

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Meeting of Council

Meeting Number: 21-2011

Date of Meeting: Monday, July 4, 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
Planner Patti Richardson
Administrative Assistant Roberta Brandon

Media Present: Gord Whitehead, Various Publications
Kim Powell-McConaghy, The Standard

1. CALL TO ORDER

Mayor Weber called the meeting to order at 6:00 p.m.

2. DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

The Mayor 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 declared an interest with TR Report No. 35-2011 as he is a member of the Grand Bend Winter Carnival, one of the organizations allowed to flow through grants to community groups through the Municipality.

The Planner Patti Richardson conducted a PowerPoint presentation on how planning and development in Lambton Shores is dealt with.

Ms. Richardson provided information on her qualifications as a planner and noted the importance of planning to accommodate new growth without compromising what Lambton Shores already has, to create strong cohesive communities that provide an attractive and sustainable quality of life and to protect the natural environment and our health and safety. She further noted that the planning process is important in supporting economic sustainability and growth, protecting agricultural lands and green spaces and protecting the financial and economic sustainability of the community.

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She explained that the planning process involves following the Planning Act, Provincial Policy Statement, the Official Plan and Zoning By-law. She noted that subdivision approval and agreements, site plan agreements, design guidelines, community improvement plans and road, water and wastewater studies are some of the tools used in the planning process.

Ms. Richardson explained that the public is allowed input into the planning process through workshops, surveys, public meetings, public open houses and environment assessments with additional input from municipal organizations such as AMO, provincial ministries and professional organizations such as CPP or OPPI.

The Planner also advised that the Planning Act sets out the ground rules for land use planning in Ontario and describes how land uses may be controlled and who may control them. Further information was provided on the Provincial Policy Statement, the purpose of the new Lambton Shores Official Plan, the Zoning By-law, site plans and subdivision approval.

3. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Regular Council Meeting – June 14, 2011

The minutes of the June 14, 2011 regular Council meeting were reviewed.

**11-0704-01 Moved by: Councillor Maguire
Seconded by: Councillor Illman**

That the minutes of the regular Council meeting held the 14th day of June, 2011 be accepted as presented. Carried

3.2 Regular Council Meeting – June 20, 2011

Council reviewed the minutes of the June 20th, 2011 regular Council meeting.

Councillor Illman asked for and received clarification that correspondence items number 5.1, 5.2 and 5.3 that had been received and filed would also be referred to staff for resolution or a report.

Councillor Bonesteel noted that he had asked that those individuals requesting the use of the Grand Bend beach for group fitness and yoga fitness sessions be given the option of entering into a partnership with the Municipality for the provision of these programs and that staff report back to Council on the results, not on condition of entering into a partnership with the Municipality as noted in the minutes.

It was also noted that the resolution approving a non-denominational church service Sunday mornings on the Grand Bend beach should be Saturday mornings.

**11-0704-02 Moved by: Councillor Cook
Seconded by: Councillor Illman**

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That the minutes of the regular Council meeting held the 20th of June, 2011 be accepted as amended. Carried

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.1 Court of Revision for the Finlay Drain and the Stubbs Drain

Prior to the Court commencing, it was necessary to appoint a member of the Court of Revision as Chair.

**11-0704-03 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Underwood**

That Council Russell is appointed Chair of the Court of Revision.
Carried

**11-0704-04 Moved by: Councillor Maguire
Seconded by: Councillor Bonesteel**

That the July 4, 2011 Council meeting be adjourned at 7:05 p.m. for the Court of Revision on the Finlay Drain and will reconvene immediately thereafter. Carried

See Finlay Drain file for complete minutes.

**11-0704-05 Moved by: Councillor Bonesteel
Seconded by: Councillor Scott**

That the regular Council meeting reconvenes at 7:12. p.m.
Carried

**11-0704-06 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Councillor Underwood**

That the July 4, 2011 Council meeting be adjourned at 7:12 p.m. for the Court of Revision on the Stubbs Drain and will reconvene immediately thereafter. Carried

See Stubbs Drain file for complete minutes.

