

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 08-2010

Date of Meeting: Monday, March 15, 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

Members Absent Councillor Russell

Staff Present: C.A.O. John Byrne
Treasurer Janet Ferguson
Director of Community Services Peggy Van Mierlo-West
Planner Patti Richardson
Administrative Assistant Roberta Brandon

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

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 – March 1, 2010

The minutes of the March 1, 2010 regular Council meeting were reviewed. In respect to correspondence from Mr. Swart outlining problems he has been experiencing as a result of the installation of the wind turbines Councillor Rupke requested that his letter be forwarded to the Ministry of the Environment. Councillor Illman asked that the results of a survey she had conducted with property owners in the vicinity of the wind turbines be forwarded to the Ministry as well.

**10-0315-01 Moved by: Councillor Rupke
Seconded by: Councillor Weber**

That correspondence from Mr. Swart and the results of a survey conducted by Councillor Illman regarding the infrasound from the wind turbines in the Lake Valley Grove area be forwarded to the Ministry of Environment. Carried

**10-0315-02 Moved by: Councillor Weber
Seconded by: Councillor Cook**

That the minutes of the regular Council meeting held March 1, 2010 be accepted as presented. Carried

3.2 Regular Council Meeting – March 9, 2010

The minutes of the March 9, 2010 regular Council meeting were reviewed Councillor Illman noted that the Anglican Church in Forest was not being designated as a heritage building but was considering becoming involved with the Ministry of Culture/s Plaquing/Marker Program.

She further noted that a meeting regarding an economic development strategy for Lambton Shores should be held in the future with George Mallay, of the Sarnia Lambton Economic Partnership.

**10-0309-03 Moved by: Councillor Dehondt
Seconded by: Deputy Mayor Jamieson**

That the minutes of the regular Council meeting held the 9th day of March, 2010 be accepted as amended. Carried

Community Services

6.5 D.C.S. Report No. 15-2010 – Re: Recycling – 4th Quarter Co-collection Report

Council reviewed D.C.S. Report No. 15-2010 regarding the fourth quarter co-collection report for the 2009 year. The report identifies the quantity and distribution of waste and recycling collection in Lambton Shores and its peers.

Deputy Mayor Jamieson noted that the commercial collection of cardboard should be tallied into these recycling collection statistics in order for the numbers to be more accurate.

Councillor Illman inquired as to a time frame in preparing the scope of work for tendering out recycling services for approval by Council and was advised by the Director of Community Services that it would be available in a couple of months. Councillor Illman requested that the collection of commercial cardboard be factored into this scope of work as well.

**10-0315-04 Moved by: Councillor Illman
Seconded by: Councillor Cook**

The D.C.S. Report No. 15-2010 regarding a 4th quarter report on recycling within Lambton Shores be received and filed.

Carried

6.7 CL Report No. 18-2010 – Re: 2010 Municipal Election – Update #2 – Re: Compliance Audit Committee

The 2010 Municipal Election is on October 25, 2010 and candidates will be required to follow stringent Provincial rules and regulations pertaining to the financial aspect of the election campaign. New with the 2010 Municipal Election is the requirement for every Council to appoint a “Compliance Audit Committee” to review or deliberate any compliance audit application received and grant or reject the compliance audit request. The Clerk suggests that a joint compliance audit committee that could serve a number of municipalities would be advantageous as the Committee would be at “arms length” with no direct connection to their respective municipalities.

**10-0315-05 Moved by: Councillor Simpson
Seconded by: Councillor Dehondt**

That CL Report No. 18-2010 providing information on the requirements for a Municipal Election Compliance Audit Committee be received and filed, and the Clerk is authorized to research the benefits of a Joint Compliance Audit Committee that would service several municipalities.

Carried

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.1 Public Meeting – Official Plan Amendment Application OP-01/2010 & Zoning By-law Amendment Application ZO-02/2010 for Dignus & Berendina Boekhorst – 7656 Arkona Road

**10-0315-06 Moved by: Councillor Illman
Seconded by: Councillor Dehondt**

That the Council meeting adjourns at 7:10 p.m. for a public meeting held under the Planning Act to hear an application for an Official Plan Amendment & Zone Amendment submitted by Dignus & Berendina Boekhorst for property located at 7656 Arkona Road.

Carried

The Planner Patti Richardson advised that the applicants, Dignus and Berendina Boekhorst are requesting an amendment to the Lambton Shores Official Plan to allow the creation of a new non-farm dwelling lot for a dwelling which is surplus to a farming operation as result of a farm consolidation.

