

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 25-2010

Date of Meeting: Monday, October 4, 2010

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

Members absent: Deputy Mayor Carolyn Jamieson

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

Media Present: Kim Powell, The Standard

1. CALL TO ORDER

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

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.1 Court of Revision – Sutherland Drain

10-1004-01 Moved by: Councillor Weber
Seconded by: Councillor Illman

That the October 4, 2010 be adjourned at 7:00 for the Court of Revision on the Sutherland Drain and will reconvene immediately thereafter. Carried

2. DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

Mayor Minielly asked the 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 14, 2010

The minutes of the September 14, 2010 regular Council meeting were reviewed.

**10-1004-02 Moved by: Councillor Dehondt
Seconded by: Councillor Rupke**

That the minutes of the regular Council meeting held the 14th day of September, 2010 be accepted as presented. Carried

3.2 Regular Council Meeting – September 20, 2010

The minutes of the regular Council meeting held the 20th day of September, 2010 were reviewed.

**10-1004-03 Moved by: Councillor Simpson
Seconded by: Councillor Illman**

That the minutes of the September 20, 2010 regular Council meeting be accepted as presented. Carried

5. CORRESPONDENCE & PETITIONS

5.1 Carole A. Welch, President of the Southcott Pines Park Association – Re: Coyotes in Southcott Pines Subdivision

Correspondence has been submitted by Carole Welch, President of the Southcott Pines Park Association advising of the increase in coyote sightings in the community, which is a concern to the members, and requested that Council discuss solutions to this problem.

Mayor Minielly noted that the County of Lambton was investigating the possible options for a County wide solution, and noted that information should be forthcoming from the County in the next few weeks.

It was discussed that while it is permissible to shoot coyotes in the rural areas, this is not a viable option in the urban centres.

**10-1004-04 Moved by: Councillor Dehondt
Seconded by: Councillor Illman**

That the issue of the increasing coyote population in Lambton Shores be forwarded for discussion at the County of Lambton, and that the link to the information on the Ministry of Natural Resources website pertaining to dealing with coyotes be provided to the Southcott Pines Park Association. Carried

5.2 Sue Davis, Grand Bend Optimist – Re: Enhancement Project Partnership for the Grand Bend Optimist Park

A request has been received from the Grand Bend Optimist Club for the Municipality to partner with the Club on the enhancement of the Grand Bend Optimist Park at the corner of 81 Crescent and Gill Road. The proposed project includes the repair and rebuilding of the walkways, a gazebo, upgrading the playground equipment to the required safety standards, in addition to environmental initiatives by the Grand Bend Horticultural Society.

The Optimist Club has committed \$8,000.00 and the Horticultural Society committed a minimum of \$5,000.00. The Grand Bend Foundation have been asked to provide \$8,000.00, and the Club would like Lambton Shores to match funds in the amount of \$24,000.00

Councillor Dehondt noted that the Municipality has a long history of partnering with the service clubs, and Councillor Illman noted that the Recreation Master Plan is nearing completion, which will help the Municipality review requests such as this in conjunction with overall community needs.

**10-1004-05 Moved by: Councillor Dehondt
Seconded by: Councillor Russell**

That the request from the Grand Bend Optimist Club for matching funds for the enhancements to the Grand Bend Optimist Park be considered during the 2011 capital budget discussions.

Carried

4.2 Matt Pearson, BM Ross – Re: Thedford-Arkona Water Quality Monitoring Program – 2009 Annual Report and Surface Water Quality Monitoring Program 2009 Annual Report

Mr. Matt Pearson from BM Ross provided Council an update on the 2009 Annual Report on the Thedford – Arkona Water Quality Monitoring program, and the 2009 Surface Water Quality Monitoring Program.

The monitoring program and the trends that have occurred over the past few years were reviewed, as were some of the different variables that could affect test results.

The reports will be available on the Municipal website.

**10-1004-06 Moved by: Councillor Weber
Seconded by: Councillor Rupke**

That that 2009 Annual Report on the Thedford – Arkona Water Quality Monitoring program, and the 2009 Surface Water Quality Monitoring Program prepared by BM Ross be received, and posted on the Municipal website.

