

The Corporation of the Township of Lucan Biddulph Council Minutes

Present: Mayor C. Burghardt-Jesson, Deputy Mayor D. Manders, Councillor D. Regan,

Also Present: R. Reymer-CAO/Clerk, T. Merner-Deputy Clerk, L. deBoer-Economic Development Coordinator, J. Little-Public Works Manager

Absent: Councillor P. Mastorakos and A. Westman

Call To Order

Mayor C. Burghardt-Jesson called the meeting to order at 6:02 pm.

Declaration of Pecuniary Interest & Nature Thereof

None

Announcements

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

Today, the Province of Ontario along with the County of Middlesex declared an Emergency. Following this, the Township of Lucan Biddulph called our Community Control Group together which is activated during emergencies. The Group consists of the Mayor, Deputy Mayor, Senior Staff, Fire Chiefs and representatives from EMS, County, OPP and Health Unit. At the meeting today, it was agreed that the Township would follow the Province and County and declare an emergency as well. What does this mean? The provincial law that allows municipalities to declare emergencies gives them broadly defined powers to deal with the crisis. The Emergency Management and Civil Protection Act allows municipalities that have declared emergencies to undertake actions and make orders that are needed to ensure the protection of life, civil order and property during the emergency. Please be assured that declaring an emergency does not stop the business of the municipality. Our staff will continue to work to ensure the business of the day continues. Appropriate modifications to workplace environments etc., have and will continue to be made as required.

Our staff has been taking necessary steps to protect the health of our residents in Lucan Biddulph. Residents have been kept informed daily, if not more frequently, of the current status of closures, alerts and general public information from the Province and the Middlesex-London Health Unit. We have dedicated newsletters that have been mailed out as well as social media posts. We have added a new section on the website dedicated to COVID-19 information.

Currently, the Lucan Community Centre is closed to the public and all programs and camps have been cancelled. The Township Office, while the doors are locked as a screening mechanism, is open. I am encouraging you to think about why you need to go to the Township Office. Can your question or concern be addressed through a phone call or email? We have a drop box for payments to be received and if you haven't already, we do have options for you to make payments via online banking. If you are unsure how to do that, please call the office and our staff will be able to help you with that. If after all this consideration, you still believe you need a face to face meeting, please schedule an appointment if need be. Our day to day services will continue being provided such as building permits, public works, outdoor maintenance and administrative services. The business of Lucan Biddulph will not stop.

We are continuing to work with the Middlesex-London Health Unit, County of Middlesex and our neighbouring municipalities to ensure that we are all providing the most up to date information to our residents and to determine how we can do our part in reducing the impact on our communities during this crisis that is facing not only our community, province, country but the world as a whole.

It is important to remember that this is an ever evolving situation. Today is today and decisions are made as such. We have to have faith in our Public Health Officials. Announcements made in the morning could well be out of date by the afternoon. Our Communications Officer, Lisa deBoer is doing her best to keep up to date with the constant barrage of information. Please keep this in mind as you watch social media for updates.

I want to acknowledge and thank our residents and businesses for all stepping up to look after one another even when enduring hardships of their own through a very stressful and uncertain time. While uncertain, it is not a time to panic. We have been assured our supply chain is well managed. We will have food, we have medications and we will have toilet paper. Please remember, our Foodland, our

Lucan Drug Mart, our Clarke's can only manage so many items. Reconsider hoarding and bulk buying. If you are going out of groceries and necessities, please consider reaching out to your neighbours or a senior you might know to see if you can pick up what they require.

While social distancing is the new norm—I want to encourage our residents as long as it is possible and safe to do so, please support our local businesses during this time. They are not only small business owners but employers as well. They have families that depend on our support.

I want to thank our staff for working many hours over the weekend and evenings to keep us and our community safe and informed. Residents should know that without question, our staff from our CAO to our part-time workers have adjusted and contributed in ways to ensure that business continues and the environment we are in is safe.

"The two most powerful warriors are patience and time." It would seem to me that this quote from Leo Tolstoy from War & Peace is quite fitting for the time we find ourselves in. I do not believe we will be out of this anytime soon. We must have patience; we must give this time. It is not all dire though. We can go back to the basics—play games, enjoy a walk, pick up the phone or face time with friends. You can still watch out for one another. A friend of mine reached out to me earlier this week and suggested that I think of this as another Hockeyville experience. Our community can...and will...rise to the occasion. The party will be different, but I believe we will be stronger for it. Just as long as we continue to wash our hands.

