

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 15-2010

Date of Meeting: Monday, June 7, 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

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, The Advance
Kimberley Powers, The Standard

1. CALL TO ORDER

The Mayor called the meeting to order at 6:30 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.

3. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Regular Council Meeting – May 17, 2010

The minutes of the regular Council meeting held the 17th day of May, 2010 were reviewed.

**10-0607-01 Moved by: Councillor Rupke
Seconded by: Councillor Russell**

That the minutes of the May 17, 2010 regular Council meeting be accepted as presented.

Carried

6.4 C.A.O. Report No. 22-2010 – Re: Progress Report Zone 3 Groundwater Study

In C.A.O. Report No. 22-2010, Chief Administrative Officer John Byrne updated Council on the groundwater monitoring in the area designated as Zone 3 in the Grand Bend Wastewater Collection System Master Plan. Mr. Byrne advised that in response to concerns raised, and the impression people were under that their septic systems were functioning safely, the Municipality authorized water testing in the Zone 3 area in November of 2008, and the tests show strong evidence of ground water contamination. The water testing continues on a quarterly basis.

Mr. Byrne noted that the information presented at the community organized meeting in April and the analysis presented of the ground water testing was forwarded to Mr. Phil Bidell of Golders Associates for review and comment, and the response received was provided for Council's review and discussion.

Councillor Dehondt stated that Dr. Belkie (on behalf of the Zone 3 Community Group) had reviewed the response prepared by Mr. Bidell, and had some questions and comments. Council asked that Dr. Belkie's questions be referred to Mr. Bidell for review and response.

Councillor Rupke asked for clarification on the total amount of nitrates entering the Lake and the reference to ammonia in the report.

**10-0607-02 Moved by: Councillor Rupke
Seconded by: Councillor Illman**

That C.A.O. Report No. 22-2010 regarding progress on the Zone 3 Groundwater Study be received and filed.

Carried

5. CORRESPONDENCE & PETITION

5.1 Correspondence from Robert R. Laidlaw, Southcott Pines– Re: Grand Bend Main Street

Correspondence had been received from Mr. Robert Laidlaw, a resident of Southcott Pines, commenting on the agreement with PVB Enterprises, and asking for a list of the items eliminated from the Main Street enhancement project, and the cost of the items.

**10-0607-03 Moved by: Councillor Dehondt
Seconded by: Councillor Weber**

That staff prepare a response to Mr. Laidlaw, providing information on the list of items deferred from the Grand Bend Main Street enhancements, and the price of each of the deleted components.

Carried

6.1 Minutes of the Lambton Shores Fire Board Meeting held May 20, 2010

The minutes from the May 20, 2010 Lambton Shores Fire Board Meeting were reviewed.

**10-0607-04 Moved by: Councillor Illman
Seconded by: Deputy Mayor Jamieson**

That the minutes of the Lambton Shores Fire Board meeting held the 20th day of May, 2010 be received and filed.

Carried

Corporate & Strategic

6.2 C.A.O. Report No. 19-2010 – Re: Strategic Plan Review and Update and Other Issues

C.A.O. Report No. 19-2010 provided a review and update on the Lambton Shores Strategic Plan. In the report, C.A.O. John Byrne noted that the current Strategic Plan was prepared in June of 2006, following an extensive public consultation process. The public input was provided through a number of focus group meetings with a variety of interest groups, and the general public. The information from the group workshops was compiled into a draft strategic plan with specific short, medium and long range goals and objectives that Council subsequently reviewed and prioritized and adopted. Since that time, the plan and goals are reviewed regularly, and Council updated on the attainment of the goals.

It was noted that many of the original priorities in the Strategic Plan had been met, and that it will be necessary to determine new priorities in order to assign budget dollars and to be prepared in the event more granting opportunities become available. Mr. Byrne stated in the report that the process used was very successful, and it was recommended that this same format be used for a review and updating of the plan.

The report also stated that the creation of an economic development strategy has been an issue since amalgamation, and the current agencies in place have been relatively successful in attracting corporate and manufacturing jobs to the County, however, the tourism component has not been meeting the needs of Lambton Shores. A community forum on this issue was suggested, to be convened as soon as possible to discuss the issue in greater depth.

The other issue under consideration is solid waste management, and the issues of collection, large item pick up and the effectiveness of the bag tag program. Staff will be preparing a discussion paper on the issues for Council to consider.

The use of citizens on advisory committees was briefly discussed, along with the opportunities that currently exist for public participation, including the upcoming Recreation Master Plan, the new Official Plan and Road Needs Study.

