

THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 16-2011

Date of Meeting: Monday, May 16, 2011

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

Staff Present: C.A.O. John Byrne
Clerk Carol McKenzie
Treasurer Janet Ferguson
Director of Community Services Peggy Van Mierlo-West
Administrative Assistant Roberta Brandon

Media Present: Lynda Hillman-Rapley, Lakeshore Advance
Kimberly Powell-McConaghy – The Standard
Gord Whitehead – Various Publications

1. CALL TO ORDER

The Mayor called the meeting to order at 7:00 p.m.

2. DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

Mayor Weber asked 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 2, 2011

The minutes of the May 2, 2011 Council meeting were reviewed and Councillor Maguire advised that it was Councillor Bonesteel who had reported on the Trash Bash in Grand Bend not himself as stated in the minutes. Mayor Weber also noted that the motion adjourning the public meeting should read “the public meeting closes”.

11-0516-01 Moved by: Councillor Russell
Seconded by: Councillor Scott

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That the minutes of the regular Council meeting held the 2nd day of May, 2011 be accepted as amended. Carried

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.1 Ken McRae, Forest Optimists – Re: Kimball Hall Lease Extension Request

As the first delegation, Mr. McRae was unable to attend the meeting Council agreed that the items on the agenda be re-ordered..

5. CORRESPONDENCE AND PETITONS

There was no correspondence or petitions for Council to review.

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

Corporate & Strategic

6.1 C.A.O. Report No. 28-2011 – Re: Disposition of Former “Pioneer” Cemeteries – Town of Forest

C.A.O. John Byrne reported on former “pioneer cemeteries within the Town of Forest, and in Report C.A.O. No. 28-2011, he advised that evidence indicated these cemeteries may not have been abandoned or closed as suggested in old historic records and documents. He further advised that staff, along with local residents, are continuing to research the issues..

Councillor Illman explained that these cemetery sites have been formally recognized in the new draft Official Plan, which establishes a policy that protects these cemeteries from any further disruption unless the proper Provincial procedures and guidelines are followed.

**11-0516-02 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That C.A.O. Report No. 28-2011 regarding the disposition of former “pioneer” cemeteries in the Town of Forest be received and staff be authorized to proceed with further actions as outlined in the report. Carried

Planning

6.2 PL Report No. 23-2011 – Re: Draft Plan of Subdivision File No. SD2006-1 (Revised) for Rice Development Company Inc. – 77 Main Street, East – Grand Bend

In PL report No. 23-2011, Planner Patti. Richardson advised that Rice Development Company Inc. is requesting an extension from Council for its draft approval of draft Plan

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of Subdivision SD2006-1 (Revised) to June 15, 2012 for property along Main Street East in Grand Bend.

It was noted that Rice Development has been working to satisfy the conditions of approval and it is anticipated that phase one of this development should be commencing in the near future.

**11-0516-03 Moved by: Deputy Davis-Dagg
Seconded by: Councillor Maguire**

That Council extends the lapsing date for Draft Plan of Subdivision SD2006-1 (Revised – June 15, 2012). Carried

6.3 PL Report No. 24-2011 – Re: Request for Extension of Draft Plan Approval of Vacant Land Condominium File No. 38T-03001 LS (Revised June 15, 2006) for Sifton Properties Limited – 5188 Cedar Point Line

PL Report No. 24-2011 provided details on a plan for Sifton Properties Limited that was first considered in 2004, when Council approved a plan of vacant land condominium for 60 units. The development was proposed at that time to be developed on a private sewage treatment facility.

In June of 2006, Council approved revisions to the above noted Draft Approved Plan of Subdivision and in 2009 approved an extension for this Draft Approved Plan. Since that time staff has been in discussion with the Developer respecting the provision of municipal sanitary servicing for the development. The Subdivider generally agrees that the development cannot proceed until municipal sanitary sewers are available and as the lapsing date on the subdivision is quickly approaching the Developer is requesting that Council extend its draft approval of Vacant Land Condominium File No. 38T-03001(LS) (Revised) for an additional two years to June 15, 2013.

