

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 26-2009

Date of Meeting: Monday, December 7, 2009

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 John Russell

Staff Present: Chief Administrative Officer John Byrne
Clerk Carol McKenzie
Treasurer Janet Ferguson
Planner Patti Richardson

Call to order at 5:30 p.m.

**09-1207-01 Moved by: Councillor Dehondt
Seconded by: Councillor Weber**

That the meeting go in camera at 5:30 p.m. to discuss a legal matter. Carried

Council rose from the closed session at 6:40 p.m.

Media Present: Gord Whitehead

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 and none were declared.

3. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Regular Council Meeting – November 10, 2009

The minutes of the Council meeting held the 10th day of November, 2009 were reviewed.

**09-1207-01 Moved by: Councillor Russell
Seconded by: Councillor Weber**

That the minutes of the November 10, 2009 Council meeting be accepted as presented. Carried

3.2 Regular Council Meeting – November 16, 2009

The minutes of the Council meeting held November 16, 2009 were reviewed.

**09-12-07-02 Moved by: Councillor Weber
Seconded by: Deputy Mayor Jamieson**

That the minutes of the Council meeting held the 16th day of November, 2009 be accepted as presented. Carried

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.2 Eric Bastiaansen – Re: Issues Pertaining to the Future of the Thedford Scout Hall

Councillor Russell introduced Eric Bastiaansen and advised that the delegation was in response to a letter the Thedford Scouting organization received advising of the planned renovations at the Thedford Bosanquet Arena that will require the Scout Hall to be moved, and asking that any items the Scout stored in the Hall be removed.

Mr. Bastiaansen advised that there isn't an active scouting Troup at this time; therefore there isn't a Board of Directors with the authority to deal with the assets. In addition, there are issues with respect to the ownership of the building which are being investigated by the local solicitor.

Chief Administrative Officer John Byrne stated that the purpose of the initial correspondence was to advise the organization of the plans for the arena facility, and to bring to light these types of issues so that they could be resolved. He noted that there were storage areas in the arena that the Scouts may be able to use, and that the building structure will be reviewed to determine its viability.

Mr. Bastiaansen agreed to work with former area Scout leaders on the issues and stated that he would host a public meeting at which the disposal of the assets could be discussed.

4.3 Debbie & Cas Kwarciak – Re: Requesting Extension to Pay the Rural Water Charge for 8780 Kinnaird Road

Debbie and Cas Kwarciak advised Council that they had recently submitted the necessary planning applications to facilitate the severance of a surplus farm dwelling on one of their properties. As it will take several months before a decision on the severance is available, the Kwarciaks asked for an extension on the inclusion of the water meter and connection fees in the waterline capital cost.

It was discussed that the \$10,000.00 capital cost charge would need to be paid prior to the end of the 2009 in order for the extension to be considered.

The Planner advised that the granting of the request would not be considered “prejudging” the application, as there is a public process in place for the review of the applications and approval will be based on meeting the required planning regulations.

**09-1207-03 Moved by: Councillor Dehondt
Seconded by: Councillor Rupke**

That the inclusion of the water meter and connection fee in the rural water capital cost charge for property located at 8780 Kinnaird Road be extended until June 30, 2010 on the condition that the capital cost charge is paid in full prior to December 31, 2009, and further, that the difference between the capital costs for a property with a dwelling and the capital cost for vacant land will be adjusted if the proposed severance is not granted. Carried

5. CORRESPONDENCE & PETITIONS

5.1 M. Wilson, Ministry of Natural Resources – Re: Proposed Huron Shores Estates Development, Part Lots 69/70, Concession Lake Road West & the Kettle Point Provincially Significant Wetland

Recent correspondence from the Ministry of Natural Resources pertaining to the Kettle Point Provincially Significant Wetland, including a revised boundary to the wetland and detailing the possible impact on the proposed “Huron Shores Estates” development was reviewed.

Planner Patti Richardson noted that the revised mapping will be included in the Official Plan and the implications will be considered when reviewing the draft approval for the Huron Shores Estates development.

