

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 14-2010

Date of Meeting: Monday, May 17, 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
Councillor John Russell

Members Absent: There were no members absent.

Staff Present: C.A.O. John Byrne
Clerk Carol McKenzie
Treasurer Janet Ferguson
Director of Community Services Peggy Van Mierlo-West
Planner Patti Richardson

Media Present: Lynda Rapley – Lakeshore Advance
Kimberly Powell – Forest 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 with respect to the business itemized on the agenda and none were declared.

**10-0517-01 Moved by: Councillor Dehondt
Seconded by: Councillor Illman**

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 report progress on legal matters at 6:30 p.m.

3. COFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Regular Council Meeting – May 3, 2010

The minutes of the regular Council meeting held the 3rd of May, 2010 were reviewed.

**10-0517-02 Moved by: Councillor Simpson
Seconded by: Councillor Rupke**

That the minutes of the May 3, 2010 regular Council meeting be
accepted as presented. Carried

SA1. Regular Council Meeting – May 11, 2010

The minutes of the regular Council meeting held the 11th day of May, 2010 were reviewed.

Councillor Illman noted that resolution 10-0511-09 should read that the meeting adjourned at 4:40, not that the meeting went “in camera” at that time.

**10-0517-03 Moved by: Councillor Dehondt
Seconded by: Councillor Russell**

That the minutes of the May 11, 2010 regular Council meeting be
accepted as amended. Carried

Business Arising Out of the Minutes:

Councillor Dehondt asked Chief Administrative Office John Byrne for an update on Resolution 10-0511-01 pertaining to discussions with PVB Enterprises. Mr. Byrne noted that, further to Council’s direction, he had reviewed the current agreement with PVB Enterprises to prepare for the meeting with PVB representatives and after reviewing the document, and on the advice of the solicitor; a “Notice of Termination” was issued to PVB Enterprises. Mr. Byrne asked Council to confirm the issuance of the notice.

**10-0517-04 Moved by: Councillor Dehondt
Seconded by: Councillor Russell**

That Council ratify the “Notice of Termination” issued by the Municipality pursuant to Paragraph 12 of the Agreement between the Municipality of Lambton Shores and PVB Enterprises.
Carried

(Section 12 – Termination with Notice states: it is understood and agreed that either party may terminate this License Agreement for cause by providing NOT LESS THAN SIXTY (60) DAYS written notice)

Mr. Byrne noted that the two groups were trying to resolve the issues, and the solicitors for both parties have been invited to the table, and that he would report to Council after the solicitors have discussed the issues. He hoped to have a further report for Council on June 7, 2010.

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.1 Bill Shea on Behalf of the Forest Curling Club – Re: Proposed Renovations at the Club & Financial Plan to Cover the Cost of the Renovations

Mr. Bill Shea, Past President of the Forest Curling Club attended the meeting to update Council on the Club's renovation project for the curling rink. It was noted that the building was owned by the Municipality, however, the Club has a 50 year lease, therefore, all renovation plans require the support of the Municipality.

The planned improvements were detailed, along with the fundraising goals, progress to date and future goals.

Mr. Shea stated that the club was looking for approval from the Municipality to commence Phase 1 of the renovations, and requested a letter of support for the project to submit with the application to the Trillium Foundation.

Councillor Illman commended the Club on the fabulous work to date, and the plans to cover the costs for Phase 1 of the improvements.

**10-0517-05 Moved by: Councillor Illman
Seconded by: Councillor Rupke**

That the Municipality of Lambton Shores continues to support in principle the Forest Curling Club Renovations Project, and that the revised plans be referred to staff for review and that a report on the issues be provided to Council at the June 7th meeting.

Carried

5. CORRESPONDENCE & PETITIONS

5.1 The Grand Bend & Area Horticultural Society – Re: Thank You for Grant

Correspondence was received from the Grand Bend & Area Horticultural Society, thanking Lambton Shores for the 2010 Community Grant.

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

Community Services

6.1 D.C.S. Report No. 31-2010 – Re Lambton Shores' Recreation & Leisure Services Master Plan

In Report 31-2010, Director of Community Services Peggy Van Mierlo-West updated members of Council on the progress to date on the Recreation and Leisure Services Master Plan. Ms. Van Mierlo-West advised that notices for the planned public meetings will be distributed throughout the Municipality, and will be included in the Living in Lambton Shores' weekly advertisements, as well, emails will be sent directly to the Municipal community groups on file.

Surveys will be undertaken to determine the existing range of activities and participation levels of the residents at the various facilities, and to identify any areas of concern. The plan is to circulate the survey the week of May 25th, with a telephone survey undertaken at the same time. The consultant will also be conducting interviews and meetings with focus groups to solicit information. The draft questionnaire will be sent to members of Council to review prior to its circulation.