The question of capacity at the Forest Sewage Treatment Facility was discussed in length and it was confirmed that capacity in the sewage treatment facility will not be over allocated with the inclusion of this subdivision.

Discussion ensued on properly communicating this allotment of capacity at the Forest Sewage Treatment Facility through the environmental assessment process to ensure full public consultation.

Deputy Mayor Davis-Dagg asked that the request for an extension of this Draft Approved Plan be considered however asked that the proposed amendments to the plan as noted in the Planner's report be deferred until such time as new Council members have had an opportunity to review this application in depth including the amendment as follows:

a) Amend Condition 9 to include the following clause:

iv) To satisfy the Municipality with respect to the provision of municipal sanitary sewers and municipal sewage treatment capacity in compliance with the Forest and Area Sewage Servicing Master Plan.

**11-0516-04 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Russell**

That Council extends the lapsing date for Draft Plan of Vacant Land Condominium File No. 38T-0300(LS) (Revised) to June 15, 2013 however a decision on the amendments proposed in PL Report No. 24-2011 be deferred to a later date. ***Motion defeated.***

**11-0516-05 Moved by: Councillor Illman
Seconded by: Councillor Underwood**

That Council:

- a) Amend Condition 9 to include the following clause:
- iv) To satisfy the Municipality with respect to the provision of Municipal sanitary sewers and Municipal sewage treatment capacity in compliance with the Forest and Area Sanitary Sewage Servicing Master Plan;
- b) Delete Conditions 10 and 11 and re-number the conditions following; and
- c) Extend the lapsing date for Draft Plan of Vacant Land Condominium File No. 38T-03001 (LS) (Revised) to June 15, 2013. Carried

Community Services

6.4 D.C.S. Report No. 36-2011 – Re: Request for New Engineer’s Report on the James Creek Drain

D.C.S. Report No. 36-2011 explained that the James Creek Drain is an open ditch drainage system that begins north of Forest on Fuller road and flows westerly towards Lakeshore Road. The Community Services Department has received a request under Section 78 of the Municipal Drainage Act for a new Engineer’s report which would allow maintenance activities within the confines of the system.

**11-0516-06 Moved by: Councillor Cook
Seconded by: Deputy Mayor Davis-Dagg**

That the petition request for an updated drainage system through an engineer’s report for the James Creek Drain under section (78) be approved as outlined in D.C.S. Report No. 36-2011 and that Spriet & Associates be appointed as the engineer for the project

conditional on the expiration of the 30 day notice period as per By-law 35-2011. Carried

6.5 D.C.S. Report No 40-2011 – Re: Pedestrian Railing Design and Structural Review

The results of the requests for proposals for the design and preparing of tender documents for the fabrication and installation of a pedestrian railing across the Highway No. 21 bridge in Grand Bend were reviewed by Council.

**11-0516-07 Moved by: Councillor Maguire
Seconded by: Councillor Underwood**

That D.C.S. Report No. 40-2011 is approved and that the Municipality of Lambton Shores enters into an agreement with Spriet Engineering for the Grand Bend Bridge Railing Design and Structural Review in the amount of \$7,345.00 including HST;

And that By-law 38-2011 authorizing the Mayor and Clerk to sign the associated contract agreement is approved. Carried

4.2 Montieth-Brown Planning Consultants – Re: PowerPoint Presentation on the Grand Bend Beach Research & Consultation Initiative

Todd Brown, consultant with Montieth-Brown Planning Consultants made a presentation to Council outlining the research and consultation initiative dealing with the Grand Bend beach.

Mr. Brown explained that the purpose and methodology of the report was to determine how to enhance the Grand Bend beach for the enjoyment of residents and visitors, and serving the community's needs into the future. Consultation included input received during the Master Plan project, a community feedback survey, a community visioning session held in October, 2010, interviews with Municipal staff, external agencies and other waterfront municipalities and a public information meeting held March, 2011.