**09-1207-04 Moved by: Councillor Illman
Seconded by: Councillor Russell**

That the correspondence from the Ministry of Natural Resources pertaining to the Kettle Point Provincially significant wetland be received and filed. Carried

5.2 Terry Devine – Re: Use of the Former Scout Hall at the Former Arena for Contact House Food Bank

Mr. Terry Devine submitted a request on behalf of Contact House for permission to use the former Forest Scout Hall for the food bank as they have outgrown the existing space in the basement of the Christ Anglican Church.

**09-1207-05 Moved by: Councillor Russell
Seconded by: Councillor Rupke**

That staff work with Mr. Terry Devine on an agreement for the use of the Forest Scout Hall at the former Forest Arena for the Contact House Food Bank. Carried

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

6.1 Minutes of the Fire Board Meeting held November 26, 2009

The minutes of the Lambton Shores Fire Board meeting held the 26th day of November, 2009 were reviewed.

Several issues in the minutes were discussed, including the appeal of the charge for an “at fault” fire, and a request to determine if any of the costs for “medical assists” are recoverable.

**09-1207-06 Moved by: Councillor Rupke
Seconded by: Councillor Weber**

That the minutes of the Lambton Shores Fire Board meeting held the 26th day of November, 2009 be received and filed.

Carried

4.4 Pat Morden & Harlie Johnston – Re: Aquafest, 2010

Representatives from the Grand Bend Community Foundation Environment Committee attended the meeting to thank Council for their assistance with the 2009 Aquafest event, and to share the plans for the 2010 event.

6.2 C.A.O. Report No. 41-2009 – Re: Application of the Rural Water System Charges to Wood Drive Properties

Council had discussed the issue of capital cost charges for the vacant properties on Wood Drive at previous meetings, and had asked staff to bring back a further report with background information and options for consideration. This information was provided in C.A.O. Report No. 41-2009, which had been made available to the property owners for review.

Options in the report included merging lots together to reduce costs, or gifting a lot to a conservation agency, thereby ensuring it remains protected and eliminating all further responsibilities for the lot.

Although arrangements for the payment of the capital cost charge would need to be made prior to the end of 2009, the owners would have until June 30, 2010 to merge or convey lots, and if either of these options took place, the funds paid would be adjusted.

**09-1207-07 Moved by: Councillor Weber
Seconded by: Councillor Rupke**

That the \$ 2,500.00 vacant land capital cost charge for properties

on Wood Drive be confirmed, and that the residents be offered the option of merging adjacent owned lots or conveying their lot to a conservation organization up until June 30th, 2010, and if these options were utilized, the payment for the waterline charge be adjusted accordingly. Carried

6.3 C.A.O. Report No. 42-2009 – Re: Snowmobile Transit through the Arthur St. Road Allowance – Forest

C.A.O. Report No. 42-2009 detailed the review of the request received at the last meeting to ban snow mobiles from the unopened Arthur Street road allowance in Forest, and noted that the recommended action was to erect signage and snow fencing to prohibit snow mobiles on the road allowance.

09-1207-08 Moved by: Councillor Simpson
Seconded by: Councillor Rupke

That the Community Services Department be directed to erect snow fencing and signage prohibiting snowmobile movement on the un-opened Arthur St. road allowance in the Town of Forest as outlined in C.A.O. Report No. 42-2009. Carried

6.12 CL Report No. 89-2009 – Re: Sidewalk Café on the Main Street in Grand Bend

As a result of a request from an area restaurateur, Council had asked staff to consider the impacts of allowing commercial operations on the Grand Bend Main Street sidewalks once the enhancements were completed. CL Report No. 89-2009 presented various issues and recommended that a 1 year moratorium be placed on the issue of “Sidewalk Cafés” on the Main Street of Grand Bend in order to evaluate the effectiveness of the new sidewalk design and assess the potential impact of retail uses on pedestrian flow.