**11-0704-07 Moved by: Councillor Russell
Seconded by: Councillor Illman**

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

4.2 Public Meeting – Official Plan and Zoning By-law Amendment Applications for Lisa and Mark Bastiaansen for Property Located at 7722 Jericho Road

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Planner Patti Richardson presented PR Report No. 29-2011 and advised Council that Lisa and Mark Bastiaansen had submitted applications to amend the Official Plan and Zoning By-laws as they relate to property located at 7722 Jericho Road, to allow creation of a new non farm dwelling lot for a dwelling and accessory building which is surplus to the farming operation as a result of farm consolidations.

The Policy Statement would require that the retained farm parcel be zoned to prohibit the construction of a new farm dwelling on the lands and as required by the County of Lambton the septic for the severed property would need to be replaced with a tertiary septic system.

Mr. Phil Walden, solicitor for Mr. Bastiaansen noted that a new tertiary septic system has been installed for the non farm dwelling lot and it was agreed that the conditions of approval be amended to reflect this.

The Planner noted that any other use for this property other than residential would require a further zone amendment.

**11-0704-08 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Russell**

That Official Plan Amendment Application OP-02/2011 submitted by Mark and Lisa Bastiaansen requesting an amendment to the Lambton Shores Official Plan as it relates to lands known as 7722 Jericho Road, to allow the creation of a new non-farm dwelling lot for a dwelling which is surplus to a farming operation as a result of a farm consolidation be approved and further that:

Zoning By-law Amendment Application ZO-03/2011 requesting an amendment to the Lambton Shores Zoning By-law 1 of 2003 as it relates to lands known as 7722 Jericho Road, to:

- (a) Prohibit the construction of a new dwelling on the remnant farm parcel;
- (b) Allow the remnant farm parcel to have a lot area of 20.6 hectares;
- (c) Require the severed surplus dwelling lot to have a minimum lot size of 2 acres; and
- (d) Recognize that the maximum coverage for accessory buildings on the new non-farm residential lot shall be 690 m²;

be approved.

Carried

5. CORRESPONDENCE & PETITIONS

Correspondence – Receive and File

5.1 Correspondence from the Grand Bend Community Foundation – Re: Funding for the Improvements for the Crescent Street Park

Correspondence from the Grand Bend Community Foundation regarding improvements to Crescent Street Park in Grand bend was reviewed by Council

**11- 0704-09 Moved by: Councillor Illman
Seconded by: Councillor Underwood**

That correspondence from the Grand Bend Community Foundation regarding improvements to the Crescent Street park be received and filed. Carried

5.2 Correspondence from Chris Williamson – Re: Way Finding Signage for Downtown Forest

Council reviewed correspondence from Chris Williamson requesting signage directing the public to the Forest downtown area.

A discussion was held on the importance of signage for all the communities within Lambton Shores as well as the need to consult those people who would benefit from the signage. Council agreed that the issue of signage be reviewed and that staff report back to Council on the 8th of August with information on possible public participation, design and phasing in the cost for new signage to the downtown cores of Lambton Shores.

**11-0704-10 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Russell**

That correspondence from Chris Williamson requesting directional signage to downtown Forest be received and filed. Carried

5.3 Correspondence from the Organizers of Homemade Jam – Re: Thank You for Support

A letter of thanks from the organizers of the Homemade Jam Festival held recently at the Esli Dodge Conservation Area was reviewed.

Councillor Illman noted that this event was quite successful and planning was already taking place for next year. She noted what a wonderful venue the Esli Dodge Conservation area is and what a benefit to the community it was.

Deputy Mayor Davis-Dagg noted the importance of having a covered stage at this venue and asked that the appropriate representatives at the AMO Conference in August be approached to discuss possible funding for such a stage.

