

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 15-2011

Date of Meeting: Monday, May 2, 2011

Members Present: Mayor Bill Weber
Deputy Mayor Elizabeth Davis-Dagg
Councillor Dave Maguire
Councillor Doug Bonesteel
Councillor Lorie Scott
Councillor Martin Underwood
Councillor Doug Cook
Councillor John Russell

Absent: Councillor Ruth Illman

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
Kimberly Powell-McConaghy – The Standard

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 members to declare any pecuniary or conflict of interest that they may have with respect to the business itemized on the agenda and Councillor Maguire noted that he is related to the owner/operator of MOR Properties, Mr. Brad Oke.

3. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Regular Council Meeting – April 18, 2011

The minutes of the April 18, 2011 regular Council meeting were reviewed. Councillor Cook noted that he attended the ABCA annual dinner not Councillor Scott as stated in the minutes.

**11-0502-01 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Maguire**

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That the minutes of the regular Council meeting held the 18th day of April, 2011 be accepted as amended. Carried

4. Public Meeting – Application for a Zone Amendment ZO-02/2011 for Cecil & Kevin Thody – Clemens Line

**11-0502-02 Moved by: Councillor Scott
Seconded by: Councillor Cook**

That the Council meeting adjourns at 7:05 p.m. for a public meeting held under the Planning Act to hear an application for a Zone Amendment Application submitted by Cecil and Kevin Thody for property located on Clemens Line. Carried

The Planner outlined the history behind this application. She explained that due to a mapping error that occurred when the current Zoning By-law was initially approved by Council in 2003 an incorrect zone was placed on the Thody's lands. That portion of the land designated "Wetland" in the Official Plan is zoned Environmental Protection - Wetlands (EP-WET) in the Zoning By-law and that portion of the property designated Hazard and Environmental Protection in the Official Plan is zoned Environmental Protection - Natural Conservation (EP-NC) I in the Zoning By-law and a dwelling is not permitted in these designations.

She further advised that correspondence and Council minutes indicate that a previous Council had directed that the Thody's property be placed in a special Environmental Protection – Natural Conservation Zone that would allow the construction of a dwelling on the Lands.

Correspondence has been received from the St. Clair Conservation Authority noting that the subject property is impacted by Regulation 171/06 of the Conservation Authorities Act and written permission of the Authority is required prior to the commencement of any development activities within a regulated area. The Authority is also requiring that the applicant prepare an Environmental Evaluation of the property that demonstrates to the satisfaction of the Conservation Authority that the proposed development will have no negative impacts on the natural features or their ecological functions.

The Planner noted that it was important to clarify on the requirements of the Conservation Authority, prior to recommending this amendment to the Zoning By-law.

Mayor Weber asked for questions or comments from Council:

Councillors Scott and Underwood both questioned how St. Clair Conservation could have an impact on this application when permission to allow a dwelling had already been granted and Councillor Scott recommended deferring a decision on this application.

Councillor Bonesteel asked if the Conservation Authority had the authority to override a Council's previous decision and it was confirmed that a building permit could not be issued without permission from St. Clair.

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Mayor Weber asked for questions or comments from the audience:

The applicant stated his confusion in being delayed with the construction of a new home when permission had already been granted and advised that he had already installed a septic system.

Mr. Bob Sharen asked that the applicant be advised of a time frame to have this application brought back to Council if the decision to defer this application is agreed upon.

**11-0502-03 Moved by: Councillor Russell
Seconded by: Councillor Underwood**

That the public meeting closes and the regular Council meeting reconvenes at 7:17 p.m. Carried

**11-0502-04 Moved by: Councillor Scott
Seconded by: Councillor Cook**

That a decision on Zoning By-law Amendment Application ZO-02/11 for Cecil and Kevin Thody be deferred until clarification is received on the requirements of the St. Clair Conservation Authority. *This motion was later withdrawn.*

**11-0502-05 Moved by: Councillor Underwood
Seconded by: Councillor Cook**

That Zoning By-law Amendment Application ZO-02/2011 requesting an amendment to Zoning By-law 1 of 2003 as it affects lands on Clemens Line owned by Cecil and Kevin Thody to change the Environmental Protection – Natural Conservation (EP-NC) Zone on the lands to a Environmental Protection – Natural Conservation 2 (EP-NC2) Zone to allow a dwelling to be constructed on the lands be approved.
Carried

4.2 Stephen W. Gill & David R. Watson – Re: Question of Faulty Water Meter at 7186 Bruce Scott Road

Mr. Stephen Gill and Mr. David Watson appeared before Council requesting that the cost of a water bill totalling \$509.38 be waived. Mr. Gill and Mr. Watson explained to Council that they questioned the amount being charged when there had been no municipal water used at this residence as the house is empty and any bulk water comes from outside sources.

