

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 05-2010

Date of Meeting: Monday, February 8, 2010

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

Staff Present: C.A.O. John Byrne
Clerk Carol McKenzie
Treasurer Janet Ferguson
Director of Community Services Peggy Van Mierlo-West
Planner Patti Richardson

Media Present: Gord Whitehead – The Standard

1. CALL TO ORDER

The Mayor called the meeting to order at 6:30 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.

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.1 Ward 6 Councillor Interviews & Appointment

Interviews with the candidates for the vacant Ward 6 Council position were held at 6:30 p.m. The advertisement for candidates resulted in 6 persons submitting applications, and all candidates were apprised in advance of the meeting format, the process to be used at the meeting to fill the vacancy, and had been asked to prepare responses to the following questions:

1. What do you feel are the most pressing issues the Municipality is facing?
2. What do you think the top Municipal priorities should be?
3. If you could achieve one goal, what would it be?

At the conclusion of the speeches, Mayor Minielly thanked the candidates for their interest in serving the residents of Lambton Shores and called for a motion from Council.

**10-0208-01 Moved by: Councillor Rupke
Seconded by: Councillor Weber**

That Doug Cook be appointed to serve as the Ward 6 Councillor for the balance of the 2006-2010 Council term. Carried

Mr. Cook was sworn in as a member of the Lambton Shores' Council.

3. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Regular Meeting of Council – January 19, 2010

The minutes of the regular meeting of Council held the 19th day of January, 2010 were reviewed.

**10-0208-02 Moved by: Councillor Russell
Seconded by: Councillor Illman**

That the minutes of the January 19, 2010 regular Council meeting be accepted as presented. Carried

A discussion ensued regarding the funding for the "Road Needs Study", and Director of Community Services Peggy Van Mierlo-West advised that \$50,000.00 had been allocated in the budget for the report, and that the "Scope of Work" was being finalized.

3.2 Regular Meeting of Council – January 25, 2010

The minutes of the regular meeting of Council held the 25th day of January, 2010 were reviewed.

**10-0208-03 Moved by: Councillor Weber
Seconded by: Councillor Rupke**

That the minutes of the January 25, 2010 regular Council meeting be accepted as presented. Carried

During the introduction to the Operating Budget section of the minutes, it was noted that several cost saving initiatives that would be implemented in 2010 would not be evident until the 2011 budget. Chief Administrative Officer John Byrne clarified that, for example, any proposed increases to the Marina rates would not be implemented until 2011, as the invoices for 2010 have already been issued. Also, larger initiatives, such as an amendment to the solid waste collection, will take time to research and implement.

5. CORRESPONDENCE & PETITIONS

5.1 Bob Sharen, Chair, Coalition of Community Associations Zone 3 – Re: Concerns with the Proposed Sewer System for Zone 3

The “Coalition of Community Associations for Zone 3” have asked for a public meeting with Council to discuss concerns regarding the installation of the sanitary sewer system in “Zone 3”.

Director of Community Services Peggy Van Mierlo-West advised that the Committee has provided the details on the concerns, and staff is preparing a written response that will be forwarded to the group in the near future. It was also noted that the answers to several questions by the committee are contained within the reports in the current agenda.

As there will not be a Council meeting prior to the March 1st deadline for comments, that was established in the “Project File Review”, the possibility of an extended review deadline was discussed.

Also discussed was the possibility of holding a public meeting to review the answers to the issues raised by the Committee, as the information may be of interest to all Zone 3 residents.

**10-0228-04 Moved by: Councillor Russell
Seconded by: Councillor Weber**

That the Director of Community Services be directed to investigate the extension of the March 1st, 2010 deadline for the Zone 3 “Project File Review”. Carried

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

Planning

6.1 PL Report No. 06-2010 – Re: Official Plan Amendment Application OP-06/2009 & Zoning By-law Amendment Application ZO-17/2009 for Townsend View Farms Ltd. (John Looman) – 8097 Gordon Road

PL Report No. 06-2010 provided an update for Council on the Official Plan and Zone amendments for property located at 8097 Gordon Road. At the public meeting held the 11th day of January, the applications were approved in principle, subject to the applicant entering into an agreement that will satisfy the Municipality and the County of Lambton that a new septic system is installed on the proposed non-farm residential lot and the derelict vehicles being removed from the lands prior to the implementing by-law being adopted by Council. The required agreements have been prepared, along with the necessary by-laws which were submitted for review and approval by Council.

**10-0228-05 Moved by: Councillor Illman
Seconded by: Deputy Mayor Jamieson**

That Council approve a by-law authorizing the execution of an Agreement between Herbert Neil Zavitz and Peggy Ann Zavitz and the Corporation of the Municipality of Lambton Shores.