Several members of Council concurred that the options to proceed with further development of this venue be discussed and that staff report back to Council with options of partnering and funding.

**11-0704-11 Moved by: Councillor Scott
Seconded by: Councillor Underwood**

That correspondence from the organizers of Homemade Jam be received and filed and that staff prepare a report outlining the options of funding and partnering for further development of Esli Dodge Conservation Area. Carried

Correspondence – For Council Direction

5.4 Correspondence from David Steven, President of the Lambton Shores Minor Hockey Association

At the time the Shores Recreation Centre was being constructed the Lambton Shores Minor Hockey organization donated \$100,000. towards this facility over a 5 year period. Since that time the Lambton Shores Minor Hockey has also donated \$25,000. to the Legacy Centre currently being constructed in Thedford. Due to financial constraints this organization is asking that the original donation to the Shores be reallocated from \$100,000. to \$75,000. to allow the remaining \$25,000. to be redirected to the Legacy Centre. Council reviewed this request and asked staff to discuss with the organization the feasibility of extending the terms for payment to enable the organization to honour both donations.

**11-0704-12 Moved by: Councillor Bonesteel
Seconded by: Councillor Scott**

That staff discuss options for extending the terms of payment for donations to the Shores Complex and Legacy Centre with the Lambton Shores Minor Hockey association. Carried

5.5 Correspondence from the City of London – Re: Requesting Support for the City Initiative to Request the CBC to Install over the Air Digital Transmission to Replace the Over the Air Television Transmission.

Correspondence from the City of London requesting support in asking CBC Radio to reconsider their decision to shut down their over the air television transmission to the London market without installing over the air digital transmission to replace it was reviewed. Council agreed to support the City of London in this action.

**11-0704-13 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Russell**

That the Council for the Municipality of Lambton Shores supports the City of London in its request to ask CBC Radio to reconsider their decision to shut down of the Canadian Broadcasting Corporation (CBC) television transmitter in London. Carried

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

6.1 Minutes of the May 27, 2011 Chippewas of Kettle & Stony Point First Nation/Municipality of Lambton Shores Joint Committee

Minutes of the Chippewas of Kettle and Stony Point First Nation and the Municipality of Lambton Shores Joint Committee meeting held the 27th day of May were reviewed and it was noted that MPP Maria VanBommel would not be attending future meetings due to other commitments.

**11-0704-14 Moved by: Councillor Russell
Seconded by: Councillor Illman**

That the minutes of the May 27, 2011 Chippewas of Kettle and Stony Point First Nation/Municipality of Lambton Shores Joint Committee meeting be received and filed and that a letter be sent to Ms. VanBommel on behalf of Council thanking her for her leadership and commitment in bringing these two communities together. Carried

Planning

PL Report No. 29-2011 was dealt with during the public meeting for this Official Plan and Zone Amendment.

Community Services

6.3 D.C.S. Report No. 58-2011 – Re: OMI Annual Cost Adjustment 2011

Director of Community Services Peggy Van Mierlo-West advised that the terms of the Water/Wastewater agreement with CH2M HILL OMI calls for a yearly adjustment of the base fee.

**11-0704-15 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Underwood**

That the annual cost adjustment of the base fee for OMI, for the maintenance and operation of the Lambton Shores water and wastewater systems as detailed in D.C.S. Report No. 58-2011 be approved, and the Mayor and Clerk are authorized to sign the necessary documentation pertaining to this adjustment.

Later Withdrawn

Council discussed the need for CH2M HILL OMI to provide further information detailing where the increase in costs is warranted prior to approving any annual increase.

**11-0704-16 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Russell**

That the annual cost adjustment of the base fee for OMI, for the maintenance and operation of the Lambton Shores water and

wastewater systems as detailed in D.C.S. Report No. 58-2011 not be approved until such times as a detailed report is submitted by OMI outlining in full detail the cost increases for this services.

