

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 22-2010

Date of Meeting: Tuesday, September 7, 2010

Members Present: Mayor Gord Minielly
Deputy Mayor Carolyn Jamieson
Councillor John Dehondt
Councillor Bill Weber
Councillor Mark Simpson
Councillor Ruth Illman
Councillor Gerry Rupke
Councillor Doug Cook
Councillor John Russell

Staff Present: Treasurer/Acting C.A.O. Janet Ferguson
Clerk Carol McKenzie
Director of Community Services Peggy Van Mierlo-West
Planner Patti Richardson

Media Present: Kim Powell – The Standard
Lynda Hillman-Rapley – Lakeshore Advance

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 – August 9, 2010

The minutes from the August 9, 2010 Council meeting were reviewed and Councillor Dehondt noted that Chief Administrative Officer John Byrne was away at the last meeting, however, he was noted as present in the minutes.

**10-0907-01 Moved by: Councillor Dehondt
Seconded by: Councillor Russell**

That the minutes of the regular Council meeting held August 9, 2010 be accepted as amended. Carried

That the information from the Ausable Bayfield Conservation Authority Board of Directors, regarding nominations for the Conservation Strategy Development Team be received and filed.

Carried

5.3 Lambton Shores Community Association – Issues for Council’s Comment or Action

Correspondence from the Lambton Shores Community Association providing information on the restrictive covenants that were part of the deed for the Grand Bend North Beach property was reviewed, and it was recommended that a legal opinion be obtained to clarify the restrictions on the property.

10-0907-05

Moved by: Deputy Mayor Jamieson

Seconded by: Councillor Dehondt

That the deed for the Grand Bend Beach, and the restrictive covenant contained with the deed be referred to the Municipal solicitor for a report.

Carried

5.4 Lambton Shores Community Association – Concerns & Observations at the Not So Pro Tournament

The Lambton Shores Community Association also submitted correspondence outlining the Committee’s concerns and observations from the Not So Pro Tournament held the 22-26th of July, 2010.

10-0907-06

Moved by: Councillor Russell

Seconded by: Councillor Illman

That the concerns submitted by the Lambton Shores Community Association pertaining to the 2010 Not So Pro tournament be referred to the consultants drafting the Recreation and Leisure Master Plan.

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

Corporate & Strategic

6.1 Kettle and Stony Point – Lambton Shores Joint Committee Meeting – May 20, 2010 – Draft Minutes

The draft notes from the May 20, 2010 meeting of the Kettle and Stony Point-Lambton Shores Joint Committee were reviewed and it was noted that there had been several corrections to the minutes made at the September meeting. One of the decisions from the meeting was the consensus that the committee minutes would become part of regular Council meeting agendas. It was noted that there are terms of reference for the committee that will be included in future public agendas, and that the most important

Official Plan and Zoning By-law as it relates to lands known as 6494 Proof Line, to allow the creation of a new non-farm dwelling lot for a dwelling which is surplus to a farming operation as result of a farm consolidation be APPROVED, subject to the County and Municipality being satisfied with respect to the adequacy of the existing septic system to serve the residential dwelling, that the system is located entirely on the proposed non-farm lot and that it is not tied into any existing farm drainage tiles or ditches prior to the Official Plan amendment being adopted by Council; and

That Zoning By-law Amendment Application ZO-06/2010 requesting an amendment to the Lambton Shores Zoning By-law 1 of 2003 as it relates to lands known as 6494 Proof Line, to prohibit the construction of a new dwelling on the remnant farm parcel after the severance of the surplus dwelling be APPROVED, subject to the County and Municipality being satisfied with respect to the adequacy of the existing septic system to serve the residential dwelling, that the system is located entirely on the proposed non-farm lot and that it is not tied into any existing farm drainage tiles or ditches prior to the Zoning By-law Amendment being adopted by Council.

