

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

Call To Order

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

Announcements

Mayor C. Burghardt-Jesson opened the meeting by commenting on the Premiers announcement regarding the Phase 2 opening stage for communities. She added that with the Phase 2 announcement Lucan Biddulph recently opened the Splash Pad and cautioned residents that guidelines and restrictions are still in place which often pose challenges for businesses and municipalities, therefore please be patient as businesses try to re-open. The Mayor also noted that the municipality is still working on plans to open safely for our residents and employees and until we receive direction from the province and public health we cannot be 100% sure how to move forward.

Mayor C. Burghardt-Jesson commented on some good deeds that have come about in our Township recently and acknowledged Dr. Chris Cameron for his keen interest in the small businesses of our community and for encouraging residents to support local. She further recognized and thanked local residents Jana Bayer-Smith and Melissa Rinn for creating the Lucan Assassins of Kindness group which honoured and celebrated all the 2020 graduates of Lucan Biddulph. She ended by stating there are many good news stories out there and thanked all who make Lucan Biddulph a better place each and every day.

Declaration of Pecuniary Interest & Nature Thereof

<u>a. Member</u>	<u>Item #</u>
Councillor P. Mastorakos	4 (a) and (b)

Nature of Conflict

Owner of personal property within 50 metres and previous owner of subject property.

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

1/ Committee of Adjustment

Moved by D. Regan

Seconded by A. Westman

Resolved that the Council of the Township of Lucan Biddulph adjourn its regular meeting at 6:05 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-6-7-8-9-2020 - 318 Beech Street, Lucan - (Finch)

D. Fitzgerald, County Planner gave a review of Planning Report PL-05-2020 and advised the purpose and effect of the application is as follows:

- to convey four (4) parcels of land to support the development of three unit townhouse dwelling on separate freehold lots while establishing an access easement for a centre unit, as well as consolidating a parcel of land that backs onto an existing residential lot 322 Beech St.

T. Merner advised that additional comments were received from Ian Bell and Tim & Ashley Hagan, which were distributed to council in advance of the meeting.

Applicant, Adam Finch was available for participation. No comments were received from the applicant at this time.

Questions from Committee Members were received regarding cash-in-lieu of parkland dedication fees, rear yard fencing, interest in neighbours to purchase rear portion of lands and the provision of exclusion of accessory buildings/structures in the rear yard.

Mr. Finch advised each neighbour was approached regarding purchase of the rear portion of the property adjacent to their parcel and provisions for fencing would have to be approved by the ABCA.

D. Fitzgerald advised ABCA has stated the rear of the property is considered in the flood way therefore no accessory buildings or structures would be permitted.

Mayor C. Burghardt-Jesson asked if any person in attendance wished to make comments and the following were received:

Tim Hagan, 189 Gibson Crescent

- Mr. Hagan commented on the impact of a high density development to the neighbourhood.

No further questions or requests to participate were received from the public.

2/ B-6-7-8-9-2020 (Finch)

Moved by A. Westman

Seconded by D. Manders

*THAT Applications for Consent B-6/2020, B-7/2020, B-8/2020, B-9/2020 filed by Adam Finch on behalf of Adam Finch and Jason Simpson to sever four lots, of which one would have a frontage of approximately 8.55 metres (28.0 ft.) along Beech Street and an area of approximately 932.1 square metres (0.23 ac), the second a frontage of approximately 6.7 metres (21.9 ft.) along Beech Street and an area of approximately 512.6 square metres (0.12 ac) the third a frontage of approximately 8.54 metres (28.0 ft.) along Beech Street and an area of approximately 807.5 square metres (0.19 ac), and the fourth to be consolidated with the abutting property at Lot 4 ,Part 1 of Registered Plan 33R14060, municipally known as 322 Beech Street, with a width to match the existing frontage of approximate 10.0 m (32.8 ft.) and an area of approximately 278.8 square metres (0.06 ac), and establish a 1.5 metre access easement along the south boundary of the property into the middle severed property from a property legally described as Park Lot 4, Plan 220, being Part 3, Plan 33R-14060 in the Township of Lucan Biddulph, in the 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 applicant enter into a development agreement with the Township, and that the agreement be registered against the title of the subject lands, which addresses amongst other matters, building envelope locations, lot grading and drainage that ensures conformity with the adjacent subdivision, entrance locations, all to the satisfaction of the Township.*
- 3. That the lands to be conveyed for the purposes of establishing town house units be rezoned to a 'site specific' Residential Third Density Exception (R3-10) Zone to recognize a reduction to the minimum lot area, frontage, setbacks, and interior side yard setbacks provisions; to limit the number of residential dwellings to three (3) across the entirety of the property to be rezoned; and to prohibit the establishment of accessory buildings or structures in the rear yard due to the existence of a flood plain.*
- 4. That the lands to be conveyed and consolidated with Lot 4, Part 1 of Registered Plan 33R14060, municipally known as 322 Beech Street, be rezoned to a Residential Second Density (R2) Zone.*
- 5. That the applicant pay any outstanding property taxes for the subject lands.*
- 6. All lots are required to be serviced with all necessary permits obtained to achieve servicing.*
- 7. That the applicant pay \$3,000 cash-in-lieu of parkland dedication to the Township, being \$1,000 per lot to be severed.*
- 8. 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.