Carried

4.3 Jackie Walker on Behalf of Port Franks Community Members – Re: Speed Limit in Port Franks

Jackie Walker addressed Council to obtain an update on the issue of the reduced speed limits in Port Franks, and the request submitted on August 9th, 2010 to return to the original speed limits.

The delegation was requesting that, if safety was the reason for the decision, that information in support of the reduction be provided, such as accident reports or situations respecting unsafe road conditions.

In D.C.S. Report No. 63-2010, Director of Community Services Peggy Van Mierlo-West advised that as a result of calls expressing concerns with the speed of vehicles in the community, a review of the roads was undertaken, and after reviewing the various issues such as the road design, the tight curves, and the lack of shoulders, a recommendation was made to Council last year to reduce the speed limits on the main roads by 10 kmph.

Councillor Rupke provided information on a report that he had found that monitored the results of reducing speed limits in 100 sites in 20 states, and the report noted that if the rate is increased or decreased by 20 miles per hour or less, there was no corresponding response from citizens.

Councillor Dehondt noted that that the speed limits were higher in the subdivision than the main roads and that the crown of the roads appeared similar in both areas, and that he did not support the reduced speed limit.

Ms. Van Mierlo-West stated that reports have been requested from the County on traffic accidents, and the information has not been received yet. The traffic counts indicated that 3000 cars per day travel on Port Franks Road and 611 cars travel on Outer Drive daily and that when safety concerns are brought to our attention, we need to respond proactively.

Councillor Weber advised that the staff report outlines safety issues with the width of the road etc and questioned what the Municipal liability would be if the speed limits were increased, and an accident occurred, when it had been brought to the attention of Council that there is a safety concern.

Councillor Simpson noted that he had received calls from people with concerns for the safety of the community, and that the staff report gives support for maintaining the existing speeds.

**10-1004-07 Moved by: Councillor Illman
Seconded by: Councillor Cook**

That D.C.S. Report No. 63-2010 be approved and that the speed limits for the roads named within this report remain. *Motion Failed*

A request was made that the Director of Community Services obtains additional information on traffic counts, and accident reports, and an opinion from the Municipal solicitor with respect to liability.

**10-1004-07 Moved by: Councillor Russell
Seconded by: Councillor Dehondt**

That, with respect to the speed limits on in Port Franks, that a detailed report on liability issues, accident reports/statistics be prepared, and that the speed limits remain status quo at this time.

Carried

5.3 Hope Brock & Kari Jean, Aquatic Biologist, Ausable Bayfield Conservation Authority – Re: Turtle Crossing Signage in Port Franks

Correspondence has been received from the Ausable Bayfield Conservation Authority regarding the turtle monitoring program that was initiated in spring of 2010 in Port Franks. The data gathered in the research provides baseline data, and an insight into the local habitat of the turtles. With this information, it will be possible to determine likely “turtle crossing” areas, and the Authority asked if the Municipality would allow them to install turtle crossing warning signs at two locations on Outer Drive.

**10-1004-08 Moved by: Councillor Simpson
Seconded by: Councillor Rupke**

That the Municipality of Lambton Shores has no objection to installing the Ausable Bayfield Conservation Authority’s “turtle crossing” signs at the areas in Port Franks designated in the correspondence dated September 14, 2010.

Carried

5.4 Ken & Donna Korhorn, Glendale Drive – Re: Requesting Signage concerning Parking and Beach Access

Correspondence has been received from a resident on Glendale Drive outlining concerns with parking and beach access in the community, and requesting the Municipality install signage to direct people accordingly.

Staff were asked to prepare a report and recommendation on the issues.

**10-1004-09 Moved by: Councillor Illman
Seconded by: Councillor Russell**

That the request for signage in Glendale Beach be referred to staff for review and for possible inclusion in the 2011 budget.

Carried

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

6.1 Grand Bend Area Sewage Treatment Facility Board Meeting Minutes – September 2, 2010

The minutes from the September 2, 2010 Grand Bend Area Sewage Treatment Facility Board were reviewed, and Councillor Illman asked if there had been a press release on

the project issued, and was advised that the Committee has been concentrating on preparing the tender documents, and had not formalized a communications policy yet.

