

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 14-2011

Date of Meeting: Monday, April 18, 2011

Members Present: Mayor Bill Weber
Deputy Mayor Elizabeth Davis-Dagg
Councillor Dave Maguire
Councillor Doug Bonesteel
Councillor Lorie Scott
Councillor Ruth Illman
Councillor Martin Underwood
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
Administrative Assistant Roberta Brandon

Media Present: Lynda Hillman-Rapley, Lakeshore Advance
Gord Whitehead, Various Publications

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 Weber asked the members to declare and pecuniary or conflict of interest that they may have with respect to the business itemized on the agenda and none were declared.

3. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Special Council Meeting – March 9, 2011 (Budget)

3.2 Regular Council Meeting – March 15, 2011

3.3 Regular Council Meeting – March 21, 2011

The minutes of the March 9th, 2011 (Budget) meeting and the regular Council meetings held March 15th and April 4th, 2011 were reviewed.

Councillor Illman asked if the \$20,000.00 allocated in the 2011 budget for Economic Development was to be designated for strategic planning and this was confirmed.

Deputy Mayor Davis-Dagg noted that her comments in the April 4, 2011 regular Council meeting minutes asked Council to keep the budget increase to the cost of living.

Councillor Bonesteel asked that the letters to be sent to the local MPP, the Minister of energy and the Premier concerning wind turbines in the community would include Municipal concerns with solar energy panels and it was confirmed that the letters noted the ramifications of “greener initiatives”.

Councillor Bonesteel also asked when a further report on Option 1 from PL Report No. 18-2011 on the Grand Bend Shores Development (Murray Troup) would be available to Council. Confirmation was given that this report would be presented at the next Council meeting.

**11-0418-01 Moved by: Councillor Illman
Seconded by: Councillor Scott**

That the minutes of the March 9th and March 15th, 2011 Council meetings be accepted as presented and that the minutes of the April 4, 2011 Council meeting be accepted as amended.

Carried

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.1 Mr. Bob Sharen – Re: Request for Additional Information on Grand Bend Sewage Plant Capacity

Mr. Bob Sharen appeared before Council requesting an explanation of the calculations used to determine the sewage flows and capacity of the Grand Bend Sewage Treatment Facility reported by the Planner at the previous meeting. He noted that he believed the figures used were unrealistic and did not take into account seasonality. He further asked for information on the status of the developments that had dedicated capacity.

Deputy Mayor Davis-Dagg reiterated Mr. Sharen’s concerns and asked that a further explanation of the calculations be presented.

Mayor Weber noted that the sewage flows and capacity of the Grand Bend Sewage Treatment Facility will be reviewed by the future ad hoc committee as part of the information package to be dealt with for Zones 3 and 4 and further advised that staff would respond to Mr. Sharen’s concerns.

4.2 Mr. Peter Coleman & Representatives from the Grand Bend Business Community – Re: The Use of the Grand Bend Beach

Mr. Peter Coleman, Larry Mason & Jim McCoy representatives from the Grand Bend Business Community appeared before Council to discuss the Grand Bend beach. Mr. Coleman praised the former Council and current staff for their hard work on the Grand Bend beach and Main Street enhancement projects,. He advised Council to ignore the

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negativity surrounding the beach use and that businesses in Grand Bend were in favour of “reasonable” use of the beach.

Mr. Larry Mason informed Council that as a long time business owner he felt it was important to voice his support for the positive changes to the beach and Main Street in Grand Bend. He explained that businesses in Grand Bend rely on tourists and restricting beach use would be like taking the welcome mat away. He urged Council to ignore the self interest groups and to consider reasonable use of the beach for such things as the occasional volleyball event.

Mr. Mason also read a letter from Grand Bend residents noting their approval of the efforts of Council and the numerous individuals in the community that contributed to the improvements of both the beach and the downtown core. They also wrote of their support of the beach being used for such events as the Not So Pro Volleyball tournament and asked that Council consider the need to have recreational activities for the youth of the community.