Carried

6.7 PL Report No. 35-2010 – Re: Official Plan Amendment Application OP-05/2010 & Zoning By-law Amendment Application ZO-14/2010 for Gary Mitchell DeBorger – 5622 Townsend Line

Planner Patti Richardson advised Council that the public meeting on the applications submitted by Gary DeBorger for 5622 Townsend Line had previously been held, with the decision deferred until confirmation was received that the applicant owns and resides on another farm property. Ms. Richardson has received confirmation from the applicant's solicitor of this ownership, and is prepared to recommend that the applications be processed, with the usual conditions.

**10-0907-10 Moved by: Councillor Simpson
Seconded by: Councillor Illman**

That Official Plan Amendment Application OP-05/2009 submitted by Gary Mitchell DeBorger requesting an amendment to the Lambton Shores Official Plan and Zoning By-law as it relates to lands known as 5622 Townsend Line, to allow the creation of a new non-farm dwelling lot for a dwelling which is surplus to a farming operation as result of a farm consolidation be APPROVED, subject to:

- (a) the County and Municipality being satisfied with respect to the adequacy of the existing septic system to serve the residential dwelling, that the system is located entirely on the proposed non-farm lot and that it is not tied into any existing

farm drainage tiles or ditches prior to the Official Plan amendment being adopted by Council; and

- (b) the area of the lot proposed to support the surplus farm dwelling be increased to 0.8 hectares;

That Zoning By-law Amendment Application ZO-14/2009 submitted by Gary Mitchell DeBorger requesting an amendment to the Lambton Shores Zoning By-law 1 of 2003 as it relates to lands known as 5622 Townsend Line, to:

- (a) prohibit the construction of a new dwelling on the remnant farm parcel after the severance of the surplus dwelling;
- (b) Allow the remnant farm parcel to have a minimum lot area of 33.1 hectares;

be APPROVED, subject to:

- (i) the County and Municipality being satisfied with respect to the adequacy of the existing septic system to serve the residential dwelling, that the system is located entirely on the proposed non-farm lot and that it is not tied into any existing farm drainage tiles or ditches prior to the Official Plan amendment being adopted by Council; and
- (ii) the area of the lot proposed to support the surplus farm dwelling be increased to 0.8 hectares;

prior to the Zoning By-law Amendment being adopted by Council.

Carried

As there was time before the next delegation, the Mayor asked for approval to amend the order of the agenda.

10-0907-11

Moved by: Councillor Weber

Seconded by: Councillor Russell

That the order of the agenda be amended.

Carried

6.13 D.C.S. Report No. 58-2010 – Re: Base Fee Adjustment – OMI Water/Wastewater Agreement

Representatives from Operations Management International (OMI) attended the meeting to provide an overview of the services provided to the Municipality.

Area Manager Mr. Terry Rands introduced the staff in attendance and detailed the water distribution and sanitary collection and treatment systems currently within the OMI contract, and the changes as a result of the additional waterline from the Phase IV

project, the assumption of the Lambton Area Water Supply System transfer, and additional services added over time.

A brief discussion took place on the grinder pumps on River Road, as comments have been made that the units are problematic. OMI staff advised that the units are 35 years old, and there are problems when home owners believe that they can throw anything down the sink, and items such as grease will affect the system. He further noted that all 8 systems are cleaned each year, which takes approximately 3 - 4 hours.

The current contract requires a price adjustment based on the consumer price index, plus additions for out of scope services and the "additional" items that comprised the additional \$63,000.00 were reviewed.

It was further noted that OMI no longer does beach water testing, which is now done in Grand Bend by the Rotary Club, and the other areas are done by the health unit.

6.4 C.A.O. Report No. 32-2010 – Re: Filling of Current Staff Complement

In C.A.O. Report No. 32-2010, Chief Administrative Officer John Byrne reported that one of the restrictions on Council after the nomination day will be the hiring of staff, unless the authority has been delegated in advance. Mr. Byrne advised Council of several pending situations whereby staff will need to be appointed to cover a maternity leave, and to replace an operator position vacant as a result of a termination. Director of Community Services Peggy Van Mierlo-West noted that there would also be a maternity leave position in the Community Services Department later in the year, and Clerk Carol McKenzie advised that workers would be hired to assist at the election.