It was suggested that as there are so many items under consideration at this time, it may be advantageous to refer further discussions on the strategic issues to a Tuesday Council meeting.

**10-0607-05 Moved by: Councillor Simpson
Seconded by: Councillor Russell**

That C.A.O. Report No. 19-2010 regarding a review and update of the Strategic Plan and other issues be received and referred to a Tuesday meeting.

Carried

6.3 C.A.O. Report No. 201-2010 – Re: Proposed Renovation of the Forest Curling Club

C.A.O. Report No. 20-2010 provided a history of the proposal by the Forest Curling Club for renovations to the curling club facility, and the issues encountered with respect to ownership of the facility. Mr. Byrne noted that it had been confirmed that the Municipality of Lambton Shores was the owner of the building, and that the Curling Club had a 50 year lease, commencing in 1971. The current plans include making the building more user friendly, and accessible. Recently, the club provided Council with an update on the revised plans for the project, and the financing and fundraising strategies. He notes that in order for the project to proceed expediently, the Municipality and the club should enter into a new lease agreement, and the Municipality should assume the responsibility for front end financing of the project, and the Club undertake its fundraising plan in cooperation with the Lambton Shores' Finance Department.

**10-0607-06 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Rupke**

That C.A.O. Report No. 20-2010 recommending approval of the proposed renovation of the Forest Curling Club and the financial issues related thereto be accepted and approved.

Carried

6.11 D.C.S. Report No. 23-2010 – Re: Base Fee Adjustment – OMI Water/Wastewater Agreement

In D.C.S. Report No. 23-2010 Director of Community Services Peggy Van Mierlo-West provided background information on the current agreement with O.M.I. for

the operation of the Municipal water and wastewater systems. The agreement requires an annual increase, based on a formula contained in the contract that combines the CP index and Labour Productivity index. Also being proposed was an adjustment to compensate for the additional infrastructure that has been added into the system since the contract began.

A discussion ensued on the current out of scope provisions in the contract, and the recommended adjustment, which seemed high for the items included.

**10-0607-07 Moved by: Councillor Russell
Seconded by: Councillor Weber**

That D.C.S. Report No. 23-2010 regarding Base Fee Adjustment – OMI Water/Wastewater Agreement be received and that representatives from O.M.I. be asked to attend a future Council meeting to discuss the 2010 contract.

Carried

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.1 Cindy Maxfield for South Huron Hospital – Re: Information on the Programs & Services Offered.

Cindy Maxfield and Deb Hunt, C.A.O and the Chair of the Board for the South Huron Hospital Association attended the meeting to provide information on the programs and services offered at the facility. Also provided was an overview of the registration for services by patient location, and some of the challenges the Hospital is experiencing. It was noted that the hospital association is undertaking a comprehensive strategic plan exercise in 2010, and asked for input from the Councils of the areas that they serve.

4.2 Public Meeting – Zoning By-law Amendment Application ZO-04/2010 for Roger & Diane Sutherland – 7344 Leighton Drive, Port Franks

**10-0607-08 Moved by: Councillor Dehondt
Seconded by: Councillor Rupke**

That the Council meeting adjourns at 7:15 p.m. for a public meeting held under the Planning Act to hear an application for a Zone Amendment Application submitted by Roger and Diane Sutherland for property located at 7344 Leighton Drive, Port Franks.

Carried

Planner Patti Richardson presented the zone amendment application submitted by Roger and Dianne Sutherland for property located at 7344 Leighton Drive in Port Franks. In PL Report No. 25-2010, Ms. Richardson explained that applicants had applied to the Committee of Adjustment for approval to sever the subject land

into two lots, and one of the conditions of the Committee's approval was that the owners obtain a zone amendment to prohibit development on the northerly 12 metres of the property which is in the dynamic beach area regulated by the Ausable Bayfield Conservation Authority.

If the severance is approved, one lot will retain the existing cottage, and the new lot comprising Lots 13 and 14 will be sold. It was noted that all but the northerly 12 metres of the property could be developed.

Mayor Minielly asked for questions from the Audience, and there was no one either in support of or in opposition to the application.

Mr. Sutherland questioned when Hazelwood Drive was designated as a "walkway" and staff will look into the issue further.

**10-0607-09 Moved by: Councillor Illman
Seconded by: Councillor Weber**

That the public meeting adjourns and the regular Council meeting reconvenes at 7:24 p.m.