9. *That the applicant's solicitor submits an Acknowledgment and Direction duly signed by the applicant.*
10. *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.*
11. *That the applicant be required to obtain a permit from the Ausable Bayfield Conservation Authority for the proposed development.*

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 6:23 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-5-2020 - 318 Beech Street, Lucan - (Finch)

D. Fitzgerald reviewed the specifics of the recommendation with regards to the zoning of this application and noted the zoning is an integral part of Consent Application B-6-7-8-9-2020 to ensure any development within the area is outside of the flood plain.

No further comments were received.

4/ ZBA-5-2020 (Finch)

Moved by D. Manders

Seconded by D. Regan

THAT Application for Zoning By-law Amendment ZBA 05/2020, filed by Adam Finch on behalf of Adam Finch and Jason Simpson for a property known legally described as Park Lot 4, Plan 220, being Part 3, Plan 33R-14060 in the Township of Lucan Biddulph, in the County of Middlesex, to rezone a portion of the subject lands from a site specific Residential Third Density Exception (R3-1) Zone to a site specific Residential Third Density Exception (R3-10) Zone for those lands identified on Schedule "A" as (R3-10) and rezone a portion of the subject lands from a site specific Residential Third Density Exception (R3-1) Zone to a Residential Second Density (R2) Zone for those lands identified on Schedule "A" as (R2) to By-law No. 203-2020, BE APPROVED, as the application satisfies the requirements of the Planning Act; is consistent with the Provincial Policy Statement; conforms to the Official Plans of both the Township of Lucan Biddulph and the County of Middlesex; satisfies the requirements of the Township of Lucan Biddulph Zoning By-law; and presents sound land use planning.

CARRIED

c) ZBA-6-2020 - Block 29, Plan 33M759 - (Brock Development Group Inc. and Verhoog)

D. Fitzgerald provided a review of planning report no. PL-06-2020. He noted the applicant's intent if zoning is approved is to build a 5-storey luxury apartment building comprising of 51 units. He further noted the current zoning provision has a maximum height limit of 12 metres and the applicant is requesting an increase in the maximum height to 17.5 metres.

D. Fitzgerald noted that there were no concerns or objections received from the circulated agencies.

T. Merner advised that additional comments were received from the following and distributed to council in advance of the meeting:

- Jillian Bourne
- Don Oudekerk
- George Bowa
- Kelsey Bates-Hudson
- Brian Kelley
- Phylis U'Ren
- Marcus Johnston
- Bobbie Elliott-Johnston
- Chelsea & Steven Connor
- Tarin Pestowka
- Steve & Carolyn Truswell
- Walter Parkinson
- Michael Jacques

The applicant's agent, Michelle Doornbosch of Brock Development Group Inc. provided additional comments following the planner's presentation as follows:

- a concept plan was presented with outlines accommodating two 4-storey apartment buildings on the site which Ms. Doornbosch advised would meet current zoning and setback requirements
- a concept plan showing the proposed 5-storey, 51-unit building was presented noting this proposal makes better use of the space and has a 38 metre setback as opposed to a 10 metre setback which would result in two 4-storey buildings
- M. Doornbosch noted the appropriateness of use for this site was already assessed previously through the draft plan of subdivision approval process and there are very few properties that could accommodate the scale of this building and the green space and amenities that it would offer.