**10-0517-06 Moved by: Councillor Weber
Seconded by: Councillor Russell**

That D.C.S. Report No. 31-2010 regarding an update on the Lambton Shores' Recreation and Leisure Services Master Plan be received and filed. Carried

Administration and Finance

6.2 CL Report No. 33-2010 – Re: Dedicating Municipally Owned Property as Part of the Lambton Shores Highway System – Golfview Street, Thedford

Clerk Carol McKenzie reported to Council that the former Village of Thedford had acquired property for the creation of "Golfview Street" in 1998, however, as the road was not completed at that time, it was not assumed as part of the highway system. The roadway is now completed, and is being maintained by the Municipality, and therefore Ms. McKenzie recommended that the property comprising "Golfview Street" be assumed and dedicated as part of the Lambton Shores' highway system

**10-0517-07 Moved by: Councillor Rupke
Seconded by: Councillor Simpson**

That CL Report No. 33-2010 regarding the dedication of land as part of the Lambton Shores' road system be accepted and approved, and that By-law 38-2010 dedicating and assuming Plan 25R 861 Parts 2 and 3 as "Golfview Street" be approved.

Carried

6.3 CL Report No. 34-2010 – Re: Amendments to the Lambton Shores' Election Policies and Procedures

Clerk Carol McKenzie advised that amendments have been made to the Municipal election policies and procedures to conform to the revised Municipal Elections Act. As the policies are schedules of the original authorizing by-law, it is necessary to amend the original by-law to include the revised schedules.

**10-0517-08 Moved by: Councillor Simpson
Seconded by: Councillor Illman**

That CL Report No. 34-2010 regarding the amendments to By-law 20-2003 to conform to the amended "Municipal Election Act" requirements be accepted and that By-law 37-2010 be approved.

Carried

6.4 CL Report No. 35-2010 – Re: Fee Adjustments – Paid Parking Lots and Lottery Licenses

In CL Report No. 35-2010, Clerk Carol McKenzie detailed the need to amend the fee by-law as it pertains to paid parking lots and lottery licensing. The amendments for the parking lot section of the fee by-law were to change the name of an existing lot and to add the new “King Street Lot”. The fees for lottery licenses were recommended to increase to the provincially permitted maximum of 3% of the prize board. It was stated that notice of the increase in lottery licensing fees would be given to the various clubs and organizations, and the increase would be effective July 2, 2010.

**10-0517-09 Moved by: Councillor Weber
Seconded by: Councillor Dehondt**

That the fees for “Paid Parking Lots” and “Lottery Licenses” be amended in accordance with the recommendations in CL Report No. 35-2010, and that By-law 34-2010 implementing the changes be approved. Carried

6.5 CL Report No. 36-2010 – Re: Adjustments to the Lambton Shores’ Parking By-law 20-2002

Similar to the amendments to the Fee By-law, the Lambton Shores Parking By-law needs to be amended to revise the name of an existing lot and to add the new “King Street Lot”. In addition, it was noted in CL Report No. 36-2010 that when reviewing the current parking regulations in Grand Bend, it was discovered that a section of Centre Street in Grand Bend where parking was restricted was not included in the parking restriction schedules.

A discussion was held on the inability of a property owner at the corner of Woodward and Centre to park perpendicular to the Woodward Street, due to the installation of the bollards, and that the further restriction on Centre Street may push the problem to another area. It was noted that the bollards were installed several years ago to ensure that parking did not take place dangerously close to the intersection or in the tow away area and that the property owner did have an area beside the house for parking several vehicles.

Councillor Cook thanked staff for the inclusion of the regulations for Smith Street in Arkona. A brief discussion ensued regarding parking regulations at the boat launch area in Ipperwash.

**10-0517-10 Moved by: Councillor Simpson
Seconded by: Councillor Illman**

That the Lambton Shores’ Parking By-law 20-2002 be amended in accordance with the recommendations in CL Report No. 36-2010 and that By-law 33-2010 implementing the changes be approved. Carried

6.6 CL Report No. 37-2010 – Re: Agreement between the Municipality of Lambton Shores and Comprint Systems Inc.

CL Report No. 37-2010 provided a recommendation to Council on the supplier of “vote by mail” services for the upcoming 2010 Municipal Election. It was noted that the recommended supplier was chosen due to the fact that the service included the ability to electronically manage the voter information that will allow staff to provide the required updates to MPAC and produce various reports based on the voter turnout.

**10-0517-11 Moved by: Councillor Dehondt
Seconded by: Deputy Mayor Jamieson**

That CL Report No. 37-2010 regarding the execution of an Agreement between the Corporation of the Municipality of Lambton Shores and Comprint Systems Inc. for the provision of the Municipal VoterView Services, including the provision of ballots, for the 2010 Municipal Election be accepted and approved and that By-law 39-2010 authorizing the Mayor and Clerk to sign the agreement be approved. Carried

6.7 CL Report No. 38-2010 – Re: Agreement between the Municipality of Lambton Shores and MITOI Works

Previously, Council had approved the tender submitted by MITOI Works for the maintenance of the Grand Bend and Port Franks Harbours. The required agreement to initiate the works has been prepared and was provided for Council’s review and approval.

