

# 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, J. Little-Public Works Manager, K. Langendyk-Treasurer, P. Smith-Parks & Recreation Manager, L. deBoer-Economic Development Coordinator

## **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.

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

None

## **Announcements**

Welcome to Councillor Regan's Senior Society Challenge & Change Class who are joining us via the livestream as part of a class discussion and subsequent assignment for the class. We've got a little of everything this evening and we all hope you finish the evening with a little more of an understanding how municipal government works and how our decisions and the things we are responsible for directly affect you.

Since 1992 the Government of Canada under the Status of Women umbrella has recognized October as Women's History Month. The theme this year is #BecauseofYou. The theme is to encourage celebrating women and girls in Canada who have made and continue to make a lasting impact on our country.

I would encourage you to visit the Status of Women Canada website to learn more. There you will find a gallery featuring Canadian Women of Impact and a timeline of women in Canadian History. We are so fortunate to have this history of women in leadership and mentoring positions for in some cases 100's of years.

It is not lost on me; the role I play as a female municipal leader. In Middlesex County, the council table is as close to parity as it can get. At the County level and more importantly tonight, in Lucan Biddulph, we have strong women in highly visible senior positions. I am extremely proud of the environment of inclusion and acceptance here in Lucan Biddulph.

Outside our doors, our community is so fortunate to have women who are not afraid to do better for our community. During the month of October, please think of our community and our women leaders who make Lucan Biddulph a better place because of the roles they take on.

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

### **1/ Public Meeting**

*Moved by A. Westman*

*Seconded by D. Regan*

*Resolved that the Council of the Township of Lucan Biddulph adjourn its regular meeting at 6:00 p.m. in order to convene a Public Meeting under Section 34 and 17 of the Planning Act, R.S.O. 1990, as amended.*

**CARRIED**

### **a) OPA-1-2020 and ZBA-2-2020 – 280 Main Street, Lucan - (Lock and Zelinka Priamo Ltd.)**

D. Fitzgerald reviewed planning report PL-15-2020. He noted that a public meeting was previously held on June 25, 2020 and in light of concerns received from the public with respect to height and density, the applicant has revised the proposal and is now seeking to develop the site in two phases. Phase 1 would see a 4-storey residential complex containing 54 units encompassing the rear of the subject property and phase 2 would see a 4-story mixed-used building containing 36 residential units and 1615 sq. ft. of commercial space on the ground floor of the building. D. Fitzgerald noted the applicant is seeking site-specific zoning provisions for

minimum front yard depth of 16.5m, maximum height of 14.6m, minimum rear yard setback of 5m and parking space reduction for the commercial space. He further noted the proposed official plan amendment seeks to establish residential uses in the highway commercial designated portion of the lands. D. Fitzgerald also noted that the developer is proposing to contain mechanical equipment on the top of the building which would see an additional height of up to 9 feet in the centre of the building.

No comments were received from any members of the public.

Comments were received from the applicant's agent Harry Froussios of Zelinka Priamo Ltd. and John Knifton. Mr. Froussios advised this proposal satisfies most of the comments and concerns raised at the public meeting and Mr. Knifton added they have attempted to create a project that they believe will be good for the community of Lucan.

Questions from council were received and discussion took place regarding the additional height to house the mechanical equipment, the ratio of 1 to 2 bedroom units being proposed, accommodation for the existing medical clinic in the current building, site plan provisions, the demographic that the developer is aiming for, affordability and current market rate rent of approximately \$1400 monthly more or less, the Official Plan review and update that is currently taking place, effect of an appeal that has been filed against another apartment building proposal that was approved by council earlier this summer and the parking reduction request for the commercial space which the developer is hopeful will be the medical clinic. Mayor C. Burghardt-Jesson added that a tenant of the current building has forwarded a letter with concerns regarding future space for her business. She noted that this business has been in our community for approximately 11 years and would like to see it continue to remain in our community. Further discussion took place regarding Council's concerns with the uncertainty of knowing what the final product will be and the developer advised they wish to maintain a certain level of flexibility throughout the design process, however the drawings they have provided mimic a similar project they are working on in the Town of Exeter.

