

THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 12-2010

Date of Meeting: Monday, May 3, 2010

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

Members Absent: Councillor Gerry Rupke

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: Lynda Rapley, Lakeshore Advance
Gord Whitehead, The Standard

1. CALL TO ORDER

The Mayor called the meeting to order at 5:30 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.

**10-0503-01 Moved by: Councillor Weber
Seconded by: Councillor Dehondt**

That the Council meeting goes "In Camera" at 5:30 p.m. to discuss legal matters and will reconvene immediately thereafter.

Carried

Council rose and reported progress on legal matters at 6:20 p.m.

3. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Regular Council Meeting – April 13, 2010

The minutes of the April 13, 2010 Council meeting were reviewed.

**10-0503-02 Moved by: Councillor Simpson
Seconded by: Councillor Illman**

That the minutes of the regular Council meeting held the 13th day of April, 2010 be accepted as presented. Carried

3.2 Regular Council Meeting – April 19, 2010

The minutes of the Council meeting held April 19, 2010 were reviewed.

**10-0503-03 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Cook**

That the minutes of the regular Council meeting held the 19th day of April, 2010 be accepted as presented. Carried

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.2 Forest Rotary – Re: Potential BMX Bike Riding Area at the Old Forest Arena

Rick Lean and Denise Coleman representing service clubs from Lambton Shores - Forest approached Council to discuss the possible construction of a BMX bike park behind the former Forest arena. The request included a request that the Community Service staff provide the required material to create the “jumps”. The type of materials necessary, project cost estimates and the requirement for liability insurance was discussed, as was the pending Lambton Shores’ Recreation and Leisure Master Plan and review of recreational needs.

The delegates were asked to provide additional information to staff to review and report to Council.

**10-0503-03 Moved by: Councillor Illman
Seconded by: Councillor Simpson**

That staff be requested to provide a report on the proposed BMX bike park at the Forest Arena. Carried

**10-0503-04 Moved by: Councillor Russell
Seconded by: Councillor Dehondt**

That the order of the agenda be amended to facilitate the participation in the meeting of the members of the public, as permitted in section 5.3 of the procedural by-law. Carried

Mayor Minielly advised that the public information session on Beach Volleyball in Grand Bend was held on Saturday May 1, and that there were many members of the public in attendance interested in the next step in the process.

Councillor Dehondt noted that when the beach volleyball was originally discussed, he had not envisioned the use of alcohol or the number of tournaments now being proposed.

**10-0503-04 Moved by: Councillor Dehondt
Seconded by: Councillor Russell**

That staff be directed to meet with PVB to discuss a modified version of the volleyball school program on the Grand Bend beach, taking into consideration community concerns, reducing the schedule of tournaments, eliminating licensed events, revising the site plan, relocating the school and reporting back to Council for review and direction, and including a discussion in regards to appropriate rent for the venue. Carried

With respect to the timing of the report, Chief Administrative Officer John Byrne noted that as this is an important and time sensitive issue, the report will be reviewed at the next meeting, which will be Tuesday, May 11, 2010 at 3:00 p.m.

Councillor Illman stated that she was supportive of the request for a further report from staff, and that it was important to note that Lambton Shores does not provide any recreation programs, nor does it have a recreation department, and that the use of the beach for a recreation program was consistent with other "for profit" organizations that provided programs at Municipal facilities, such as a hockey school, or dance programs.

5. CORRESPONDENCE & PETITIONS

There was no correspondence or petitions for Council's review.

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

Corporate and Strategic

6.1 C.A.O. Report No. 14-2010 – Re: Postal Service Changes in Lambton Shores

In C.A.O. Report No. 14-2010, Chief Administrative Officer John Byrne outlined the plans of Canada Post to eliminate the system of "rural route" addressing and replacing it with municipal addressing, commencing with the Forest routes. Canada Post is recommending using the current municipal address, with "Lambton Shores" as the Town, together with a new postal code. It was also noted that residents currently residing within the limits of one of the former towns would retain their current address and postal code.

Discussions took place on the method of communicating the change to the residents, and the recent changes made by Canada Post to residents in the Huron Woods subdivision.