Trends affecting beach use, the results of the community visioning session and the survey were reviewed. The importance of the natural setting, scenic beauty, and global significance of the beach were agreed as being some of the most valued assets of the beach. Retaining a balance of active and passive uses, protection from commercialization and honouring historical significance were presented as being some the major roles of the Grand Bend beach.

The results of the community feedback survey noted the most common uses of the beach should be scenic views, walking, swimming, people watching and playing in the sand and water.

The consultant reported that the role of the Grand Bend beach is to provide a clean and naturally beautiful environment within which residents and visitors alike can appreciate their natural surrounding while safely partaking in a meaningful range of recreational

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activities and community events, while at the same time supporting Municipal economic development objectives and local businesses.

Striving to maintain Blue Flag Status at the Grand Bend beach and the Grand Bend and Port Franks harbours, continued accuracy of water quality readings, developing a policy that will prohibit events on long weekends but allowing up to two commercial events on the Main beach during the prime summer season and inviting and considering input from the general public with respect to major decisions regarding the beach were just a few suggestions made for consideration of appropriate uses of the beach.

Just a few of the sixteen suggestions for infrastructure improvements included continuing to monitor the general condition of the Beach House, continuing to fulfill Lifesaving Society safety requirements and continuing to include the playground and splash pad at the beach among the inventory of Municipal holdings for upgrading and repairs.

The importance of partnerships for events such as Aquafest and Grand Bend Canada Day fireworks along with the ecological and environmental issues related to the beach were reviewed.

Mayor Weber thanked Mr. Brown for his report and Councillor Illman noted her pleasure with the content of this report and the importance of staff and Council using this document as a guide in making decisions relating to the Grand Bend Beach.

**11-0516-08 Moved by: Councillor Russell
Seconded by: Councillor Underwood**

That the final report from Monteith-Brown Planning Consultants on the Grand Bend Beach Research and Consultation and Initiative be received and referred to the Strategic Plan discussions.

Carried

Councillor Bonesteel noted that he and Councillor Maguire had met with several business owners from Grand Bend to discuss beach management and stewardship, and as the final beach report has been received by Council, Councillor Bonesteel requested that the moratorium on beach use be lifted.

**11-0516-09 Moved by: Councillor Bonesteel
Seconded by: Councillor Underwood**

That the moratorium on beach use be lifted.

Councillor Russell and Deputy Mayor Davis-Dagg commended Councillors Bonesteel and Maguire for their efforts with the business community of Grand Bend and asked that Councillors Bonesteel and Maguire be appointed Council's liaison with the business community in dealing with issues pertaining to the Grand Bend beach.

**11-0516-10 Moved by: Councillor Russell
Seconded by: Councillor Underwood**

That Councillors Bonesteel and Maguire act as liaison with the Grand Bend business community in matters concerning the Grand Bend beach. Carried

6.6 D.C.S. Report No. 41-2011 – Re: Request for New Engineer’s Report on the Goosemarsh Drain

The Community Services Department has received a request for an updated report under the Municipal Drainage Act. as regulated under Section 78 of the Drainage Act, in order for a Municipality to carryout maintenance activities on a drainage system. In order for this maintenance activity to occur, an updated Engineer’s report must be authorized by Council..

**11-0516-11 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Cook**

That the petition request for an updated engineer’s report for the Goosemarsh Drain under section (78) be approved as outlined in D.C.S. Report No. 41-2011 and that Spriet & Associates be appointed as the engineer for the project conditional on the expiration of the 30 day notice. Carried

6.7 D.C.S. Report No. 42-2011 – Re: Kimball Hall Lease Extension Request

Although the delegate Mr. McRae was not in attendance Council reviewed a request for the Municipality to extend the current lease agreement for the operation of Kimball Hall in Forest by the Optimist Club for another 5 years. The Optimist Club is also requesting permission to amend the agreement to include the use of the upstairs viewing area for a weekly community pool league and the washrooms and concession area for future renovations. These future renovations would include janitorial storage for larger equipment and a lunch room area. As per the lease agreement the Optimist Club is not permitted to assign or sub-let any portion of the property without written consent of the Municipality.