The operator of the current café was in attendance, and asked Council to consider the positive benefits of the café being in the community for the past 13 years and requested that the café be grandfathered.

Deputy Mayor Jamieson noted that as a business owner, she appreciates the comments made; however the sidewalk will have a totally new design which is primarily for the movement of pedestrians and it will be necessary to review and evaluate the impact of commercial operations on pedestrian flow.

**09-1207-09 Moved by: Councillor Illman
Seconded by: Councillor Rupke**

That a 1 year moratorium be placed on the issue of “Sidewalk Cafés” on the Main Street of Grand Bend in order to allow time to evaluate the potential impact of cafés or other retail uses on the sidewalk. Carried

6.15 CL Report No. 98-2009 Re: Grand Bend Main Street Parking

During 2008 and 2009, Council reviewed options for ensuring the parking spaces on Grand Bend Main Street were available to meet the short term parking needs for customers of the retail establishments. Options discussed included reintroducing the 2 hour parking limit on the Main Street and the installation of parking meter machines. A decision on implementing any changes was deferred for reconsideration in 2010 and a draft report on the options was presented for Council's review.

09-1207-10 Moved by: Councillor Dehondt
Seconded by: Deputy Mayor Jamieson

That the recommendations regarding Grand Bend Main Street parking, as outlined in CL Report No 98-2009, be approved in principle and that the Main Street merchants be advised of the date of the Council meeting at which the issue will be discussed. Carried

6.4 PowerPoint Presentation by the Planner Patti Richardson – Re: Official Plan Policies

Planner Patti Richardson made a PowerPoint presentation that outlined updates and proposed revisions to the draft Lambton Shores' Official Plan.

Community Services**6.5 D.C.S. Report No. 74-2009 – Re: Grand Bend & Port Franks Prop Washing Maintenance Agreement**

D.C.S. Report No. 74-2009 outlined the results from the recent request for proposals for the maintenance of the two municipal harbours. Only one submission was received and as the proposal exceeded the estimate for the project, staff recommended that the submission be rejected.

Staff will be reviewing the options available for maintaining the harbours and will be making a further recommendation back to Council.

Mr. Dick Peever, representing the company that submitted the proposal, was in attendance and noted that he would be willing to discuss the municipal needs and work with the municipality on possible solutions.

**09-1207-11 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Weber**

That D.C.S. Report No. 74-2009 is approved and all proposals be rejected and that staff further review options of maintaining both the Grand Bend and Port Franks lake mouths. Carried

6.6 D.C.S. Report No. 76-2009 – Re: 10 Year Recreation & Leisure Master Plan

During the Strategic Planning sessions, the need for a Recreation and Leisure Master Plan was identified. The possible parameters of this type of study have been reviewed and over 30 municipalities that have experience with this type of document have been contacted, and all recommended hiring a consulting firm to assist with the development of the plan, as opposed to preparing the document “in house”. If the option to utilize a consulting firm is approved, the Community Services staff will develop a “Scope of Work” to identify the goals and objectives of the Plan, which will be submitted to Council for review prior to the request for proposals being circulated.

**09-1207-12 Moved by: Councillor Rupke
Seconded by: Deputy Mayor Jamieson**

That the recommendation set forth in D.C.S. Report No. 76-2009 be approved, and that the Community Services Department develop a Scope of Work for the 10 Year Recreation and Leisure Master Plan for Council’s consideration, and that costs incurred for the creation of the Master Plan be incorporated into the 2010 Capital Budget. Carried

6.7 D.C.S. Report No. 77-2009 – Re Thedford Dirty Dogs Senior A Hockey Blue Line Club

A request has been received from the “Thedford Dirty Dogs” Senior A Hockey team for permission to continue to operate the “Blue Line” club in Thomas Hall at the Thedford Bosanquet Arena under special occasion permits until the end of the 2011 hockey season.