**10-0503-05 Moved by: Councillor Illman
Seconded by: Councillor Dehondt**

That Council support Canada Post plans for changes to postal service in the Forest area and recommend the designation of postal areas outside of the former town limits of Forest as “Lambton Shores” as outlined in C.A.O. Report No. 14-2010. Carried

6.2 C.A.O. Report No. 15-2010 – Re: 2010-2011 Lambton Shores Accessibility Plan

The 2010-11 Lambton Shores’ Accessibility Plan was presented for Council’s review and consideration, and included Lambton Shores’ commitment to accessibility, recent barriers removal initiatives, and recommended initiatives for 2010 and 2011.

It was noted that there was a need to repair dangerous cross walks throughout the community, not just in Grand Bend, however, the Main Street intersection was specifically mentioned by an Accessibility committee member as being “challenging” therefore; it was noted in this report. Also being considered for the Grand Bend Main Street intersection was the “scramble” crosswalk, and the installation of “signal controls” for the pedestrian crosswalks.

Options for enhancing the acoustics at the Thedford Village Complex were also discussed.

The commitment of the Accessibility members to the committee and the wealth of experience they bring to Lambton Shores was noted and appreciated.

**10-0503-06 Moved by: Councillor Russell
Seconded by: Councillor Dehondt**

That the 2010 – 2011 Lambton Shores Accessibility Plan be received and referred to staff for inclusion in the 2010 – 2011 Capital and Operating budgets and implementation where funding allows. Carried

Planning

6.3 PL Report No. 22-2010 – Re: Zoning By-law Amendment Application ZO-19/2009 for David Martin – Southwest Corner of Proof Line and Kinnaird Road

Previously, Council had approved the zone amendment for the former Kinnaird School property at the southwest corner of Proof Line and Kinnaird Road, and in PL Report 22-2010, Planner Patti Richardson presented the implementing by-laws that contained the conditions of approval.

**10-0503-07 Moved by: Councillor Simpson
Seconded by: Councillor Russell**

That PL Report No. 22-2010 regarding Zoning By-law Amendment Application ZO-19/2009, submitted by David Martin, affecting lands located at the southwest corner of Proof Line and Kinnaird Road and described as Part of Lot 12, Concession 12, to change the zoning on the lands from Agricultural 1 (A1) to an Agricultural A1.33 (A1.33 be received and filed and that the by-law to implement the amendments to Zoning By-law 1 of 2003 be approved.

Carried

6.4 PL Report No. 23-2010 – Re: Site Plan Agreement for Revised Site Plan for Grog’s Pub & Grill – 8604 Lakeshore Road, Northville

At the last meeting, Council had reviewed the Planning report pertaining to the site plan agreement for “Grog’s Restaurant”, and the revised agreement has been prepared in accordance with the resolution passed, and was included with PL Report No. 23-2010.

Councillor Simpson noted that it was his intent when making the motion that the proprietor be permitted to occupy the patio before all the requirements of the site plan agreement were completed, which was not noted in the resolution.

Mrs. Brennan was in the audience and noted that the site plan improvements should be completed by the end of the summer, with the exception of some of the paving and the fencing. She also noted that they need to have the occupancy permit before they can apply for a license amendment.

**10-0503-08 Moved by: Councillor Simpson
Seconded by: Councillor Russell**

That resolution 10-0419-04 be amended by adding:

“The agreement is to include a provision that all site plan requirements, excluding the paving on spaces 11-25 and the fencing be completed by October 31, 2010 and that the patio area can be occupied prior to the completion of the site plan requirements.”

Carried

**10-0503-09 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Weber**

That Council approve By-law 25-2010, authorizing the execution of the revised Site Plan Agreement between Veronica Heidi Brennan and the Corporation of the Municipality of Lambton Shores.

Carried

4.3 Peter Vrankovic – Re: Southbend Estates

Mr. Dennis Hsu, representing Grand Bend Community Corporation (Southbend Estates Subdivision) addressed Council requesting consideration of a different method of paying

for the sewers that were installed and paid for by the Municipality on easements across the Southbend property. Lambton Shores had allocated 30% of the cost of the force main installation to the development, based on expected future flows; however, Mr. Hsu noted that the developer did not require the entire sewer for Phase 1 of the project, and asked for consideration of a payment plan as opposed to paying the entire \$504,000 upfront.