Carried

**10-0607-10 Moved by: Councillor Simpson
Seconded by: Councillor Weber**

That Zoning By-law Amendment Application ZO-04/2010 requesting an amendment to the Lambton Shores Zoning By-law 1 of 2003 as it relates to lands known as 7344 Leighton Drive to change the zoning on the north 12 metres of the property from the Residential 5 (R5) Zone to a Environmental Protection – Hazard (EP-H) Zone to prohibit development and site alteration on those lands regulated by the Conservation Authority and located within a dynamic beach, be approved, as the application is consistent with the Provincial Policy Statement, complies with the Lambton Shores Official Plan and implements the Ausable Bayfield Regulations by protecting the environmental sensitivities of this dynamic beach.

6.8 PL Report No. 28-2010 – Re: Agreement with Robert Burton and the Municipality of Lambton Shores

At a previous meeting, Council had granted permission to Mr. Robert Renaud to have a recreational vehicle on site for a short period of time for use by a family member. Planner Patti Richardson has prepared the authorizing agreement and submitted same for Council's review.

It was noted that after the period of time granted expires, the recreational vehicle can be stored on the property however it cannot be occupied.

**10-0607-11 Moved by: Councillor Illman
Seconded by: Councillor Cook**

That Council approves a by-law authorizing the execution of an agreement between Robert Burton Renaud and the Corporation of the Municipality of Lambton Shores.

Carried

4.3 Public Meeting – Official Plan Amendment Application OP-02/2010 & Zoning By-law Amendment Application ZO-05/2010 for Triple “L” Farms (Joe Lacey) – 8596 Fuller Road

**10-0607-12 Moved by: Councillor Dehondt
Seconded by: Councillor Rupke**

That the Council meeting adjourns at 7:25 p.m. for a public meeting held under the Planning Act to hear an application for an Official Plan Amendment and Zone Amendment submitted by Triple “L” Farms (Joe Lacey) for property located at 8596 Fuller Road.

Carried

An application has been submitted by Triple “L” farms for a Zone and Official Plan amendments for property located at 8596 Fuller Road that would allow the surplus farm dwelling to be sold. It was noted in PL Report No. 26-2010 that the applicant owns 15 other parcels of land within the Municipality, and as he resides on one of the other properties, the dwelling on the subject land is surplus to his needs. The conveyance of surplus farm dwellings is permitted in the Provincial Policy Statements (P.P.S.); however, it is not permitted in the Lambton Shores planning documents. One of the requirements under the P.P.S. is that the retained farm parcel be zoned to prohibit the construction of a new farm dwelling on the lands. The submitted applications would meet the PPS and Lambton Shores’ requirements.

The County of Lambton has reviewed the application from the septic perspective and requires that a new septic system be installed and has requested that the lot area be increased to 2 acres to accommodate the system as the area is clay. Councillor Rupke noted that the applicant has the option to bring in an engineer to determine if a tertiary system and a smaller lot would be preferable.

**10-0607-13 Moved by: Councillor Dehondt
Seconded by: Councillor Russell**

That the public meeting adjourns and the regular Council meeting reconvenes at 7:30 p.m.

Carried

**10-0607-14 Moved by: Councillor Illman
Seconded by: Councillor Rupke**

That Official Plan Amendment Application OP-2/2010 submitted by Triple "L" Farms (Joe Lacey) requesting an amendment to the Lambton Shores Official Plan and Zoning By-law as it relates to lands known as 8596 Fuller 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:

- (a) The area of the lot proposed to support the surplus dwelling be a minimum of 0.8 hectares (2 acres); and
- (b) That a new septic system be installed on the proposed surplus dwelling lot in compliance with PART 8 of the Ontario Building Code to the satisfaction of the County of Lambton and the Municipality prior to the Official Plan amendment being adopted by Council.

That Zoning By-law Amendment Application ZO-05/2010 requesting an amendment to the Lambton Shores Zoning By-law 1 of 2003 as it relates to lands known as 8596 Fuller Road to allow to prohibit the construction of a new dwelling on the remnant farm parcel after the severance of the surplus dwelling be APPROVED subject to a new septic system being installed on the proposed surplus dwelling lot in compliance with PART 8 of the Ontario Building Code to the satisfaction of the County of Lambton and the Municipality prior to the implementing by-law being adopted by Council. Carried

6.12 D.C.S. Report No. 32-2010 – Re: Blue Flag Designation 2010

Director of Community Services Peggy Van Mierlo-West advised that the Grand Bend beach and the two municipal marinas were once again awarded Blue Flag designations. Ms. Van Mierlo -West noted that education of the blue flag program objectives is one of the key elements for maintaining the designation, and staff is preparing various education programs for each facility. It was also noted that new to the marina operations in 2010, was the individual Blue Flag program whereby a small flag is offered to boat owners who commit themselves to an environmental code of conduct.

