

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 06-2010

Date of Meeting: Monday, March 1, 2010

Members Present: Mayor Gord Minielly
Deputy Mayor Carolyn Jamieson
Councillor John Dehondt
Councillor Mark Simpson
Councillor Ruth Illman
Councillor Doug Cook

Members Absent: Councillor Weber
Councillor Rupke
Councillor Russell

Staff Present: C.A.O. John Byrne
Clerk Carol McKenzie
Treasurer Janet Ferguson
Director of Community Service Peggy Van Mierlo-West
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 Council Meeting – February 4, 2010

The minutes of the February 4, 2010 Council meeting were reviewed.

**10-0301-01 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Simpson**

That the minutes of the February 4, 2010 Council meeting be
accepted as presented. Carried

3.2 Regular Council Meeting – February 8, 2010

The minutes of the Council meeting held the 8th day of February, 2010 were reviewed. With respect to Section 6.1 in the minutes, Councillor Illman expressed a concern with Council requesting that the Planner provide planning advice to persons prior to an application being submitted. Council confirmed the municipal policy that planning and development applications are to be submitted and processed in accordance with the established Lambton Shores' policies and procedures prior to comments from staff or Council.

**10-0301-02 Moved by; Councillor Illman
Seconded by: Councillor Simpson**

That the minutes of the Council meeting held the 8th day of February, 2010 be accepted as presented. Carried

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.1 Wanda Shipley, Forest Business Improvement Association – Re: Council's Approval for 2010 Budget Changes resulting from Grants Received & Other General Issues

Planner Patti Richardson noted that she has been meeting with the Forest B.I.A. to discuss ways of improving the Forest commercial streetscape and entice people to visit the downtown core. Some of the options considered were facade improvements, consistency in design for store fronts and signage, etc. Another goal was to encourage owners to retain older buildings, instead of demolishing and rebuilding. Ms. Richardson provided a slide presentation depicting the Forest streetscape in the past and the current facades, and highlighted the changes made to the buildings over the years.

Wanda Shipley, representing the B.I.A. Board of Directors advised of the 2010 plans to improve the downtown core with the installation of heritage banners, plus additional garbage cans and benches. There was a discussion regarding improvements undertaken in the Town of Petrolia, possible Main Street grants that may be available, and the difficulty in encouraging buy in and financial commitments from the business community. The B.I.A. will be working with their members on future options and goals, and hope to work with Council on future initiatives.

Mrs. Shipley noted that the 2010 approved budget for the B.I.A. included \$9,000.00 for Beautification Project # 1, which consisted of heritage and Christmas banners and hardware for the heritage light standards in the downtown core, and Beautification Project # 2, consisting of planters, benches and recycling/garbage containers for the core area.

As a result of grants from the Forest Community Foundation and the South Western Ontario Development Program (SWODP), it was possible to expand the projects, and the budget for the capital projects will be able to increase to \$29,000.00 of which \$3,000.00 will be received from the Forest Community Foundation, and \$17,000.00 from the SWODP. The grants will offset the increased cost of the expenditures, and there will be no impact on the levy.

It was noted that a condition of the grants is that the B.I.A. pay all cost upfront, and then submit claims for the grants, and Mrs. Shipley asked Council to approve the pre-payment of the costs.

**10-0301-03 Moved by: Councillor Illman
Seconded by: Deputy Mayor Jamieson**

That Council approve the revision to the 2010 Forest B.I.A. budget to include the additional expenditures for the beautification projects, which will be offset by the acquisition of grants from the Forest Community Foundation and South Western Ontario Development Program and further approves the front end financing of the projects in advance of the receipt of the grants. Carried

4.2 Public Meeting – Zoning By-law Amendment Application ZO-01/2010 for Paul Bastiaansen – 9755 Northville Road

**10-0301-04 Moved by: Councillor DeHondt
Seconded by: Councillor Cook**

That the Council meeting adjourns at 7:20 p.m. for a public meeting held under the Planning Act to hear an application for a Zone Amendment submitted by Paul Bastiaansen for property located at 9755 Northville Crescent. Carried

Mark Bastiaansen was in attendance, representing Paul Bastiaansen.

Planner Patti Richardson advised Council that the application requested an amendment to the existing Commercial 6-4 (C6.4) zoning on lands at 9755 Northville Crescent to add commercial storage as a permitted use. Further, the applicant is requesting that the requirement to provide a 3 metre wide landscape buffer strip adjacent to the residential property to the east be eliminated and that a solid wood fence be required instead, and that the rear yard setback be reduced to 6.7 metres from 9 metres.

Ms. Richardson provided an overview of the past amendments approved for the property, and described how the proposed plan complied with the Official Plan designation. The comments from the Ministry of Transportation were reviewed, and after discussions with the Planner, the Ministry is satisfied with the proposed use.