Planner Patti Richardson advised Council that she has requested a breakdown of the costs from Dillon. She advised that the sanitary sewer installed on the Southbend property can be considered in two components. The first component of the sewer main was constructed on the future Tradition Road right of way and the second component of the sewer main was constructed across the proposed golf course and under the Ausable River. In order to proceed with development, Southbend would have had to at a minimum construct that portion of the sewer main across the proposed golf course and under the river. The section of sewer constructed on the Tradition Road right of way, south from the golf course and river crossing is not necessary to service the proposed first four phases of the development. She indicated that it may be fair to require payment from Southbend for the golf course and river crossing component as a lump sum payment upon the commencement of the subdivision and defer payment for the Tradition Road sewer. It was noted that if a deferred payment plan was considered, there would be carrying charges.

The other request from Mr. Hsu was for a waiver of development charges for the beginning of the development. Mr. Hsu indicated that when the property was being discussed in 2005, the Municipality of Lambton Shores did not have development charges, and when the pending development charges were discussed, he indicated the municipality agreed to waive the fees for the first 2 years, and then a reduced amount for a certain period of time. If there is a legal agreement in place, the Lambton Shores development changes by-law does state that previous municipal agreements would be respected.

The need to be consistent and charge everyone equally was discussed, as was the fact that when the Development Charges were first introduced, there was a phase in period that would have reduced the costs for the developers if they were ready to proceed. In addition, the rates have not increased by the CPI in the past few years, which is also a benefit to builders.

It was noted that if there is a written agreement providing for a different payment scheduled, the Municipality would be pleased to review it. Ms. Richardson noted that she would bring back a report for Council to consider, which would outline the actual cost split between Tradition Road sewer and the river and golf course crossing sewer.

10-0503-10 Moved by: Councillor Russell
Seconded by: Councillor Dehondt

That the Planner be instructed to ascertain the share of the costs for the installation of the sanitary sewers attributable to Southbend Estates, and that Council authorizes the payment to be phased, with the golf course and river crossing being paid for upfront and

the Tradition Road sewer cost being deferred with carrying charges until they are utilized and that Development Charges apply to this development, unless there is a legal agreement to the contrary.

Carried

Community Services

6.5 D.C.S. Report No. 25-2010 – Re: Requested Municipal Drain Maintenance

The requests received for maintenance of Municipal drains were outlined in D.C.S. Report No. 25-2010, and it was noted that the work would be scheduled in 2010, and the costs assessed back to the landowners based on the schedule of assessment for each drain.

**10-0503-11 Moved by: Councillor Simpson
Seconded by: Councillor Russell**

That the recommendation brought forth through D.C.S. Report No. 25-2010 is approved and that landowner requests for Municipal drain maintenance occur in accordance with Section (74) of the Drainage Act.

Carried

6.6 D.C.S. Report No. 26-2010 – Re: Community Services Operating & Capital Update

Director of Community Services Peggy Van Mierlo-West provided updates on projects currently underway, and did note that the report should have referenced “Part 2” bump up requests, not “Part 4”. In addition, it was corrected that one of groups had submitted the request prior to the meeting with staff.

Councillor Illman questioned the process for the installation of plants and the landscaping at the Village Green and Main Street Grand Bend, and was advised that the installation and 1 year maintenance was included in the contracts.

Councillor Dehondt asked for and received confirmation that the signage advising of the new paid parking requirements on Main Street, Grand Bend would be installed the same time as the parking meters were installed. Also discussed was the fact that a person could purchase an incremental amount of time to a maximum of 2 hours.

With respect to portable washrooms, it was confirmed that the Municipality did not supply washrooms for special events.

Director of Community Services Peggy Van Mierlo-West and Chief Administrative Officer John Byrne showed examples of the 1920 cast iron pipes that are being replaced in Forest, which showed the calcium build up in the pipes. Also demonstrated was the difference in the quality of the water between the first flushing and the final flushing.

**10-0503-12 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Russell**

That D.C.S. Report No. 26-2010 regarding an update on the Operating and Capital projects be received and filed. Carried

4.4 Catherine Minielly of Communities in Bloom – Re: Update on the 2010 Program

Mrs. Minielly presented a power point show to update Council on the successes of the 2009 Communities in Blooms program, and the highlights from the judge's tour that cumulated with the awarding of 5 blooms for Lambton Shores, and the community involvement award.

