

# THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

## Regular Council Meeting

Meeting No. 17-2010

Date of Meeting: Monday, June 21, 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  
Kim Powers, 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 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 – June 7, 2010

The minutes of the regular Council meeting held the 7<sup>th</sup> day of June, 2010 were reviewed.

**10-0621-01 Moved by: Councillor Rupke**  
**Seconded by: Councillor Russell**

That the minutes of the June 7, 2010 regular Council meeting be  
accepted as presented. Carried

#### **4.1 Corrine Nauta- Manager Building Services, County of Lambton - Re: Impending Legislation Related to Changes in the Building Code Pertaining to the Issue of Septic Systems**

Corrine Nauta, Septic Inspector and Manager of Building Services for the County of Lambton attended the meeting to update Council on proposed changes to the Building Code Act relating to required and discretionary inspections of on-site sewage systems.

The proposed regulations are to support environmental and clean water initiatives, with priorities being areas that are environmentally sensitive or contain water intakes.

Mrs. Nauta noted that public consultation on the proposed changes is scheduled for 2010 and amendments will be included in the 2011 edition of the Ontario Building Code.

Councillor Dehondt questioned the current practice for testing private septic systems, and the actions taken if a system fails, and Mrs. Nauta noted that the Act will allow staff to go on site and investigate systems, and if the system fails, a property standards order can be issued, and if the system is not repaired, the County can do so, and charge the costs back to the property owner.

A general discussion ensued regarding mapping of the “sensitive areas”, effective methods of inspecting systems and reporting requirements for Class 7 sites and septage haulers.

#### **4.2 Bob Sharen, Zone 3 Community Group Re: Recent Article Regarding Ground Water Concerns in Lambton Shores**

Bob Sharen and Jordy Speake attended the meeting representing the Zone 3 Community Group, and extended an invitation for Council members and representatives from Dillon Engineering and Golders and Associates to attend a meeting to discuss concerns the group still had pertaining to Zone 3.

Director of Community Services Peggy Van Mierlo-West noted that, at the request of the Municipality, the deadline for a bump up request under the Environmental Assessment (E.A.) for the Zone 3 Sanitary Sewage has been extended 60 days, and that the information is posted on the website and at the area libraries and has been mailed to all affected residents.

Councillor Weber stated that there would be another public meeting after the final date to file objections had passed, and that part of the E.A. process is to meet with the objectors and try to resolve the issues.

Councillor Dehondt recommended that the Council members attend the meeting with the Zone 3 group, to clarify and discuss the outstanding issues.

**10-0621-02 Moved by: Councillor Dehondt  
Seconded by: Councillor Russell**

That the Lambton Shores Council attend the information meeting proposed by the Zone 3 Community Association to discuss the concerns of the group pertaining to the proposed Sanitary Sewer project.  
***Did not carry***

When asked if Lambton Shores would support the mandatory septic tank inspection for properties in Zone 3 and 4, Mayor Minielly stated that he had asked the County to initiate the process.

Mr. Sharon had previously provided a list of questions for Mayor Minielly relating to an article in the Sarnia Observer, and Mayor Minielly provided answers to the questions raised.

## **5. Correspondence and Petitions**

### **5.1 Nextera Energy Re: Public Meetings for the Jericho Wind Farm Project**

Nextera Energy has advised the Municipality that the company was commencing the background environmental studies in support of the “Jericho Wind Farm” project, and that the public information meeting on the project will be held on June 30, 2010 from 5:00 p.m. to 8:00 p.m. at Kimball Hall in Forest.

It was noted that the Municipality has limited opportunities to provide input into the proposal as the Provincial “Green Energy Act” removed the Municipality’s rights to regulate alternate energy projects.

**10-0621-02 Moved by: Deputy Mayor Jamieson  
Seconded by: Councillor Illman**

That the notice from Nextera Energy, regarding the proposed Jericho Wind Farm project and the associated public meeting and review documentation be received and filed. Carried

## **6. Consideration of Committee Minutes and Staff Reports**

### Corporate & Strategic

#### **6.1 C.A.O. John Byrne – Power Point – 2010 Mid Year Review**

Chief Administrative Officer John Byrne provided a midyear review of the significant number of projects and activities that have taken place to date in Lambton Shores.

The review included details on the stimulus fund grants received totalling over 9.7 million dollars for projects including the Legacy Centre and Village Green in Thedford, and the Grand Bend Main Street. In addition, the municipality received infrastructure grants that allowed for the replacements of much of a significant amount of the 1920 cast iron waterlines in Forest.