The applicants own several agricultural properties within the Municipality, and the majority of the properties lie in the general area of the subject lands. Presently, Mr. and Mrs. Boekhorst and their family reside at 7977 Arkona Road and the dwelling on the subject lands is surplus to their needs. As a result they would like to dispose of it. This would be permitted by the 2005 Provincial Policy Statement however it is required that the retained farm parcel be zoned to prohibit the construction of a new farm dwelling on the lands. An application for a zone amendment has been submitted by the applicants to prohibit the construction of a new non-farm dwelling.

The Agricultural 1 (A1) Zone requires that a non-farm dwelling lot have a minimum lot area of 0.8 hectares and a minimum lot frontage of 45 metres. The surplus dwelling lot is proposed to have a lot area of approximately 1.1 hectares and a lot frontage of 106 metres and thus complies with the minimums established in the A1 zone.

Site inspections reveal that the Boekhorsts are in the process of removing the old barn and it is being recommended that the silos be removed as well as they are unrelated to the new residential use proposed for the surplus dwelling lot. The existing shed can remain under the residential zoning.

Miss Richardson noted that she could recommend that these applications be approved.

Mayor Minielly requested comments from members of Council:

Councillor Cook inquired as to the size of the proposed residential lot and was advised that it would have a lot area of approximately 1.1 hectares.

Mayor Minielly requested comments from members of the audience, and Jim Hansen asked for confirmation that the property was located on the east side of Arkona Road, not west as reported.

**10-0315-07 Moved by: Councillor Dehondt
Seconded by: Councillor Simpson**

That the public meeting adjourns and the regular Council meeting reconvenes at 7:16 p.m.

**10-0315-08 Moved by: Councillor Simpson
Seconded by: Councillor Illman**

That Official Plan Amendment Application OP-1/2010 submitted by Dingus and Berendina Boekhorst requesting an amendment to the Lambton Shores Official Plan and Zoning By-law as it relates to lands known as 7656 Arkona Road, to allow the creation of a new non-farm dwelling lot for a dwelling which is surplus to a farming operation as result of a farm consolidation be approved subject to the barn and silos being removed from the property prior to the Official Plan amendment being adopted by Council.

That Zoning By-law Amendment Application ZO-02/2010 requesting an amendment to the Lambton Shores Zoning By-law 1 of 2003 as it relates to lands known as 7565 Arkona Road, to allow:

- (a) A 501 m² existing shed to remain on the new non-farm dwelling lot; and
- (b) To prohibit the construction of a new dwelling on the remnant farm parcel after the severance of the surplus dwelling

be APPROVED subject to the barn and silos being removed from the property prior to the implementing by-law being adopted by Council. Carried

5. CORRESPONDENCE & PETITIONS

None at this time.

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

Corporate & Strategic

6.1 C.A.O. Report No. 04-2010 – Re: Development & Growth Overview

In reviewing C.A.O. Report No. 04-2010 Councillor Illman asked that Council support the approach taken by Council and staff in dealing with growth and development.

She further noted that there could be an opportunity for enhanced dialogue with developers by better communicating to developers what the Municipal requirements are. She also asked that following the completion of the Official Plan Council assess the need for a future servicing and traffic study.

Deputy Mayor Jamieson commented that Lambton Shores was taking a positive roll in its development and agreed with the need for a traffic analysis.

C.A.O. John Byrne reported that Council's growth and development strategy is designed to encourage and guide continued growth in the community but in doing so its priorities are to protect the natural environment, agricultural land and the vitality of our communities and that Council has achieved this through its Official Plan land use policies, its Strategic Plan and its capital investment strategy.

He further noted that Lambton Shores' approach to development and site plan review is to meet with the developer as early as possible in the process and prior to them making a formal application, to talk with them about what is being proposed, what the Municipal standards and requirements are, and identify potential concerns or issues.

Mr. Byrne briefly outlined the challenges faced in development along with the increasing demands of the Province on building inspectors and impending accessibility guidelines.

Councillor Illman further stated her displeasure with recent attempts to slam the Lambton Shores Planning Department, that this was short sighted and irresponsible. She noted that a lot of progress had been made on the draft Official Plan, and that the Lambton Shores Planning Department was following good planning practices.

Councillor Dehondt advised that there is a perception by the public that the Planning Department for Lambton Shores is not doing a good job. He advised that planners must have a huge capacity to deal with details and that as far as he was concerned Lambton Shores had taken a positive stand on planning.