Mayor C. Burghardt-Jesson inquired if any Council Members have any questions regarding the application and discussion took place regarding how to prohibit the possibility of another building being constructed on the site; the term affordability and how this proposal is more likely an optional way of living rather than affordable living; the long term goals of the Township in regards to intensification; concerns of permitting this height and how this could essentially re-shape the vision for our community; how to lock the developer into to the proposed design and footprint; comparison to surrounding urban centres in our area for a building of this height; the need for rentals units in our community and how defensible the Township would be in the future should another application come forth to build an additional building on the site.

Middlesex County Director of Planning, Durk Vanderwerff gave a review of the process and timeline involved in updating the Official Plan, which is currently in the beginning stage. He further added updates to the Official Plan are required by municipalities every 5 years. Mr. Vanderwerff noted the next couple of months will involve background analysis and a public consultation and engagement which will aim to take place in the Fall of 2020. A draft document will then be provided with a goal of bringing forward a recommendation to council by the end of 2020. Mr. Vanderwerff advised the Official Plan will look at boundaries in Lucan Biddulph settlement areas and designations for future growth, including a balance of low, medium and high density development.

M. Doornbosch provided additional comments and advised her clients do not have any intentions to build any future buildings on this site and they are open to a site-specific zoning that would limit the possibility of future buildings.

Mayor C. Burghardt-Jesson asked if any person in attendance wished to make comments and the following were received:

Public Comments

Amir Shenouda

- Mr. Shenouda, developer of the Lucan Woods Condominium building on Butler Street noted it is important to respect the wishes of those in this community and take into consideration the character of the town and why people choose Lucan to live and raise a family in. Mr. Shenouda further commented that a 17.5 metre height building, being the first thing you see as you drive into town, will really set the tone of the community.

Richard Hudson

- Mr. Hudson asked if a 5-storey building is permitted, can the developer build two 5-storey buildings?

Zoey Ellis

- Ms. Ellis asked if the 17.5 metre height is not approved will the developer be proceeding with two 4-storey units?

Tessa Cherry

- Ms. Cherry asked council how they plan to restrict or limit the developer from turning the units into geared to income or subsidized units?

Richard Hudson

- Mr. Hudson asked if the applicant would need to withdraw its application and submit a new one to meet the site-specific provisions that council had discussed earlier in the meeting?

George Bowa

- Mr. Bowa noted he previously submitted a letter with his concerns and noted the following further comments:
- the Lucan Biddulph Official Plan provides a clear view of density, form and height limits for development within our community and this proposal does not take these points into consideration
- approval of this application would see a 75% increase in height for the original R3 zone and this building is not a small-scale apartment building as the official plan currently encourages.
- there was much confusion between a site plan the owners were showing residents when going door to door versus the site plan showed this evening with two buildings on the site.
- a petition to council was submitted and he urged council not to approve this proposal.

Zoey Ellis

- Ms. Ellis asked the developer what the applicant's plan is if this application is not approved.

Marcus Johnston

- Mr. Johnston advised he received in-correct information when asked to sign a petition and after speaking with the developers he would support the 5-storey building.

Brian Kelley

- Mr. Kelley advised he lives directly across from the subject property and supports the application

Mayor C. Burghardt-Jesson closed the public comments portion of the meeting at 8:10 p.m. and permitted further comments from council.

Deputy Mayor D. Manders raised concerns of the impact this approval would have on our whole community and noted that the planning and vision for our community should be addressed first. He further re-iterated his concerns with future development of this site.

Councillor P. Mastorakos noted the Official Plan document is a statement and advertisement for our community and currently we have advertised to buyers that 10 metre high buildings are the maximum you will see here. He further noted council has turned down previous requests to go higher, and cautioned council to consider what has changed with our vision.

M. Doornbosch added there are two things to consider when developing a site of this nature, planning being one and marketing the other and further noted that in order to market this building effectively, two parking spots per unit are necessary which can be satisfied accordingly with this site.

Mayor C. Burghardt-Jesson reviewed the next steps involved for this application and noted a recommendation from the planner will be brought forward at the July 14th council meeting. D. Fitzgerald advised that any further public comments will be received up until Friday, June 26th and can be forwarded to planning@lucanbiddulph.on.ca

5/ ZBA-6-2020 (Brock Developments)

Moved by D. Regan

Seconded by A. Westman

Resolved that the Council of the Township of Lucan Biddulph receives the planner's report no. PL-06-2020 as information.