**10-0907-12 Moved by: Councillor Weber
Seconded by: Councillor Simpson**

That staff be authorized to fill staff complement vacancies as outlined in C.A.O. Report No. 32-2010, as well as the maternity leave in the Community Services Department and staffing for the upcoming election. Carried

6.3 C.A.O. Report No. 31-2010 – Re: 2010-2015 Policing Contract – Ontario Provincial Police

Chief Administrative Officer John Byrne provided background information in C.A.O. Report No. 31-2010 regarding the contract with the Ontario Provincial Police to provide police services to the County of Lambton. The current contract expired in May of 2010, and an agreement to cover the next 5 years has been prepared and was provided to Council for review and comment.

It was noted that the contract figures do not include the amount rebated to compensate for when Lambton Officers are seconded elsewhere, nor does it include revenues generated from user fees. It was also noted that the police contract is the biggest percentage of the Lambton Shores budget, and the Lambton Shores share of the

county contract is approximately 13%. The Police Services Board is recommending that the proposed contract be accepted, which becomes effective November 1, 2010

**10-0907-13 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Russell**

That the Mayor and Clerk be authorized to execute the 2010-2015 Policing Contract with the Ontario Provincial Police for policing services in Lambton Shores, as outlined C.A.O. Report No. 31-2010, and that the additional expense for the current year be incorporated into the 2010 operating. Carried

6.2 PowerPoint Presentation on Municipal Finances - Treasurer Janet Ferguson

Treasurer Janet Ferguson presented information on the financial status of the Municipality, including information on assessment and taxation, water and wastewater systems, budget, reserves and reserve funds, and the debt limit.

Ms. Ferguson noted that there were significant increases in assessment in reassessment years, which is market driven, and typical for municipalities along the water, whereas the tax rate has decreased over the years.

The tax rate distribution was explained to be divided 20.06% for Education, 40.43% for municipal purposes, and 39.51% for County of Lambton purposes. With respect to the overall County levy, Lambton Shores pays 12.333% of the levy. With respect to the Lambton Shores portion, the majority of the funds raised (59.25%) are allocated to transportation (road system) and policing.

Ms. Ferguson explained that the water and waste water rates are reviewed every 2 years, and the annual costs from 2006 to 2010 were compared and a comparison with neighbouring municipalities was also provided. It was noted that the Lambton Shores' rates include full lifecycle costing.

The 2009 and 2010 budget comparisons, showing comparisons to other municipalities, was provided, as well as details on the reserve fund balances and annual contribution to the reserves. Details on the debt projection to 2015 and the debt distribution were also provided.

The Treasurer was asked if she had concerns with our ability to handle debt, and Ms. Ferguson advised that Lambton Shores is within our permitted debt repayment limit and has the ability to raise the required funds in the future.

A brief discussion took place on the reductions in the tax rates vs. the increase in assessment, the commercial tax rate, the change in assessment attributed to growth vs. inflation.

It was also noted that it would be more accurate to use the term “investment” instead of “debt”, as the expenditures are strategic and planned investment in Lambton Shores’ infrastructure and assets.

6.5 PL Report No. 33-2010 – Re: Severance Agreement between Roger Keith Sutherland and Diane Shirley Sutherland & the Corporation of the Municipality of Lambton Shores – Consent Application B-04/2010

Planner Patti Richardson advised that staff have been working with Roger and Dianne Sutherland on an agreement to implement an approved consent application that will allow the creation of a new single family dwelling. The conditions of the approval of the consent have been included in the agreement, and Ms. Richardson recommended that Council authorize the execution of the agreement.