Several members of Council commended the Forest Optimist Club on their operation of this facility and agreed that this agreement should be extended as requested.

Deputy Mayor Davis-Dagg asked that in considering the renewal of the lease for this facility Council not give up control of the washrooms and viewing area, however Councillor Bonesteel noted that this partnership has been successful and believed it would continue to be.

**11-0516-12 Moved by: Councillor Scott
Seconded by: Councillor Bonesteel**

That the proposed Kimball Hall lease extension and recommendations as outlined in D.C.S. Report No. 42-2011 be

approved and that the Municipality extend the lease agreement of Kimball Hall for an additional 5 years. Carried

6.8 D.C.S. Report No. 38-2011 – Re: Grand Bend Patrol Yard – Lease

The question of a lease with Huron County for the public works yard at the corner of Highway 21 and County Road 83 was reviewed. The County of Huron is proposing a lease costing \$42,000 per year for the use of this property however the Municipality would have to cover the cost to re-roof the salt dome at this site. It was noted that during the capital budget discussion funding was allocated for a salt dome in Northville and that staff should perhaps look for other opportunities in Lambton Shores for a works yard while at the same time notifying Huron County that Lambton Shores will not be renewing their lease for this property.

**11-0516-13 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Maguire**

That the recommendations as outlined in D.C.S. Report No. 43-2011 be approved and that the Municipality of Lambton Shores notifies Huron County that the Municipality will be vacating the former MTO patrol yard located at the corner of Highway 21 and Dashwood Road. Carried

6.9 D.C.S. Report No. 44-2011 – Re: Playground Removals

Council reviewed D.C.S. Report No. 44-2011 regarding monthly inspections of the 14 Municipally owned playground structures. These inspections are a visual inspection of items such as making sure components are fastened securely, structures are free of sharp edges, choking hazards, pinch points and in general are in good repair.

**11-0516-14 Moved by: Councillor Illman
Seconded by: Councillor Underwood**

That D.C.S. Report No. 44-2011 regarding Municipally owned playground inspections be received and filed. Carried

Administration and Finance

6.10 TR Report No. 28-2011 – Re: ABCA Office Accommodation Levy

As part of the 2011 budget process, Council approved the Ausable Bayfield Conservation Authority (ABCA) budget and part of this budget was an annual payment of \$9,307 for office accommodation. This expense is for the purchase of property for an expansion of \$450,000 and Lambton Shores' proportionate share is \$83,760 in total over 10 years. At the time of budget discussions the option of paying a lump sum was not revealed by the Ausable Bayfield Conservation Authority and now they are allowing either a lump sum payment or the yearly payment of \$9,307 plus 2% interest amortized over the 10 years.

Council reviewed the options and agreed to pay the yearly sum of 9,307 for the 2011 year and revisit the option of a lump sum during 2012 budget discussions. Council asked that the Ausable Bayfield Conservation Authority be advised of its displeasure in not being providing the option of a lump payment up front.

**11-0516-15 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That Council confirm payment of \$9,307. in 2011 for the amount levied to the Conservation Authority's capital expense for expansion as well as communicating the Council's displeasure with the lack of transparency regarding payment by the Authority.
Carried

6.11 CL Report No. 34-2011 – Re: Update: Town Hall Meeting on May 7, 2011 – Centre Ipperwash Road

CL Report No. 34-2011 updated Council on a Town Hall meeting held May 7, 2011 to discuss options for the use of the Centre Ipperwash Road Allowance as a boat launch area.