Mr. Jim McCoy thanked the previous Council for moving forward with the beach and Main Street enhancements and they are great benefits to the business owners as they are big draws for families and tourists. He noted that Council had been elected by the people of Lambton Shores and their job was to make difficult decisions as to what was best for both Lambton Shores and Grand Bend, and they should not let a small group influence their decision. He further explained that the business community was more than happy to give Council feedback to assist in making decisions.

Councillor Bonesteel advised that Lambton Shores Council had a moratorium on the beach use until such time as the Beach Study is completed. He also advised that the consultant for the Beach Study has captured the thoughts of the public who attended the information centre.

Deputy Mayor Davis-Dagg inquired as to what the delegates considered “reasonable” use of the beach and was advised that an occasional volleyball tournament or similar event would be reasonable. Mr. Mason did note that the delegates were not in favour of the use of the beach for a beach volleyball program that tied up the entire beach for a long period of time or individuals who wreak havoc on the beach.

Mayor Weber and Council thanked the delegates for their appearance and support.

5. CORRESPONDENCE & PETITIONS

Correspondence – Receive & File

None at this time.

Correspondence – Referred to Staff for Resolution or a Report

None at this time.

Correspondence – For Council Direction

5.1 Brian W. Knott, Solicitor – City of Sarnia – Re: Sharing of Services by Local Governments

Correspondence from Solicitor Brian Knott, City of Sarnia, requesting that Council consider sharing services with local governments was reviewed. Members agreed that the possibility of sharing services with the other local municipalities be looked at during Strategic Plan discussions.

**11-0418-02 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That correspondence from the City of Sarnia regarding the sharing of services by local government be received and filed and that the possibility of sharing services be referred to the Strategic Plan discussion. Carried

5.2 Brian Roberts, Grand Bend Optimist Club – Re: 1st Annual Grand Bend Car Show, Dinner & Dance

With the cancellation of the Burgerfest for 2011 the Grand Bend Optimist Club is requesting permission to hold the 1st Annual Grand Bend Car Show, Dinner and Dance on the 18th of June, 2011. As a community grant from Lambton Shores had already been approved for the annual Burgerfest, the Optimists were asking that this grant be applied to this new event to offset costs. Council members agreed that this event would be a great opportunity for the community and approved the redirection of the funds.

**11-0418-03 Moved by: Councillor Cook
Seconded by: Councillor Scott**

That the funds granted for the Annual Grand Bend Optimist Burgerfest in Grand Bend be redirected in support of the 1st Annual Grand Bend Car Show, Dinner and Dance. Carried

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

Corporate & Strategic

6.1 C.A.O. Report No. 18-2011 – Re: Zone 3 Groundwater Study Review – Dr. Brian Branfireun – University of Western Ontario

Previously, Council had reviewed groundwater studies for Zone 3 to help determine if aging septic systems within that zone were having a negative impact on the groundwater and Lake Huron. As there were different conclusions, it was deemed important to have someone else review both reports and provide Council with an unbiased review and guidance.

This additional review was completed by Dr. Brian Branfireun PHD of the University of Western Ontario and WAS included in the agenda for Council and public review. Council agreed that this report be included with the information that will be reviewed by the future Zone 3/4 Ad Hoc Committee.

**11-0418-04 Moved by: Councillor Underwood
Seconded by: Councillor Maguire**

That C.A.O. Report No. 18-2011 regarding a review of the Zone 3 Groundwater Study by Dr. Brian Branfireun of the University of Western Ontario be received and that Dr. Branfireun's report be referred to the Zone 3/4 Ad Hoc Committee. Carried

Planning

6.2 PL Report No. 20-2011 – Re: Grand Bend Traffic Study

In PL Report No. 20-2011 the Planner is requesting endorsement from Council that the projected 20 year growth of 100,000 square feet for commercial floor area in Grand Bend Main Street East area as proposed by Dillon Engineer Mr. Stephen Brooks is realistic to use as a basis for recommended road improvements for a traffic study. Council agreed that 100,000 sq. feet of commercial floor area projected over the next 20 years was reasonable.

