

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 03-2010

Date of Meeting: Monday, January 25, 2010

Members Present: Mayor Gord Minielly
Deputy Mayor Carolyn Jamieson
Councillor Bill Weber
Councillor Mark Simpson
Councillor Ruth Illman
Councillor Gerry Rupke
Councillor John Russell

Staff Present: C.A.O. John Byrne
Clerk Carol McKenzie
Planner Patti Richardson

Media Present: Gord Whitehead, The Standard
Lynda Rapley, Lakeshore Advance

1. CALL TO ORDER

The Mayor called the meeting to order at 7:00 p.m.

2. DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

Mayor Minielly asked members to declare any pecuniary or conflict of interest that they may have and none were declared.

3. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Regular Meeting of Council – January 11, 2010

The minutes of the regular Council meeting held the 11th day of January, 2010 were reviewed.

10-0125-01 Moved by: Councillor Illman
Seconded by: Councillor Rupke

That the minutes of the January 11, 2010 regular Council meeting
be accepted as presented. Carried

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.1 Jack & Barb Spiers – Re: Planning Issues for Property located at 45 Main Street, Grand Bend

Mr. and Mrs. Spiers addressed Council to provide an update on the status of their commercial development in Grand Bend, and outlined the steps that they had taken to meet the municipal requirements. In order to expedite the process, and obtain a building permit for the required construction, the Spiers asked permission to proceed before the final site plan agreement was signed.

Planner Patti Richardson had been requested to prepare a pre-site plan agreement that would outline all the municipal requirements and require that the final site plan agreement be completed by March 15, 2010. Ms. Richardson advised that the parties would need to agree on a "preliminary site plan" so that the engineers could determine an appropriate amount for the security bond.

A discussion ensued regarding the development requirements, and Council noted that if the pre-site agreement was approved, the owners would assume all the risk if changes were identified and required.

Council noted that they were cognizant of the circumstances of the Spiers development process, and that they had tried to ensure all the steps were completed, however it was stressed that that a pre-site plan agreement is contrary to the municipal process, and that issues such as this should not be negotiated at the Council level.

**10-0125-02 Moved by: Councillor Russell
Seconded by: Councillor Weber**

That Council supports in principle the proposed pre-site agreement for property located at 45 Main Street East, Grand Bend.

Carried

4.2 Public Meeting: Re: Zoning By-law Amendment Application ZO-19/2009 for David Martin – Southwest Corner of Proof Line & Kinnaird Road

**10-0125-03 Moved by: Councillor Simpson
Seconded by: Councillor Russell**

That the Council meeting adjourns at 7:15 p.m. for a public meeting held under the Planning Act to hear an application for a Zone Amendment application submitted by David Martin for property located at the southwest corner of Proof Line and Kinnaird Road.

Carried

Planner Patti Richardson advised Council that the former school house at the corner of Proof Line and Kinnaird Road was zoned institutional and the owner of the property has applied for a zone amendment to allow the structure to either be repaired or replaced.

Ms. Richardson noted that the policies in the Official Plan allow a single detached dwelling to be built on a lot of record, as long as the development criteria is met, and that the lot is a bit smaller than the minimums required in the A1 zone, but that similar sizes have been approved in the recent severances of surplus farm dwellings. The lot

has paid the rural water charge, and the owner has discussed the septic situation with the County of Lambton.

The conditions that the Planner would recommend to Council the approval of the application, are that a new septic system be installed before residential occupancy of the existing or new structure, that the construction meets all building code requirements, and that the zoning recognize the deficient lot size and setbacks.

Mayor Minielly asked for questions from members of Council;

Councillor Simpson asked the age of the building, and was advised that although it is over 100 years old, there are no heritage concerns.

Mayor Minielly asked for questions from the audience:

Mr. Dan Martin asked for clarification on the “setbacks” and Ms. Richardson advised that the building does not comply with the current zoning requirement. These existing setbacks would be recognized as “legal”, but that any additions to the building could not extend into the front or exterior side lot further than the existing building.

**10-0125-04 Moved by: Councillor Simpson
Seconded by: Councillor Illman**

That the public meeting for Zone Amendment ZO-19/2009 for property located at the corner of Proof Line and Kinnaird Road adjourn at 7:20 p.m. and the public meeting for Zoning By-law Amendment Application ZO-20/2009 submitted by Frank Teahen for property located at 9862 Lakeshore Road opens at 7:20 p.m.

Carried

Planner Patti Richardson presented the application submitted by Mr. Frank Teahen for a site specific zone amendment for property located at 9862 Lakeshore Road, and explained that the lands are currently designated “mixed commercial residential” in the Official Plan and the proposed amendment to the Future Development zoning would recognize the existing dwelling, and allow a new single detached dwelling lot to be created.