**2/ OPA-1-2020 (Lock and Zelinka Priamo Ltd.)**

*Moved by D. Regan*

*Seconded by D. Manders*

*Resolved that Council directs staff to bring back a draft by-law to adopt the proposed Official Plan Amendment for 280 Main Street, Lucan.*

**CARRIED**

**3/ OPA-1-2020 and ZBA-2-2020 (Lock and Zelinka Priamo Ltd.)**

*Moved by A. Westman*

*Seconded by D. Regan*

*Resolved that Council receives the planner's report no. PL-15-2020 as information.*

**CARRIED**

**4/ Adjourn Public Meeting**

*Moved by A. Westman*

*Seconded by D. Manders*

*Resolved that Council adjourn the public meeting at 6:55 p.m. and reconvene its regular meeting to continue with its deliberations.*

**CARRIED**

**Delegations**

**a) Court of Revision**

**5/ Appointment of Members for Court of Revision**

*Moved by D. Regan*

*Seconded by A. Westman*

*Resolved that the Council of the Corporation of the Township of Lucan Biddulph be appointed to the Court of Revision for the Hodgins Drain "Branch B" 2020 and that Mayor Cathy Burghardt-Jesson be appointed as chair for the Hodgins Drain "Branch B" 2020 Court of Revision.*

**CARRIED**

Mayor C. Burghardt-Jesson welcomed Mike DeVos from Spriet & Associates to the meeting.

M. DeVos advised that the Court of Revision gives the assessed property owners a chance to appeal the assigned assessment and distribution. He further noted that the Drainage Act states that appeals should be received 10 days in advance of the Court of Revision however Council does have the ability to accept appeals at the Court of Revision. M. Devos and J. Little confirmed that that no appeals have been submitted to date.

No questions were received from Council.

R. Reymer advised that Tim Foster has requested to make a verbal appeal.

**6/ Accept Verbal Appeal**

Moved by A. Westman

Seconded by D. Regan

Resolved that Council accepts Mr. Foster's request to submit a verbal appeal during the Court of Revision for the Hodgins Drain "Branch B" 2020.

CARRIED

Mr. Foster advised that his property has been assessed \$4,145.00 which he feels is quite high for a residential property. He further noted he is proposing that the assessment that deals with the direct construction costs be divided equally amongst the large number of urban properties since the net benefit is the same for all, his included. Mr. Foster also advised it is a solid pipe that will run through his land that essentially doesn't benefit his property and represents an impediment to the future use of the land.

M. DeVos reviewed the details of the assessments and stipulations of the Drainage Act. He noted there are different materials and a different location of the drain from revisions that were requested by Mr. Foster from the original report, which were granted and added additional costs. Discussion took place regarding grant provisions, the existing municipal drain that runs through Mr. Foster's land, the difference between sewer pipe and farm tile, agricultural drains versus urban drains and the process of moving assessment to other benefiting lands. J. Little advised that any work commenced to date has been undertaken by the farmer on his own land as he feels it is beneficial to start this time of year and acknowledges it is his complete responsibility. J. Little further noted that costs are higher on this portion of the drain due to the items that have been requested by Mr. Foster. He further noted that most urban properties included on the assessment are on the outlet side of the drain not the benefit which attributes to the difference in costs. J. Little further advised that the tender results will be presented later in the meeting and the results represent an approximate 42% savings from the original estimate of costs which will bring costs to the assessed owners down somewhat.

**7/ Hodgins Drain "Branch B" 2020**

Moved by D. Manders

Seconded by D. Regan

Resolved that the assessments for the Hodgins Drain "Branch B" 2020 be confirmed as presented in the Engineer's report dated July 9, 2020 and revised report dated August 27, 2020 and that the Court of Revision for the Hodgins Drain "Branch B" 2020 be closed.

CARRIED

**b) Dean Croker, OPP Detachment Coordinator**

Dean Croker attended to present the Lucan Biddulph summary activity report for the period of January – August 2020. Mr. Croker noted there are some discrepancies in the report following page 1 and advised he will provide a revised year to date report the beginning of 2021. Mr. Croker further noted that Middlesex OPP have partnered with the Canadian Mental Health Association (CMHA) and will soon have a dedicated mental health clinician on staff that will be able to attend calls with officers when a call relates to mental health issues. Discussion took place regarding changes in policing over the years, time standard definition on the billing summary report, changes seen during COVID-19, speeding issues on roadways and statistics reflected regarding sexual assaults in the Township. Mr. Croker noted that the sexual assaults statistic was one of the errors made in the report and the correct number was two in 2019 and one in 2020. Mr. Croker further advised there was an increase in domestic and family disturbance during the quarantine phase of COVID-19 however less property crime. Deputy Mayor D. Manders asked if there is anything Lucan Biddulph can do to enhance the relationship with the OPP to ensure the longevity of the OPP station in our community. Mr. Croker advised there has been no consideration of closure of Lucan station to date however will provide contact information for communication regarding this particular topic.

Discussion then took place regarding the amendments to the Highway Traffic Act regarding off-road vehicles. R. Reymer advised that previously no by-law was passed to permit off-road vehicles on our roadways. Mr. Croker advised council that OPP can deal with off-road vehicles as long as they are on a local road or highway and that without a bylaw in place permitting off-road vehicles OPP can charge citizens when driving on local roads. J. Little noted the Ministry is requesting that we implement a by-law to keep off-road vehicles off streets and that a by-law will come forward later this year.