Carried

6.4 D.C.S. Report No. 65-2011 – Re: Bridge Assessment – Request for Proposals

The results of the request for proposals for the 2011 Bridge Assessment Study were reviewed. The scope of works include all things necessary for the detailed physical inspection of the 46 bridge and culvert structures owned by the Municipality. Of the seven submissions received the lowest bid was MIG at \$16,950.00.

**11-0704-17 Moved by: Councillor Russell
Seconded by: Councillor Illman**

That D.C.S. Report No. 65-2011 is approved and that the Municipality of Lambton Shores enters into an agreement with MIG Engineering for the 2011 Bridge Assessment Study in the amount of \$16,950.00;

And that By-law 59-2011 authorizing the Mayor and Clerk to sign the associated contract agreements is approved. Carried

6.5 D.C.S. Report No. 66-2011 – Re: Relocation of the Forest Works Garage EA

The results of the request for proposals for the completion of a Class Environmental Assessment and preliminary design for the relocation of a Work Depot located within the Town of Forest were reviewed. Three engineering firms submitted proposals and the lowest proposal was submitted by Spriet and Associates for \$37,290.00.

**11-0704-18 Moved by: Councillor Russell
Seconded by: Councillor Underwood**

That D.C.S. Report No. 66-2011 is approved and that the Municipality of Lambton Shores enters into an agreement with Spriet and Associates for the undertaking of an EA and Design of the re-location of the Forest Works Garage;

And that By-law 60-2011 authorizing the Mayor and Clerk to sign the associated contract agreements is approved. Carried

6.6 D.C.S. Report No. 67-2011 – Re: Grand Bend Optimist Children’s Park Improvements

Information on the proposed Grand Bend Optimist Children’s Park Improvement was detailed in D.C.S. Report No. 67-2011. This project was approved by Council during the community Grant approval portion of the budget process.

**11-0704-19 Moved by: Councillor Russell
Seconded by: Councillor Bonesteel**

That D.C.S. Report No. 67-2011 regarding the Grand Bend Optimist Children's Park improvements be received and filed.
Carried

6.7 D.C.S. Report No. 68-2011 – Re: Groundwater Monitoring Report – Summary Update

A brief update on the results of the groundwater monitoring wells located within Zone 3 of the Sewer Master Plan were detailed in D.C.S. Report No. 68-2011.

**11-0704-20 Moved by: Councillor Illman
Seconded by: Councillor Underwood**

That D.C.S. Report No. 68-2011 regarding an update on groundwater monitoring in Zone 3 of the Sewer Master plan be received and filed.
Carried

6.8 D.C.S. Report No. 69-2011 – Re: West Ipperwash Road Speed Limits

Details on the ramifications to changing the speed limit along West Ipperwash Road from 60 kilometres to 40 kilometres were outlined in D.C.S. Report No. 69-2011. It was the recommendation of the Community Services Department that the speed limit within the West Ipperwash area remain at 60 kilometres and that pedestrian warning signs be installed for safety reasons..

**11-0704-21 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Maguire**

That D.C.S. Report No. 69-2011 is approved and that speed limits within the vicinity of West Ipperwash remain status quo and that pedestrian warning signs be installed along West Ipperwash Road.
Carried

6.9 D.C.S. Report No. 71-2011 – Re: Grand Bend Beach Rental Request

D.C.S. Report No.72-2011 outlined a request from Ms. Kandis Hodgins to waive the fees for hydro and the Grand Bend beach house rental for a Zumba Fundraiser on July 30, 2011. Ms. Hodgins is committed to raising funds to allow her to participate in a Climb Up Mount Everest for MS. This event would not require any set up or services from staff and Council agreed that the fees be waived for this event.

**11-0704-22 Moved by: Councillor Bonesteel
Seconded by: Councillor Maguire**

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That D.C.S. Report No. 71-2011 be approved, and that the rental and hydro fees for the Grand Bend Beach House be waived for the ZUMBA Fundraiser for the MS Society on July 30, 2011.