The recommendations emanating from the Judges tour were outlined, as were the plans to improve in the area noted on the judge's report. Current fund raising initiatives as well as the plans for the 2010 program were detailed.

The great benefits of the program to Lambton Shores were highlighted, and it was noted that this had been an excellent way to bring the various communities together.

6.7 D.C.S. Report No. 27-2010 – Re: 2010 Roads Needs Study

At the last meeting, Council heard presentations from 2 consultants that had submitted proposals for the drafting of a Roads Needs Study for Lambton Shores. After considering the presentations and the proposals received, D.C.S. Report No. 27-2010 recommended awarding the project to McCormick Rankin Corporation.

**10-0503-13 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Simpson**

That D.C.S. Report No. 27-2010 be approved and that McCormick Rankin Corporation be awarded the 2010 Road Study in the amount of \$47,630.00. Carried

6.8 D.C.S. Report No. 29-2010 – Re: Lambton Shores Communities in Bloom Update

The current 2010 Municipal plans for Communities in Blooms were outlined in D.C.S. Report No. 29-2010, and were similar to those goals outlined in the power point presentation earlier by Catherine Minielly.

**10-0503-14 Moved by: Councillor Simpson
Seconded by: Councillor Illman**

That D.C.S. Report No. 29-2010 regarding an update on the Lambton Shores Communities in Bloom be received and filed. Carried

Administration and Finance**6.9 CL Report No. 24-2010 – Re: Dedicating 2 Municipally Owned Properties as Part of the Lambton Shores’ Highway System**

CL Report No. 24-2010 reported that during the review of Municipally owned properties undertaken in preparation for the conversion to the Public Sector Accounting Board (PSAB) method of accounting, it was confirmed that 2 of the properties listed were being used as part of the Municipal road system. In order to accurately reflect the usage of the property, it is necessary to pass a by-law to officially dedicate these parcels of land as part of the highway system.

**10-0503-15 Moved by: Councillor Dehondt
Seconded by: Councillor Simpson**

That the Council approves the assumption and dedication of two parcels of land as part of the Lambton Shores’ road system as outlined in CL Report No. 24-2010 and that By-law 22-2010 assuming and dedicating these parcels be approved. Carried

6.10 CL Report No. 27-2010 – Re: Amending the Beach By-law 38-2009

In 2009, Lambton Shores passed a by-law that outlined the permitted uses and the rules and regulations for Municipally owned beaches. In order to ensure that the regulations pertained to the playgrounds and any of the “built environments” an amendment to the definition of “Beach” was proposed to include these features.

Councillor Russell questioned the beach closing time of 11:00 p.m., and was advised that the closing time had been in place for many years and allows the By-law Officers or the Police to remove people if required.

**10-0503-16 Moved by: Councillor Dehondt
Seconded by: Councillor Weber**

That By-law 38 of 2009, being a by-law “To Regulate all Municipally Owned Beaches” be amended to include an expanded definition of “Beach” as outlined in CL Report No. 27-2010, and that By-law 23-2010 enacting this amendment be approved. Carried

7. BY-LAWS & RESOLUTIONS

**10-0503-17 Moved by: Councillor Simpson
Seconded by: Deputy Mayor Jamieson**

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 22-2010 – Dedicate Properties as Part of the Highway System

- By-law 23-2010 – Amend Beach By-law 38-2009
- By-law 24-2010 – Zone Amendment – Martin
- By-law 25-2010 – Authorize Revised Site Plan Agreement – Grog's. Carried

8. ACCOUNTS

There were no accounts for Council to review.

10. NEW BUSINESS

SA 1. D.C.S. Report No. 12-2010 Re: Fees for the Use of Municipal Equipment and Services

Fees for services provided by the Community Services Department have been reviewed and several amendments were proposed to ensure cost recovery. A list of the recommended changes were presented for Council's review and comment.

**10-0503-18 Moved by: Councillor Simpson
Seconded by: Councillor Illman**

That D.C.S. Report No. 12-2010 be approved and that the attached schedule be incorporated into the Municipal Fee Structure.