**10-0517-12 Moved by: Councillor Weber
Seconded by: Councillor Dehondt**

That CL Report No. 38-2010 regarding the execution of an Agreement between the Corporation of the Municipality of Lambton Shores and MITOI Works, for the provision of dredging services, be accepted and approved and that By-law 41-2010 authorizing the Mayor and Clerk to sign the agreement be approved. Carried

7. BY-LAWS & RESOLUTIONS**7.1 By-laws and Resolutions**

**10-0517-13 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Russell**

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 26-2010 – Confirming Resolutions to May 17, 2010
- By-law 33-2010 – Amending the Consolidated Parking By-law
- By-law 34-2010 – Amending Municipal Fees
- By-law 37-2010 – Amending By-law 20-2003 – Alternative Voting Method
- By-law 38-2010 – Dedicating Properties as Part of the Highway System
- By-law 39-2010 – Authorize Agreement with Comprint – Election Services
- By-law 41-2010 – Authorize Agreement with MITOI – Dredging.
Carried

8. ACCOUNTS

Accounts of the month of April, 2010 were presented for Council's review.

**10-0517-14 Moved by: Councillor Rupke
Seconded by: Councillor Simpson**

That the accounts for the month of April, 2010 in the amount of \$2,058,410.75 be approved. Carried

10. NEW BUSINESS

SA. 2 CL Report No. 39-2010 – Re: Agreement between the Municipality of Lambton Shores and OJD Trucking Ltd.

Council had previously accepted the tender submitted by OJD Trucking for the removal of the Scout Hall at the Thedford – Bosanquet Community Centre (Legacy Centre) and the contact documents have been prepared and were presented for Council's consideration.

**10-0517-15 Moved by: Councillor Russell
Seconded by: Councillor Simpson**

That CL Report No. 39-2010 regarding the execution of an agreement between the Corporation of the Municipality of Lambton Shores and OJB Trucking Ltd., for the removal of the Scout Hall at the Legacy Centre (former Thedford Bosanquet Arena and Community Centre), be accepted and approved and that By-law 43-2010 authorizing the Mayor and Clerk to sign the agreement be approved. Carried

SA 3. D.C.S. Report No. 30-2010 – Re: Forest Watermain Contract 3

In D.C.S. Report No. 30-2010, Director of Community Services Peggy Van Mierlo-West reported on the results of the recent tender offering for the last phase of the Forest Water Main Contract. Ms. Van Mierlo-West noted that the low bid was almost twice the

budgeted amount, and staff had considered 2 options in order to proceed with the works.

The first option was to keep all roads in the project, but defer the second lift of asphalt until 2011. The downside of that proposal would be that the second lift would not be eligible as part of the stimulus funding grant, as it would be completed after the required grant completion deadline. The other option was to reduce the number of streets that comprise the contract. The engineer has considered both options, and in order to maintain the pressure in the south zone, has recommended option 2, along with the roads that could be deleted from the contract. The proposal to substantially decrease the contract has been discussed with the low bidder, and he has agreed to proceed with the revised contract.

It was noted that the staff would be looking at reallocating the balance of the works to be completed to the future capital budgets, and for consideration during the Road Needs Study.

**10-0517-16 Moved by: Councillor Rupke
Seconded by: Councillor Simpson**

That D.C.S. Report No. 30-2010 regarding the awarding of the contract for Phase 3 of the Forest Water Main Replacement project be approved and that Contract 3 be amended to reflect these changes as per Alternative 2 in the revised amount of \$1,700,000.00. Carried

9. COUNCILLOR REPORTS

Councillor Cook reported that residents of the East Glen Subdivision have asked that the balance of the sidewalk be completed in front of their house, and it was also reported that there are dead trees behind 48 Fairway and the homeowner was interested in knowing who would be responsible for any damage if the trees topple.

Councillor Cook also noted that he had received a complaint that a catch basin on the Roder Jordan drain is clogging and overflowing.

Deputy Mayor Jamieson reported on the positive comments and excellent use by the area children at the playground at the Village Green.

Chief Administrative Office John Byrne reported that the layout has been done for the placement of the 8 new solar pay and display parking kiosks for the Grand Bend Main Street, and noted that these could be moved in the future if need be.

11. DISCUSSION

Mr. Jim Hansen raised a question regarding MPAC's role with respect to the Municipal Election Voter list.

12. CONFIDENTIAL

**10-0517-17 Moved by: Councillor Cook
Seconded by: Councillor Russell**

That the Council meeting goes "In Camera" at 7:45 p.m. to discuss legal matters and will reconvene immediately thereafter.

Carried

Council rose and report progress on legal matters.

13. ADJOURN

**10-0517-18 Moved by: Councillor Illman
Seconded by: Councillor Russell**

That the Council meeting adjourns at 8:15 p.m.

Carried