**10-0907-14 Moved by: Councillor Weber
Seconded by: Councillor Simpson**

That Council pass a By-law authorizing the execution of a Severance Agreement between Roger Keith and Diane Shirley Sutherland and the Corporation of the Municipality of Lambton Shores for lands located at the northeast corner of Leighton Drive and Hurdon Street and described as Lots 13, 14, 27 and 28, Registered Plan 34. Carried

Community Services

6.8 D.C.S. Report No. 49-2010 – Re: Lease Agreement – Roy and Susan Hartman – Parking Area Adjacent to Utter Park – Arkona

In D.C.S. Report No. 49-2010, Director of Community Services Peggy Van Mierlo-West provided details of a long term “gentleman’s agreement” for the use of a vacant parcel of land adjacent to Utter Park in Arkona and recommended that this use be acknowledged in a legal agreement.

**10-0907-15 Moved by: Councillor Dehondt
Seconded by: Councillor Cook**

That DCS Report No. 49-2010 regarding the lease of land more particularly described as Concession 6 NER, Part Lot 25, RP25R 3044 Part 2, RP 25R 4540 Part of Part 2, be accepted and approved and that By-Law 79-2010 authorizing the Mayor and Clerk to sign the associated agreement be approved. Carried

6.9 D.C.S. Report No. 50-1020 – Re: Grand Bend International Rugby Festival

Director of Community Services Peggy Van Mierlo-West outlined a request received from the Grand Bend International Rugby Festival organizers to host a rugby tournament in the Grand Bend area on July 23-24, 2011. It was noted that events are proposed for the Grand Bend Motorplex, Klondyke Park and the Grand Bend beach.

It was recommended that the Klondyke Sports Park be approved as the host site, and that the request to use the Grand Bend Beach be reviewed once the "Beach Event Policy" has been approved by Council

**10-0907-16 Moved by: Councillor Dehondt
Seconded by: Councillor Illman**

That the recommendation in D.C.S. Report No. 50-2010 be approved, and that the Grand Bend International Rugby Festival be permitted to operate at the Klondyke Sports Park for a one day tournament in July 2011, and further that the request to utilize the Grand Bend Beach for a one day tournament be reviewed once the "Beach Event Policy" has been approved and implemented.

Carried

6.10 D.C.S. Report No. 53-2010 – Re: Reallocation of Vehicle and Equipment Funding

D.C.S. Report No. 53-2010, Director of Community Services Peggy Van Mierlo-West noted that the current ice resurfacing machine at the Legacy Centre (Thedford Arena) was being repaired with parts from the unit from the former Forest Arena. As replacement parts may become more difficult to obtain in the future, it was recommended that part of the \$102,140.20 allocation approved in the 2010 Capital budget for the acquisitions of 3 pieces of equipment be reallocated to the purchase of an ice resurfacing machine for the Legacy Centre. It was noted that a used machine would be obtained if possible.

**10-0907-17 Moved by: Councillor Rupke
Seconded by: Deputy Mayor Jamieson**

That DCS Report No. 53-2010 and the recommendation contained therein is approved and that the amount of \$90,869.98 is reallocated to the purchase of an ice resurfacing machine for the Legacy Centre.

Carried

6.11 D.C.S. Report No. 54 – RE: Legacy Centre Update

Director of Community Services Peggy Van Mierlo-West provided a status update on the Legacy Centre project that commenced in March of this year, and advised that the construction is a bit more complex than conventional construction as the project recycles as much of the old facility as possible, plus incorporates state of the art energy and environmental components.

Several questions were raised and answered pertaining to contingency plans if the ice is not ready on time, the project costs, funding sources, the kitchen design, and the solar panels.

**10-0907-18 Moved by: Councillor Russell
Seconded by: Councillor Simpson**

That D.C.S. Report No. 54-2010 providing an update of the Lambton Shores Legacy Centre be received and filed.

Carried

6.12 D.C.S. Report No. 55-2010 Re: Lambton Shores Recreation and Leisure Services Master Plan – Update

An update on the Recreation and Leisure Master Plan was provided in D.C.S. Report No. 55-2010, Phase 1 of which was presented to Council in July. One of the issues identified was the need to undertake an in depth study of the Grand Bend Beach and to develop a “use policy”. A draft terms of reference for the review has been prepared, with an estimated cost of \$ 20,000.00.