Carried

SA 2. CL Report No. 28-2010 – Re: Agreement between the Municipality of Lambton Shores and Monteith Brown Planning Consultants – Recreation and Leisure Services Master Plan

At a recent meeting, Council approved the awarding of the contract for the creation of the Recreation and Leisure Services Master Plan to Monteith Brown Planning Consultants. An agreement has been prepared to authorize the signing of the agreement, a copy of which was provided for Council's review. It was noted that the timeline for the project had been amended to commence May 5 and be completed by November 11, 2010.

**10-0503-19 Moved by: Councillor Illman
Seconded by: Councillor Simpson**

That Council approve the execution of an agreement between the Corporation of the Municipality of Lambton Shores and Monteith Brown planning Consultants for the creation of a Recreation and Leisure Services Master Plan and that By-law 27-2010 authorizing the Mayor and Clerk to sign the agreement be approved.

Carried

SA. 3 CL Report No. 29-2010 – Re: Appointing Provincial Offences Officers

Each year, the Municipality appoints Provincial Offences Officers to enforce the Municipal by-laws and the names of the 2010 Officers were provided for approval.

**10-0503-20 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Simpson**

That the individuals recommended for appointment as Provincial Offences Officers for the Municipality of Lambton Shores as outlined in CL Report No. 29-2010 be accepted as presented, and that the authorizing By-law 29-2010 be approved. Carried

9. COUNCILLOR REPORTS

Councillor Illman reported her attendance at a recent meeting with the Grand Bend Chamber at which Janet Jones spoke on grants available for cultural and heritage projects. It was suggested that this would be useful information for community groups.

Deputy Mayor Jamieson advised that the manager of TSL was no longer with the organization and that the County would be studying the operations and making a recommendation for the management of the organization. It was noted that the concerns raised by Lambton Shores over the past few years will be considered.

Councillor Weber had attended the recent retirement of Forest Fire Chief Bob Martin, after serving 47 years and Department member Rob Livingstone who served 20 years, and noted how impressed he was with the Fire Fighting brotherhood.

Councillor Simpson congratulated Lambton Shores' residents Matt and Ryan Rupert on being drafted by the London Knights, and noted that in a recent magazine article, Ipperwash was listed as one of the 7 hottest cottage markets.

Councillor Dehondt asked when the landscaping would be completed at the Ontario Street Parking Lot around the new sign. He also noted was that he had been contacted by Mr. Art Blumas, who advised that he would be submitting a site plan in the near future and asked that his development project be given a high priority.

Councillor Russell requested Council consider a full strategic plan review, and asked that the following items be included in the review: the value of citizens on committees and using the media to evaluate programs, economic development and a full waste management review.

Councillor Illman agreed with the need to review these issues, but did note that the Council has quite a few major projects currently, such as the Official Plan, Recreation and Leisure Master Plan and the Road Needs Study. It was discussed that these reviews may assist with the some of the items on Councillor Russell's list.

The different options for committees and the need to assign staff and Council resources were discussed, as was the need for a proper structure and mandate to be in place to ensure committees function effectively.

**10-0503-21 Moved by: Councillor Russell
Seconded by: Councillor Dehondt**

That the request for a full strategic plan review and the recommended inclusions in the May 2, 2010 report from Councillor Russell be referred to staff for review and report back to Council.

Carried

Deputy Mayor Jamieson reported that the Village Green project is well underway, the gazebo is almost complete, and the playground equipment is scheduled for installation by the end of the month.

11. DISCUSSION PERIOD

Noreen Croxford inquired as to the next date for the Official Plan review, and was advised the goal was to have the next draft completed by the end of May.

Jim Hansen asked if the Beach By-law was applicable in Port Franks and Ipperwash, and Clerk Carol McKenzie noted that there isn't a municipally owned or public beach in Port Franks, and that the areas at the beach in Ipperwash owned by the Municipality were considered "road allowance endings", as opposed to "beaches" therefore, the by-law regulations would not apply.

Also requested was clarification on the Accessibility Plan recommendation regarding the replacement of missing street signs, and Chief Administrative Office John Byrne clarified that when signs are scheduled for replacement, a larger blade will be used.

Mr. Hansen suggested that when referring to the Main Street in Grand Bend, the reference should be to "pay and display parking kiosks" as opposed to "parking meters", as there is a negative connotation with "parking meters".

13. ADJOURN

**10-0503-22 Moved by: Councillor Dehondt
Seconded by: Councillor Weber**

That the Council meeting adjourns at 8:50 p.m.

Carried