Discussion also took place regarding security cameras for entrance and exits points of our community and the benefit that would provide to the OPP. Mr. Croker advised he would find out the feasibility of pursuing this option.

**8/ OPP Billing Summary Report**

*Moved by A. Westman*

*Seconded by D. Regan*

*Resolved that Council receives the OPP Billing Summary report as presented by Dean Croker for information.*

CARRIED

**c) Andrew Henry, Direction Regional Water Supply  
Lake Huron & Eglin Area Water Supply Systems**

Mr. Henry attended to present management options for the Lake Huron & Eglin Area Water Systems. He explained the outcomes of maintaining the existing structure of the local board governing authority, and the pros and cons of moving towards either a Municipal Services Board or a Municipal Services Corporation. Discussion took place regarding the degree of dependence or independence of water systems, the votes given to each municipality based on its size, the importance of having the majority of 15 municipalities agree to the same option and the development of a steering committee to refine recommendations. Mayor C. Burghardt-Jesson thanked Mr. Henry for his attendance and presentation.

**9/ Municipal Services Boards, Municipal Corporations and the Lake Huron & Elgin Water Supply Systems**

*Moved by A. Westman*

*Seconded by D. Regan*

*Resolved that Council receives the report as presented by Andrew Henry for information.*

CARRIED

**Adoption of Minutes**

**10/ Minutes**

*Moved by A. Westman*

*Seconded by D. Regan*

*Resolved that the regular Council minutes of September 15, 2020 and the closed session meeting minutes of April 21, 2020, July 14, 2020, August 11, 2020 and September 15, 2020 -be approved as circulated.*

CARRIED

**Business Arising**

Mayor C. Burghardt-Jesson noted all items are on-going at this time and D. Manders requested that follow-up with the OPP be added to the list.

**Correspondence**

R. Reymer commented on the letter received from Minister Steve Clark regarding changes to the Community Benefit Charges. R. Reymer advised he will be seeking advice from our consultant's BM Ross Engineers with respect to what these changes mean for Lucan Biddulph going forward.

**11/ Receive Communication Reports**

*Moved by P. Mastorakos*

*Seconded by A. Westman*

*Resolved that Items 9 a) through 9 b) 1-21 (Correspondence) be received for information.*

CARRIED

**Committee Reports**

**CEDC**

L. deBoer reviewed report no. EDC-05-2020 and noted some updates including progress on the Community Improvement Plan, grants received to local businesses in extending their patio seasons, progress with a new township website and the upcoming shop local campaign.

**Staff Reports**

**CAO/Clerk**

R. Reymer reviewed report no. CAO-13-2020. He also advised council that effective October 6, masks will be required by all staff and visitors inside common areas of the municipal buildings. This applies to the municipal office, community centre and fire station buildings. If staff are contained within their individual offices, they will not be required to wear a mask.

**12/ Department update report No. CAO-13-2020**

*Moved by*  
*Seconded by*  
*Resolved that Council receives report no. CAO-13-2020 as information.*

**CARRIED**

T. Merner reviewed report no. CL-08-2020 regarding the Employee Code of Conduct. Discussion took place regarding the procedure for filing complaints and the role of the CAO, Mayor and Council in administering same, as well as the possibility of further training for council on governance and their roles and accountabilities as council members. Questions were also raised regarding the legal costs involved for review of the policy in question.

**13/ Employee Code of Conduct concerns**

*Moved by A. Westman*  
*Seconded by D. Manders*  
*Resolved that Council accept the recommendation as presented by the Deputy Clerk in report no. CL-08-2020 and that no further review of the Respect in Workplace (Harassment and Violence) policy be pursued at this time.*

**CARRIED**

**14/ Consultant review regarding Governance and Accountability as Councillors**

*Moved by P. Mastorakos*  
*Seconded by D. Regan*  
*Resolved that Council direct staff to pursue options for having a consultant provide governance training and review the roles and accountability of Councillors.*

**CARRIED**

**Finance**

K. Langendyk reviewed report no. FIN-12-2020 and noted that she intends to bring reports of this nature forward on a more regular basis in the future. Discussion took place regarding the next round of COVID-19 funding and K. Langendyk advised we did not see a lot of financial changes during the pandemic and that municipalities with larger departments such as transit experienced greater losses. She further noted this will be a topic of discussion at her next Treasurer's meeting.

**15/ Budget to Actual Report No. FIN-12-2020**

*Moved by A. Westman*  
*Seconded by D. Regan*  
*Resolved that Council receives report no. FIN-12-2020 as information.*

**CARRIED**

**Public Works**

J. Little reviewed report no. PW-24-2020 regarding the tender results for the Hodgins Drain "Branch B" 2020. He noted that four bids were received and Robinson Farm Drainage submitted the lowest bid of \$109,406.60 including HST.