That PL Report No. 06-2010 regarding a Official Plan Amendment Application OP-06/2009 and Zoning By-law Amendment Application ZO-17/2009, submitted by Townsend View Farms, affecting lands known as 8097 Gordon Road to amend the Official Plan and Zoning By-law to permit the creation of a new 1 hectare non-farm dwelling lot for a dwelling and detached 250m² accessory building which is surplus to a farming operation as result of a farm consolidation be received and filed and that the By-laws to implement the amendments to the Official Plan and Zoning By-law be approved. Carried

6.2 PL Report No. 07-2010 – Re: Request by Connie Boere for Residential Development – Part of Lot 24 & 25, Concession 3 Widder Road

Previously, Council had directed the Planner to respond to correspondence submitted by Connie and Ted Boere regarding the possibilities for developing their property on Widder Road. PL Report No. 07-2010 outlined the results of the Planner's review, and noted that approval for residential development on the property was unlikely, as it would not meet the Provincial Policy statement principles, or the intent of the Lambton Shores' Official Plan. Planner Patti Richardson did advise that as a lot of record, the property would be eligible for a building permit for one residential dwelling.

It was also noted that an actual application has not been submitted, which makes it difficult to evaluate the specifics, and provide pertinent comments. The property owners do have the right under the Planning Act to submit applications for amendments, which would be reviewed as to conformity with the Municipal and Provincial policies.

**10-0208-06 Moved by: Councillor Weber
Seconded by: Councillor Illman**

That PL Report No. 07-2010 providing information on property located at Concession 3, Part of lots 24 and 25 be received and filed. Carried

6.3 PL Report No. 08-2010 – Re: Zoning By-law Amendment Application ZO-20/2009 for Frank Teahen – 9862 Lakeshore Road (Highway 21)

The public meeting for the zone amendment application for property located at 9862 Lakeshore Road was held on January 25, 2010, and Council approved the request, and instructed the Planner to prepare the implementing by-law. The required documentation has been prepared by Planner Patti Richardson, and was presented to Council for review and approval.

**10-0208-07 Moved by: Councillor Russell
Seconded by: Councillor Simpson**

That PL Report No. 08-2010 regarding Zoning By-law Amendment Application ZO-20/2009, submitted by Frank Teahen, affecting 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;

be received and filed and that the By-laws to implement the amendments to Zoning By-law 1 of 2003 be APPROVED.

Carried

6.4 PL Report No. 09-2010 – Re: A Request for an Easement in Favour of Eusi Farms Ltd. across Lands owned by the Municipality & Comprising the East 50 Feet of the Forest Industrial Park

Planner Patti Richardson advised Council on the request from Eusi Farms Ltd. for an easement to cross the back portion of the “Forest Industrial Park” property. The easement is being requested in order to connect the turbines proposed for the lands to the north of the Industrial Park to the projects substation which is proposed to be located at the rear of lands at the northwest corner of Hickory Creek Line and Elarton Road.

Currently Eusi Farms has an agreement to traverse this portion of the property for access to the two adjacent lots it owns. Ms. Richardson explained that the options would be to grant an easement across the lands or sell that portion of the land to Eusi Farms. Ms. Richardson also advised that Eusi Farms had also expressed an interest in purchasing the entire property.

A discussion ensued regarding the future use of the industrial property, and a report providing full details on options was requested.

**10-0208-08 Moved by: Councillor Russell
Seconded by: Councillor Weber**

That staff prepare a “Forest Industrial Park” strategy, including “best use” options for the property, and include in the report the process required to divest the municipality of all or part of the lands.

Carried

Community Services**6.5 D.C.S. Report No. 09-2010 – Re: PVB Enterprises Business Plan**

D.C.S. Report No. 09-2010 provided an update for Council on a proposal for a beach volleyball program for the Grand Bend Main Beach by PVB Enterprises. It was noted that since the last discussion with Council, PVB had addressed a number of issues that Lambton Shores had raised; however, the full Municipal impact could not be determined until full details on the Municipal requirements have been identified. In addition, several major items have not been addressed, such as the timing of the contact with the area residents, parking for the participants, and resolution of the storage facility issues.

A discussion was held on the fact that as this is a “for profit” company, all Municipal costs would need to be recovered, and the proposed lease amount of \$1,500.00 per year may not be sufficient to cover all the Municipal costs.