It was noted that the 2009 goals had been achieved and Councillor Illman congratulated staff of achieving Blue Flag status for the facilities, and asked for an end of the year report on the program.

Chief Administrative Office John Byrne thanked the Rotary Club for the beach water testing, which has been expanded to weekends as well to broaden the

base of information. It was noted that the Community Health tests the other area beaches.

**10-0607-15 Moved by: Councillor Dehondt
Seconded by: Councillor Illman**

That D.C.S. Report No. 32-2010 regarding Blue Flag Designation 2010 for the two municipally owned marinas be received and filed.

Carried

4.4 Ray Losee of Wonder Grove Cottages Inc. – Re: Complaint Respecting Development Charges for Lots 39 & 40, Plan 24, Grand Bend

The owner of the Wonder Grove Cottages Inc., Mr. Ray Losee, has filed a complaint under Section 20 (1) of the of the Development Charges Act with respect to the development charge credit being provided for the redevelopment of property known as Lot 39, Plan 24 in Grand Bend. In PL Report No. 27-2010, Planner Patti Richardson advised that the subject property is part of a larger property that is occupied by a seasonal tourist establishment comprised of 12 seasonal rental cabins and one dwelling unit, all of which is serviced by one sanitary service connection, and one water service connection. In staff's opinion, the Wonder Grove Development was at all times used and intended to be used as tourist accommodations for short term seasonal rental.

The owner contends that the cabin is capable of being occupied as a home and therefore qualifies as a dwelling, and should receive full credits under the Development Charges By-law. Planner Patti Richardson notes that the definition of dwelling in the by-law specifically excludes motels, hotels, mobile campers and other temporary accommodations, all of which are similar to the tourist establishment on the larger lands. The Development Charge Credit determined for the lot was based on the floor area of the cabin multiplied by the commercial floor area development charge rate. It was recommended that Council confirm the credit for lot 39 in the amount of \$ 2,465.60.

The correspondence that had taken place between the Municipality and the solicitor for the property owner had been provided for Council's review.

Mr. Ray Losee was in attendance and noted that he had been trying to redevelop the lands for 3 years, and cannot understand why there are been so many problems. He questioned why the property was designated as a tourist establishment instead of a residential development, as all the structures meet the criteria for a "residence", are winterized and thus capable of being rented all year and are connected to water and sanitary services.

Councillor Rupke inquired if Mr. Losee was being treated differently from other developers, and Planner Patti Richardson stated that the Municipality looks at the historical land use, not necessarily the zoning, and that staff did not believe that the cabins met the definition of a dwelling, given the exemption for other tourist

establishments such as motels, hotels etc. Also there is only one service connection for the 12 cabins and dwelling, and the property has traditionally been used for seasonal, short term rental. It was reiterated that the full development charge credit was given for the existing house which was a dwelling for the owner, and a commercial credit was given to the seasonal rental cabins which are not considered residential dwelling units.

Councillor Weber questioned if the units paid the full cost for full water and sewer charges when the services were installed, and Mr. Losee stated that there were more units years ago and they paid a larger proportionate charge when the sewers were installed, however he did not produce any proof of this. It was noted that the cottages would have predated the Development Charges.

After a full discussion on the issue, Council confirmed the Development Charge Credit recommended by staff for the Lot 39, Plan 24.

**10-0607-16 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Weber**

That Council confirm that the Development Charge credit for Lot 39, Plan 24 be \$2,465.00 and that the complaint be dismissed.

Carried

4.5 Sid Fraleigh & Louise Thompson of the Anglican Christ Church – Re: Directional Signage

Mr. Sid Fraleigh and Louise Thompson attended the meeting on behalf of the Anglican Christ Church in Forest and asked Council to provide directional signs to Christ Church (Anglican) at the intersection of King Street and Townsend Line and at the intersection of King Street and Main Street in keeping with the existing signage for other places of worship.

Councillor Illman noted that the request for signage for the Church had been submitted several times, and thanked the organization for their patience and for participating in the various community studies.

Chief Administrative Office John Byrne agreed that there are signs everywhere, including ones for other churches and clarified that the sign the group was interested in was a sign similar to the large sign at the corner of King and Main Streets.

**10-0607-17 Moved by: Councillor Illman
Seconded by: Councillor Rupke**

That the Municipality of Lambton Shores erect a directional sign at the corner of King and Main Streets for the Anglican Church.