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 6:07 pm in order to 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 announced that Planner, Dan Fitzgerald has joined us by telephone to present his report.

a) B-2-3-4-2020 (1525020 Ontario Inc.)

D. Fitzgerald, County Planner gave a review of Planning Report PL-03-2020 and advised the purpose and effect of the application is as follows:

- To convey four (4) parcels of land to support the development of single detached residential dwellings on the lands.
- To rezone the lands to be conveyed to the residential second density (R2) zone to facilitate residential development in the form of single detached dwellings; and to change the zoning of the lands to be retained to a site-specific Future Residential (FR-6) Zone to recognize the frontage and area resulting from the consent application.

He noted that no agency had comments or concerns and the chief building official had no objections. He further noted that the public works manager advised that a working in road allowance permit would be required for work required to service the lots and that the permit would define the scope and deposit required by the Township.

Councillor D. Regan asked how residents were notified of the consent and zoning application. T. Merner advised that in accordance with The Planning Act, R.S.O. 1990, notices were circulated to residents within a 120 metre zone of the subject property 20 days prior to the public meeting date and a land use planning sign was erected on the subject lands.

Deputy Mayor D. Manders asked J. Little to explain the working road permit requirement. J. Little advised that this permit will ensure that the road, sidewalk and curbs are returned to its current conditions after construction and further that the applicant will be required to submit a security deposit which will be released after inspection and satisfaction of the public works manager.

Mayor C. Burghardt-Jesson advised that the applicant is available by phone should council

have any questions.

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

John Ward

Mr. Ward advised he lives on Margaret Street and is concerned about construction debris and damage that could be done to the roads, sidewalks and curbs and also asked what the access road will be. J. Little advised the four lots will be serviced and accessed off of Philip Street and the purpose of the working in road allowance permit and security deposit is to ensure the builder is accountable for any repairs required to our infrastructure. He added that costs incurred to repair damage will be billed to the developer as necessary.

Jim Hickson

Mr. Hickson asked when the four houses are expected to be constructed? Deputy Mayor D. Manders advised the applicant informed him the intent is to build them all at the same time or closely together. Mr. Hickson further asked if these new homes will affect the neighbourhood property taxes? R. Reymers advised MPAC controls the assessment values and it is unlikely that neighbouring properties would see much difference in their assessment.

Steve Gould

Mr. Gould asked if there is sidewalks and curbs going in and how much the security deposit will be and how long it will be held for. J. Little advised that there is existing sidewalks and curbs which are in good condition. He further advised that a deposit amount will be determined based on frontage of each lot and estimated damage to infrastructure. J. Little further noted the deposit will be retained until staff is satisfied that all infrastructure is repaired accordingly.

No further comments were received from the public.

Councillor D. Regan asked if access for construction off of Queen Street could be considered? J. Little advised that Queen Street access would be used for future development of the balance of lands, however it would not be ideal to use this access for these particular parcels due to the grassland area and weather conditions. Deputy Mayor D. Manders further noted it should be taken into consideration that the public may be using Queen Street as access and parking for the third soccer field.

2/ B-2-3-4-2020 (1525020 Ontario Inc.)

Moved by D. Manders

Seconded by D. Regan

*THAT Applications for Consent B-2/2020, B-3/2020, & B-4/2020 filed by 1525020 Ontario Inc. to sever four lots each having a frontage of approximately 14.4 metres along Philip Street and an area of approximately 509.76 square metres; from a property legally described as Lot 27, Plan 350, and Part of Lots 28-30, Part 1, Plan 33R10096 in the Township of Lucan Biddulph; **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 be rezoned to Second Density (R2) Zone, consistent with the zoning of the adjacent residential neighbourhood, and the remnant parcel be rezoned to a Future Residential (FR-6) Zone to recognize the reduced lot area and frontage.*
- 4. That the applicant pay any outstanding property taxes for the subject lands.*
- 5. All lots are required to be serviced with all necessary permits obtained to achieve servicing.*
- 6. That the applicant pay \$4,000 cash-in-lieu of parkland dedication to the Township, being \$1,000 per lot to be severed.*

7. 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.
8. That the applicant's solicitor submits an Acknowledgment and Direction duly signed by the applicant.
9. 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.
10. That appropriate zoning be in place and the by-law amendment come into full force and effect.