It was noted that staff had inspected the water meter at this residence to insure it was in working order and confirmed that the meter was working.

Discussion ensued on setting a precedent in granting Mr. Gill and Mr. Watson's request to waive the charge and it was agreed that there were circumstances that had occurred that were beyond anyone's control and it could not be confirmed the water went through the meter.

**11-0502-06 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That the amount of \$509.38 charged to Mr. Gill and Mr. Watson for a water bill is waived.

Carried

4.3 Arkona Fire Chief Jim Sisler – Re: Tender Results for the Fire Tanker Truck

Council discussed the tender results for the supply and delivery of a new Water Tanker Truck for the Arkona Fire Department. The Chief and his staff have reviewed the lowest tender submitted by Mid West Fire Equipment and it is being recommended that this tender be accepted. It was noted that the cost, including HST, totals \$210,200.91 and although above the estimate it is still within the Fire Department Reserve limit.

**11-0502-07 Moved by: Councillor Cook
Seconded by: Councillor Underwood**

That the tender of Mid West Fire Equipment in the amount of \$210,361.73 (including HST) for the supply and delivery of a Water Tanker Truck for the Arkona Fire Department be accepted and approved. Carried

5. CORRESPONDENCE & PETITIONS

Correspondence – Receive and File

5.1 Ms. Megan Thomas – Re: Fundraiser for the Make a Wish Foundation of Southwestern Ontario

Correspondence was received from Megan Thomas, a resident of Lambton Shores, requesting support of "Go Blue! Go Bald" event held June 4, 2001 at the Forest Rotary Park. This is an annual event for the Make a Wish Foundation, known internationally for their work in granting the wishes of terminally ill or disabled children from ages 1 – 17.

Council showed its support of this event with Councillor Maguire offering to participate on behalf of Lambton Shores' Council.

**11-0205-08 Moved by: Councillor Cook
Seconded by: Councillor Russell**

That correspondence received from Megan Thomas regarding the annual "Go Blue! Go Bald" Event for the Make a Wish Foundation

be received and filed with Council support.
Carried

Correspondence – Referred to Staff for Resolution or a Report

5.2 Mr. Dave Bowen – Re: Speed Limits on Ipperwash Roads in the Vicinity of the Beach

Correspondence from Mr. Dave Bowen asking Council to consider reducing the speed limit in the Ipperwash Beach areas was reviewed. The question of pedestrian safety was discussed and staff was asked to report back on the possibility of reducing the speed limit in the Ipperwash Beach areas.

Correspondence – For Council Direction

5.3 Mrs. Sharon Weitzel of the Lambton Shores Community Association – Re: Responses to the Grand Bend Beach Research and Consultation Initiative – Draft Report – March 2011 Paper

Council reviewed information provided by the Lambton Shores Community Association regarding responses to the Beach Study draft report and issues surrounding the use of the Grand Bend beach. It was agreed that this information be provided to the consultant with the intention of addressing these concerns during the presentation of the final report on the Beach at the May 16th Council meeting. It is also intended that a decision will be made on whether or not to allow the Not So Pro Beach Volleyball tournament planned for 2011 at the meeting on the 16th.

**11-0502-09 Moved by: Councillor Scott
Seconded by: Seconded by: Councillor Russell**

That information from the Lambton Shores Community Association regarding the Beach Study and a decision on allowing the Not So Pro Volleyball Tournament for 2001 be discussed during the final presentation of the Beach Report to be held May 16, 2011.

Carried

5.4 Brian Knott, City of Sarnia Solicitor – Re: Planned Closing of Sarnia Jail – 2013

Council reviewed correspondence from the City of Sarnia Solicitor Mr. Brian Knott asking for Council support of a Notice of Motion by the City Mayor Mr. Mike Bradley regarding the closure of the Sarnia Jail intended for 2013.