Carried

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

6.9 PL Report No. 29-2010 – Re: Request by Ian McMahan to Allow a Recreational Vehicle to Remain at 5175 Cedar Point Line and to be Occupied

PL Report No. 29-2010 provided information on a request received from a resident at 5175 Cedar Point Line for permission to use a recreational vehicle to store tools, and for the use of the washroom facilities while the house is under construction. Planner Patti Richardson advised that the building permit for the dwelling was issued in May of 2009, and the owners have used the motor home since that time during construction. Ms. Richardson advised that several concerns had been raised by area neighbours regarding the condition of the site, and the length of time construction has been underway. Some of the residents are concerned with the location of the Recreational Vehicle and had suggested that the unit and the large boom truck be moved away from the property lines.

In consideration of the neighbours' concerns, Ms. Richardson suggested amending the recommendation to include a requirement to move the vehicles from the common lot line. As noted earlier, the Recreational Vehicle can be stored on the property after the approval has expired; however, it cannot be occupied.

**10-0607-18 Moved by: Councillor Simpson
Seconded by: Councillor Rupke**

That Council authorizes an agreement with Ian McMahan to allow a recreational vehicle to remain and be occupied at 5185 Cedar Point Line, and that the Planner be asked to prepare the necessary agreement, listing the conditions under which the unit can remain.

Carried

6.10 PL Report No. 30-2010 – Re: Severance Agreement between Martin Francis Arnold & Annette Maria Martens & the Corporation of the Municipality of Lambton Shores – Consent Applications B-06-2009

Previously, the owners of Lots 43, 44 and part of lot 45, Plan 4 applied for a minor variance and severance from the Lambton Shores' Committee of Adjustment. The application was denied, but later approved by the Ontario Municipal Board. In order to proceed with the severance, it will be necessary for the applicants to enter into a severance agreement with the Municipality to implement the conditions of the approval.

Councillor Rupke questioned why the applicant was required to pave the driveway and provide cash in lieu of parkland and was advised that these were standard requirements for all new lots created and that for single lot severances, the Municipality requires 5% of the value of the lots and Ms. Richardson had discussed the requirements with the property owners who had no objections.

**10-0607-19 Moved by: Councillor Simpson
Seconded by: Councillor Weber**

That Council authorize the execution of a Severance Agreement between Martin Francis Arnold and Annette Maria Martens and the Corporation of the Municipality of Lambton Shores for lands located on Lakeside Circle and described as Lot 43 and 44 and Part of Lots 45, Registered Plan 4 (Grand Bend) more particularly described as Parts 1 to 4, Plan 25R-9800 and that By-law 59-2010 authorizing the Mayor and Clerk to enter into the agreement be approved.

Carried

Community Services

6.13 D.C.S. Report No. 33-2010 – Re: 2010 Ipperwash Trail Construction – Tender Results

Tenders recently closed for the construction of a 750 m asphalt trail on East Parkway Drive from the MNR parking lots to Army Camp Road, and the low tender was submitted by Bill Hoekstra General Contracting. In D.C.S. Report No. 33 -2010, Director of Community Services Peggy Van Mierlo-West noted that the tendered price was below the approved budgeted amount for the project, and recommended that the tender be awarded to the low bidder.

**10-0607-20 Moved by: Councillor Dehondt
Seconded by: Councillor Rupke**

That the tender submitted by 1375584 Ontario Ltd. O/A Bill Hoekstra General Contracting in the amount of \$34,566.53 for the 2010 Capital Plan - Asphalt Trail Construction Project as outlined in D.C.S. Report No. 33-2010 be accepted and approved and that By-law 50-2010 authorizing the Mayor and Clerk to sign the associated contract agreement be approved.

Carried

6.14 D.C.S. Report No. 34-2010 – Re: 2010 Dust Suppression – RFP

The 2010 Dust Suppression tenders also closed recently, and the low bid was submitted by Da-Lee Dust Control, and the Director of Community Services Peggy Van Mierlo-West recommended the acceptance of the tender.

**10-0607-21 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Dehondt**

That the tender submitted by 513125 Ontario Ltd. O/A Da-Lee Dust Control in the amount of \$31,637.50 or the 2010 Dust Suppression Request for Proposals as outlined in D.C.S. Report No. 34-2010 be accepted and approved and that By-law 46-2010 authorizing the Mayor and Clerk to sign the associated agreement be approved.