**10-1004-10 Moved by: Councillor Illman
Seconded by: Councillor Russell**

That the minutes from the September 2, 2010 Grand Bend Area Sewage Treatment Facility Board meeting be received and filed.

Carried

6.2 Lambton Shores Fire Board Meeting Minutes – August 19, 2010

The minutes of the Lambton Shores Fire Board meeting held the 19th day of August, 2010 were reviewed.

**10-1004-11 Moved by: Councillor Dehondt
Seconded by: Councillor Rupke**

That the minutes of the August 19, 2010 Lambton Shores Fire Board meeting be received and filed.

Carried

Administration & Finance

6.4 TR Report No. 40-2010 – Re: Legacy Recreation Centre

In TR Report No. 40-2010, Treasurer Janet Ferguson provided a chronology of events for the upgrades and the reconstruction of the Legacy Centre in Thedford. Details on the low interest loans and grants received, as well as the Fundraising Committee efforts were provided.

The community involvement in the development of the facility was discussed, and the changes that had taken place as the project evolved.

**10-1004-12 Moved by: Councillor Rupke
Seconded by: Councillor Cook**

That TR Report No. 40-2010 regarding the Legacy Recreation Centre be received and filed.

Carried

6.5 TR Report No. 41-2010 – Re: Public Sector Accounting Board (PSAB) Compliance Tangible Capital Assets

The Public Sector Accounting Board (PSAB) compliance report prepared by Watson and Associates Economists Ltd. was provided to Council, which detailed the provincially mandated change in accounting methodology and reporting requirements for municipalities and the compliance process to date. It was noted that for several years, staff have been working to accumulate an accurate inventory and any historical values available. The information gathered will be used going forward for the municipal financial statements.

The information also provided better data on the municipal assets, and knowing the age of the infrastructure will assist Council when determining the useful life of the assets and replacement policies.

The change to PSAB method of accounting and the enormous amount of research required has delayed the 2009 audit, but the approval of the attached policies and compliance report is the first step in the tangible capital asset reporting process.

**10-1004-13 Moved by: Councillor Russell
Seconded by: Councillor Weber**

That Council accepts the PSAB Compliance report as prepared by Watson & Associates and outlined in Treasurer's Report No. 41-2010. Carried

4.4 Catherine Minielly, Communities in Bloom – Re: Presentation of Awards

Catherine Minielly, representing the Lambton Shores' Communities in Blooms program, was in attendance and was pleased to present Council with the Communities in Blooms 5 blooms designation that was recently awarded to the Municipality. Mrs. Minielly noted that Lambton Shores also won the top honour in the "tidiness category" and received special mention for the Grand Bend beach enhancement project. The Knox Presbyterian church received honourable mention as well.

Council congratulated the committee and the community on their successes.

6.7 CL Report No. 75-2010 – Re: License Agreements for Certain Road Allowance Endings in Port Franks

In a previous report, Clerk Carol McKenzie advised that the existing license agreements for the use of certain road allowance endings in Port Franks needed to be terminated, and new agreements drafted to take into consideration the requirement to remit HST.

CL Report No. 75-2010 included the recommendation that the new agreements be drafted to cover the same time period as the original agreements, but with the expiration date changed to December 30.

**10-1004-14 Moved by: Councillor Simpson
Seconded by: Councillor Weber**

That the License Agreements for certain Road Allowances in Port Franks be renewed with the inclusion of the requirement to remit H.S.T. as detailed in CL Report No. 75-2010, and the Clerk is authorized to prepare the required agreements. Carried

6.8 CL Report No. 76-2010 – Re: Terms of Reference – Armstrong East Ad Hoc Committee

CL Report No. 76-2010 provided draft terms of reference for an Ad Hoc committee to review and report on the issue of the use of vehicles on Armstrong East.

A discussion ensued regarding the merits and differences in the various types of committees, such as “ad hoc”, “standing” committees, “operating” committee, “quasi judicial” committees and “strategic governance” committees, and the need for a full discussion on what types of Committees should be established, the issues that should be referred and the financial resources that should be directed to committees.

