

# THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

## Regular Council Meeting

Meeting No. 13-2010

Date of Meeting: Tuesday, May 11, 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 Services Peggy Van Mierlo-West

Media Present: Lynda Rapley, Lakeshore Advance  
Kim Powell, Forest Standard  
Casey Lessard, The Grand Bend Strip  
Gord Whitehead, Whitehead Media

### 1. CALL TO ORDER

The Mayor called the meeting to order at 3:00 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 with respect to the business itemized on the agenda and none were declared.

### 3. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

Mayor Minielly noted that there were a significant number of people in attendance for the PVB Volleyball discussion, and asked if there was any objection to the reordering of the agenda so that the matter of the 3:15 delegation could be discussed first and there were no objections.

#### 3.1 Ed Fluter – Re: Beach Volleyball Issues

Mr. Ed Fluter addressed Council and advised that he was speaking on behalf of the new “Community Association of Lambton Shores” and others who were in opposition to the

commercialization of the Grand Bend beach. The delegation also included Mr. Pat Henry and Mr. Bob Green.

Mr. Fluter outlined the group's opposition to the usage of the beach for any commercial venture, regardless of the location, and the community's frustrations with the process. Another concern was the possibility of setting a precedent by allowing commercial operations on the beach. It was also noted that a prior comparison of the "beach" to any other Lambton Shores recreation facility did not take into account the uniqueness of the beach.

Mr. Pat Henry referred back to minutes from previous Council meetings, at which concerns were raised as to whether the municipal costs to provide the facility would be covered, and he noted that the agreement was very clear on the revenue to be paid; however, the municipal costs to provide the facility were not as clear. Mr Henry questioned if the Municipality of Lambton Shores had identified all the costs to ensure that the residents would not be subsidizing the program.

Mr. Bob Green provided comments on the agreement, and asked how Council had determined that the program was in the best interests of the public, as that did not align with the current sentiments. With respect to item # 5 of the agreement, it states that P.V.B. was to ensure that they did not interfere with the public enjoyment of the beach; however, it was noted that their actions had already interfered with the peace of mind of the community.

With respect to the requirement to provide 2 million dollars of insurance, it was questioned if this amount would be sufficient, taking into consideration the number of people who use the area, and it was suggested that the insurance requirements should be enhanced.

There was a brief discussion on the demographics of the area, and it was reiterated that the people do not want the beach used for this purpose.

Mr. Fluter summarized that the original premise of the volleyball program being a healthy sport for youth provided at little cost and with limited impact on the community has cost the community dearly. He felt that this program would over burden the community and that Council had ignored the will of the people who want to protect their natural asset

Mayor Minielly thanked the speakers and asked for comments from the Council:

Councillor Russell noted that there had been mistakes made during the process and that the PVB group did not do what was asked originally in October, which was to get the community on side with the project. He asked for and received confirmation from the presenters that the group did not want any organized activities on the beach.

#### **4. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS**

##### Corporate & Strategic

#### **4.1 C.A.O. Report No. 17-2010 – Re: Lambton Shores & PVB Enterprises – Beach Volleyball**

In C.A.O. Report No. 17-2010, Chief Administrative Officer John Byrne summarized the process to date with PVB Enterprises for the establishment of a volleyball school on the Grand Bend beach. The proposal was considered on the basis of the spinoff of economic benefits to the business community, and the health and wellness benefits for youth and young adults. The draft agreement was developed which outlined the basic parameters for the proposal with the details of the implementation plan currently under development. As community input was seen as an important component of the success of the proposal, PVB Enterprises was charged with the responsibility of introducing the proposal to the community, and addressing any concerns that were raised.

Subsequent to the May 1<sup>st</sup> public meeting, staff met with the representatives of PVB Enterprises to discuss how the program could be modified to accommodate and address the issues expressed during the consultation period.

Report 17-2010 outlined the proposed revisions to the program which included the relocation of the Volleyball school to the Main Beach, reduction in the number of courts, prohibition of amplified music or P.A. system, a fee increase to include a percentage of the profits, and that food vouchers for the concession would not be provided. The modified regulations for tournaments included that only OVA sanctioned events would be permitted, no alcohol would be permitted unless authorized by Council in conjunction with a community event, the use of a P.A. system would be regulated, only the Main Beach would be used, and the fees would be \$500.00 per event, plus a percent of the revenues generated.

Councillor Dehondt thanked Chief Administrative Officer John Byrne and Director of Community Services Peggy Van Mierlo-West for working on options to resolve issues that have been raised, and for the modified plan, however, he felt that it may not be sufficient to resolve the community's concerns. He noted additional concerns with the term of the agreement and the location, and suggested a 1 year agreement with an annual review and moving the program to the Klondyke Sports Park, possibly with special events at the beach.