Councillor Dehondt also stated that establishing a Planning Committee could be beneficial in improving the communication between developers and the Planning Department and requested that staff report back to Council on the merits of creating a Planning Committee.

He further made note that Lambton Shores had not completed the landscaping on two of its parking lots and this could be seen as the Municipality not upholding the very standards it has set for developers. The Director of Community Services Peggy Van Mierlo-West advised that the landscaping would be done this year by the Horticultural Society.

Councillor Simpson expressed his support for the Planner and the approach being taken with development proposals.

Councillor Rupke advised that in his experience with planning it is important that developers know the planning act and that planning policies are consistent for all development.

Councillor Weber stated that although there is always room for improvement Lambton Shores has been successful in its planning strategies.

The C.A.O. further explained that Council and staff were continually looking at ways to improve the planning process and this was appreciated by most developers.

**10-0315-09 Moved by: Councillor Illman
Seconded by: Councillor Simpson**

That Council support the approach to planning and development taken by staff in implementing Council and Provincial policies, that following the implementation of the new "Official Plan" Council requests staff to develop a "Critical Path" communications document along with developing a comprehensive servicing and traffic strategy to accommodate future growth. Carried

6.2 C.A.O. Report No. 06-2010 – RE: Grand Bend Wastewater Collection & Treatment Strategy

Councillor Dehondt advised that initially he was not adverse to the sewer system project south of Grand Bend as he believes it is important to preserve the environment for

future generations and since then he has been made aware of the strong opposition from residents within the project area.

He noted research he had conducted on septic systems, that some systems were effective for up to 50 years with the proper maintenance and that there was a lot of controversy as to how nitrates get into groundwater and that a lot of the residents were in favour of mandatory septic system testing.

He explained that the majority of those he had been speaking with did not want a sewer system, that it was important to preserve the Carolinian forest and asked Council to end the implementation of the Zone 3 Sewer System Project effective immediately.

**10-0315-10 Moved by: Councillor Dehondt
Seconded by Councillor Rupke**

That Council end the implementation of the Zone 3 Sewer System effective immediately.

Motion Failed

Councillor Rupke described the impact of older conventional septic systems versus new multi-component or tertiary systems and the contributing factors of algae going in the lakes and streams. He further advised that as any contaminants in the groundwater for Zone 3 would flow towards the lake Council should move on addressing the issues of septic systems while Federal and Provincial funding was available.

Deputy Mayor Jamieson stated that she could not support Councillor Dehondt's motion as it is important to address the issue of sewage in Zone 3 and that a final decision regarding the implementation of a sewer system for Zone 3 was several years away.

Councillor Illman advised that it was important to preserve this highly sensitive area and that Council was acting in the best interest of the residents and thinking strategically in its efforts to plan for development in the future.

Councillor Weber stated that with all the work and effort contributed to this project so far he could not support cancelling this project however he was not adverse to meeting with representatives of the subdivision associations and Council members, the C.A.O., the Director of Community Services, the Engineer etc. to address the concerns of the community in respect to the proposed system.

Councillor Simpson noted that it was important to address this issue while the funding opportunities were available.

The C.A.O. explained that this report was intended to provide information as to where Council was at with this project, what type of system Council was considering, financing options and the grandfathering of current septic systems. He explained that Council was looking at all its options and what ramifications there could be by not going ahead with the project at all.

**10-0315-11 Moved by: Councillor Weber
Seconded by: Councillor Illman**

That Council and staff meet with members of the Community Associations that are affected by the proposed septic system to clarify the objectives of this project and to address their concerns.

Carried

6.3 PL Report No. 12-2010 – Re: Site Plan Agreement between Blucor Group Inc. & the Corporation of the Municipality of Lambton Shores – 24 Government Road, Grand Bend

Council reviewed PL Report No. 12-2010 regarding a previously approved site plan agreement for BluCor for property located at 24 Government Road that should be rescinded as it appears that Mr. Blumas is no longer interested in pursuing development as proposed in the site plan agreement.

**10-0315-12 Moved by: Councillor Illman
Seconded by: Deputy Mayor Jamieson**

That Council approves a by-law rescinding By-law 76-2008 which authorized the entering into and execution of a Site Plan Agreement between Blucor Group Inc. and the Corporation of the Municipality of Lambton Shores.