Work continues on the Tri Municipal Waste Water Facility, which includes the replacement of the existing lagoons with a system that will meet the current and future needs. The final design for the project has been completed, and the next step is the final approval of the 3 partners on the project and the associated agreements. The project has received a grant for 15 million of the 25 million dollar cost, with the balance to be funded based on flows from the 3 participating municipalities.

Also discussed was the 2010 Accessibility Plan, and the how the members of the Accessibility Committee have provided input into the design of new buildings and retrofitting other municipal facilities to meet the needs of the community and the public.

Mr. Byrne advised that work had commenced on both the Recreation and Leisure Master Plan and the Road Needs Master Plan, documents that will help determine Municipal priorities in the future.

Lambton Shores continues to receive awards, with the most recent being the Parks and Recreation Ontario award for the design of the beach in Grand Bend, and the awarding of 5 Blooms under the Communities in Bloom program.

Congratulations were offered to the Facilitator of Recreation and Leisure Ashley Farr (Albert) on the success of the first annual "Lambton Shores Recreation and Leisure Guide" and to the "Legacy Fundraising Committee" that has raised an impressive amount of money to date.

Details were provided on the lease of the "King Street" parking lot in Grand Bend that is helping to relieve some of the parking pressures on the Main Street.

Another significant project that all municipalities are undertaking is the change from the traditional method of municipal accounting to the "PSAB" (Public Sector Accounting) form of accounting, which requires accounting for and reporting of tangible capital assets. This process requires all assets of the Municipality to be identified and valued and staff was commended for this huge undertaking, as it is imperative that the assets are recorded correctly at the onset as they will form the basis for future years reporting and budgeting.

In the Planning and Development department, there are a number of developments being reviewed, in addition to the process underway to update the Official Plan.

Building activities continue to be strong, keeping the CBO and the Inspector extremely busy with permits and inspections.

The awarding of the Blue Flag designation for the Municipal beach and marinas again in 2010 is a great achievement, and requires a significant amount of documentation and verification along with mastering the ever changing requirements

Together with the Grand Bend Rotary Club and the Grand Bend Foundation, the Municipality has been working on the "Swim Cast" mechanical water quality monitoring system off the Grand Bend Main Beach. The information has been analysed with the goal being to establish trends which will help build a model to predict when water quality will be a problem.

The recent cleaning of the Arkona water tower resulted in a release of material from the bottom of the well, and even though Lambton Shores had hired a professional firm to undertake the work, the Municipality is being held responsible for the release by the M.O.E.

### Community Services

#### **6.2 D.C.S. Report No. 38-2010 – Re: Water and Wastewater Operational Overview – Update**

Director of Community Services Peggy Van Mierlo-West updated Council on the operations to date of the water and waste water systems, and noted that there had not been any significant issues to report.

Ms. Van Mierlo-West also advised that the Forest Water Main project is well underway, with 2 contracts largely completed, and the tender for the last phase recently approved.

Updates were also provided on the 2010 hydrant flushing schedule, the DWQMS audit that took place in January and the testing, treatment and repairs at the Municipal sewage treatment facilities.

**10-0621-03 Moved by: Councillor Dehondt  
Seconded by: Councillor Rupke**

That D.C.S. Report No. 38-2010 regarding Water and Wastewater  
Operational Overview and Update be received Carried

#### **6.3 D.C.S. Report No. 39-2010 – Re: 2009 Water System Consumption Analysis**

In D.C.S. Report No. 39-2010, details were provided on the Municipal water consumption patterns, and it was explained that an analysis of the water usage is undertaken to determine how much water is used by customers, and how much is lost or used in the operation of the system itself. Unaccountable water, referred to as water loss, can result from leaks, regular hydrant and main flushing, fire calls and practice, gravel road watering and residual flushing and testing.

The initiatives undertaken by OMI to reduce water loss volumes were outlined, which included the possible installation of new meter pits at subdivision entrances and other isolated areas to provide additional data.

**10-0621-04 Moved by: Councillor Rupke  
Seconded by: Councillor Simpson**

That D.C.S. Report No. 39-2010 regarding 2009 Water System  
Consumption Analysis be received and filed Carried

#### **6.4 D.C.S. Report No. 40-2010 – Re: Waste Management Services Review**

An overview of the Lambton Shores' waste management services and programs were outlined in D.C.S. Report No. 40-2010, and included the co-collection of solid waste and

recycling provided by Bluewater Recycling, Household Hazardous Waste Days, the operations of the compost site, and the E-waste program.