Carried

6.15 D.C.S. Report No. 35-2010 – Re: 2010 Summer Events on Grand Bend Beach

D.C.S. Report No. 35-2010 outlined the requests received for summer events at the Grand Bend beach. Several of the annual community oriented events were approved earlier through the Community Grant program, such as Burgerfest, Aquafest and the Canada Day Celebrations. A request has been received for the 'Not So Pro Volleyball tournament', and the Director of Community Services Peggy Van Mierlo-West detailed both the positive and the negative impacts of the previous tournaments hosted by this organization in the report. On the positive side, the event brings people to the community and the sponsors donate funds to the local Optimist Club; however, the negative impacts on the community and the residents from the amplified noise and the sale or use of alcohol in conjunction with the event were significant.

Councillor Dehondt noted that at the last tournament, the organizers did not abide by all the rules and regulations, and the residents were negatively impacted, and asked that the Not So Pro event be separated from the balance of the report.

Councillor Illman noted that the 3 special community events could be supported, and a decision on the Not So Pro should be deferred until the status of the PVB Volleyball events is resolved.

Councillor Dehondt also advised Council that the official Main Street grand re-opening would take place on Canada Day.

**10-0607-22 Moved by: Councillor Weber
Seconded by: Councillor Illman**

That D.C.S. Report No. 35-2010 regarding 2010 Summer Events Grand Bend Beach be receive and filed, with Council supporting the three community events, and that a decision on the request from "Not So Pro Volleyball" for the annual tournament be deferred.

Carried

6.16 D.C.S. Report No. 36-2010 – Re: Agreement with the Ministry of Natural Resources for an Exemption Agreement respecting Municipal Drainage Systems

Previously, Council had received a report pertaining to the restrictions in the Endangered Species Act that impact drain maintenance. The report noted that the Ministry of Natural Resources was identifying and listing the species at risk in each municipality, and providing information on ways to minimize the impact on sensitive habitats while undertaking drainage works. An agreement is being prepared to allow drainage works to continue, if the mitigation measures are followed.

The document created by the Ministry is a long term and comprehensive agreement that will be reviewed yearly to determine any changes in status of any specie, or add to the existing list. The identification and mapping of the species and the listing of the required mitigation measures in the agreement will eliminate the need for the Municipality to submit a separate application prior to the maintenance of each drain.

**10-0607-23 Moved by: Councillor Rupke
Seconded by: Councillor Illman**

That the agreement under s.23 or O.reg. 242/08 made under the Endangered Species Act, 2007 as detailed in D.C.S. Report No. 36-2010 be accepted and approved and that By-law 52-2010 authorizing the Mayor and Clerk to sign the associated agreement be approved.

Carried

Administration & Finance**6.17 TR Report No. 27-2010 – Re: Gas Tax Funding Agreement Amendment**

In TR Report No. 27-2010, Treasurer Janet Ferguson provided details on the success of the Gas Tax Funding Program provided through the Federal and Provincial governments, and the fact that the program was being extended for an additional 4 years. In order for the Municipality to participate in the extended program, an amending agreement is required.

**10-0607-24 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Simpson**

That the Amendment to the Gas Tax Funding Agreement as outlined in Treasurer's Report No. 27-2010 be accepted and approved and that By-law 44-2010 authorizing the Mayor and Clerk to sign the agreement be approved.

Carried

6.18 TR Report No. 28-2010 – Re: 2010 Lambton Shores Tax Rates

The 2010 tax rates have been calculated using the information from the 2010 Lambton Shores budget passed in April. TR Report No. 28-2010 noted that the tax rate has decreased by 1.85% from the 2009 as a result of increased assessment. Details were also provided on allocation of the funds to the various Lambton Shores business units, and the County of Lambton levy.

**10-0607-25 Moved by: Councillor Rupke
Seconded by: Councillor Simpson**

That Council approves the 2010 Lambton Shores' Tax Rates
as presented and that By-law 45 of 2010 be passed as outlined
in Treasurer's Report No. 28-2010.
Carried

6.19 TR Report No. 29-2010 – Re: Beach Enhancing Financing Debenture

Details on the financing component of the Grand Bend Beach Enhancement project were provided in TR Report No. 29-2010. Treasurer Janet Ferguson advised that when the project commenced in 2009, the Municipality received approval for a low interest loan from Infrastructure Ontario with the terms to be finalized when the debenture was issued. It has been confirmed that the rate for the debenture will be 3.97% per annum, and the amount to be financed is 1,500,000.00 for a ten year period. The required by-law and agreement were provided for Council's consideration.

**10-0607-26 Moved by: Councillor Illman
Seconded by: Councillor Dehondt**

That Council approves the final debenture terms for the
Grand Bend Beach Enhancement Project debenture as
outlined in Treasurer's Report No.29-2010 and pass By-law 42 of
2010.