**11-0418-05 Moved by: Councillor Cook
Seconded by: Councillor Underwood**

That Council supports Dillon Consulting's estimate of 100,000 sq. ft. of commercial growth in the Main Street East corridor over the next 20 years as reasonable estimate and that the traffic study use this as a basis for recommending road-improvements.

Carried

Community Services

6.3 D.C.S. Report No. 32-2011 – Re: Drinking Water Quality Management System

The Drinking Water Quality Management System Policy requires, the Municipality to document actions taken to ensure safe drinking water for Lambton Shores' residents. The actions taken place to monitor, review and improve the performance of the existing plan have been recorded and presented in D.C.S. Report No. 32-2011, and this information will be made available on the Municipal website and available at each of the Municipal offices for review.

**11-0418-06 Moved by: Councillor Cook
Seconded by: Councillor Underwood**

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That D.C.S. Report No. 32-2011 be received and that Council endorse the current DWQMS Plan and commit to continuing to provide safe drinking water to Lambton Shores' residents in accordance with the standards and regulations. Carried

6.4 D.C.S. Report No. 34-2011 – Re: Ministry of the Environment Letter

Council reviewed correspondence from the Ministry of the Environment responding to a request by a Lambton Shores resident for clarification of a letter sent to the Municipality regarding Zones 3 and 4. As this letter from the Ministry dealt with the time frame and circumstances regarding the reissuing of the Zone 3 Notice of Completion, the minimum action required by the Municipality regarding notice and the amendment required for the elimination of grinder pumps, Council referred the letter to the Zone 3/4 Ad Hoc Committee for reference.

**11-0418-07 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That correspondence received from the Ministry of the Environment in answer to a resident's questions for clarity of the June 11, 2010 letter regarding Zone 3 and Zone 4 be referred to the Zone 3/4 Ad Hoc Committee. Carried

Administration & Finance

6.5 TR Report No. 25-2011 – Re: 2011 Operating and Capital Budget

At the April 12, 2011 budget meeting, Council finalized their review of the 2011 Operating and Capital Budget for Lambton Shores however Deputy Mayor Davis noted that the Administration and Departmental budgets had not been discussed. Council agreed that it was important to review these sections of the budgets PRIOR TO APPROVAL and proceeded to do so.

Members agreed that a comparison of other Municipal salaries be prepared to insure the employee salaries are reasonable and also discussed the increase in legal costs and taxation write-offs.

Councillor Bonesteel noted that as the number one issue during the election was communication, it was important that the information regarding the budget and any increase be posted on line for residents to review and Councillor Scott asked that this information be relayed to the residents in the next tax bill.

Councillor Illman commended staff for their hard work during the budget discussions and noted that the increased spending for recreation and leisure was long overdue.

Councillor Russell reminded Council that any goals for the Municipality be brought before Council early in the year to use as a guideline for 2012 budget discussions.

Deputy Mayor Davis-Dagg advised that she would not support the budget as presented as the proposed increase was higher than necessary.

**11-0418-08 Moved by: Councillor Illman
Seconded by: Councillor Russell**

That the 2011 Operating and Capital Budget be adopted as presented and outlined in Treasurer's Report No. 25-2011 and that By-law 30-2011 be passed. Carried

6.6 CL Report No. 26-2011 – Re: Applications to be heard by the Committee of Adjustment on April 28, 2011

CL Report No, 26-2011 provided information on the applications to be heard at the April 28, 2011 Committee of Adjustment meeting. Councillor Russell noted that several of the minor variances granted over the past few years for accessory buildings were not so "minor" as the buildings were quite large. The Planner explained that the Committee of Adjustment deferred several applications for these larger accessory buildings and asked the applicant to come back to the table with changes in size that were more reasonable with the zoning by-law

**11-0418-09 Moved by: Councillor Russell
Seconded by: Councillor Cook**

That CL Report No. 26-2011 providing information on the applications to be heard by the Committee of Adjustment on April 28, 2011 be received and filed. Carried

6.7 CL Report No. 28-2011 – Re: Update – Orientations Session with the Ministry of Municipal Affairs and Housing Representatives

The Clerk advised that at the Council meeting on April 4, 2011, Council had asked that representatives from the Ministry of Municipal Affairs and Housing be contacted for possible dates for an orientation session and it has been confirmed that MMAH representatives will be at the May 10th, 2011 Council meeting.