CARRIED

6/ Adjourn Public Meeting

Moved by D. Manders

Seconded by D. Regan

Resolved that the Council of the Township of Lucan Biddulph adjourn the public meeting at 8:26 p.m. and reconvene its regular meeting to continue with its deliberations.

CARRIED

Delegations

None

Adoption of Minutes

7/Minutes

Moved by A. Westman

Seconded by D. Regan

That the regular council minutes of June 2, 2020 and special meeting minutes of June 9, 2020 be approved as circulated.

CARRIED

Business Arising

Mayor C. Burghardt-Jesson announced all items are ongoing at this time.

Communications Reports

RR Reymier advised the AMO annual conference delegation meeting request is open. Discussion took place regarding potential ministry delegation requests with the Ministry of Transportation and Ministry of Municipal Affairs and Housing.

Mayor C. Burghardt-Jesson mentioned the Middlesex Young Entrepreneurs Business contest and encouraged council to share.

8/ Receive Communication Reports

Moved by D. Regan

Seconded by A. Westman

That Items 8 a) through 8 b) xii. (Communications) be received for information.

CARRIED

Committee Reports

CEDC

L. deBoer gave an update regarding the Community Economic Development Committee and reviewed report EDC-03-2020. L. deBoer noted we received a full refund of our deposit from the Reklaws band scheduled for Baconfest 2020. Discussion took place regarding booking future bands and possible protection placed in the contract regarding deposits in future should circumstances change and we are restricted on large gatherings.

BRA

Deputy Mayors D. Manders advised there is an upcoming meeting this Thursday. Discussion took place regarding a request from Francis at Bluewater Recycling Association for support in the form a motion to be forwarded onto AMO and OMECP.

9/ BRA AMO resolution

Moved by D. Manders

Seconded by D. Regan

WHEREAS the amount of single-use plastics leaking into our lakes, rivers, waterways is a growing area of public concern;

WHEREAS reducing the waste we generate and reincorporating valuable resources from our waste stream into new goods can reduce GHGs significantly;

WHEREAS the transition to full producer responsibility for packaging, paper and paper products is critical to reducing waste, improving recycling and driving better economic and environmental outcomes;

WHEREAS the move to a circular economy is a global movement, and that the transition of Blue Box programs would go a long way toward this outcome;

WHEREAS the municipality is a member of the Bluewater Recycling Association which has been providing the Blue Box program for the last 30 years to its member municipalities;

WHEREAS the Blue Box program is one of many resource management services that is part of an integrated system that the Association provides the municipality;

WHEREAS the Township of Lucan Biddulph is supportive of a timely, seamless and successful transition of Blue Box programs to full financial and operational responsibility by producers of packaging, paper and paper products;

AND WHEREAS the Association of Municipalities of Ontario has requested municipal governments with Blue Box programs to provide an indication of the best date to transition our Blue Box program to full producer responsibility;

THEREFORE BE IT RESOLVED THAT the Township of Lucan Biddulph would like to transition their Blue Box program to full producer responsibility April 1, 2024, preferably at the same time as all the other Bluewater Recycling Association.

AND THAT this decision is based on the following rationale:

1. 2023 is too close to the Provincial and Municipal election to plan a seamless transition.

2. *January of any year is our busiest time of the year in terms of volume and the weather is not always cooperative making it the worst time of the year to transition.*
3. *April 1, 2024 date is more suitable if a new service provider is taking over as it removes the uncertainties associated with weather events and our busiest holiday season (January) and our seasonal residents are captive.*
4. *The recycling service is integrated (co-collection) with the waste collection service in most areas serviced with the same truck at the same time which may be substantially impacted by the transition.*
5. *The Municipality is part of a cooperative which has invested substantial capital resources that need to be optimized and considered as part of any new system.*

AND THAT the Township of Lucan Biddulph through the Bluewater Recycling Association would be interested in providing collection, processing, marketing, and other services to Producers should we be able to arrive at mutually agreeable commercial terms.

AND FURTHER THAT any questions regarding this resolution can be directed to Ron Reymer, CAO at 519-227-4491 or reymer@lucanbiddulph.on.ca and Francis Veilleux, President of the Bluewater Recycling Association at 519-228- 6678 or francis@bra.org

AND FURTHER THAT the resolution be forwarded to the Association of Municipalities of Ontario and the Ontario Ministry of the Environment, Conservation and Parks.