Ms. Richardson noted that she could recommend the application as it complies with the Official Plan, and that the recommended requirements would be for a fenced buffer, similar to the east side of the property, that the building had a residential look, and that an engineered site plan be provided.

Mayor Minielly requested comments from members of Council:

Councillor Simpson questioned the requirements for making the building have a residential look, and was advised that this could be achieved with dormers or an A frame roof.

Councillor Illman questioned the impact on the required parking spaces and Ms. Richardson advised that there was sufficient parking from the former retail operation. She noted that the applicant will also need a land use permit for the building and the existing sign from the Ministry of Transportation.

Mayor Minielly requested comments from members of the audience, and there were no questions.

**10-0301-05 Moved by: Councillor Simpson
Seconded by: Councillor Cook**

That the public meeting adjourns and the regular Council meeting reconvenes at 7:25 p.m. Carried

**10-0301-06 Moved by: Councillor Illman
Seconded by: Deputy Mayor Jamieson**

That Zoning By-law Amendment Application ZO-01/2010 requesting an amendment to the Zoning By-law as it affects lands known as 9755 Northville Crescent to amend the existing Commercial 6-4 (C6.4) zoning on lands, to add commercial storage as a permitted use be approved, subject to the implementing by-law including provisions which:

- (i) Permit the 3 metre wide planting strip required along the east lot line to be replaced with a 1.8 metre high solid wood fence;
- (ii) Permit a 6.7 metres rear yard setback, whereas the existing By-law requires 9 metres; and
- (iii) Requires that the new commercial storage building have a residential character to the satisfaction of the Municipality.

5. CORRESPONDENCE & PETITIONS

5.1 Larry Swart – Re: Complaint of Infrasound from Wind Turbines in Lake Valley Grove Area

Correspondence has been submitted by Mr. Swart outlining the problems that he has been experiencing as a result of the installation of the wind turbines in his area.

**10-0301-07 Moved by: Councillor Illman
Seconded by: Councillor Simpson**

That the correspondence regarding the infrasound from the wind turbines in the Lake Valley Grove area be received and filed. Carried

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

6.1 Minutes of the Lambton Shores Fire Board – February 18, 2010

The Lambton Shores Fire Board minutes from February 18th 2010 were reviewed, and with respect to the County of Lambton Emergency Medical Services investigation into emergency response to the seasonal residents of Armstrong East and West in Port Franks, Chief Administrative Officer John Byrne advised the review was ongoing, and the report would be provided to the Fire Board upon its completion.

**10-0301-08 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Illman**

That the minutes of the February 18, 2010 Lambton Shores Fire Board meeting be accepted as presented. Carried

Corporate & Strategic

6.2 C.A.O. Report No. 05-2010 – Re: 2010 Operating & Capital Budget Review

Chief Administrative Officer John Byrne reported that Council had completed the line by line review of the 2010 Capital and Operating budgets, and noted that the budget process has been challenging in 2010, as there were a number of factors that contributed to significant cost increases in the core budget, such as the re-negotiated OPP Policing Contract, increased property and liability insurance costs, and increased hydro and utility costs etc. These external factors resulted in an increase in the 2010 budget to just maintain the same level of service.

The 2010 capital budget included the completion of the Grand Bend Main Street enhancements, the Thedford Village Green project, the Legacy Centre, and the replacement of the cast iron watermain in Forest, all of which received 2/3 funding under the Stimulus Funding grants, resulting in significant savings for the Lambton Shores residents.

Treasurer Janet Ferguson advised that with all things being the same as 2009 with respect to Tax Policies, there would be a 1.95% decrease in the tax rates for 2010.

**10-0301-09 Moved by: Councillor Illman
Seconded by: Councillor DeHondt**

That the 2010 Operating and Capital Budgets be accepted and approved and that staff be requested to prepare the requisite by-laws for 2010. Carried

Planning

6.3 PL Report No. 10-2010 - Re: Request for Allocation of Sewage Capacity – 4 Lakeside Circle – Tim Martens and Lots 39 & 40, Plan 24 – Ray Losee, Grand Bend

In PL Report No. 10-2010, Planner Patti Richardson apprised Council of two requests received for sewage capacity allocations from the Grand Bend Sewage Treatment Plant

for properties located at 4 Lakeside Circle, and Plan 24, Lots 39 and 40. The recommendation was to approve both requests for capacity allocation, with conditions pertaining to satisfying the Municipality regarding service connections and on the Queen Street property, the submission of information pertaining to storm water management for the lands.

Questions were raised regarding the status of the development of the balance of the Queen Street lots, and Chief Administrative Officer John Byrne advised that the Municipality is in discussion with the developer's solicitor regarding the development requirements.