Carried

**6.20 CL Report No. 40-2010 – Re: Repeal of a Licensing By-law from the
Former Village of Grand Bend**

Clerk Carol McKenzie advised in CL Report No. 40-2010 of a licensing by-law that had been in effect in the Village of Grand Bend since the 1950's and regulated such items as bowling lanes, miniature golf courses, nickelodeon machines, pool tables etc. It was noted in the report that the many of the places of amusement that were regulated under this by-law have closed, and the cost to implement the by-law for the remaining activities outweighs the revenue derived. The Clerk recommended that the by-law be repealed.

**10-0607-27 Moved by: Councillor Weber
Seconded by: Councillor Dehondt**

That CL Report No. 40-2010 regarding the repealing of Grand Bend By-law #187, being a "By-law to License and Regulate Amusement Halls and Places of Public Entertainment" be accepted and approved and that By-law 48-2010 repealing the by-law be approved.

Carried

6.21 CL Report No. 41-2010 – Re: Amendment to By-law 16-2008, being a By-law Respecting the Sale and Setting Off of Fireworks within the Municipality of Lambton Shores

CL Report No. 41-2010 provided details on the by-law passed in 2008 to regulate the sale of fireworks, and noted that there needed to be additional clarification included in the by-law regarding the displaying and merchandising of fireworks. It was recommended that the by-law be amended to clarify the requirement that individual fireworks be kept in an enclosed, locked, non combustible display unit, and that boxed fireworks not be sold as a self serve item.

**10-0607-28 Moved by: Councillor Weber
Seconded by: Deputy Mayor Jamieson**

That By-law 16-2008, being a by-law respecting the Sale and Setting off of Fireworks be amended as outlined in CL Report No. 41-2010, and that By-law 47-2010 enacting the change be approved.

Carried

6.22 CL Report No. 42-2010 – Re: Appointing Provincial Offences Officers

Previously, Council had passed a by-law appointing persons as Provincial Offences Officers for 2010, and CL Report No. 42-2010 provided information on two additional persons who were recommended for appointment for the enforcement of by-laws in the Grand Bend area.

**10-0607-29 Moved by: Councillor Dehondt
Seconded by: Councillor Rupke**

That the individuals recommended for appointment as Provincial Offences Officers for the Municipality of Lambton Shores as outlined in CL Report No. 42-2010 are approved and that By-law 49-2010 implementing the appointments be approved.

Carried

6.23 CL Report No. 44-2010 – Re: Annual Agreement with Xtreme Water Sports for the Use of Municipal Property

CL Report No. 44-2010 provided information on the operations of Xtreme Water Sports and their annual request to use 30' of the municipal pier as a meeting location for their customers. The report noted that the company has had similar leases for the past 10 years, and the municipality had not received any complaints regarding the business operations.

**10-0607-30 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Russell**

That CL Report No. 44-2010 regarding the annual agreement between the Corporation of the Municipality of Lambton Shores and Xtreme Water Sports for the use of 30' of the North Pier in Grand Bend be accepted as presented and that By-law 43-2010 authorizing the Mayor and Clerk to sign the agreement be approved.

6.24 CL Report No. 45-2010 – Re: Amending the Open Air Burn By-law 60 of 2009

The Open Air Burn By-law had been submitted to the Ministry of the Attorney General for approval of set fines for the various offences, and a response has been received recommending changes to 2 sections of the by-law pertaining to burning regulations in the Village of Grand Bend. The changes were outlined in By-law 54-2010, a copy of which was present to Council for review.

**10-0607-31 Moved by: Councillor Russell
Seconded by: Councillor Rupke**

That By-law 60 of 2009, being a by-law "To Regulate Open Air Burning in the Municipality" be amended to further define offences as outlined in CL Report No. 45-2010, and that By-law 54 of 2010 enacting these amendments be approved.

Carried

6.25 CL Report No. 46-2010 – Re: Building Permit Statistics – First 5 Months of 2010

Information on building activities during the first 5 months of 2010 were detailed in CL Report No. 46-2010, and it was noted that new home starts continue to be strong, with permits issued for 17 new homes to date, as opposed to 14 permits for the similar period in 2009. In addition, both the value of construction and the permit revenue to date are double those from the same time in 2009. Clerk Carol McKenzie advised that the increased activities continue into June, with 13 permits currently being reviewed, 5 of which were for new homes.