Deputy Mayor Davis-Dagg questioned why the Municipal Solicitor would be in attendance and the Clerk confirmed that the Municipal Solicitor was asked to attend on recommendation of the MMAH representatives; however several members of Council agreed that any issue or question needing a legal opinion could be dealt with following the meeting.

**11-0418-09 Moved by: Councillor Underwood
Seconded by: Councillor Scott**

That CL Report No. 28-2011 regarding an update an Orientation Session with representatives from the Ministry of Municipal Affairs and Housing be received and filed. Carried

6.8 CL Report No. 29-2011 – Re: Centre Ipperwash Road Allowance – Launch Ramp Issues

Further to the April 4, 2011 Council meeting where a discussion was held on the Centre Ipperwash road allowance and its use as a launch ramp CL Report No. 29-2011 presents additional information regarding this matter such as the date of May 7, 2011 for the public meeting.

The options of leaving the status quo with signage erected outlining the rules and regulations, allowing launching, but banning all parking on the Centre Ipperwash road allowance, establishing permanent “in” and “out” access lanes with a parking ban in the lanes and establishing a 30’ in/out area in the middle of the road allowance with a parking ban in the in/out area will be reviewed at the public meeting, along with the other municipal issues detailed in the report. Council noted that a decision would be a short term solution to address any safety issues that are a result of having boats launched in the road allowance area.

**11-0418-10 Moved by: Councillor Illman
Seconded by: Councillor Scott**

That Council confirm the date for of Public Meeting of May 7, 2011 at the Port Franks Community Centre to discuss issues of launching boats from the Centre Ipperwash road allowance, and that all issues detailed in CL Report No. 29-2011 be considered at the meeting. Carried

6.9 CL Report No. 30-2011 – Re: Council Remuneration and Payment of Expenses

At an earlier budget meeting, the allocations for Council remuneration and conference/travel expenses were reviewed and the decision was for the amounts to remain unchanged for 2011.

During the preparation of the remuneration by-law it was noted that there was an error in the “Council Remuneration and Benefit Survey” with the inclusion of payment of \$45.00 for “special meetings” outside the Municipality. A lengthy discussion ensued as to whether or not Council members should be compensated for attending a meeting outside the Municipality as well as being compensated for the mileage to attend events outside the municipality.

**11-0418-11 Moved by: Councillor Scott
Seconded by: Deputy Mayor Davis-Dagg**

That Council be compensated in the amount of \$45.00 per meeting for meetings attended outside the Municipality.

Motion Defeated

It was discussed and agreed that any member of Council attending a meeting outside the Municipality that has been sanctioned by Council or as an alternate would be compensated for mileage.

**11-0418-12 Moved by: Councillor Bonesteel
Seconded by: Councillor Scott**

That the Municipality compensate Council members for mileage accrued attending Council sanctioned meetings outside the Municipality. Carried

With regards to attendance by Council members at conferences and seminars staff was directed to develop a policy outlining the amount allotted to each Council member for conferences and seminars, the expenses that can be submitted and the approval of Council to attend conferences and or seminars that are over and above an individual Councillor's budgeted allotment.

7. BY-LAWS & RESOLUTIONS

**11-0418-13 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Scott**

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 30-2011 – 2011 Operating & Capital Budget
- By-law 31-2011 – Amend Fees for Municipal Services – Building
- By-law 32-2011 – Confirming Resolutions to Date. Carried

8. ACCOUNTS

The Municipal accounts for the month of March, 2011 were reviewed.