Ms. Richardson explained that the original proposal submitted was to develop several estate size residential lots; however, the results of the environmental assessment report identified several significant species on the property that would have been impacted with the original plan. Therefore, the owner revised the plans to create one additional dwelling lot.

The Planner noted that she can support the revised plan and proposed zoning, as it protects the rear of the property where the majority of the significant natural areas are located, and recommended that the rear of the lot be rezoned “natural heritage”.

Mayor Minielly asked for questions from members of Council:

Councillor Illman stated she was impressed with the process that the owner followed and the respect shown for the natural environmental.

Mayor Minielly asked for questions from the audience:

Mr. Jim Kennedy, agent for the owner, noted that they were aware of the environmental significance of the area, and that the owner supports the staff recommendation.

**10-0125-05 Moved by: Councillor Illman
Seconded by: Deputy Mayor Jamieson**

That the public meetings adjourn and the regular Council meeting reconvenes at 7:28 p.m. Carried

4.4 Bob Sharon – Re: Comments Directed to Audience at Council Meeting

Mr. Bob Sharen presented a prepared statement expressing his concerns about statements made by Council about the real estate industry in general and himself in particular, that inferred real estate agents were not advising clients properly on planning and building requirements. Mr. Sharen also expressed his concerns about how Lambton Shores' staff handled development proposals, which was in his opinion counterproductive to the economy and vitality of the community and its future.

Mayor Minielly thanked Mr. Sharen for presenting his thoughts to Council and indicated that they would be taken under advisement.

5. CORRESPONDENCE & PETITIONS

5.1 Lindsay Manz – Dream Lottery – Re: Letter of Support for Sale Tickets within Lambton Shores

**10-0125-06 Moved by: Councillor Simpson
Seconded by: Deputy Mayor Jamieson**

That the Municipality of Lambton Shores has no objection to the London Health Sciences' 2010 Dream Lottery tickets being sold at:

Wondergrove Development, 21 Wondergrove Court – Unit 2, Grand Bend, Ontario. Carried

6. CONSIDERATION OF COMMITTEE MINUTES & STAFF REPORTS

Community Services

6.4 D.C.S. Report No. 01-2010 – Re: Thedford Village Green– Update

Director of Community Services Peggy Van Mierlo-West updated Council on the status of the "Thedford Village Green", and advised that McLean Taylor was the low bidder on the project. The bid exceeded the original estimates, and the contractor and consultant have been working together to refine the garden areas and the overall design of the project to reduce the costs yet retain the integrity of the design.

**10-0125-07 Moved by: Councillor Simpson
Seconded by: Councillor Weber**

That D.C.S. Report No. 01-2010 regarding an update on the Thedford Village Green be received and filed. Carried

6.5 D.C.S. Report No. 07-2010 – Re: McLean Drain Tender Results

Tender results for the McLean Drain were reviewed in D.C.S. Report No. 07-2010, which noted the low bidder was A.G. Hayter Limited, and that the work was scheduled to commence after March 15, 2010, in accordance with the Species at Risk requirements.

**10-0125-08 Moved by: Councillor Weber
Seconded by: Councillor Illman**

That D.C.S. Report No. 07-2010 regarding the tender results for the McLean Drain be received and filed. Carried

6.6 D.C.S. Report No. 10-2010 – Re: Lambton Shores Recreation & Leisure Services Master Plan Request for Proposal

The draft terms of reference for the Lambton Shores Recreation and Leisure Services master plan were reviewed, and a discussion ensued regarding the proposed “cultural services” aspect of the plan. Also discussed was the fact that the role of the municipality as a “provider of facilities” or a “provider of programs” and similar philosophical issues still needed to be debated. It was discussed that the priority would be in looking forward, as opposed to only reviewing historical documents, and that all municipally owned facilities, including those operated by other groups, should be listed.

Councillor Rupke questioned the “liquidated damages” section of the document and noted that not all of the timing will be under the consultant’s control, and this section will need to be well defined to clarify each party’s responsibilities.

An expansion of the “scope of service” was recommended to include Kettle Point and also community partners such as Plympton-Wyoming. With 3 public meetings being planned, it was suggested that the completion date should be moved to a later date, instead of the proposed August completion.