D.C.S. Report No. 55-2010 also noted that Phase 2 and 3 of the plan were being done simultaneously, and the findings from these phases will be presented at the September 14 Council meeting, and at the Public Information Centre being held September 21. The draft master plan will be submitted to Council in October, with the final plan scheduled for presentation in November 2010.

The cost for the beach study was discussed, and it was noted that the study could be funded through the reserve fund if required, and the goal will be to complete the work prior to the 2011 summer season. The proposed scope of work was discussed, and the need for an unbiased report from a firm with experience in beach strategic planning. It was noted that Pinery would be undertaking a beach review next year, and our study should not be done in isolation

**10-0907-19 Moved by: Councillor Dehondt
Seconded by: Councillor Russell**

That the scope of work and terms of reference for the Beach component of the Recreation and Leisure Master Plan be approved, and the work proceed up to an upset limit of \$ 20,000.00, to be funded from reserves.

Carried

**10-0907-20 Moved by: Councillor Dehondt
Seconded by: Councillor Illman**

That D.C.S. Report No. 55-2010 providing an update of the Lambton Shores Recreation and Leisure Services Master Plan be received and filed.

Carried

6.13 D.C.S. Report No. 58-2010 – Re: Base Fee Adjustment – OMI Water/Wastewater Agreement

Earlier in the meeting, details were provided on the agreement between the Municipality of Lambton Shores and CH2M Hill OMI for the operation of the municipal water and

waste water systems. Further contract details and a breakdown of the costs for maintaining the additional infrastructure was provided in D.C.S. Report No. 58-2010.

**10-0907-21 Moved by: Councillor Weber
Seconded by: Councillor Rupke**

That D.C.S Report No. 23-2010 regarding Base Fee Adjustment – OMI Water/Wastewater Agreement be accepted and approved and that By-law 53-2010 authorizing the Mayor and Clerk to sign the associated agreement be approved. Carried

Administration & Finance

6.14 TR Report No. 38-2010 – Re: Draft Year to Date period ending August 31, 2010

As part of the regular reporting to Council, a review of the draft year to date financial statements for the period ending August 31, 2010 was presented, and in TR Report No. 38-2010, Treasurer Janet Ferguson noted that at this time, the business units were operating within the approved budgets.

The information was reviewed and questions were raised and answered on the bag tag revenues, and a cap for the costs for the Zone 3 project.

**10-0907-22 Moved by: Councillor Russell
Seconded by: Councillor Simpson**

That TR Report No. 38-2010 providing information on the draft year to date ending August 31, 2010 be received and filed.

Carried

6.15 CL Report No. 66-2010 – Re: Governance Issue

In CL Report No. 66-2010, Clerk Carol McKenzie reported that questions had been raised as to whether or not the Municipality was in compliance with the Accountability and Transparency sections of the Municipal Act, as they pertain to the appointment of an Auditor General and Integrity Commissioner and the implementation of a Code of Conduct. The report provided details on the amendments to the Act that implemented those provisions, and noted that these sections were discretionary, as opposed to mandatory requirements; therefore, the Municipality was in compliance with the Municipal Act requirements.

It was recommended that “Councillor Orientation” and training sessions be held immediately following the election, so that the new Council will be ready to assume their positions at the Council meeting held December 6, 2010.

**10-0907-23 Moved by: Councillor Russell
Seconded by: Councillor Weber**

That CL Report No. 66-2010 regarding governance issues be received and filed.

6.16 CL Report No. 65-2010 – Re: Council Status as of Nomination Day

Clerk Carol McKenzie advised in an election year, the *Municipal Act, 2001 R.S.O. 2001 Chapter 25* places certain restrictions on Council actions after the date that it can be determined that the new Council will include less than three quarters of the members of the outgoing Council. The first time that this can be determined is at the close of nominations on September 10, 2010, and if, after reviewing the nominees, it is not possible for 7 of the existing members to return, the current Council will have certain restrictions on its actions. The restrictions and exceptions are outlined in Section 275 of the Municipal Act, and were detailed in CL Report No. 65-2010.