**10-0208-09 Moved by: Councillor Russell
Seconded by: Councillor Weber**

That the Community Services Department communicates the Municipal concerns to PVB Enterprises and request they submit a modified business plan to advise how the concerns will be addressed. Carried

6.6 D.C.S. Report No. 12-2010 – Re: Grand Bend Sanitary Collection System – Update

The Director of Community Services provided an update on the Grand Bend Sanitary Collection System project, and noted that as part of the detailed design of the Zone 3 collection system, certain components of the implementation plan will need to be discussed, and these were outlined in detail in the report, and included the development of a financial policy, public communications plan and phasing plan.

The need to identify the age, location and functionality of the existing septic systems is one of the issues that need to be resolved, and a discussion ensued regarding the merits of a mandatory septic system inspection and maintenance program. In addition to details on the existing system, the inspection program will need to identify and consider the amounts of nitrogen and phosphorus going into the ground water, and ultimately, Lake Huron.

**10-0208-10 Moved by: Councillor Weber
Seconded by: Councillor Illman**

That the Community Services Department proceed with the Zone 3 collection system implementation plan. Carried

Administration & Finance**6.7 TR Report No. 11-2010 – Re: Grant Program Funding Claims**

Treasurer Janet Ferguson provided an update to Council on the claims process for grants and loans approved through Build Canada Fund and the Federation of Canadian Municipalities Green Municipal Fund.

**10-0208-11 Moved by: Councillor Illman
Seconded by: Councillor Russell**

That TR Report No. 11-2010 regarding the Grant Program Funding claims be received and filed. Carried

6.8 TR Report No. 12-2010 – Re: Tile Loan Debenture

Details on the Tile Loan Debenture Program offered through the Province of Ontario were outlined in TR Report No. 12-2010, together with information on a loan application that has been received.

**10-0208-12 Moved by: Councillor Rupke
Seconded by: Councillor Russell**

That By-law 08-2010 to impose an annual rate on land for a Tile Loan is approved, as outlined in Treasurer's Report No. 12-2010. Carried

6.9 CL Report No. 09-2010 – Re: Appointment of a Deputy Fire Chief for the Forest Fire Department

CL Report No. 09-2010 outlined the fact that the appointment of Dave McLean as Chief of the Forest Fire Department left the Deputy position vacant. Interviews were held in accordance with the "Fire Board Hiring and Appointment Policy" and John Tedball was the successful candidate. In order to confer responsibility to the new Deputy Chief, the appointment needs to be ratified by Council.

**10-0208-13 Moved by: Councillor Cook
Seconded by: Deputy Mayor Jamieson**

That By-law 07-2010 confirming the appointment of John Tedball as the Deputy Fire Chief for the Forest Fire Department as outlined in CL Report No. 09-2010 be approved. Carried

6.10 CL Report No. 12-2010 – Re: Appointment to Committees to Replace Councillor Evan

Clerk Carol McKenzie noted in Report No. 12-2010 that Councillor Ken Evans had served on the Lambton Shores' Fire Board, Property Standards Committee and Drainage Court of Revision, and that these positions remain vacant. It was requested that appointments be made to fill the vacancies on these committees.

**10-0208-14 Moved by: Councillor Russell
Seconded by: Councillor Simpson**

That Councillor Doug Cook be appointed to serve on the Lambton Shores' Fire Board, Property Standards Committee and Drainage Court of Revision. Carried

Supplemental Agenda:

SA 1. CL Report No. 13-2010 – Re: Main Street (North) Parking – Forest

Issues continue to arise with parking on Main Street North in Forest in the vicinity of the St. John Fisher School. Recommended amendments to the parking regulations in this area were detailed in CL Report No. 13-2010, and it was noted that the school and area residents would be notified of the proposed amendments prior to the implementation of the changes.

**10-0208-15 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Russell**

That the parking restrictions on Main Street North, Forest be amended in accordance with the recommendation in CL Report No. 13-2010. Carried

SA 2. CL Report No. 05-2010 – Re: Fee Adjustments – Lambton Shores' Cemeteries

At the most recent Council meeting, the fees for the sale of plots and services provided at the Lambton Shores' Cemeteries were reviewed, and increases were approved. In order to enact the changes, a by-law authorizing the new rates is required to be filed with the Ministry of Consumer Services.

**10-0208-16 Moved by: Councillor Weber
Seconded by: Councillor Illman**

That the rates for Cemetery Plots and Services at the Lambton Shores' Cemeteries be amended as detailed in CL Report No. 05-2010. Carried

SA 3. PL Report No. 09-2010 Re: Wintru Developments Inc.

PL Report No. 09-2010 updated Council on the status of the proposed development on lands on the south side of Main Street East in Grand Bend. The Municipal position has been that that developer should design an independent sanitary collection and conveyance system for this development as the lands are outside of the original Village of Grand Bend service area.