**11-0516-16 Moved by: Councillor Cook
Seconded by: Councillor Underwood**

That CL Report No. 34-2011 updating Council on the Town Hall meeting to discuss options for the use of the Centre Ipperwash Road Allowance being used as a boat launch areas be received and filed.
Carried

6.12 CL Report No. 35-2011 – Re: Update – Armstrong East Issues

A review of CL Report No. 36-2011 revealed that as a "Statement of Claim" has been served against the Municipality no further action can be taken by the Council appointed Committee to research and make recommendations on the issue of vehicular access on Armstrong East.

**11-0516-17 Moved by: Councillor Illman
Seconded by: Councillor Russell**

That CL Report No. 35-2011 regarding an update on issue of vehicular access on Armstrong East be received and filed.
Carried

6.13 CL Report No. 36-2011 – Re: Applications heard by the Committee of Adjustment on April 28, 2011

Council reviewed the decisions made by the Committee of Adjustment on applications at the April 28th, 2011 meeting.

11-0516-18 Moved by: Councillor Cook
Seconded by: Councillor Russell

That CL Report No. 36-2011 regarding the applications heard by the Committee of Adjustment. Carried

Those persons being recommended to serve as Provincial Offences Officers were listed in CL Report No. 36-2011.

11-0516-19 Moved by: Councillor Bonesteel
Seconded by: Councillor Underwood

That the individuals recommended for appointment as Provincial Offences Officers for the Municipality of Lambton Shores as outlined in CL Report No. 36-2011 be accepted and By-law 41-2011 be approved. Carried

7. BY-LAWS AND RESOLUTIONS

11-0516-19 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Scott

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 38-2010 – Authorize Agreement with Spriet Associates for the Grand Bend – Highway 21 Bridge Railing Design and Structural Review. Carried

11-0516-20 Moved by: Councillor Scott
Seconded by: Councillor Cook

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 37-2011 – Appoint Provincial Offences Officers
By-law 41-2011 – Confirming Resolutions to Date. Carried

8. ACCOUNTS

8.1 TR Report No. 29-2011 – Re: April, 2011 Cheque Register

The Municipal accounts for the month of April, 2011 were reviewed, and questions were asked and answered on several payments.

11-0516-21 Moved by: Councillor Russell
Seconded by: Councillor Illman

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That the Municipal accounts for the month of April, 2011 in the amount of \$1,571,302.99 be accepted as presented. Carried

9. COUNCILLOR REPORTS

Mayor Weber reported on the 20th Anniversary of the Rotary Club in Grand Bend and the 10th Anniversary of the Grand Bend Foundation.

Councillor Russell stated that he had attended the Ontario Small Urban Municipalities Conference in Niagara on the Lake in May, 2011.

Councillor Cook reported on promotion ideas for the upcoming 25th Anniversary of Rock Glen Museum and expressed his concern with the lower speed limit on Townsend Line.

Councillor Underwood reported on the very successful plant exchange held at the Anglican Church in Forest.

Councillor Illman questioned the timing of future strategic planning sessions, thanked the Mayor for attending the Community Health Day, invited everyone to experience Lambton Shores on a bus tour June 18th, 2011 and noted the Communities in Bloom Judges would be in Lambton Shores July 25th and 26th, 2011.

Councillor Scott reported that she had attended both the Port Franks and Ipperwash and Area Community Police Committee meetings and announced that a new pizza place had opened in Port Franks.

Councillor Bonesteel reported that he had attended the Arts and Eats event in Grand Bend.

Councillor Maguire reported that he had met with members of the Lambton Shores Business Community to discuss issues of importance to business owners.

Deputy Mayor Davis-Dagg asked for clarity on the formation of the Ad Hoc Committee for Zones 3 and 4 and advised that she and the Mayor had not come up with a consensus on who was to be chosen for this committee at which point Council members agreed that a decisions would be made on the committee members that evening during the closed session.

10. NEW BUSINESS

10.1 Notice of Motions from Councillor Russell & Councillor Underwood

Councillor Russell advised that he had presented a "Notice of Motion" pertaining to the need to dredge areas of the Ausable River Cut to facilitate its use by boaters as well as coming up with a long term strategy to address the continued use and maintenance of this river.