CARRIED

3/ Public Meeting

Moved by D. Regan

Seconded by D. Manders

Resolved that the Committee does now rise out and move into a Public Meeting at 6:39 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-4-2020 (1525020 Ontario Inc.)

D. Fitzgerald, County Planner advised the purpose of the application is to change the zoning of the lands to be conveyed to the Residential Second Density (R2) Zone to facilitate residential development in the form of single detached dwellings; and to change the zoning of the lands to be retained to a site-specific Future Residential (FR-6) Zone to recognize the frontage and area resulting from the consent applications.

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

John Ward

Mr. Ward asked if Margaret Street will be extended to Queen Street in the future. J. Little advised that the lot lines for Queen Street and Margaret Street indicate that they will likely never connect however Elizabeth street will most likely connect to Queen Street in the future.

No further comments from the public or council were received.

4/ Adjourn Public Meeting

Moved by D. Regan

Seconded by D. Manders

Resolved that the Council of the Township of Lucan Biddulph adjourn the public meeting at 6:43 pm and reconvene its regular meeting to continue with its deliberations.

CARRIED

5/ ZBA-4-2020 (1525020 Ontario Inc.)

Moved by D. Manders

Seconded by D. Regan

THAT Application for Zoning By-law Amendment ZBA 04/2020, filed by 1525020 Ontario Inc. for a property known legally described as Lot 27, Plan 350, and Part of Lots 28-30, Part 1, Plan 33R10096 in the Township of Lucan Biddulph, in the County of Middlesex, to rezone the subject lands from Future Residential (FR) Zone to a Residential Secondary Density (R2) Zone and a site specific Future Residential (FR-6) Zone exception, as identified in the Schedule "A" to By-law No. 202-2020, 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

Delegations

Mayor C. Burghardt-Jesson advised that due to COVID-19 Rod Dupuis and Jackie Mueller from OCWA will be rescheduled to a later date.

Adoption of Minutes

6/ Minutes

Moved by D. Regan

Seconded by D. Manders

That the in-camera minutes of February 18, 2020 and regular council meeting minutes of March 3, 2020 be approved as circulated.

CARRIED

Business Arising

Mayor C. Burghardt-Jesson advised that two new items have been added to the Business Arising, all other items are ongoing and the Nagle Drive project will be discussed during staff reports to follow.

Communications Reports

R. Reymer reviewed the report provided by Lisa Courtney from BM Ross Engineers regarding the Development Charge Act Amendments and proposed Community Benefit Charge regulations. He noted the good news with this announcement is some of the soft charges which were being removed from development charges have been added back in. Other things to note were exemptions for additional dwelling units in homes that have a minimum of 2400 sq. ft. of existing space.

R. Reymer commented on the letter regarding the *Provincial Day of Action on Litter Act, 2019* received from Minister Jeff Yurek. The province is looking for support from municipalities and this letter identifies ways we can participate. Mayor C. Burghardt-Jesson advised that we have and continue to participate in a community pitch-in day which involves a number of actions identified in this letter.

Committee Reports

Lake Huron Water Supply System

Mayor C. Burghardt-Jesson advised that a meeting took place the end of February and most items of discussion were ongoing projects. She noted the board members are looking at options for a different modeling structure of the board going forward.

Staff Reports

CAO/Clerk

R. Reymer advised staff have been busy reacting to the recent announcements regarding COVID-19 and added Lucan Biddulph is doing the responsible thing at this point by taking action now.

Planning

R. Reymer reviewed the 2019 Lucan Biddulph Planning summary report submitted by the County planning department. The report outlined all planning applications and plans of subdivision submitted in 2019 as well as the previous 3 years.