Carried

Administration & Finance

6.10 TR Report No. 34-2011 – Re: Armstrong West Erosion Control Project Newsletter and Fees

The Armstrong West Erosion Control project better known as the Bendway Weir project was completed in 2007 and a by-law has now been prepared to recover the updated costs from the benefitting property owners for the current year as well as 2012 and 2013.

**11-0704-23 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That the Armstrong West Erosion Control Project Newsletter and Maintenance Fee by-law as outlined in TR Report No. 34-2011 be accepted and approved.

Carried

CL Report No. 47-2011 regarding the Court of Revision for the Finlay Drain and Stubbs Drain was dealt with in the Court of Revision portion of the meeting.

6.12 CL Report No. 48-2011 – Re: Building Permit Statistics for the Period Ending June 29, 2011

Building permit activities within the Municipality were outlined in CL Report No. 48-2011. It was noted that the Lambton Shores building activities were slow during the beginning of 2011, however activities have picked up over the past months. The Clerk Carol McKenzie advised that a presentation on Building activities to date will be conducted at the August 8, 2011 Council meeting and as requested will include a breakdown of building activities by the different areas of Lambton Shores.

**11-0704-24 Moved by: Councillor Russell
Seconded by: Councillor Underwood**

That CL Report No. 48-2011 regarding building permits statistics for the period ending June 29, 2011 be received and filed.

Carried

Corporate & Strategic

6.13 C.A.O. Report No. 38-2011 – Re: Staffing & Support Services for the Community Services, Fire Services and Administration Departments within the Municipality of Lambton Shores

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Staffing and support services for the Community Services Department, Fire Services and Administration Departments were outlined in C.A.O. Report No. 48-2011. Recommendations from staff, management and the C.A.O. were discussed at length.

Council reviewed the possibility of contracting out horticultural support services to address the increased work load of the Municipal parks and streetscapes, expanding tree covering of our streets and maintaining the Lambton Shores tree farm as well as contracting out winter control/response services, capital project inspection and health and safety advisory services however Council members did not want to make any commitment until staff have had the opportunity to review the impact to the 2012 budget.

The possibility of partnering with the area colleges for horticultural expertise was also discussed as well as Council agreeing that Management proceed in filling the temporary position of Facilitator of Recreation and Leisure Services.

**11-0704-25 Moved by: Councillor Russell
Seconded by: Councillor Illman**

That C.A.O. Report No. 38-2011 regarding staff and support services for Community Services, Fire Services and Administration Departments within the Municipality of Lambton Shores be received and forwarded on to the appropriate departments for 2012 budget discussions. Carried

In discussing the upkeep of the Municipal parks Councillor Russell advised that he had noted several deficiencies in the Village Green in Thedford and felt it was important to have these deficiencies addressed as soon as possible. Councillor Bonesteel also noted maintenance issues with the gardens at the Grand Bend beach.

**11-0704-26 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That those deficiencies at the Village Green and Main Street, Grand Bend be addressed with the appropriate contractors and that staff look into other parks within Lambton Shores to ensure proper maintenance is being conducted. Carried

6.14 Grand Bend Wastewater Management PowerPoint – Update

A PowerPoint on the Grand Bend Wastewater Management that was to be presented was deferred.

7. BY-LAWS & RESOLUTIONS

7.1 By-law 62-2011 – Re: Confirming Resolutions to Date

**11-0704-27 Moved by: Councillor Underwood
Seconded by: Councillor Scott**

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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 62-2011 – Confirming Resolutions to Date. Carried

8. ACCOUNTS

There were no accounts for Council to review.

9. COUNCILLOR REPORTS

Councillor Russell inquired as to the possibility of forming an Arts Council for the communities along Lake Huron and surrounding areas and it was agreed that information be provided in the Living in Lambton Shores letting residents know of the possibility of establishing an Arts Council.