**11-0502-10 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Cook**

That Council support the Notice of Motion by Mayor Bradley, City of Sarnia regarding the closure of the Sarnia Jail. Carried

5.5 Mr. Bill McCann of McCann Read-Mix Inc. – Re: Sewage Capacity for Proposed Seniors' Apartment Building

Correspondence from Mr. Bill McCann of McCann Read-Mix Inc. was reviewed, outlining his request for capacity in the Lambton Shores Sewage System to accommodate a proposed 49 unit apartment building at 47 & 49 Main Street in Grand Bend.

Deputy Mayor Davis-Dagg asked that Council consider a public meeting on the 16th of May, 2011 to address public concerns with the sewage capacity at the Grand Bend Sewage Treatment Facility.

A lengthy discussion ensued regarding which properties had been allotted capacity, how capacity is allotted and the current capacity of the sewage treatment facility and it was noted that this information has been provided to Council on several occasions and that no further discussion should be required.

**11-0502-11 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Bonesteel**

That a Public Meeting be held May 16, 2011 to review, discuss and answer questions relating to capacity at the Grand Bend Sewage Treatment Facility. *Motion defeated.*

**11-0502-12 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That correspondence from McCann Read-Mix Inc. regarding sewage capacity for a proposed seniors' apartment building in Grand Bend be received and filed. Carried

5.6 Mr. Larry Brown, Chairman of the Ausable Bayfield Maitland Valley Drinking Water Source Protection Committee – Re: Notice – Draft of Proposed Changes – Updated Assessment Reports

Correspondence was provided to Council from the Chairman of the Ausable Bayfield Maitland Valley Drinking Water Source Protection Committee, Mr. Larry Brown. The letter invites the member municipalities to review and comment by May 12, 2011 on the Draft of Proposed Changes for Updated Assessment Reports.

**11-0502-13 Moved by: Councillor Maguire
Seconded by: Councillor Underwood**

That correspondence from Mr. Larry Brown, Chairman of the Ausable Bayfield Maitland Valley Drinking Water Source Protection Committee regarding notice of draft proposed changes to updated assessment reports be received and filed.

Carried

5.7 Mrs. Cynthia Cook, Chairperson of the Ipperwash & Area Community Policing Committee – Re: Council Granted Funds

5.8 Mr. Wayne Nelson, Chairperson of the Port Franks Community Police Committee – Re: Council Granted Funds

Correspondence from both the Ipperwash and Area and the Port Franks Community Police Committees requesting a grant from the Municipality to offset costs was reviewed by Council. These groups were not approved for funds under the community grant program, as they did not meet the criteria.

Members agreed that both these committees are made up of hard working volunteers who provide assistance with a vital service to the residents and should be provided with funds to help offset costs.

**11-0502-14 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That the Ipperwash and Area Community Police Committee and the Port Franks Community Police Committee grant requests be approved up to a \$1000.00 to offset their costs. Carried

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

6.1 Minutes of the Grand Bend Area Sewage Plant Board Meeting held April 1, 2011

The minutes of the Grand Bend Area Sewage Plant Board meeting held the 1st day of April 2011 were reviewed.

**11-0502-15 Moved by: Councillor Underwood
Seconded by: Councillor Bonesteel**

That the minutes of the April 1, 2011 Grand Bend Area Sewage Plan Board meeting be received and filed.
Carried

Corporate & Strategic

6.2 C.A.O. Report No. 23-2011 – Re: Business Plan – Thedford Dirty Dogs Senior AA Hockey Team

As directed by Council, staff has been meeting and working with the Thedford Dirty Dogs Senior AA Hockey team to come up with a solution to help out with the team's financial losses due partly to the added costs and logistic issues associated with finding alternative ice time in the area for the 2010-11 hockey season as the Legacy Centre was not completed.

Members discussed the options recommended in C.A.O. Report No. 23-2011 to aid this financially strapped hockey team and Deputy Mayor Davis-Dagg asked that if these

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options are to be considered Council schedule a repayment plan as an incentive to the hockey team to pay off any debt to the Municipality.

Councillor Bonesteel volunteered to act as a liaison with this hockey team and to provide Council with quarterly reports on the progress of repayment by this team.

**11-0502-16 Moved by: Councillor Russell
Seconded by: Councillor Bonesteel**

That C.A.O. Report No. 23-2011 – Business Plan Thedford Dirty Dogs Senior AA Hockey team and the recommendations therein be accepted and approved, that staff and Councillor Bonesteel be authorized to work with the team to implement those recommendations. Carried

C.A.O. Report No. 24-2011 regarding tender approval of the Water Tank Truck for the Arkona Fire Department was dealt with during the delegations, public meetings and presentations portion of the meeting.