Public Works

J. Little reviewed report no. PW-08-2020 regarding the Nagle Drive water main project and options going forward. He advised that five bids were received from the tender that was prepared by Dillon Consulting and the lowest bid submitted was much higher than the estimate arrived at in August 2019. J. Little reviewed items that could have contributed to the increase in cost including 3 additional items included in the tender that were not part of the original estimate. He noted that with the tender amount, contingency and engineering costs the final project could come in at just over \$600,000.00 and the Township has invested \$54,000.00 in expenses to date. J. Little advised a drilled well could cost the residents approximately \$18,000

– 20,000 not including pump, lines, electrical or HST. He also advised that there is the possibility of servicing 44 additional properties in that area which include residential homes, a school, church and an industrial area. J. Little advised determining what is reasonable and whether council chooses to move forward or terminate the project is the next step and then presented three options for council to consider, as follows:

- Option 1 – proceed as planned with the lowest tender bid received which would see the residents on Nagle Drive carry approximately \$300,000 in costs and the Township's costs between \$304, 896 and \$224,896. This option would have to project starting and ending this year as planned, however it requires the highest amount of costs to be carried by both the residents and Township
- Option 2 – proceed with the project but re-tender, lowering the overall tender price by \$63,000. This would involve eliminating the portion of the project that extends the water main to Airport Drive. With this option the Township would costs would be approximately between \$161, 896 - \$241,896.
- Option 3 – proceed without accepting the tender and have the township become the general contractor. This option provides for an estimated savings of anywhere between \$80,000 - \$120,000. J. Little noted that the roads department crew is on board with this option, however stressed that this would become the main focus for the road department staff for the summer of 2020 and if an emergency were to arise elsewhere in the Township such as a water main break, additional resources may be required. He further added that there would be hidden costs such as wear and tear on township equipment.

Mayor C. Burghardt-Jesson and R. Reymer emphasized how much work staff has put into this project to date and thanked Jeff Little and Julie Overholt for their efforts. Mayor C. Burghardt-Jesson then opened the floor to council for questions and comments.

Councillor D. Regan stated much of this decision is dependent on how the residents want to proceed and J. Little agreed yes, however staff needs some direction on what council is comfortable going forward with.

Mayor C. Burghardt-Jesson asked if option 3 was decided upon could eliminating some of the project as outlined in option 2, be included. R. Reymer advised yes however we are still obligated to do the extension to Airport Drive at some point as per the agreement with Mr. Lewis, the owner of the easement lands, which could become an extension to the project to be completed the following year.

R. Reymer explained that this water main is an investment for the resident's in their property. He noted the Township would be looking at a loan through Infrastructure Ontario and we could consider the possibility of a longer repayment period.

J. Little advised it is important to note the water capital reserves can support all three options presented, however there is no timeline that can be estimated on recovering the Townships costs. He also noted that future expansion options would be available with all three options.

Deputy Mayor D. Manders advised that three years ago the residents approached us with this request. Staff researched options available but was not challenged to make the project work, however now we seemed to have changed direction. He added that unfortunately it does not make sense for the Township to carry these costs when there is no guarantee if and when we would ever recover them. He reminded council and staff that the Township's hidden costs are not accounted for.

Mayor C. Burghardt-Jesson asked what the status and zoning designation is for the lots fronting onto Richmond Street and Airport Drive and if separate connections would need to be run for each property when we install the water main? R. Reymer advised these are historical lots created over 50 years ago and it would not be economical for development of a single based road, i.e. extension of Nagle Drive, nor would the MTO permit entrance for each from Richmond Street. T. Merner added that County Mapping shows the zoning designation as rural residential for the individual lots.

Mayor C. Burghardt-Jesson asked staff to explain the possibility of adding a development charge for industrial land in the area. R. Reymer advised a special area development charge could be created however he would suggest retaining BM Ross Engineers to determine appropriate development charges for future residential and industrial land specifically to this area.

R. Reymer added that when this project was initially considered a survey of the surrounding residents was completed including the London District Catholic School Board and the majority advised they are not interested in connecting to municipal water, including the school board.

D. Manders advised he is concerned with associating costs of this service to property owners who are not interested. J. Little added that the goal at this time is to bring municipal water to the residents of Nagle Drive only, nothing further at this time.

Mayor C. Burghardt-Jesson advised that she would not be in favour of supporting option no. 1, however option no. 3 would be a possibility if we can get the figure closer to the original amount council agreed to commit. She reminded members that council was previously comfortable with carrying \$100,000 of the costs and there was no timeline associated for repayment of that investment.

Councillor D. Regan agreed with Mayor C. Burghardt-Jesson and would like discussion with residents to take place as soon as possible.

