Drain 2019 tender. He commented on the price difference between Van Roestel Contracting bid and others submitted and advised Van Roestel Contracting is new to the market and was eager to gain jobs and experience. He further advised that this drain project is a smaller project and our engineer does not sign off on the project until it is completed to their satisfaction.

Parks & Recreation

P. Smith reviewed his report submitted regarding revisions to the Municipal Alcohol Policy and reminded council it is important to note that the Liquor Licence Act regulations are still applicable above and beyond this policy. P. Smith reviewed changes made to the policy including addition of Special Occasion Permits (SOP) to the policy. Discussion took place regarding renters agreements, AGCO requirements for events hosting over 1,000 people and comments received from User groups regarding the revisions to the policy. P. Smith advised the User groups were in favour of the proposed changes and further noted that the Township will still be maintain a liquor licence therefore opportunity will still exist for smaller events to use

the Township liquor licence.

P. Smith advised that he and Councillor P. Mastorakos will be attending an upcoming risk management event at Conestoga College.

P. Smith advised the Lucan Junior C hockey team was recently eliminated during the play-offs and congratulated them on another great season.

Economic Development & Communications

L. deBoer reviewed her report regarding the Industrial Park lands and options for the Phase 2 parcel which is approximately 21 acres. She noted the financial benefits of selling the land as one parcel versus dividing it into smaller parcels and further noted that should council decide to try and sell the parcel as is, a record would be kept of anyone who inquires about smaller sized parcels to purchase. Discussion took place regarding real estate opinions, County Economic Development opportunities for advertisement, increased employment opportunities for our community should a larger investor purchase the site and price to market the land at. L. deBoer advised we can likely do the advertising within our existing budget and she would bring a report back to council with information and recommendation for the price per acre going forward.

Councillor's Comments

None

In-Camera Session

7/ 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)(d) of the Municipal Act in regards to employee negotiations and an identifiable individual, with R. Reymer and T. Merner remaining.

CARRIED

8/ 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 8:46 p.m.

CARRIED

Staff was given direction on a personnel matter regarding employee negotiations.

Motions

9/ Accounts Paid

Moved by A. Westman

Seconded by D. Regan

RESOLVED That the Council of the Township of Lucan Biddulph approve the accounts as paid, as follows:

<i>January 2020</i>	<i>\$625,003.68</i>
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CARRIED

10/ Mosquito Larviciding Permits

Moved by P. Mastorakos

Seconded by A. Westman

That the council of the Township of Lucan Biddulph supports local action by the Middlesex-London Health Unit to reduce the risk of West Nile Virus including, larviciding catch basins and other surface water locations within our jurisdiction and further directs staff to send a letter of support to the Ministry of the Environment and Climate Change indicating same.

CARRIED

11/ Roman Line Drain Tender

Moved by D. Regan

Seconded by P. Mastorakos

That the Township of Lucan Biddulph authorizes staff to accept the Tender for the Roman Line Drain 2020 from VanRoestel Contracting in the amount of \$28,345.00 excluding HST (\$30,435.00 including HST) plus a \$2,000 contingency.

CARRIED

12/ Confirming

Moved by D. Manders

Seconded by A. Westman

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:

- 04-2020 Official Plan Amendment (Great Escape RV)
- 05-2020 Confirming By-law
- 201-2020 Zoning By-Law Amendment (Great Escape RV)

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

- 63-2020 Stumpf Drain Branches 'E' and 'F' 2019
- 64-2020 Roman Line Drain 2019

CARRIED

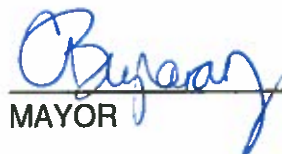
13/ Adjournment

Moved by A. Westman

Seconded D. Regan

Resolved that the Council meeting be adjourned at 8:50 p.m.

CARRIED


MAYOR


CLERK