Planning

6.4 PL Report No. 19-2011 – Re: Grand Bend Shores Development (Murray Troup) Proposed Development

At the April 4, 2011 Council meeting staff was instructed to prepare a further report on Option 1 from PL Report No. 18-2011 detailing how the development proposed by Grand Bend Shores could proceed in a manner in which the commercial development would be tied into the future development on the property. The report was to also include possible impacts and ramifications of proceeding with Option 1.

Option 1 looked at the severance of a 4 acre lot for the development of a Canadian Tire Store and would require sanitary servicing, water servicing and stormwater management. Council discussed the drawbacks of allowing this development to proceed under Option 1 and how this application differed from the proposed seniors' apartment development by McCann Read-Mix Inc.

It was noted that it has been communicated to the developer the Lambton Shores' planning procedures in order to initiate this development and that the next step lies with the developer to submit an application for development.

**11-0502-17 Moved by: Councillor Underwood
Seconded by: Councillor Bonesteel**

That PL Report No.19-2011 regarding the Grand Bend Shores Development formerly Wintru Developments Inc. (Murray Troup) for the development of a Canadian Tire Store be received and filed. Carried

PL Report No. 21-2001 regarding a Zone Amendment Application for Cecil and Kevin Thody was dealt with during the delegations, public meetings and presentations portion of the meeting.

6.6 PL Report No. 22-2011 – Re: Site Plan Agreement for MOR Properties Inc. and the Corporation of the Municipality of Lambton Shores for 29 Main Street West, Grand Bend

MOR Properties Inc. is proposing to establish a restaurant in the existing building at 29 Main Street West in Grand Bend. A minor variance for this proposal has been granted by the Committee of Adjustment to allow the restaurant to proceed without providing the required 32 parking spaces. This minor variance also allows a small addition to the rear of the building with an exterior side yard and rear yard less than what is required by the by-law.

Planner Patti Richardson reviewed the Lambton Shores' process with respect to site plan agreements.

The site plan providing for the proper development of the lands was presented to Council as well as the authorizing by-law to execute the agreement.

**11-0502-18 Moved by: Councillor Scott
Seconded by: Councillor Cook**

That Council approves a by-law authorizing the execution of a Site Plan Agreement between MOR Properties Inc. and Corporation of the Municipality of Lambton Shores.

Carried

Community Services

6.7 D.C.S. Report No. 38-2011 – Re: Tractor Request for Proposals – Results

The results of the 2011 Request for Proposals for a 4 wheel-drive utility tractor were outlined in D.C.S. Report No. 38-2011.

**11-0502-19 Moved by: Councillor Underwood
Seconded by: Councillor Bonesteel**

That D.C.S. Report No. 38-2011 be received and that the tender of Delta Power Warwick in the amount of \$61,020.00 (including HST) for the supply and delivery of a 4 wheel-drive utility tractor for the Community Services Department be accepted and approved.

Carried

6.8 CL Report No. 31-2011 – Re: Taxi Licenses in the Village of Grand Bend

In order to operate a taxi cab in the former Village of Grand Bend a "Taxi License" from the Municipality is required. To insure consumer protection and public safety the Clerk

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Ms. McKenzie is recommending amendments to Section 4 and the application requirements of By-law 4050 of 1992 which is the licensing by-law.

It was noted that a complete review of the "Taxi License" by-law is planned and will be ready for review later in the year.

**11-0502-20 Moved by: Councillor Maguire
Seconded by: Councillor Russell**

That the Grand Bend By-law 4050 of 1992, as amended, "Being a By-law to Provide for Licensing and Governing Taxicab Owners and Drivers of Motor Vehicles Used for Hire" and the application forms be amended as outlined in CL Report No. 21-2011.

Carried

6.9 CL Report No. 32-2011 – Re: Annual Agreement with Xtreme Water Sports for the Use of Municipal Property

Council reviewed CL Report No. 32-2011 regarding an annual arrangement with Xtreme Water Sports to use approximately 30 feet of the Municipal Pier in Grand Bend as a meeting place for persons who rent the water sports equipment. It was noted that the agreement included the annual increase in rates and the usual insurance requirements.

**11-0502-21 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Maguire**

That CL Report No. 32-2011 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 34-2011 authorizing the Mayor and Clerk to sign the agreement be approved.