**11-0418-14 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That the Municipal accounts for the month of March, 2011, in the amount of \$4,259,995.78 be accepted as presented. Carried

9. COUNCILLOR REPORTS

Councillor Russell reported that he had attended the Municipal Association Dinner at the Camlachie Community Center and the speaker that evening spoke on cultural planning.

Councillor Cook advised that the Ausable Bayfield Conservation Authority's annual dinner that he had attended was a great success.

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Councillor Illman reported that the Communities in Bloom Trash Bash Clean-up was still scheduled for Friday, April 22nd, that the judging for the Communities in Bloom Annual contest would occur in July and that the annual garden show would be at the Shores Complex April 26th. She also reported that she had attended the Association of Municipalities' Urban Symposium in Burlington focusing on the unique issues impacting urban areas.

Councillor Maguire reported that he had attended the Tri-Municipal Sewage Meeting with members of Council from Bluewater in attendance and that an engineer's report would be brought back at a later date on the New Hamburg treatment plant versus the proposed treatment plant.

Councillor Bonesteel reported that Huron Woods Association had broken ground in the expansion of their clubhouse.

Councillor Scott expressed thanks to Community Services staff for their prompt attention in dealing with repairing grass and lawns damaged with snowploughing this past winter and reported that both the Mayor Weber and the Kettle and Stony Point Chief would be chairing the upcoming KPLS Committee meetings.

Councillor Scott also asked that the municipal comparative study for 2010 from BMA Management Consulting Inc. be referred to the Strategic Plan discussions.

**11-0418-15 Moved by: Councillor Scott
Seconded by Councillor Underwood**

That the 2010 Municipal Study from BMA Management Consulting Inc. be submitted during the Strategic Plan discussion for review.

Carried

Mayor Weber reported that he had attended the Conservation Dinner and had also attended the retirement luncheon for Dave Hayter, a Community Services staff member for 35 years.

10. NEW BUSINESS

10.1 Deputy Mayor Davis Dagg – Re: Proposed Criteria for Z3/Z4 Ad Hoc Committee

10.2 Mayor Weber – Re: Proposed Criteria for Z3/Z4 Ad Hoc Committee

Both Mayor Weber and Deputy Mayor Davis-Dagg submitted suggestions on the structure of the proposed Ad Hoc Committee for the Zone 3 and 4. Members concurred that the members for the committee be residents of Zones 3 and 4 and that the committee be comprised of Deputy Mayor Davis-Dagg, Councillors Maguire and Bonesteel and 3 citizen representatives from Zone 3 and Zone 4. It was agreed that Mayor Weber would be an ex-officio member on the Committee. In order that the best interest of the community be served no time line was confirmed for decision making on the matters concerning Zones 3 and 4.

11. DISCUSSION PERIOD

Mr. Cam Taylor inquired as to whether or not Dr. Branfireun had been compensated for his work on the Zone 3 Ground Water Study and noted that Dr. Belke had not been compensated and expressed concern that Dr. Belke's findings had been given to Dr. Branfireun for review.

Mr. Bob Sharen noted his agreement with compensation paid to Council members for attendance at meetings outside the Municipality however it was pointed out to Mr. Sharen that this was not agreed upon by Council.

Mr. Sharen further inquired as to when discussions had occurred regarding Dr. Branfireun's report on the Zone 3 Ground water Study and further asked for clarification on the comment regarding the Grand Bend by-pass.

Mr. Sharen also inquired as to what method was used to dispose of old equipment when replaced and it was confirmed that old equipment is either traded in or auctioned off.

12. CONFIDENTIAL

**11-0418-16 Moved by: Councillor Illman
Seconded by: Councillor Cook**

That the meeting goes into a Closed Session at 9:50 p.m. to discuss a legal issue regarding the Legacy Centre. Carried

Council rose and report progress on a legal matter concerning the Legacy Centre.

13. ADJOURN

11-0418-17 Moved by: Councillor Cook
Seconded by: Councillor Underwood

That the April 18, 2011 Council meeting adjourn at 10:09 p.m.
Carried