Deputy Mayor D. Manders advised he would be ok with option no. 3 if costs could be brought down to the original estimate. He further stated he does not want to delay the decision and added that if we had known these costs three years ago we may not be having this discussion now as the project would most likely have been terminated. He stressed the importance of discussing the options with the residents as soon as possible as they need to move on with obtaining healthy and safe drinking water.

J. Little advised he would recommend staff putting together a report for option no. 3 that includes more details and setting up a meeting with the residents of Nagle Drive.

Parks & Recreation

R. Reymer advised that in P. Smith's absence he would answer any questions regarding report no. PR-04-2020 which outlines options for a short term soccer field strategy going forward due the loss of the 3rd field at the end of the 2020 season. He noted the short term plan would consist of reconfiguring the race track, addressing drainage issues and widening fields 1 and 2 to accommodate a 3rd large size field and this proposal would accommodate the needs of Lucan Minor Soccer for approximately 8-10 years. He further noted the estimated cost is \$150,000.00, based on the ability to access existing fill and topsoil already present within the Township. If topsoil is not available an estimate of \$75,000 could be added to the cost.

Questions were raised by council regarding the possibility of our staff assisting with the grading, clarity on the budgeted amount and if that includes costs of re-designing the race track. R. Reymer advised there is \$200,000 set aside to facilitate the project which includes re-configuring the race track. J. Little advised the initial grade could be completed by staff however the final grade requires mixing of top soil and sand and should be completed by professionals with access to the proper equipment.

At the request of an attendee, Mayor C. Burghardt-Jesson accepted comments from the gallery as follows:

Colin Haskett

Mr. Haskett advised it was his understanding that the Parks & Recreation Committee (PRAC) wanted to see formal long term plans for soccer before we start investing money. He noted he's concerned, as a committee member, that we are moving past that and further that he expected the staff report provided would have included a recommendation from PRAC or noted the discussion wherein PRAC had urged for a broader plan for the soccer fields rather than

spending \$150,000.00 for a short-term solution. He further noted his concerns with adding a 3rd soccer field in the proposed location which would potentially run alongside Queen Street. Mr. Haskett also advised he would prefer to see one recreation project finished before we start another.

R. Reymer and Councillor D. Regan advised it was their understanding that this was not a decision PRAC was wanting to make and they had recommended it be directed to council for decision. Councillor D. Regan advised he would confirm same with Paul Smith.

Mayor C. Burghardt-Jesson advised this strategy has also been discussed with members of Lucan Minor Soccer Association.

Steve Gould

Mr. Gould advised addressing the soccer fields is a time sensitive matter due to the loss of the 3rd field at the end of this season and there are over 300 kids registered in Lucan Minor Soccer. He further advised that professionals have stated that if they can get started on this plan by June/July of this year and if weather conditions are good, the field could most likely be ready for June 2021. He further noted that there is more than one recreation activity in our community and there is already money in the budget allotted for soccer.

Mayor C. Burghardt-Jesson advised it is important to realize that this is an investment and the grounds would always be used no matter how our community centre complex grows. She further commented that out of respect to PRAC it would be wise to defer this decision until clarification can be confirmed.

Councillor's Comments

Mayor C. Burghardt-Jesson thanked staff and council for their efforts regarding the COVID-19 situation. She added that she and R. Reymer had a conversation with Minister Steve Clark this afternoon regarding electronic participation at council meetings as there is currently no provision for same under the Municipal Act, 2001. She noted that Mr. Clark confirmed that this legislation would be brought forward to the province for consideration and that our next council meeting scheduled for April 7, 2020 could be look different than the usual format.

Motions

7/ Accounts Paid

Moved by D. Manders

Seconded by D. Regan

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

February 2020

\$312,571.05

CARRIED

8/ Confirming

Moved by D. Regan

Seconded by D. Manders

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

- *08-2020 Development Charges By-law*
- *202-2020 ZBA (1525020 Ontario Inc.)*
- *09-2020 Confirming By-law*

CARRIED

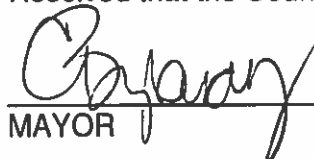
9/ Adjournment

Moved by D. Manders

Seconded D. Regan

Resolved that the Council meeting be adjourned at 8:28 p.m.

CARRIED


MAYOR


CLERK