Carried

7. BY-LAWS AND RESOLUTIONS

**11-0502-22 Moved by: Councillor Russell
Seconded by: Councillor Maguire**

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 33-2001 – Authorize Site Plan Agreement – MOR Properties, 29 Main Street, West – Grand Bend;
- By-law 34-2011 – Zone Amendment Application ZO-02/2011 – Thody;
- By-law 36-2011 – Authorize Agreement – Xtreme Water Sports

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- By-law 37-2011 – Confirming Resolutions to Date. Carried

8. ACCOUNTS

There were no accounts for Council to review.

9. COUNCILLOR REPORTS

9.1 Councillor Russell – Proposed Tour of Bluewater Recycling Facility

Councillor Russell advised that he was currently in the process of setting up a tour of the Bluewater Recycling Facility for Council and staff and that the proposed date was Tuesday, May 17th. As this tour would only take up the morning he further proposed a tour of the Grand Bend Water Treatment Facility in Grand Bend in the afternoon. All those wishing to attend were asked to contact the administration office.

9.2 Mayor Weber – Essentials of Municipal Fire Protection Seminar

Mayor Weber presented information on a OFM seminar proposed for May 18th in Varna, Ontario providing Council and staff an understanding of fire protection needs, obligations and legislated requirements in order to plan for fire protection in Ontario communities. All those wishing to attend are to contact the administration office.

Councillor Russell noted the success of the Bluewater Anglers Salmon Derby held recently and the economic impact of the event.

Councillor Underwood reported on the successful Tri-Sport Tournament held in Forest on the past weekend with over 900 people involved.

He further reported that it has been suggested that a commemorative plaque be installed at the old arena grounds in Forest in honour of those buried in an old grave yard on site.

Councillor Underwood expressed his concern with the recent clearing of the drains along the CNR ROW.

Councillor Cook reported on the very successful Trash Bash held recently in the Village of Arkona.

Councillor Scott also reported on the recent Trash Bash held in Port Franks with 22 in attendance and made note of recognition to the Community Services Department for their assistance. She also advised that the Annual Optimist Easter Egg Hunt was a huge success.

She further reported that the terms of reference for the Kettle & Stony Point First Nation/Lambton Shores Municipal Committee had been established.

Councillor Bonesteel gave a brief report on the Trash Bash held in the Village of Grand Bend recognizing the efforts of both the Riverbend Restaurant and Communities in

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Bloom. He further made note that Emergency Preparedness Week was May 1st to 7th and information was available on the internet.

Deputy Mayor Davis-Dagg asked for clarity on the structure of the Zone 3 & 4 Ad Hoc Committee and it was reaffirmed that Council approved three Council representatives and 3 representatives each from Zones 3 and 4.

She further reported that the St. Clair Conservation Authority had filed an appeal against the Town of Plympton-Wyoming zoning by-law with the Ontario Municipal Board regarding an Environmentally Protected area along Lake Huron.

10. NEW BUSINESS

With regards to the request by Mr. Gill and Mr. Watson to have a water charge waived Councillor Cook asked that the water meter be replaced at 7186 Bruce Scott Road to prevent any further questions regarding its reliability.

11-0502-23 Moved by: Councillor Cook
Seconded by: Councillor Scott

That the water metre at property located at 7186 Bruce Scott Road
be replaced. Carried

11. DISCUSSION PERIOD

Mr. Dick Matzka asked how much Dr. Branfireun of the University of Western Ontario had been financially compensated by the Municipality for his report on the Zone 3 Groundwater Study presented at the last meeting.

Mr. Bob Sharen offered sponsorship of the Mayor if he participated in the "Go Blue! Go Bald!" fund raiser for Make a Wish Foundation and advised Council that he could assist with a contact to help fight the Phragmites problem in Port Franks.

12. CONFIDENTIAL

11-0502-24 Moved by: Councillor Russell
Seconded by: Councillor Cook

That the meeting goes into a Closed Session at 9:43 p.m. to
discuss labour relations and/or employee negotiations and the
potential acquisition of land by the Municipality.
Carried

Council rose and reported progress on legal matters pertaining to labour relations and/or employee negotiations and the acquisition of land by the Municipality.

13. ADJOURN

11-0502-25 Moved by: Councillor Cook

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Seconded by: Deputy Mayor Davis-Dagg

That the May 2, 2011 Council meeting adjourns at 9:59 p.m.
Carried