

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 24-2010

Date of Meeting Monday, September 20, 2010

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

Members Absent: Mayor Gord Minielly
Councillor Gerry Rupke

Staff Present: Chief Administrative Officer John Byrne
Clerk Carol McKenzie
Treasurer Janet Ferguson
Director of Community Services Peggy Van Mierlo-West
Planner Patti Richardson

Media Present: Lynda Hillman-Rapley – Lakeshore Advance

1. CALL TO ORDER

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

2. DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

Deputy Mayor Jamieson 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 – September 7, 2010

The minutes of the September 7, 2010 Council meeting were reviewed, and Councillor Illman noted that there was a discussion on the cost of the Legacy Centre, and asked Treasurer Janet Ferguson to prepare a report on the project costs.

10-0920-01 Moved by: Councillor Dehondt
Seconded by: Councillor Russell

That the minutes of the regular Council meeting held September 7, 2010 be accepted as presented.

5. CORRESPONDENCE & PETITIONS

5.1 Letter of Commendation from Barbara Olzem – Re: Lifeguards

Correspondence has been received providing details on the extraordinary efforts of two of the Grand Bend life guards during an incident that occurred on August 10, 2010. Director of Community Services Peggy Van Mierlo-West noted that a copy of the letter would be placed in the personnel files of the two guards, as well as a copy provided to the head guard.

10-0920-02 Moved by: Councillor Dehondt
Seconded by: Councillor Simpson

That the correspondence from Barbara Olzem regarding the heroic efforts of 2 of the Grand Bend Lifeguards is received and filed.

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

Administration & Finance

6.2 CL Report No. 71-2010 – Re: Ontario Provincial Police – By-laws Authorizing the Signing of the 2010 – 2015 Contract and Authorizing the Extension of the Existing Contract

CL Report No. 71-2010 provided a status update on the timing of the O.P.P. contract renewal, and the need to extend the existing contract until October 31, 2010.

Treasurer Janet Ferguson advised that the “reconciliation” will be done at the end of the year, and the municipality advised of the amount of the rebates likely in February.

10-0920-03 Moved by: Councillor Weber
Seconded by: Councillor Russell

That By-law 84-2010, being a by-law to authorize the signing of the 2010-2015 O.P.P. contract renewal, approved by Council in resolution # 10-0907-13 and By-law 83 of 2010 , authorizing the extension of the terms and conditions of the existing O.P.P. contract until October 31, 2010, as outlined in CL Report No. 71-2010, be approved.

6.3 CL Report No. 72-2010 – Re: Follow Up from the Public Meetings held Saturday, September 11, 2010

Clerk Carol McKenzie provided a brief summary of the 2 public information meetings held on September 11, at the meeting to discuss the use of the Centre Ipperwash Boat launch area, the four options presented:

1. Status quo, with signage erected outlining the rules and regulations;

2. Allow launching, but ban all parking on the Centre Ipperwash Road Allowance;
3. Establish permanent “in” and “out” access lanes with a parking ban in the lanes; and
4. The establishment of a 30’ in/out area in the middle of the allowance, with a parking ban in the in/out area.

It was recommended in CL Report No. 72-2010 that the viability of the various options be researched, with comments provided by the By-Law Officer and the Ontario Provincial Police, and prepare a report on the options to Council in March or April of 2011, in time for public input and for implementation for the 2011 season.

Deputy Mayor Jamieson noted that another option briefly discussed was charging for boat launching, and it was noted that a 5th options should be added to the list to allow for the review of other scenarios that may be identified during the process.

It was noted that the legality of using an “open” road allowance for parking and boat launching should be reviewed as well.

The other meeting on Saturday dealt with the issue of the use of vehicles in the Armstrong East subdivision, and as this is a very complex issue, involving property rights, legal rights, historical usage, and environmental issues, among others, and requires input from outside agencies as well, it was recommended that an ad hoc committee be struck to identify, review and verify the pertinent issues and report back to Council and the residents on the options.

Councillor Dehondt noted that while residents may want a quick decision, it is important to hear from all the various stakeholders and would be best if both sides could meet and try to resolve the issue themselves.

Councillor Russell recommended that the committee be comprised of residents and Council representatives, and the other agency representatives act as “resources” or technical advisors, as opposed to serving on the committee.