Councillor Weber noted that Council should consider the volleyball program from all sides, and agrees that the communication with the community had been poor, and Council has accepted the blame for that; however, he was concerned with the personal attacks on the Council members. The original intent of the proposal approved was to bring a volleyball school for young people into the area and to promote economic development. Revisions have been made to the original proposal, and he felt that the school for youth and adults should be approved for this year, and reviewed in September.

Deputy Mayor Jamieson confirmed that Council originally supported the proposal with the goals of economic and recreational benefits for the community. She also noted that if the goal was to protect the beach, the area should be fenced and all members of the public banned. Deputy Mayor Jamieson also noted that Council had courteously listened to each delegation and all comments made and that this was a formal Council

meeting and that the Council members deserve the right and the courtesy to speak as well.

Councillor Illman noted that Council had supported the recreation and leisure component of the plan, and agreed there had been errors in the communications. There have been modifications to the original proposal that would reduce the scope of the plans, and allow for a review after this season. Councillor Illman did express a concern with the revised location, as Lambton Shores' has spent significant funds on the beach, and thought that the original location was better, but with a reduced scope.

Councillor Simpson requested more time to process the information provided today, and asked for a deferral to the next council meeting

**10-0511-01 Moved by: Councillor Simpson  
Seconded by: Councillor Cook**

That the issue of the PVB Enterprises Beach Volleyball Agreement be deferred to the next Council meeting. ***Did not carry***

Additional options were discussed, such as the right of the Municipality to advise PVB that the only location would be the Klondyke Park and deferring the agreement for 1 year to coincide with the development of the Recreation Master Plan and a policy on beach usage.

**10-0511-01 Moved by: Councillor Dehondt  
Seconded by: Councillor Russell**

That a meeting be held with PVB Enterprises advising that the beach is not available for the volleyball program, and that the school be moved to the Klondyke Sports Park.

**Motion was withdrawn**

**10-0511-01 Moved by: Councillor Dehondt  
Seconded by: Councillor Russell**

That Chief Administrative Office John Byrne be asked to meet with PVB Enterprises about the possibility of moving the volleyball school to the Klondyke Sports Park.

**The motion failed**

**10-0511-01 Moved by: Councillor Dehondt  
Seconded by: Councillor Simpson**

That the issue of the appropriate location for volleyball be referred to the Recreation Master Plan, and the 2010 plans for the volleyball program be put on hold for 2010, and the contract cancelled.

**The motion failed**

Deputy Mayor Jamieson noted that it may be possible to meet and discuss possible amendments, however, some of the issues may be unchangeable as there is a contract.

Chief Administrative Officer John Byrne noted that if a change was made in the location, the Municipality would still be honouring the conditions of the agreement. The revised location can be presented to PVB to decide if that was workable for them, as the size is comparable.

**10-0511-01 Moved by: Deputy Mayor Jamieson  
Seconded by: Councillor Russell**

That C.A.O. Report No. 17-2010 regarding the Beach Volleyball Agreement with PVB Enterprises be accepted and approved and that staff be authorized to implement the proposed changes as outlined in the report and to renegotiate the number of courts, length of contract, and location. Carried

**4.2 C.A.O. Report No. 16-2010 – Re: Parking Lot Lease – Part Lot 381, Plan 24, Grand Bend**

C.A.O. Report No. 16-2010 outlined the discussions that have been held with the owner of a vacant lot for permission to lease the property to provide additional parking in Grand Bend. A copy of the draft lease was provided for Council's review.

**10-0511-02 Moved by: Councillor Russell  
Seconded by: Councillor Weber**

That C.A.O. Report No. 16-2010 regarding the leasing of a vacant lot at 59 Main St. W. Grand Bend be accepted and approved and that By-law 31-2010 be approved, and the Mayor and Clerk be authorized to execute the lease on behalf of the Municipality of Lambton Shores. Carried

**4.3 C.A.O. Report No. 18-2010 – Re: Reconstruction of Main Street, Grand Bend – Stimulus Fund Project**

An update of the Grand Bend Main Street reconstruction project was provided in C.A.O. Report 18-2010, and it was noted that the size and complexity of the project, along with the tight deadlines, all presented challenges. Chief Administrative Officer John Byrne reported that the parties had worked together to reduce costs by eliminating or deferring components while still maintaining the integrity of the project. Alternative revenue sources were researched as well. The unfinanced balance of the project is approximately \$384,000.00, and the recommendation was that the costs be deferred for incorporation into the 2011 capital budget.