Councillor Illman noted that it would be prudent to review the municipal alcohol policy to ascertain if inequities exist between municipal facilities with respect to the ability to serve alcohol. One of the requirements in the current policy is that food must be served when alcohol is sold, which will need to be a requirement if the “Blue Line” club continues to operate.

**09-1207-13 Moved by: Councillor Simpson
Seconded by; Councillor Russell**

That D.C.S. Report No. 77-2009 be approved, and that the “Thedford Dirty Dogs” Senior A Hockey Team be permitted to operate a Blue Line Club within Thomas Hall in the Legacy Centre under a S.O.P. during their 2010/2011 season. Carried

6.8 D.C.S. Report No. 79-2009 – Re: 2009 Drainage- A Year in Review

In D.C.S. Report No. 79-2009, Drainage Superintendent Al Little provided Council with an update on the status of the drainage requests received, and the projects completed in 2009.

**09-1207-14 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Dehondt**

That D.C.S. Report No. 79-2009 regarding 2009 Drainage – a Year in Review be received and filed. Carried

6.9 D.C.S. Report No. 80-2009 – Re: Revised Municipal Winter Control Maintenance Policy

Director of Community Services Peggy Van Mierlo-West reported on amendments necessary to the Municipal Winter Maintenance Control plan to expand the provisions dealing with road salt management

Councillor Russell asked if the Department could review the road plowing priorities to ensure that those roads with dairy farms are considered one of the priorities.

**09-1207-15 Moved by: Councillor Simpson
Seconded by: Councillor Rupke**

That D.C.S. Report No. 80-2009 regarding the Revised Municipal Winter Maintenance Policy is approved. Carried

Administration & Finance

6.10 TR Report No. 51-2009 – Re: Rural Water Expansion Project

TR Report No. 51-2009 provided an update on the final cost calculations for the rural water expansion project, and noted that the figures have been used to determine the actual per service cost. The cost for the benefitting properties have been compiled, and included as a schedule to the by-law that sets out the future connection policies for properties.

**09-1207-16 Moved by: Councillor Dehondt
Seconded by: Councillor Illman**

That Council adopts By-law 81-2009 for the Rural Water Expansion project as outlined in Treasurer's Report No. 51-2009.

Carried

6.11 CL Report No. 88-2009 – Re: Update – Conversion to Paperless “E-gendas”

CL Report No. 88-2009 provided an update on the proposed conversion to the paperless “egenda” and noted that representatives from the software provider would be attending the next Council training session to demonstrate how the product could be used by staff, Councillors and the public.

**09-1207-17 Moved by: Councillor Simpson
Seconded by: Deputy Mayor Jamieson**

That CL Report No. 88-2009 regarding the conversion to a paperless Egenda be received and filed. Carried

6.13 CL Report No. 93-2009 – Re: Arkona Cemetery Board Appointment to Fill a Vacancy

As a result of a resignation, there is a vacancy on the Arkona Cemetery Committee, and the Board has recommended that Fran Nichol be appointed to fill the vacancy.

**09-1207-18 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Simpson**

That the appointment of Fran Nichols to serve on the “Arkona Cemetery Board”, as outlined in CL Report No. 93-2009 be endorsed, and the appointing By-law No. 80-2009 be approved.
Carried

6.14 CL Report No. 97-2009 Re: Proposed Council Meeting Dates for 2010

In accordance with the requirements of the Municipal Procedural By-law, the dates for the next year’s Council meetings are to be approved at the first meeting in December. CL Report 97-2009 contained the proposed meeting dates for 2010 for review.

**09-1207-19 Moved by: Councillor Dehondt
Seconded by: Councillor Weber**

That the proposed 2010 Council meeting dates, as outlined in CL Report No. 97-2009 be accepted as presented. Carried

Supplemental Agenda**SA1. TR Report No. 56-2009 Re: Tax Arrears Extension Agreement**

TR Report No. 56-2009 outlined the steps the Treasury Department takes to collect tax arrears and notes that there are provisions in the Municipal Act to extend the cancellation date if, within 1 year of the registration of the arrears certificate, the owners enter into a extension agreement that dictates repayment terms. A request has been made for an extension, and staff is recommending that the repayment terms and the agreement are accepted as presented.