10-0920-05 Moved by: Councillor Illman
Seconded by: Councillor Simpson

That, as outlined in CL Report No. 71-2010, staff research and prepare a report on the 4 options presented at the September 11, 2010 site meeting respecting the use of the Centre Ipperwash Road allowance as a boat launch area, as well as any other options identified during the review, as amended; and

That, with respect to the use of vehicles on Armstrong East, a Special Purpose Committee be struck, comprised of representatives from Council, residents in favour of the use of vehicles and the residents opposed to the use of vehicles to review the various issues and report to Council on option(s) respecting vehicle use, and that representatives from Ausable Bayfield Conservation Authority, Ministry of Natural Resources, Ontario Provincial Police and Emergency Medical Services be asked to serve as “technical advisors” to the committee.

The need for clear terms of reference and a format for the committee, and secretarial services may need to be assigned to the group.

10-0920-06 Moved by: Councillor Russell
Seconded by: Councillor Illman

That a report be prepared for Council on the recommended committee format, terms of reference and goals for the ad hoc "Armstrong East" committee.

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.1 Public Meeting – David Hendrickx - Re: Official Plan Amendment Application OP-04/2010 & Zone Amendment Application ZO-07/2010 for 6429 Townsend Line

10-0920-07 Moved by: Councillor Simpson
Seconded by: Councillor Cook

That the Council meeting adjourn at 7:10 p.m. for a public meeting, held under the provisions of the Planning Act to hear the application for an Official Plan Amendment, and Zoning By-law Amendment submitted by David Hendrickx.

Planner Patti Richardson provide Council with the background information pertaining to the Official Plan and Zoning By-law amendment applications submitted by David Hendrickx for property located at 6429 Townsend Line.

Ms. Richardson outlined that this application was related to a farm consolidation, and while it would meet the requirements of the Provincial Policy Statements, the Lambton Shores by-laws currently does not allow this type of development, and therefore, the amendments are required.

Both the farm lot and the residential lot are under the minimum size permitted in the planning documents, however, the owner will be connecting the existing house to full municipal services and the zoning by-law amendment will recognizes the fact that the lots are undersized. Also noted was the fact that a barn currently straddles the proposed lot line and the property owner will be removing the barn.

There were no comments or questions from members of Council.

When comments were solicited from the audience, Mr. Philip Walden, solicitor for the applicant confirmed that the property owner was in agreement with the recommendations and requirements.

10-0920-08 Moved by: Councillor Simpson
Seconded by: Councillor Russell

That the regular Council meeting reconvene at 7: 15 p.m.

10-0920-09 Moved by: Councillor Simpson
Seconded by: Councillor Weber

That Official Plan Amendment Application OP-04/2010 submitted by David Hendrickx requesting an amendment to the Lambton Shores Official Plan, as it relates to lands known as 6429 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:

1. the existing barn being removed; and
2. the dwelling being connected to municipal water and sanitary sewers prior to the Official Plan amendment being adopted by Council.

That Zoning By-law Amendment Application ZO-07/2010 requesting an amendment to the Lambton Shores Zoning By-law 1 of 2003 as it relates to lands known as 6429 Townsend Line, to:

- (a) prohibit the construction of a new dwelling on the remnant farm parcel after the severance of the surplus dwelling;
- (b) to allow a farm parcel to have a minimum lot area of 35.4 hectares and a minimum lot frontage of 92 metres;
- (c) to allow a new non-farm residential lot to have a lot area of 0.4 hectares; and
- (d) to require that the surplus dwelling be connected to municipal water and sanitary sewers

be APPROVED, subject to:

1. the existing barn being removed; and
2. the dwelling being connected to municipal water and sanitary sewers

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

7. BY-LAWS & RESOLUTIONS

10920-10 Moved by: Councillor Cook
Seconded by: Councillor Simpson

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 83-2010 – Authorize an Extension of an Agreement with the OPP
- By-law 84-2010 – Authorize an Agreement for the Provision of Police Services
- By-law 85-2010 – Confirm Resolutions to Date.

8. ACCOUNTS

The accounts for the month of August, 2010 were presented in TR Report No. 29-2010.

10-0920-11 Moved by: Councillor Illman
Seconded by: Councillor Weber

That the accounts for the month of August, 2010 in the amount of \$2,443,031.42 be approved.

9. COUNCILLOR REPORTS

Councillor Russell had attended the recent Bluewater Recycling meeting, and reported that there would be a third quarterly rebate, and likely a rebate in the 4th quarter as well. He also noted the fall newsletter outlines the new plastic program which will include the collection of additional plastics such as “clam containers”.

BRA President Francis Veilleux will be attending a Council meeting in the new year to review the current and proposed programs, and the province mandated “Waste Management Master Plan”.

Deputy Mayor Jamieson reported that there will be a full discussion prior to the next budget on the solid waste program.