Councillor John Russell, the Municipal representative on Bluewater Recycling, stated that the company had received funding for a waste management plan for all the member municipalities.

As there were a number of significant issues included in the report, Councillor Illman recommended further in depth discussions be held on the issues such as user pay, household hazardous waste, additional compost sites, and other future initiatives, and that this report is a good starting point to formulate a long term plan.

**10-0621-05 Moved by: Councillor Russell  
Seconded by: Councillor Cook**

That D.C.S. Report No. 40-2010 regarding a review of the Waste Management Services be received and referred to budget for further discussion regarding a Waste Management Master Plan  
Carried

#### **6.5 D.C.S. Report No. 42-2010 – Re: Recreation & Leisure Status Update**

An update on the Recreation and Leisure Department projects was provided in D.C.S. Report No. 42-2010, and included details on the successes of the 2009 Communities in Blooms project and the goals for 2010, the third annual Lambton Shores Youth Expo which will be held September 11<sup>th</sup> at The Shores Recreation Centre, the Volunteer Recognition Barbeque scheduled for September 29 at the Port Franks Community Centre, the quarterly “Living and Playing in Lambton Shores” newsletter, and the first edition of the “Lambton Shores Recreation and Leisure Guide”. One of the most significant projects currently underway is the first “Lambton Shores Recreation and Leisure Master Plan”, and details were provided on the progress to date on the plan. An update on the project will be presented to Council at the August 17 meeting.

**10-0621-06 Moved by: Councillor Illman  
Seconded by: Councillor Weber**

That D.C.S. Report No. 42-2010 regarding Recreation & Leisure Status Update be received and filed  
Carried

#### **6.6 TR Report No. 30-2010 – Re: Bendway Weir Erosion Project**

Treasurer Janet Ferguson provided an update on the annual charges for the maintenance of the Bendway Weirs erosion protection structures, and advised that the Ausable Bayfield Conservation Authority would be sending Lambton Shores an invoice each year for the maintenance of the structures. It had been discussed with the benefitting property owners that the maintenance charge would be allocated based on the same proportions as the original costs of the works, and billed on the annual tax

rolls. Ms. Ferguson noted that the charges for 2008 would be collected on the 2010 tax roll, and the 2009 charges would be collected in 2011.

**10-0621-07 Moved by: Councillor Simpson  
Seconded by: Councillor Dehondt**

That TR Report No. 30-2010 outlining the allocation of the Bendway Weir maintenance charges be approved, and By-law 36 of 2010 be passed Carried

**6.7 CL Report No. 47-2010 – Re: Resolution of an Outstanding Property Transfer – Port Franks**

In CL Report No. 47-2010, Clerk Carol McKenzie provided history on an outstanding property matter in Port Franks that commenced in 2003. The problem with the incompatibility of two surveys that prevented the land transfer to be finalized has been resolved, and Ms. McKenzie outlined the processes that need to be undertaken to complete the land transfer.

**10-0621-08 Moved by: Councillor Illman  
Seconded by: Councillor Rupke**

That the following actions to complete a land transaction as detailed in CL Report No. 47-2010 be approved:

1. The transfer of the easement rights under instrument # 913519 from Execulink Group Inc. to the Corporation of the Municipality of Lambton Shores;
2. The grant of an easement in favour of Execulink Telecommunications Inc. for telecommunication purposes across the lands to be conveyed from the Municipality to Keininger;
3. The acquisition of a deed for Part 1 on Plan 25R 9658 from the adjacent neighbours (Kieningers); and
4. The conveyance from the Corporation of the Municipality of Lambton Shores to Alan and Elaine Keininger for Parts 3,4,5,6,7,12,13,14,15 and 16 on Plan 25R 9658;

and the Mayor and Clerk are authorized to sign the required documentation to effect these transfers. Carried

**6.8 CL Report No. 48-2010 – Re: Smoking at the Entrance to “The Shores Recreation Centre”**

The 2010 Accessibility Plan identified unregulated smoking at the entrance/portico at the Shores Recreation Centre as a “barrier” to usage. Clerk Carol McKenzie advised

that the portico would meet the criteria under the Smoke Free Ontario Act to be considered a “prescribed place” where smoking is prohibited, and recommended that smoking be restricted in this area, and also, in an area within 9 metres of the portico.