J. Little reviewed report no. PW-25-2020 regarding damage caused to the Township road allowance by a resident who removed trees earlier this year. He advised that a result of this incident staff realized there is currently no by-law in place relating to damage caused to the road allowance or right-of-way and recommended that council consider having a by-law put in place similar to one brought forward by the Municipality of Middlesex Centre earlier this year.

J. Little reviewed report no. PW-26-2020 regarding public safety and traffic calming measures. He noted that traffic calming measures are meant for local roads with posted speed limits of 50 km/h or less. J. Little described what passive measures are noting this is usually the best avenue to pursue for traffic calming. He further noted it is also important to continue to analyze traffic and what is happening on our local roads which was done recently on Watson Street and Nicoline Avenue over an eight-week period. Discussion took place regarding community involvement with signs, perception of speed, posting lower speed limits, use of delineators and possibility of purchasing another speed awareness sign.

**16/ Public Safety and Traffic Calming Measures Report No. PW-26-2020**

*Moved by A. Westman*  
*Seconded by D. Regan*  
*Resolved that Council receives report no. PW-26-2020 as information.*

**CARRIED**

J. Little reviewed report no. PW-27-2020 regarding the public works department update. He noted some good news just received being that Lavis Contracting will be starting construction on Saintsbury Line next Tuesday, October 13<sup>th</sup> which is Phase 1 of the traffic light project. J. Little added that storm water installed along Saintsbury Line is the first goal of the project with the aim of having the traffic lights portion started in spring of 2021.

**17/ Public Works update report No. PW-27-2020**

*Moved by P. Mastorakos*

*Seconded by A. Westman*

*Resolved that Council receives report no. PW-27-2020 as information.*

**CARRIED**

**Parks & Recreation**

P. Smith reviewed report no. PR-13-2020 regarding rink board advertisements inside the ice surface of the community centre. Discussion took place regarding offering advertisement space to other local businesses and P. Smith advised there will be a cost for the board stickers and due to COVID-19 restrictions there will be less traffic inside the arena this season which limits the benefit of advertising for businesses.

P. Smith reviewed report no. PR-14-2020 regarding public skating options for the 2020-21 season in light of COVID-19 restrictions. P. Smith advised that staff is proposing to open up some daytime and evening available ice-time slots for residents wishing to skate at a cost of \$5.00 per person. He further suggested that pre-registration would be required and a maximum of 18 skaters would be permitted on the ice.

**Councillor's Comments**

Mayor C. Burghardt-Jesson advised that the annual report from the Ontario Ombudsman is available and can be downloaded as well for those wishing to review same. She further noted that the Mobile COVID-19 testing site provided by the Middlesex London paramedics was hosted in our community last week and will be in Ilderton and Komoka this week and that no appointment is needed.

**18/ Municipal Agriculture Economic Development & Planning Forum 2020**

*Moved by D. Manders*

*Seconded by A. Westman*

*Resolved that Council authorizes Daniel Regan and Lisa deBoer to attend the 2020 Virtual Municipal Agriculture Economic Development & Planning Forum hosted by Huron County on November 18 and 19th, 2020 at a registration cost of \$60.00 (plus HST) each.*

**CARRIED**

**19/ Hodgins "Branch B" Drain 2020**

*Moved by P. Mastorakos*

*Seconded by D. Regan*

*Resolved that Council authorizes the Manager of Public Works to accept the tender for the Hodgins Drain - Branch "B" from Robinson Drainage in the amount of \$109,406.60 including HST and award same upon final reading of the by-law.*

**CARRIED**

**20/ Right-of-Way Protection By-law**

*Moved by D. Regan*

*Seconded by A. Westman*

*Resolved that Council directs staff to prepare a by-law for Council review that protects the right-of-ways of the Township.*

**CARRIED**

**21/ Public Skating**

*Moved by D. Manders*

*Seconded by D. Regan*

*Resolved that Council directs staff to implement the augmented winter programming as outlined in report no. PR-14-2020 at a rate of \$5.00 per person including HST for the winter 2020-21 season.*

**CARRIED**

**22/ Rink Board Advertisements**

Moved by A. Westman

Seconded by P. Mastorakos

That Council accepts the recommendation of the Parks & Recreation Manager as presented in report no. PR-13-2020 at the October 6, 2020 council meeting.

CARRIED

**23/ 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:

- 45-2020 Temporary Road Closure By-law (Remembrance Day)
- 46-2020 Confirming By-law

CARRIED


**24/ Adjournment**

Moved by A. Westman

Seconded by D. Regan

Resolved that the Council meeting be adjourned at 10:39 p.m.

CARRIED

  
MAYOR

  
CLERK