**10-0301-10 Moved by: Councillor DeHondt
Seconded by: Councillor Illman**

That Council allocate sewage capacity to lands known as:

- (i) 4 Lakeside Circle for a new lot being severed from the lands which will be the site of a new single detached dwelling subject to the Municipality being satisfied that the appropriate service connections are installed at the owner's expense; and
- (ii) Lots 39 and 40, Plan 24 and located on Queen Street in Grand Bend which will each be the site of a new detached dwelling subject to the Municipality being satisfied that the appropriate service connections are installed at the owner's expense and the owner satisfying the Municipality with respect to the management of stormwater running onto Queen Street from the lots. Carried

Community Services

6.5 D.C.S. Report No. 14-2010 – Re: Roads Needs Study – Scope of Work

Director of Community Services Peggy Van Mierlo-West presented the draft Request for Proposals for the Road Needs Study for Council's review.

**10-0301-11 Moved by: Councillor Simpson
Seconded by: Councillor DeHondt**

That D.C.S. Report No. 14-2010 is approved and that staff be directed to advertise for the 2010 Lambton Shores Roads Need Study RFP. Carried

Administration & Finance

6.6 CL Report No. 15-2010 – Re: Proposed Amendments to Municipal Fees

The fee amendments for certain planning and building fees that were discussed during the 2010 budget discussions were detailed in CL Report No. 15-2010.

With respect to Building fees, Clerk Carol McKenzie advised that several adjustments were being recommended, including the minimum base fee, limiting the number of inspections for permits, and removing the maximum for farm building permits.

One of the amendments to the Planning Fees was the amount of the initial deposit submitted to the Municipality for peer review and site inspections for development proposals. Planner Patti Richardson advised that the cost for the development review depends on the difficulty of the site, and the complexity of the development, which was why a tiered deposit system is being recommended. In addition, an agreement will be drafted outlining the obligations of the developer to reimburse the Municipality for costs incurred reviewing the plans, and for site inspections.

**10-0301-12 Moved by: Councillor Illman
Seconded by: Councillor Simpson**

That CL Report No. 15-2010 regarding proposed “Fees for the Building Services” and “Fees for Planning Services” is accepted as presented, and that By-law 15-2010 with the recommended fees be approved. Carried

7. BY-LAWS AND RESOLUTIONS

7.1 By-law 15-2010 – Amending Municipal Fees

**10-0301-13 Moved by: Councillor Illman
Seconded by: Councillor Simpson**

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:

- 15-2020 – Amending Municipal Fees. Carried

8. ACCOUNTS

8.1 TR Report No. 15-2010 – January 2010 Cheque Register

The municipal accounts for the month of January 2010 were reviewed.

**10-0301-16 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Simpson**

That the Municipal Accounts for the month of January 2010 in the amount of \$2,778,704.26 be approved. Carried

9. COUNCILLOR REPORTS

Councillor DeHondt reported on the very successful 2010 Winter Carnival in Grand Bend.

Deputy Mayor Jamieson thanked Council for the flowers sent on the recent passing of her mother in law. Mrs. Jamieson also reported that she had attended a discussion on the implementation of the HST at the ROMA convention and it appears to be a very complex process and all the answers are not yet available.

Councillor Simpson reported that the A.B.C.A. was recently assessed on a drain, which may result in the requirement of a permit for drainage works. Mr. Simpson also noted that he is receiving a number of calls regarding coyotes in the residential areas. Clerk Carol McKenzie advised that these sitings are becoming more prevalent in the Province, and that several Counties had initiated a bounty on coyotes, however, the payment is tied to loss of livestock. Ms. McKenzie noted that the information provided by the Ministry of Natural Resources (M.N.R.) states that bounty or a cull may not be effective methods of dealing with coyote conflicts as most coyotes removed under these programs are young non breeding animals. Relocating is not a viable option as coyotes are very mobile and territorial and often return to their original locations. The M.N.R. does have fact sheets on their website providing information on ways of discouraging coyotes.

10. NEW BUSINESS

There was no new business at this time.

11. DISCUSSION PERIOD

Jim Hansen questioned why the incorrect copy of the Roads Needs Study was provided for Council's review, and was advised that the Council members had been emailed a copy of the corrected version.

12. CONFIDENTIAL

**10-0301-17 Moved by: Councillor Simpson
Seconded by: Councillor DeHondt**

That the Council meeting goes "In Camera" at 7:50 p.m. to discuss personal and legal matters and will reconvene immediately thereafter. Carried

13. ADJOURN

**10-0301-18 Moved by: Councillor Simpson
Seconded by: Councillor Cook**

That the Council meeting adjourn at 8:29 p.m. Carried