**10-0607-32 Moved by: Councillor Illman
Seconded by: Councillor Russell**

That CL Report No. 46-2010 regarding building permit statistics for the first 5 months of 2010 be received and filed.
Carried

7. BY-LAWS & RESOLUTIONS

10-0607-33 Moved by: Councillor Weber
Seconded by: Councillor Rupke

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 42-2010 – Authorized Debenture;
 - By-law 44-2010 – Authorize Amendment to the Agreement with
AMO – Gas Tax
 - By-law 45-2010 – Set Municipal Tax Rate for the Year 2010
 - By-law 47-2010 – Amending By-law 16-2008 Respecting
the Sale
& Setting off of Fireworks
 - By-law 48-2010 – Repeal By-law #189 of the Village of
Grand
Bend to License & Regulate Places of Amusement
 - By-law 49-2010 – Appointing Provincial Offences Officers
 - By-law 50-2010 – Authorizing Agreement with 1375584
Ontario
Ltd. O/A Bill Hoekstra General Contracting
 - By-law 51-2010 – Authorizing Agreement with Da-Lee Dust
Control
 - By-law 52-2010 – Authorize Agreement with Minister of
Natural
Resources
 - By-law 54-2010 – Amend Burn By-law 60-2009
 - By-law 55-2010 – Confirming By-laws to Date
 - By-law 56-2010 – Zone Amendment – Sutherland
 - By-law 57-2010 – Authorizing Agreement – Renaud
 - By-law 58-2010 – Authorizing Agreement with Xtreme
Water
Sports
 - By-law 59-2010 – Authorize Severance Agreement –
Martens
 - By-law 60-2010 – Authorize Agreement – Birnam
Excavating for
Phase 3 Forest Watermains.
- Carried

8. ACCOUNTS

There were no accounts for Council to review.

9. COUNCILLOR REPORTS

Councillor Simpson provided two newspaper articles for members, one reviewing the differences in waste management procedures between the Cities of Detroit and Windsor, and one on the information provided by Minister Prentice on the proposed new Federal regulations pertaining to waste management.

Deputy Mayor Jamieson provided details on several tours taken during the recent FCM conference, and noted that the Toronto Beach front was comprised of over 2000 acres, and the cost for planned enhancement are in the billions.

Councillor Illman advised that the next meeting for the second draft of the Official Plan was scheduled for the morning of Wednesday June 16th.

Councillor Illman also stated that the Communities in Blooms judges would be in the area on July 26-28, and the C.I.B. committee will be asking Council members to assist at certain events.

It was noted that the Librarians are great assets to the Community, and continually answer questions regarding tourism and special events, and a request has been received if we could send copies of the activity guide to the libraries.

Councillor Illman questioned the curling club expansion and the happenstance of finding an old cemetery on the site, and asked if a site in the Beechwood Cemetery could be set aside to commemorate the fact that there were other cemeteries in the area. If there were any disturbances in the future, there would be a suitable location to relocate.

Councillor Dehondt advised Council that Burgerfest was the weekend of June 19-20 and of a new play in Blyth written by a local author.

Councillor Russell had been asked by some of the local organizations if the pony barn at the Thedford arena could be painted, and staff was asked to provide a report on the cost of painting the building.

10. NEW BUSINESS

There was no new business to bring forward at this time.

11. DISCUSSION PERIOD

Lynda Rapley questioned Planner Patti Richardson on the Development Charge credits provided to the owners of the 7 Dwarfs hotel when it was removed, and Ms. Richardson noted that she would need to check.

Mr. Bob Sharen raised an issue regarding a recent situation respecting complaints received in the Grand Bend office, thanked Area Manager Bryson for replacing the tattered flags, asked that the steps at the front of White Caps be

painted yellow to prevent people from tripping, and asked if the street light heads removed from Main Street could be installed on Ontario Street. He also noted that there was quite an interest in Council meetings and asked Council to consider short term parking only in front of the local businesses. When asked about the new draft Official Plan, Mr. Sharen was advised the plan was not yet available for public review as the committee had not had an opportunity to review the document.

Elizabeth Dagg questioned the reduction in the tax rates and asked if the reduction in the tax rate would transfer debt to the next Council to deal with. Treasurer Janet Ferguson advised that the amount of tax revenue to be collected had increased; however, the increase in assessments resulted in a lower tax rate.

12. CONFIDENTIAL

**10-0607-34 Moved by: Councillor Russell
Seconded by: Councillor Simpson**

That the Council meeting goes "In Camera" at 9:07 p.m. to discuss legal matters and will reconvene immediately thereafter.

Carried

Council rose and reported progress on legal matters.

13. ADJOURN

**10-0607-35 Moved by: Councillor Dehondt
Seconded by: Councillor Simpson**

That the Council meeting adjourns at 9:37 p.m. Carried

Gord Minielly, Mayor

Carol McKenzie, Clerk