As for dredging the river, the Director of Community Services Peggy Van Mierlo-West advised that an application to do so must be submitted to the Ministry along with having

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to do soundings on the river and mapping out the sand bars all of which will take time., that being the case the Municipality was looking at a 6 to 8 week process.

Discussion ensued on the permit process, the species at risk, the role of the Ausable Bayfield Conservation Authority and the costs associated with a long term strategy for the river.

Several Councillors agreed that river access is important to the area residents and those accessing the lake and that a solution must be reached and agreed upon that is not only for this year but for years to come.

The importance of having a staff report done outlining how to approach the continued use and maintenance of the river in Port Franks was agreed upon with direction to staff.

**11-0516-22 Moved by: Councillor Russell
Seconded by: Councillor Scott**

Whereas Council has authorized the application for a permit to dredge areas of the Ausable River Cut to facilitate its use by pleasure boaters through the removal or dredging of sediment blockages and;

Whereas a long term strategy is needed to address the continued use and maintenance of the Ausable River Cut as a pleasure boating corridor as a key component of Lambton Shores tourism infrastructure;

That staff be directed to prepare a detailed report outline how the Ausable River Cut corridor could be developed and maintained for this purpose including the cost and financing of such an undertaking for further review and direction from Council.

Carried

Councillor Underwood asked that Council consider leasing a space in the old Forest Arena for a Cadet Training centre. Councillor Underwood advised that a group is being formed to develop this centre for cadets and noted that the size of the facility offered great opportunity for growth.

**11-0516-23 Moved by: Councillor Underwood
Seconded by: Council Scott**

That Council support in principle the leasing of the main ice surface and ancillary storage and office space (to be determined) in the former Forest Memorial Arena facility for use as a "Cadet Training and Development Facility" for Lambton Shores youth and further;

That staff be directed to prepare a detailed report outlining the space needs, lease terms and other details for further consideration and approval by Council at its next meeting. Carried

D.C.S. Report No. 45-2011 regarding the tender results for the Port Franks Community Centre roofing replacement was presented along with the agenda for the Special Meeting of Warwick Township Council held the 9th of May, 2011 regarding the Jericho Wind Farm.

11. DISCUSSION PERIOD

John O'Handley raised concern with the rate of speed that was considered acceptable to traverse down the river, inquired as to where the dredging was to be done and asked who would be liable if someone was seriously injured. Mr. O'Handley noted that he wanted it recorded in the minutes that he would hold the Municipality responsible for any accident occurring on the river due to impassable conditions.

Sarah Campbell advised that with the additional taxes she pays for living near the river the dredging of the river should be expedited.

Justin Speake responded to a question from a previous Council meeting regarding his recording of Council meetings and noted that he was recording on behalf of those people who usually attend the Council meetings to ensure media coverage is correct.

Robert Vowel noted that he was a boater along the Ausable for 25 years and had not asked for assistance from Council often and was now requesting that an acquaintance of his be allowed to travel up and down the river cutting a path that would allow other boaters access down the river.

12. CONFIDENTIAL

**11-0516-24 Moved by: Councillor Cook
Seconded by: Councillor Russell**

That the meeting goes into a Closes Session at 9: 52 p.m. to discuss the status of legal matters and personal issues pertaining to selection of members to the Ad Hoc Committee for Zone 3 and 4.

Carried

Council rose and reported progress on legal matters and a personal matter.

**11-0516-25 Moved by: Councillor Maguire
Seconded by: Councillor Bonesteel**

That the following persons be appointed to serve on the Zone 3 and 4 Ad Hoc Committee:

Adrian Vrolyk, Carl Belke, Ronald Boire, Ernest Lewis, Richard J. Faber & James Munn.

Carried

13. ADJOURNMENT

**11-0516-26 Moved by: Councillor Cook
Seconded by: Councillor Illman**

That the May 16, 2011 Council meeting adjourn at 10:32 p.m.

Carried