**10-0907-24 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Simpson**

That CL Report No. 65-2010 regarding the status of the Council as of Nomination Day be received and filed. Carried

6.17 CL Report No. 67-2010 Re: License Agreement – Forest Curling & Social Club

As reported previously, the Forest Curling and Social Club have been strategically working through the process necessary to renovate the existing Forest Curling club, which is owned by the Municipality of Lambton Shores.

It was determined earlier that the first step in the process was to enter into a new agreement that would update the terms and conditions of the usage of the facility by the Club, and clarify the ownership of the facility and the contents. The draft agreement has been prepared and was presented for Council's review and consideration.

**10-0907-25 Moved by: Councillor Rupke
Seconded by: Councillor Simpson**

That Council approves By-law 80 of 2010, authorizing the execution of a license agreement between the Forest Curling & Social Club and the Corporation of the Municipality of Lambton Shores. Carried

6.18 CL Report No. 69-2010 Re: Joint Election Compliance Audit Committee

The Municipality of Lambton Shores made the decision to work together with 7 other local municipalities to form a "Joint Election Compliance Audit Committee". All participating municipalities approved the draft terms of reference, and the next step is to approve the implementing by-law and appoint a representative to the member selection committee.

**10-0907-26 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Weber**

That By-Law 76 of 2010, being the final by-law and terms of reference for the establishment of a Joint Compliance Audit Committee, as outlined in CL Report No. 69-2010, be approved, and that the Clerk-Returning Officer is appointed to sit on the Membership "Selection Committee"

7. BY-LAWS & RESOLUTIONS

**10-0907-27 Moved by: Councillor Simpson
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 76 -2010 – Establish a Compliance Audit Committee
- By-law 77-2010 – Authorize Agreement – Sutherland Severance
- By-law 78-2010 - Confirming Resolutions to Date
- By-law 79-2010 –Authorize Agreement - Hartman – Use of Parking Area – Utter Park
- By-law 80-2010 – Authorize Agreement – Forest Curling & Social Club. Carried

**10-0907-28 Moved by: Councillor Simpson
Seconded by: Councillor Cook**

That the following by-law be read a third time:

- By-law 69-2010 – Provide for Drainage Works – Plan 37 Drain – Evergreen Ave Branch. Carried

8. ACCOUNTS

8.1 TR Report No. 37-2010 Re: July 2010 Cheque Register

The accounts for the month of July, 2010 were presented in TR Report No. 37-2010.

**10-0907-29 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Russell**

That the accounts for the month of July, 2010 in the amount of \$2,853,265.80 be approved. Carried

9. COUNCILLOR REPORTS

Councillor Russell advised that Part 5 of the Ontario Heritage Act allows for the designation of an area as a "heritage community" and it may be possible to use this Act to help resolve the issue of vehicle use on Armstrong East.

Mr. Russell also requested a report on how drain maintenance work is allocated to the area contractors.

Councillor Illman reported on the recent open house at the Forest Golf and Country Club, and noted that the plans are to turn the facility into a show place, which will have a positive impact on the community

Also reported was the fact that the North Lambton Community Health Centre would be receiving funds from the LIN for chronic disease management, and more details on this initiative will be provided in the future.

Councillor Illman also reported on the concern that was raised recently that there isn't a water fountain at The Shores Recreation Centre. She noted that at the "Y" there is a water bottle filling station, which is an option that could be considered.

Councillor Dehondt raised the issue of the current rates for "Cash in Lieu of Parking", and was concerned that the requirements may be restrictive and stifled business. Also noted was the fact that several of the restaurants that had operated on the Main Street, such a Finnigans and the Lakeview Cafe, were no longer in existence and the impact of these closures on parking provisions should be reviewed.