Carried

Administration & Finance

6.6 TR Report No. 16-2010 – Re: Draft 2009 Year to Date Financial Statements

TR Report No.16-2010 provided details on the 2009 draft operating and capital financial statements, and noted that these statements are subject to change as the department is waiting for outstanding adjustments such as the OPP contract reconciliation, and pending the prescribed annual audit completion.

**10-0315-13 Moved by: Councillor Illman
Seconded by: Councillor Simpson**

That the Draft 2009 Financial Statements and Reserve Fund allocations be approved as outlined in Treasurer's Report No. 16-2010.

Carried

7. BY-LAWS & RESOLUTIONS

7.1 By-law 17-2010 – Rescind By-law 76-2010

**10-0315-14 Moved by: Councillor Simpson
Seconded by: Councillor Weber**

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 17-2010 – Rescind By-law 76-2010. Carried

8. ACCOUNTS

8.1 TR Report No. 15-2010 – February, 2010 Cheque Register

The accounts for the month of February, 2010 were reviewed.

**10-0315-15 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Cook**

That the accounts for the month of February, 2010 in the amount of \$1,318,135.59 be approved. Carried

9. COUNCILLOR REPORTS

Councillor Illman reported that three community groups are working together to promote a two week celebration at Esli Dodge from June 27 to July 5 and that 52 teams had registered for “Tri Sport” in Forest to be held April 9th and 10th. She noted that the organizing committee still requires judges and shuttle bus drivers for the events.

She also advised that the Communities in Bloom Committee would be making presentations to different area groups regarding ideas for the 2010 program.

Councillor Illman further requested that Lambton Shores reconsider the issuing of tax receipts for donations in the amount of \$20.00. The current limit is \$50.00.

**10-0315-16 Moved by: Councillor Illman
Seconded by: Councillor Weber**

That the Municipality of Lambton Shores provides tax receipts for donations of \$20.00 or more. Carried

10. NEW BUSINESS

There was no new business for Council to review.

11. DISCUSSION PERIOD

Mr. Bob Sharen asked for clarity on Council’s decision to meet with the Subdivision Associations to discuss the Wastewater Collection System proposed for Zone 3. It was confirmed that Council and staff representatives would be only too happy to meet with the Associations prior to making final decisions on this project.

Mr. Peter Mauer of Merrywoods Subdivision inquired as to whether or not new development was stalled because of the delay in the process of the proposed wastewater collection system and treatment strategy. He was advised that all new development proposed for the Grand Bend area was approved based on allotments in the existing system or as part of the new expansion.

Mr. Jim Hansen asked a procedural question and further asked for Council's consideration of a plebiscite for the 2010 Election regarding a reduction in the number of electoral wards. He was advised that staff would report back on his request.

Mr. Gord Britton commented that there has been a lack of communication to the residents regarding the need for the sewers and that more consultation with different governing bodies such as the Ausable Bayfield Conservation Authority was needed.

Mr. Richard Matzka inquired about the projected completion date for the sewage treatment plant as to whether or not the funding would still be available. It was noted that the Municipality is in receipt of the signed contract with the province for stimulus funding for this project.

Mrs. Josie Britton suggested that there were other contributing factors to the nitrate problem within Lake Huron such as runoff from farmers' fields. Councillor Rupke advised that the source of nitrates within Lake Huron were being investigated by other agencies such as Source Water Protection.

Ms. Dinah Taylor commented that the septic systems within the Wee Lakes Subdivision are fairly new and working properly and that older sections of the sewer system in Grand Bend could be questionable as to how it was performing.

Mr. Barry Linden commented that Council was wasting time and money on the studies being conducted for this project, that he could not think of another municipality that had a waste management program that was proving to be cost effective.

Mr. Ernie Lewis commented that there was a lack of transparency on Council's part in presenting this project to the residents affected and that Council needed to explore other sources such as universities in its research and implementation of this project.

The C.A.O. reported that this sewer system project is just in the initial stage and that there are several issues still to be addressed such as the type of system to be used, the possibility of grandfathering newer septic systems and the financing of the project.

Mr. Jordy Speak asked to read a letter from Sue Davis, a real estate agent in Grand Bend, concerning issues related to the development of a car wash in Grand Bend being hindered by the Lambton Shores Planning Department.

12. CONFIDENTIAL

**10-0315-17 Moved by: Councillor Cook
Seconded by: Councillor Simpson**

That the Council meeting goes "In Camera" at 9: 20 p.m. to discuss personnel and legal matters and will reconvene immediately thereafter. Carried

13. ADJOURN

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

That the Council meeting adjourn at 9:36 p.m. Carried