Councillor Dehondt reported on a “feral cat” problem in the Plan 24 area of Grand Bend, and Clerk Carol McKenzie provided history on the animal control policies that had been implemented since the creation of Lambton Shores. A report on the issue will be provided for the next Council meeting.

Also requested was the status on the issue of the lack of parking around the municipal office in Grand Bend, and it was also noted that a report would be forthcoming on the issue.

Councillor Dehondt also reported that a suggestion had been made to “live stream” the Council meetings on the website, which will be passed on for review.

Also requested was a clarification of the information provided to AMO regarding the Grand Bend Sewage Treatment Plant and John Byrne advised that the estimate for the low pressure system was 24 million, but that the municipality was exploring the costs of

gravity systems which previously was estimated to be double the cost of the low pressure system. It was also confirmed that the existing force main can accommodate a gravity system.

Councillor Dehondt asked Clerk Carol McKenzie to explain the vote by mail process of elections, which was done (Note: Full details on the Vote By Mail process are on the Municipal website)

Councillor Illman reported that correspondence will be forthcoming from the residents in Glendale Beach requesting signage.

Councillor Illman also requested an update on the next draft of the Lambton Shores Official Plan, and was advised by Planner Patti Richardson that the first 1/2 of the plan has been re-written, and it will be another couple of weeks until the next section is completed.

Councillor Cook reported that 117 cars took part in the Arkona Lion's Car Show last weekend, and advised that the Arkona Colour Tour will be held October 16, 2010, and it was confirmed that the group remained a Committee of Council, and did not need to reapply each year.

Councillor Simpson reminded those in attendance of the Recreation and Leisure Services Master Plan meeting scheduled for September 21, 2010, and inquired when the report on the speed limits in Port Franks would be presented, and was advised the report will be submitted for the first meeting in October.

Councillor Weber suggested that a report on the costs for a microphone and video system for the Council chambers be referred to the new council.

10. NEW BUSINESS

10.1 D.C.S. Report 61-2010 Re: Grand Bend Sewage Treatment Facility – Tender Approval

Director of Community Services Peggy Van Mierlo-West advised that the draft tender document has been received for the Grand Bend Sewage Treatment Facility and has been reviewed by the lawyers and engineers from the three participating Municipalities. There were several amendments proposed, which were included as part of D.C.S. Report No. 61-2010.

The Municipality of Bluewater has accepted the document as amended, and Lambton Shores and South Huron were considering the approval during the September 20, 2010 Council meeting.

10-0920-12 Moved by: Councillor Weber
Seconded by: Councillor Illman

That D.C.S. Report No. 61-2010 regarding Grand Bend Sewage Treatment Facility tender is accepted and approved and that By-law 82-2010 authorizing the Mayor and Clerk to sign the associated agreements is approved.

11. DISCUSSION PERIOD

A question was raised with respect to the recommended return date for the municipal ballots, the opinion of the Deputy Mayor with respect to solid waste collection, the ban on cell phones during the counting of the ballots on election night, and security issues during the election process. In response to a question, it was clarified that electors have the option of delivering the ballot directly to the Lambton Shores – Forest Office, where there will be a polling station available from Monday to Friday, 8:30 a.m. to 4:30 p.m., from October 4, 2010 to October 25, 2010, and on Election Day, (October 25, 2010) from 8:30 a.m. until the close of polls at 8:00 p.m., and that information will be added to the website.

An addition, it was claimed that the minute from a recent Tri-Municipal meeting contained an error, and as the Council had not seen the minutes, it was requested that the error be reported to the Clerk, who will forward it to the secretary of the committee.

The status of the Canadian Tire project in Grand Bend was raised, and the ability of Government Road to withstand the weight of fire fighting equipment.

A resident from Armstrong East asked Councillors for their opinion on the issue of vehicles on road allowance in the area, and questioned under which grounds the Heritage Act would be used in the discussion. It was further noted that if Armstrong East was subject to the Heritage Act, then the same should apply to Armstrong West.

A further request was for Council to consider a moratorium on vehicles until the Committee has an opportunity to consider the matter.

The last question raised was when the tender for the Grand Bend Sewage Treatment plant would be considered by Council, with the anticipated date being March of 2011.

12. CONFIDENTIAL

10-0920-13 Moved by: Councillor Simpson
Seconded by: Councillor Cook

That the Council meeting goes “In Camera” at 815 p.m. to discuss legal matters and will reconvene immediately thereafter.

Council rose with no report at 8:20 p.m.

13. ADJOURN

10-0920-14 Moved by: Councillor Russell
Seconded by: Councillor Weber

That the Council meeting adjourn at 8:20 p.m.