Councillor Underwood inquired as to when the James Street parking lot would be resurfaced and it was noted that the final details for this resurfacing project were being worked out.

Councillor Illman reported that future Official Plan meetings would be held in September and October of 2011 and that those members of Council wishing to attend the dinner at Purdy's along with the Communities in Bloom judges let her know so that the number of people planning to attend can be accommodated.

Councillor Cook reported that he had attended the annual meeting of the Lambton Historical Society where Greg Stott had provided information on his book about Arkona.

Councillor Scott reported that she has received complaints regarding the conditions of the Ministry's washroom facilities at the Ipperwash beach areas and advised that the owner/operator of G&R Liquidators was willing to have a Portable Toilet installed on their property to be available for area visitors. Payment for this portable toilet would be the responsibility of Lambton Shores.

11-0704-28 Moved by: Councillor Scott
Seconded by: Councillor Underwood

That Lambton Shores installs a portable toilet for use by beach goers for the month of July and August, 2011 at G&R Liquidators located at Ipperwash Beach. Carried

Councillor Bonesteel reported that the Canada Day parade in Grand Bend on July 1st had been a huge success and that the Thedford Dirty Dogs had recently sold turkey burgers as part of their fundraising efforts.

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Councillor Maguire reported that the Canada Day Fireworks in Grand Bend along with music provided for those in attendance had been fantastic and asked that the problem of private firework displays in Grand Bend be discussed by the Fire Board.

Deputy Mayor Davis-Dagg asked for further recognition of local volunteers other than the yearly dinner and asked that Council members report back to her of concerns that she could perhaps have addressed at the AMO Conference in August.

She further raised concern regarding a staff technical meeting being held to review the proposed sewer system for Zone 3 and Zone 4 and the lack of transparency the public would perceive with the public being excluded.

Councillors Scott and Bonesteel noted that this meeting was an educational session with the Municipal engineer to update Council and the Ad Hoc Committee members concerning this proposed project and that no decisions would result from this meeting.

10. NEW BUSINESS

Councillor Bonesteel advised that he and the Clerk have been discussing the challenges faced with summertime renters in Grand Bend, and that the Clerk would be bringing a report before Council on August 8th outlining the issues.

The possibility of having traffic lights installed along Highway #21 at Wee Lakes Subdivision was discussed along with a designated turning lane at Julie Avenue and it was agreed to take these issues to the appropriate people at the AMO Conference.

TR Report No. 35-2011 – Re: Community Foundation Grants

Council reviewed the process by which the Lambton Shores Treasury Department flows through grants to community groups.

**11-0704-29 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That Council supports the process for allowing the Community Foundations to flow through grants to community groups through the Municipality as outlined in Treasurer's Report No. 35-2011.

Carried

11. DISCUSSION PERIOD

Mr. Bob Sharen asked why the public was not allowed to attend the meeting to discuss the proposed sewer system for Zones 3 and 4 as an interested tax payer, asked if Lambton Shores was picking up the costs for the Grand Bend Areas Sewage Treatment Facility for the Municipality of Bluewater and further stated that by-laws passed in a special meeting of Council last summer excluding the public was not acceptable.

Mr. Dick Matzka announced that he would be attending the staff technical meeting for the proposed sewage system for Zones 3 and 4 however felt that having this meeting

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closed to the public was in poor taste and raised concerns with recommendations to the Official Plan and the speed of vehicular traffic on Highway #21 in the Merrywoods Subdivision area.

12. CONFIDENTIAL

11-0704-30 Moved by: Councillor Scott
Seconded by: Councillor Maguire

That the meeting goes into a "Closed Session" at 9:44 p.m. to discuss legal and property matters. Carried

Council rose and reported progress on legal and property matters.

13. ADJOURNMENT

11-0704-31 Moved by: Councillor Underwood
Seconded by: Councillor Cook

That the July 4, 2011 Council meeting adjourns at 9:56 p.m. Carried