Deputy Mayor Jamieson supported reviewing the rates, as there has been a recession since the amount was last amended, and information on the actual cost to create a parking space should be considered. Councillor Russell noted that the discussion should include why parking in lieu should be retained as well.

Discussions ensued regarding the proximity of parking to the establishments, and ways of attracting boaters and pedestrians from the neighbouring communities.

Planner Patti Richardson discussed that amount of parking required is dictated by the type of business, and that a business is required to make provisions to accommodate the parking needs. When it is not possible to accommodate the parking on site, there is an opportunity for the business to pay towards the establishment of public parking areas.

**10-0907-30 Moved by: Councillor Dehondt
Seconded by: Councillor Russell**

Whereas By-law 3011 of 1985 authorizes payment of Cash in Lieu of Parking;

And whereas the amount currently established for Cash-in-lieu of parking is \$ 200.00 per parking space in Forest, and \$ 1,000.00 per parking space in Grand Bend;

And whereas the Cash-In-Lieu by-law restricts and limits new business growth in Forest and Grand Bend.

That the amount of Cash-In-Lieu be reduced to \$ 200.00 per parking space in Grand Bend and \$ 100.00 per parking space in Forest.
The motion failed.

**10-0907-30 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Russell**

That a report be prepared on the issue of Cash-in-Lieu (C.I.L.) of Parking, and include details on the rationale for collecting C.I.L., the actual cost to create a space and rate options for the various community.
Carried

Councillor Dehondt asked for and received information from the Planner on the number of times the Municipality had been to the Ontario Municipal Board during the term of the current Council, and how many hearings had been decided in favour of the Municipality.

Councillor Dehondt asked the Director of Community Services the number of houses in Zone 4, and was advised that there were approximately 1200 households. Ms. Van Mierlo-West advised that the project started in 2006, with the Pinery forcemain installed in 2009. It was necessary to include all the potential households to be served in order to determine the required capacity for the forcemain. It was also noted that the use of a grinder pump system was the recommended option in the Environmental Assessment that was approved for zone 4.

The cost for the Grand Bend plant and the household cost for the grinder pumper were discussed.

Councillor Rupke advised that the Province is considering offshore wind turbines in 3 areas in Lambton Shores, with a minimum distance of 5 kilometres from the shoreline. He noted that one of the benefits of the Lake Huron shoreline is the sunsets, and the installation of wind turbines will dramatically change the "vista". He noted that the Heritage Act allows for the "protection of a vista" and that in Europe, the turbines are located 22 km off shore.

**10-0907-31 Moved by Councillor Rupke
Seconded by: Councillor Weber**

That staff looks into the Heritage Act provisions for the "protection of a vista" as it pertains to the possible erection of wind turbines in Lake Huron.
Carried

Councillor Weber questioned the possibility of installing a railing on the sidewalk on the bridge in Grand Bend, and Director of Community Services Peggy Van Mierlo-West advised that this would be a municipal project as it is a municipal sidewalk, and that the project would be included for discussion in the 2011 capital budget.

10. NEW BUSINESS

There were no items of new business.

11. DISCUSSION PERIOD

During the discussion period, Christine Bregman, Grand Bend Chamber of Commerce, clarified a statement made in the correspondence regarding tourist accommodations, the cost for the Legacy Centre was discussed, as was the anticipated deficit for the facility operations. Also discussed was the Kettle & Stony Point – Lambton Shores Joint Committee, and the proposal to close West Ipperwash beach to traffic, and the minutes from previous Tri-Municipal meetings.

12. CONFIDENTIAL

**10-0907-32 Moved by: Councillor Weber
Seconded by: Councillor Russell**

That the Council meeting goes “In Camera” at 9:25 p.m. to discuss legal matters and will reconvene immediately thereafter.

Carried

Council rose and reported progress on legal matters at 9:30 p.m.

13. ADJOURN

**10-0907-33 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Cook**

That the Council meeting adjourns at 9:30 p.m.