**10-0621-09 Moved by: Councillor Rupke  
Seconded by: Councillor Illman**

That CL Report No. 31-2010 regarding smoking restrictions at the entrance to “The Shores’ Recreation Centre” be accepted, approved and implemented. Carried

## **7. BY-LAWS & RESOLUTIONS**

**10-0621-10 Moved by: Deputy Mayor Jamieson  
Seconded by: Councillor Weber**

That the following by-law 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 36-2010 – Bendway Weir Erosion Protection Project Maintenance Charge. Carried

### **Supplemental Agenda Item:**

#### **3.1 Regular Council Meeting – June 15, 2010**

The minutes of the regular Council meeting held the 15<sup>th</sup> day of June, 2010 were reviewed.

**10-0621-11 Moved by: Councillor Dehondt  
Seconded by: Councillor Weber**

That the minutes of the June 15, 2010 regular Council meeting be accepted as presented. Carried

## **8. ACCOUNTS**

The accounts for the month of May, 2010 were presented for Council’s review.

**10-0621-12 Moved by: Councillor Simpson  
Seconded by: Councillor Russell**

That the accounts for the month of May, 2010 in the amount of \$3,170,020.12 be approved. Carried

## **9. COUNCILLOR REPORTS**

Councillor Dehondt updated Council members on the Canada Day plans in Grand Bend, which include the dedication of the Main Street, and the annual fireworks display.

Councillor Illman advised of the heritage walk in the Forest Downtown, scheduled for June 24 and that the "Homemade Jam" event would be held on the weekend and would be profiling several local bands. Also noted were the annual Canada Day celebrations at Esli Dodge Conservation area.

Mrs. Illman also mentioned discussions held with the principal of North Lambton Secondary School, and noted that we need to be aware of the importance of a strong school system in our community and ways Lambton can support school related initiatives.

Deputy Mayor Jamieson advised that she has received a letter from the Lambton County E.M.S. regarding emergency response to the residents on the Island in Port Franks. Clerk Carol McKenzie noted that the Municipality had not received a copy of the correspondence as of yet.

Councillor Weber advised of an All Candidates Meeting hosted by the Grand Bend Rotary Club, scheduled for the morning of September 18, 2010.

Councillor Russell noted that he would be attending the Board of Education meeting, representing Lake Smith Conservationist, and concurred with Councillor Illman's statement regarding the negative community impacts resulting from school closures.

Councillor Rupke advised that at the most recent Lake Huron Primary Water System Board meeting, the decision was made for an RFP for a competitive bid for the operation of the system.

Councillor Cook noted that Arkona Funtastic Day will be held June 26, with a parade kick off at 11:00 a.m.

Councillor Simpson clarified his position with respect to wind turbines which dealt with appropriate setbacks for the turbines, as opposed to opposition to the projects.

## **10. NEW BUSINESS**

In reference to an earlier discussion regarding the extension of the E.A. for Zone 3, Chief Administrative Officer John Byrne noted that there had been a report from Director of Community Services Peggy Van Mierlo-West on the Extension of the E.A. for Zone 3 that had unfortunately missed being forwarded for the agenda.

## **11. DISCUSSION PERIOD**

Mr. Bob Sharen advised that one of the Grand Bend businesses received a map of a plan for a Grand Bend marina and questioned if Lambton Shores was developing the marina and Mayor Minielly advised it was a copy of an old "pre Lambton Shores" plan.

Mr. Cam Taylor asked when the "Welcome to Grand Bend" signs would be completed, and Chief Administrative Officer John Byrne advised it was currently being fabricated and would be up by July 1.

Mr. Sharen also raised a question with respect to the cost of the treatment plant and if the size of the plant would be reduced if Zone 3 was not included. Mayor Minielly noted that the other partners have plans for expansion that would also dictate the plant size.

**12. CONFIDENTIAL**

**10-0621-13 Moved by: Councillor Illman  
Seconded by: Councillor Weber**

That the Council meeting goes "In Camera" at 9:12 p.m. to discuss legal matters and will reconvene immediately thereafter.  
Carried

Council rose and reported progress on legal matters.

**13. ADJOURN**

**10-0621-14 Moved by: Councillor Dehondt  
Seconded by: Councillor Weber**

That the Council meeting adjourns at 9:17 p.m. Carried