**10-1004-15 Moved by: Councillor Russell
Seconded by: Councillor Illman**

That the matter of the Ad Hoc Committee to review the issue of the use of vehicles on the road allowances on Armstrong East be referred to the next Council. Carried

10. NEW BUSINESS

CL Report No. 78-2010 – Re: Joint Election Compliance Audit Committee – Recommended Membership

The “Selection Committee” for the Joint Election Compliance Audit Committee has reviewed the names of the people who have agreed to sit on the audit committee, and has prepared a recommendation for the participating councils.

**10-1004-16 Moved by: Councillor Simpson
Seconded by: Councillor Weber**

That By-law 88 of 2010, being a by-law appointing members to the Joint Compliance Audit Committee, as outlined in CL Report No. 78-2010, be approved. Carried

CL Report No. 76-2010 – Re: Animal Control Issues – Feral Cats

In CL Report No. 76-2010, Clerk Carol McKenzie provided background information on how the Municipality dealt with the issue of feral cats in the past, and some of the problems that were encountered. The “cat trapping” program was discontinued several years ago, and the cost for the service is no longer included in the annual budget.

Councillor Simpson noted that there is a situation in Port Franks whereby a resident has over 20 feral cats on her property, and the options that residents can undertake to eradicate feral cats were also discussed.

**10-1004-17 Moved by: Councillor Dehondt
Seconded by: Councillor Weber**

That a decision on the resurrection of the provision of “cat trapping services” be deferred until the 2011 budget discussions. Carried

7. BY-LAWS & RESOLUTIONS

7.1 By-law 86-2010 – Confirming Resolutions to Date

**10-1004-18 Moved by: Councillor Weber
Seconded by: Councillor Rupke**

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 86-2010 – Confirming Resolutions to Date
- By-law 88 – 2010 – Appointing Members to the Joint Compliance Audit Committee. Carried

8. ACCOUNTS

There were no accounts for Council to review.

9. COUNCILLOR REPORTS

Councillor Dehondt noted that the report on the parking situation at the Municipal office in Grand Bend was still outstanding, and inquired about the status of the “Parking in lieu” by-law for Grand Bend and Forest. Questions were also raised on the grinder pumps, new horizon grants for seniors, and the time period for the removal of election signs.

Councillor Russell reported on tree stewardship programs available from the Ministry of Natural Resources, and was asked to forward the information to Ashley Farr for the Communities in Blooms. Also noted was that the Annual Craft Show would be held at the museum the weekend after Thanksgiving, and details provided on the Pinery colour tour and road race. A brief discussion was held on the importance of “shoulder month events” that bring people to the area and support the local businesses and community groups.

Councillor Cook advised of a fire in Arkona at a house owned by the Lion’s Club, and the plans to create a memorial garden on the lot in conjunction with the Community in Blooms.

Councillor Illman congratulated Ashley Farr and the staff on the successful Volunteer Appreciation Dinner, and noted that there was a great turn out and the food was wonderful.

Mayor Minielly reminded members that the dedication of Highway 21 as the Bluewater Veterans Highway would be taking place on October 23 at the Grand Bend Legion.

11. DISCUSSION PERIOD

Jim Hansen noted his appreciation for the cell phone ban during the counting of the ballots, and asked if the Municipal auditors had been scheduled yet. Treasurer Janet Ferguson advised the auditors would likely be at one of the November meetings.

It was noted that Christine Bregman was leaving the Grand Bend Chamber of Commerce and best wishes were conveyed to Mrs. Bregman.

Bob Sharon mentioned the lack of garbage cans in Forest, and questioned the operating costs noted in the minutes from the Grand Bend Area Sewage Treatment Facility Board meeting.

12. CONFIDENTIAL

**10-1004-19 Moved by: Councillor Dehondt
Seconded by: Councillor Russell**

That the Council meeting goes "In Camera" at 9:00 p.m. to discuss legal matters and will reconvene immediately thereafter.

Carried

Council rose with no report at 9:01 p.m.

13. ADJOURN

**10-1004-20 Moved by: Councillor Weber
Seconded by: Councillor Simpson**

That the Council meeting adjourns at 9:02 p.m.

Carried