CARRIED

Lake Huron

Mayor C. Burghardt-Jesson gave an update on the meeting attended last week including discussion regarding their master water plan.

ABCA and UTRCA

Councillor A. Westman advised of upcoming meetings and gave an update on the gradual opening of service amenities with the Conservation Parks. He noted details of what is currently open is available on the conservation authority websites.

Canada Day

L. deBoer gave an update on a few things taking place in the community regarding Canada Day, including the Mayor's decoration challenge and virtual celebrations.

Staff Reports

CAO/Clerk

R. Reymer gave an update on operations of the municipal office and noted the front door remains closed to the public, however appointments are available for residents requiring assistance.

T. Merner reviewed report no. CL-03-2020. She noted revisions that were made to the Respect in Workplace policy within the reporting procedure. Discussion took place regarding the complaint form attached, the employee code of conduct and a possible whistle blower clause, as well as complaints in relation to the code of conduct. C. Burghardt-Jesson advised the policy working group could discuss a possible whistle blower policy upon its next meeting.

Finance

K. Langendyk reviewed report no. FIN-09-2020 and noted upon her review she does not recommend extending financial relief measures past June 30th.

10/ Accept K report as presented

Moved by P. Mastorakos

Seconded by D. Regan

Resolved that the Council of the Township of Lucan Biddulph accepts report no. FIN-09-2020.

CARRIED

K. Langendyk noted the Tax Rate Bylaw is included to set the 2020 final taxes as discussed during budget deliberations.

K. Langendyk gave a department update noting they are currently working on finishing the 2020 audit and a formal report will be coming forward at the next meeting regarding recommended projects to fund using the efficiency money received last year.

Public Works

J. Little reviewed report PW-17-2020. Discussion took place regarding the difference between the quotes submitted and the reasons for recommending the tender be awarded to Finch Chevrolet.

J. Little gave some department updates regarding paving project start date for Coursey Line, traffic light project, Nagle Drive watermain progression, and investigation regarding a water leak in Granton.

Deputy Mayors D. Manders inquired about the deal that has been in place with the MTO regarding use of the salt shed on Roman Line and discussion took place regarding the end date of our arrangement. J. Little noted MTO has advised they would prefer we find alternative arrangements prior to the 2024 end date.

Parks & Recreation

P. Smith gave an update from his department and noted he will be attending a return to hockey framework session and he and Abby continue to work with the health unit to develop possible programming that can be offered in our outdoor spaces. P. Smith further noted the Splash Pad is now open and thanked residents for their patience with the opening.

Councillor's Comments

Comments from council were received regarding the recent roundtable discussion hosted by Warden C. Burghardt-Jesson with Minister Steven Clark in attendance; zoom technology and the benefits that have resulted with use of this program and congratulations to all involved in the recent successful food drive.

Motions

11/ Adopt Policies

Moved by D. Regan

Seconded by A. Westman

RESOLVED that the Council of the Township of Lucan Biddulph adopt the following HR policies:

- Policy No. 101-01-2020 (Respect in the Workplace – Harassment and Violence)*
- Policy No. 101-02-2020 (Employee Code of Conduct)*

And further that Council repeals the following policy:

- Policy No 100-36-2010 (Respect in the Workplace)*

CARRIED

12/ Accounts Paid

Moved by A. Westman

Seconded by D. Manders

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

<i>May 2020</i>	<i>\$346,537.60</i>
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CARRIED

13/ RED Grant Application

Moved by P. Mastorakos

Seconded by D. Regan

RESOLVED that Council direct staff to formalize the RED grant application and allocate \$8,584.50 from CEDC reserves.

CARRIED

14/ Truck Tender – Public Works Department

Moved by A. Westman

Seconded by P. Mastorakos

RESOLVED that Council direct staff to proceed with the purchase of a 2021 Chevrolet Silverado from Finch Chevrolet in the amount of \$36,478.00 plus HST.

CARRIED

15/ Confirming

Moved by D. Regan

Seconded by A. Westman

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:

- 27-2020 Tax Rate By-law*
- 203-2020 Zoning Bylaw Amendment (Finch)*
- 28-2020 Confirming By-law*

CARRIED

16/ Adjournment


Moved by D. Manders

Seconded A. Westman

Resolved that the Council meeting be adjourned at 9:51 p.m.

CARRIED


MAYOR



CLERK