**10-0208-17 Moved by: Councillor Russell
Seconded by: Deputy Mayor Jamieson**

That Council confirm its decision that the developers of Concession Aux Sauble, Part Lot 1 Main Street East Grand Bend be required to design an independent sanitary collection and conveyance system for development on this property. Carried

7. BY-LAWS & RESOLUTIONS

**10-0208-18 Moved by: Councillor Simpson
Seconded by: Councillor Weber**

That the following by-laws 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 07-2010 – Appoint Deputy Fire Chief – Forest Fire Department
- By-law 08-2010 – Tile Loan Debenture – DeGroot
- By-law 09-2010 – Zone Amendment – Townsend View Farms (John Looman)
- By-law 10-2010 – Authorize Agreement – Herb & Peggy Zavitz
- By-law 11-2010 – Official Plan Amendment No. 22 – Townsend View Farms (John Looman)
- By-law 12-2010 – Zone Amendment – Frank Teahen
- By-law 13-2010 – Fees for the Lambton Shores' Cemeteries
- By-law 14-2010 – Amendments to the Parking By-law (Main Street N, Forest). Carried

8. ACCOUNTS

8.1 TR Report No. 09-2010 – December, 2009 Cheque Register

The December 2009 cheque register was reviewed.

**10-0208-19 Moved by: Councillor Weber
Seconded by: Councillor Russell**

That the Municipal accounts for the month of December, 2009 in the amount of \$5,820,255.12 be approved. Carried

9. COUNCILLOR REPORTS

Deputy Mayor Jamieson provided members with information pertaining to Bill 237, being a Private Member's Bill that would significantly restructure municipal water and waste water services in Ontario.

**10-0208-19 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Weber**

That the Municipality of Lambton Shores urges the Premier of Ontario to consult with the Municipalities of Ontario regarding Bill 237 and the impacts on municipalities of the proposed restructuring of the water and waste water services, and request that Bill 237 be deferred until the municipal concerns with the Bill have been addressed. Carried

Councillor Illman congratulated staff on the information newsletter to the volunteer firefighters. Councillor Weber asked that the information be posted on the Municipal website as it provides a wealth of information the public might benefit from.

Councillor Illman also thanked the Community Services staff for their assistance with flooding issues in the Lake Valley Grove area.

Mayor Minielly advised that the members of the Lambton Area Water Supply System Board would be voting on the removal of fluoride from the water, and advised that Lambton Shores Council had voted to discontinue the use of fluoride.

10. NEW BUSINESS

There was no new business for Council.

11. DISCUSSION PERIOD

Mr. Bob Sharen asked if the 30 day Zone 3 "Project File Review" period was mandated and Director of Community Services Peggy Van Mierlo-West advised that the minimum review period was 30 days.

Mr. Sharen also questioned if it was possible to note in the minutes that the vote on the fluoride was not unanimous, and Councillor Illman advised it was just mentioned for conversation.

Ray Losee, owner of Wonder Grove Cottages Inc. outlined challenges that he was facing in his plan to remove the existing seasonal cottages on his Grand Bend property, and replace them with single family dwellings. He noted that he did receive a response to his request for information from the C.B.O., however, he stated that he need details on the outstanding Municipal issues so that he could proceed.

Planner Patti Richardson noted that the application review is ongoing, and that the proposed change in use does not require a public meeting, however, the property consists of lots in an old plan of subdivision without full details on the servicing and that the developers had been asked to provide a comprehensive plan with information on grading and servicing. In addition, it was noted that there is only one water and waste water connection for the property, and the current Municipal policy is for new developments to request capacity at the sewage treatment plan so that the allocation is tracked. Staff will be responding back to the request for information and providing details on the issues raised.

Mr. Losee noted that he would be asking to come to a Council meeting to have the issues resolved, and Mayor Minielly recommended that he contact staff to resolve the issues, as Council does not negotiate the settlement of these types of issues.

Chief Administrative Officer John Byrne agreed that this is more complex than just the replacing cottages with permanent dwellings. The issues are being identified and a response will be provided to the developers.

12. CONFIDENTIAL

**10-0208-20 Moved by: Councillor Weber
Seconded by: Councillor Russell**

That the Council meeting goes "In Camera" at 8:15 p.m. to discuss legal matters and will reconvene immediately thereafter.

Carried

Council rose from the Closed Session at 8:39 p.m.

13. ADJOURN

**10-0208-21 Moved by: Councillor Illman
Seconded by: Councillor Rupke**

That the Council meeting adjourn at 8:39 p.m.

Carried