Councillor Dehondt noted that the Main Street looks spectacular and that considering the size of the project, the overrun as a percentage was very low.

**10-0511-03 Moved by: Councillor Russell  
Seconded by: Councillor Illman**

That C.A.O. Report No. 18-2010 regarding the reconstruction of Main Street, Grand Bend be received and that the recommendations for project cost cutting already implemented and that the plan for offsetting cost over runs be approved as outlined in the report. Carried

Administration & Finance

**4.4 CL Report No. 30-2010 – Re: Agreement between the Municipality of Lambton Shores & McCormick Rankin Corporation**

At the May 3, 2010 meeting, Council accepted the proposal submitted by McCormick Rankin Corporation for the creation of a Lambton Shores' Road Needs Study. The implementing by-law and contract were prepared and submitted for Council's approval.

**10-0511-04 Moved by: Deputy Mayor Jamieson  
Seconded by: Councillor Dehondt**

That CL Report No. 30-2010 regarding the execution of an agreement between the Corporation of the Municipality of Lambton Shores and McCormick Rankin Corporation, for the creation of a Roads Needs Study be accepted and approved and that By-law 30-2010 authorizing the Mayor and Clerk to sign the agreement be approved. Carried

**4.5 TR Report No. 23-2010 Re: Asset Management Program (AMP) Funding Project Extension**

Treasurer Janet Ferguson outlined the fact that Lambton Shores received funding under the COMRIF program for assistance with the Tangible Asset reporting requirements. The Municipality requested an extension in 2009, which OMAFRA recently approved, and an amending extension agreement has been prepared, together with a authorizing by-law, both of which were provided for Council's approval.

**10-0511-05 Moved by: Councillor Cook  
Seconded by: Councillor Russell**

That Council authorize the Mayor and C.A.O. to execute an extension agreement for the Asset Management Program as outlined in Treasurer's Report No. 23-2010, and that authorizing By-law 35-2010 be approved.

**5. BY-LAWS AND RESOLUTIONS**

**10-0511-06 Moved by: Councillor Russell  
Seconded by: Councillor Simpson**

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 30-2010 – Authorize Agreement – McCormick Rankin
- By-law 31-2010 – Authorize Agreement – 1644659 Ontario – Parking Lot Lease.
- By-law 35-2010 – Authorize Amending Agreement – COMRIF – AMP Funding. Carried

## **6. COUNCILLOR REPORTS**

Councillor Illman asked for an update on the Recreation Master Plan and was advised by Director of Community Services Peggy Van Mierlo-West that an inaugural meeting has been held with consultants, and that there will be updates to Council on a regular basis, as well as communication with community groups.

Councillor Weber noted that at the May 1<sup>st</sup> public meeting, there was mention of a by-law that charged license fees for entertainment facilities and activities in Grand Bend. He asked that this by-law be researched, and a report prepared for Council's review and consideration.

**10-0511-07 Moved by: Councillor Weber**  
**Seconded by: Councillor Russell**

That staff be directed to prepare a report on the "Arcade Licensing By-law" that is currently in force in the Village of Grand Bend.  
Carried

Mayor Minielly had been asked to investigate the establishment of a "youth curfew" for the Town of Forest to control the vandalism and staff was asked to review this matter with the O.P.P.

Councillor Russell advised Council that the Lake Smith Conservationists had received a grant of \$13,700.00 to replace the tables, chairs and fryers used at their fundraising events.

## **7. NEW BUSINESS**

There were no items of new business brought forward at this time.

## **8. DISCUSSION PERIOD**

Several members of the audience raised issues pertaining to the current parking situation in Grand Bend, and the negative impact trying to find a parking space has on visitors, questions were raised as to the wording of the final volleyball motion passed, and the "additional space" and the number of courts available in the PVC agreement.

Mr. Jim Hansen stated that PVB was to submit the required certificate of insurance and fee at the time of signing and questioned if the fact that these items were not provided at signing would violate the first condition of the agreement, and questioned if the agreement would still be binding.

Another member of audience noted that failure to pay the fee would be a breach of contract.

Mr. Bob Sharen thanked the Community Services for fixing the water problem at the end of Main Street.

**9. CONFIDENTIAL**

**10-0511-08 Moved by: Councillor Cook  
Seconded by: Councillor Russell**

That the Council meeting goes "In Camera" at 4:25 p.m. to discuss legal matters and will reconvene immediately thereafter.

Carried

Council rose and reported at 4:40 p.m.

**10. ADJOURN**

**10-0511-09 Moved by: Councillor Weber  
Seconded by: Councillor Russell**

That the Council meeting adjourn at 4:40 p.m.

Carried