**10-0125-09 Moved by: Councillor Illman
Seconded by: Councillor Russell**

That the recommendation in D.C.S. Report No. 10-2010 be approved, and that the Request for Proposal for the Recreation and Leisure Services Master Plan be approved as amended. Carried

Administration & Finance

6.7 CL Report No. 04-2010 – Re: Revisions to the Municipal Parking By-law

At the last meeting, Council approved the reinstatement of the 2 hour parking limit on the Main Street of Grand Bend between the hours of 10:00 a.m. and 6:00 p.m. from May to September, with a permit fee of \$30.00 for infractions. As the proposed fine amount differs from the other set fines for parking, approval is required from the Attorney General's Office for the fine.

**10-0125-10 Moved by: Councillor Rupke
Seconded by: Deputy Mayor Jamieson**

That the Lambton Shores Parking By-law 20-2002 be amended with the addition of Schedule "M" regulating parking provisions in the commercial core area of Grand Bend. Carried

6.8 CL Report No. 06-2010 – Re: Renaming of Highway 21 to Honour Canadian Veterans

CL Report No. 06-2010 outlined the project undertaken by the Grand Bend Legion to have Highway 21 from Goderich to Highway 402 dedicated as the "Bluewater Veterans Highway". The Legion is seeking the support of the municipality for the dedication, and for assistance in contacting the area municipalities and members of parliament.

**10-0125-11 Moved by: Councillor Russell
Seconded by: Councillor Illman**

That the Municipality of Lambton Shores supports the request to have Highway 21, where it traverses the Municipality, dedicated as "Bluewater Veterans Highway" and authorizes staff to assist the Grand Bend Legion with the project. Carried

6.9 CL Report No. 2010 Community Grant Applications

The requests received for community grants were reviewed, and it was noted that the Knox Presbyterian Church asked that their request be increased by \$350.00 to cover the cost of bussing the participants, as Thomas Hall will not be available this year for the Bible School.

It was also discussed that the "Communities In Blooms" request should be removed from the Community Grant list, as it is also included in the Operating Budget. It was noted that the Communities in Blooms had been very successful in unifying the communities, and allowed all the garden clubs to work together, yet remain independent. The methodology for funding community beautification in the future will be reviewed prior to the 2011 budget.

Other allocations discussed include the Forest Lambton Museum request for additional funds to assist with the transition to the new building, and fixed costs such as taxes etc. In the past, the annual donation to the Museum was \$ 1000.00, however as the costs will likely be higher at the new building, an .

10-0125-12 Moved by: Councillor Illman

Seconded by: Deputy Mayor Jamieson

That the grant to the Forest Lambton Museum be reduced from \$8000.00 to \$2,000.00. Carried

Aquafest, an event organized by the Grand Bend Community Foundation had requested both financial assistance and “in kind” donations. In the past, the municipality had granted all the “in kind” requests, but had not provided a financial donation, as the Foundation did not meet the funding criteria.

**10-0125-13 Moved by: Councillor Rupke
Seconded by: Councillor Simpson**

That the Grand Bend Community Foundation be granted the “in kind” requests, but that the financial donation be denied. Carried

The annual request from the Grand Bend Optimist Club for a \$3,000.00 donation and in-kind support for “Burgerfest” was reviewed, along with the fact that the “Community Grant” program was initiated to provide seed money to assist new groups and events to get established, and not to provide continued funding for events.

**10-0125-13 Moved by: Councillor Rupke
Seconded by: Councillor Russell**

That the Grand Bend Optimist Club be granted the “in kind” requests, but that the financial donation be reduced from \$3,000.00 to \$1,000.00. Carried

The Community Grant chart will be revised and provided for final approval at the February 4, 2010 budget session.

7. BY-LAWS AND RESOLUTIONS

7.1 By-law 06-2010 – Re: Amend Consolidated Parking By-law

**10-0125-14 Moved by: Councillor Rupke
Seconded by: Councillor Russell**

That the following by-law be read a first, second and third time, passed and numbered appropriately, signed by the Mayor and Clerk and engrossed in the by-law book:

- By-law 06-2010 – Amend Consolidated Parking By-law.

Carried

10-0125-15 Moved by: Councillor Russell

Seconded by: Councillor Weber

That Zoning By-law Amendment Application ZO-19/2009 requesting an amendment to the Lambton Shores Zoning By-law 1 of 2003 as it affects lands located at the southwest corner of Proof Line and Kinnaird Road, to change the zoning on the lands from "Institutional 1 (I1) to site specific Agricultural 1 (A1) to allow the existing school house to be converted to a single detached dwelling or for the school house to be demolished and a new single detached dwelling constructed be APPROVED subject to the implementing by-law containing provisions:

- (a) Requiring that a new septic system be installed on the property as approved by permit by the County of Lambton Building Department prior to any residential occupancy of the existing school building;
- (b) Requiring that prior to the existing building being occupied as a dwelling the existing building be upgraded for residential occupancy in compliance with the Ontario Building Code and to the satisfaction of the Municipality; and
- (c) Recognizing the deficient lot area and frontage and the location of the existing building and allows additions to be no closer to the front and exterior side lot line than the existing building. Carried

**10-0125-16 Moved by: Councillor Weber
Seconded by: Councillor Illman**

That **Zoning By-law Amendment Application ZO-20/2009** requesting an amendment to the Lambton Shores Zoning By-law 1 of 2003 as it relates to lands known as **9862 Lakeshore Road** to change the zoning on the lands from Future Development (FD) to:

- (a) A special site specific Residential 6 Zone which prohibits tree removal except as approved by the Municipality and restricts the lands to one access to Highway 21; and
- (b) To the Environmental Protection – Natural Heritage Zone;

as shown on the map attached to PL Report No. 04-2010, which will allow a new single detached dwelling lot to be created at the southeast corner of the lands, be **APPROVED**, as the application complies with the Provincial Policy Statement, Provincial and Federal

Legislation and the Lambton Shores Official Plan in that it protects the environmental sensitivities of this natural area. Carried

8. ACCOUNTS

There were no accounts for Council to review.

9. COUNCILLOR REPORTS

Councillor Russell reported that there would be a birthday celebration for Ross Hayter at the Lambton Heritage Museum on Saturday, January 30.

Councillor Simpson reported that the health of former Councillor Bess Sniderhan was improving.

10. NEW BUSINESS

Former Councillor Ken Evans had been the Lambton Shores' representative on Bluewater Recycling, and the need to appoint a replacement member was discussed.

**10-0125-17 Moved by: Councillor Simpson
Seconded by: Councillor Weber**

That John Russell be appointed to serve on the Bluewater Recycling Board of Directors as the Lambton Shores representative.

Carried

Councillor Simpson asked Planner Patti Richardson the status of the report for Mr. and Mrs. Boere, responding to questions raised regarding the development of their property, and was advised the report is scheduled for the February 8th meeting.

Chief Administrative Officer John Byrne provided a summary of the Capital Budget discussions that took place at the January 19th meeting. It was reiterated that the 2010 capital budget was comprised primarily of road and transportation projects that Council had committed to previously. Also discussed was that an updated "Road Needs Study" was planned, and that it would be prudent to wait until the report was completed before finalizing the 10 year capital budget forecast.

Sidewalks and Trails

With respect to the "Sidewalks and Trails" budget, as with the other budgets, there are more projects than money, and again, it was noted that the majority of the 2010 capital dollars were being used to match the stimulus grants, and the originally scheduled projects were moved to 2011.

Recreation and Leisure

Mr. Byrne noted that one of the projects that had been discussed was a pavilion for the Port Franks Community Centre, and advised that the original budget for the project was

\$50,000.00, with the community providing half of the cost. The newest estimate is \$85,000.00 and there hasn't been a discussion yet with the groups to determine if they are still willing to provide half of the revised costs.

Contribution to Reserves

In most of the capital departments, the needs are outstripping the contributions, and it may be necessary to discuss how to address this issue.

Introduction to the 2010 Operating Budget

Mr. Byrne noted that the operating budget is segregated into Business Units, and the goal for each building unit is to be or work towards being self supporting. There are some identified challenges to meeting this goal in 2010, including the collection of solid waste, the building department, and marinas, and it was noted that while the staff will be looking at measures to increase revenues, the impact would not likely be seen in 2011.

It was discussed that the next budget session will be held on February 4th from 2:00 p.m. to 5:00 p.m.

11. DISCUSSION PERIOD

Jim Hansen congratulated Councillor Simpson on filing for the position of Mayor in the upcoming Municipal Election, and questioned why the Recreation and Leisure Master Plan RFP directed all inquiries to the Director of Community Services, and was apprised it was to ensure similar information is presented to the bidders, and to reduce "lobbying".

Gord Whitehead requested and received a list of candidates for the Vacant Ward 6 Council seat, and it was noted that the interviews would take place at 6:30 p.m. on February 8th, and the same format used to select the Ward 7 Councillor would be used.

12. CONFIDENTIAL

10-0125-18 Moved by: Councillor Russell
Seconded by: Councillor Simpson

That the Council meeting goes "In Camera" at 8:55 p.m. to discuss legal matters and will reconvened immediately thereafter.

Carried

Council rose from the closed session at 9:05 p.m.

13. ADJOURN

10-0125-19 Moved by: Councillor Weber
Seconded by: Councillor Illman

That the Council meeting adjourns at 9:05 p.m.

Carried