**09-1207-20 Moved by: Councillor Dehondt
Seconded by: Deputy Mayor Jamieson**

That By-law # 82 - 2009, authorizing the execution of a tax arrears extension agreement between the owners of the property as shown on the Assessment Roll # 3845 380 030 26701 0000 and the Municipality of Lambton Shores, pursuant to Section 378 of the Municipal Act, 2001 be approved. Carried

SA 2. C.A.O. Report No. 44-2009 Re: The Forest Excelsior Band – Operating Budget

C.A.O. Report No. 44-2009 provided a history on the Forest Excelsior Band and its importance to the community throughout the years. The band members volunteer their time to perform at community events, and the municipality provides support to the band in the form of an annual grant towards a stipend for the musical director. The band practices at the North Lambton High School and although the practice room is provided at no charge to the group, the School Board is requesting the band supply proof of liability insurance. The municipal insurance provider is willing to extend the municipal liability insurance coverage to the band based on the long term relationship with the municipality.

**09-1207-21 Moved by: Councillor Russell
Seconded by: Councillor Illman**

That C.A.O. Report No. 44-2009 regarding the Forest Excelsior Band–Operating Budget and the recommendations contained therein be accepted and approved. Carried

7. BY-LAWS & RESOLUTIONS

**09-1207-22 Moved by: Councillor Rupke
Seconded by: Councillor Rupke**

That the following by-law be read a third time, passed and numbered appropriately, signed by the Mayor and Clerk and engrossed in the by-law book:

- By-law 66-2009 – Third reading – McLean Drain

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 80-2009 – Appoint Members to the Arkona Cemetery
- By-law 81-2009 – Cost of Rural Water Expansion Project By-law
- By-law 82-2009 – Tax Arrears Extension Agreement.

Carried

8. ACCOUNTS

There were no accounts for Council to review.

9. COUNCILLOR REPORTS

Deputy Mayor Jamieson advised she had attended the 2009 Ontario West Municipal Conference in London, which was well attended and very informative, and that many of the presentations were available on the AMO website.

Councillor Russell reported on a meeting held with the Thedford Spirit Club and Garden Club, and noted that the answers to the questions raised were provided by Chief

Administrative Officer John Byrne and Director of Community Services Peggy Van Mierlo-West and will be passed on to the clubs.

Mr. Russell also reported on a meeting with local farm representatives, and stated he will be bringing a recommendation to Council for an Agricultural Advisory Committee.

10. NEW BUSINESS

There was no further new business.

11. DISCUSSION PERIOD

Bob Sharen noted corrections to the directions mentioned in the PowerPoint presentation, and reported that the lights on the Grand Bend main street are not always on, and Chief Administrative Officer John Byrne noted it will be looked into.

Mr. Sharen also discussed the evaporation dishes that had been in place when the Grand Bend sewers were installed, and noted that they may no longer be in place on the main street. Mr. Byrne noted that would also be looked into.

Gord Whitehead, Forest Standard, asked if Council had discussed filling the vacant Ward 6 Council seat and Clerk Carol McKenzie advised that a report on the options would be considered at the December 21 meeting.

Eugene Dorey asked for and received confirmation that the comments in the planning powerpoint that stated the new Official Plan would discourage the conversion of seasonal housing to permanent residents would be removed.

Charlie Miller advised that he had discussed providing dredging services for the municipal harbours with the Director of Community Services Peggy Van Mierlo-West and advised he would be interested in further discussions when the issue is reviewed.

12. CONFIDENTIAL

**09-1207-23 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Weber**

That the Council meeting goes "In Camera" at 9:30 p.m. to discuss legal matters and will reconvene immediately thereafter.

Carried

Council rose from the Closed Session at 9:50 p.m.

13. ADJOURN

**09-1207-24 Moved by: Councillor Dehondt
Seconded by: Councillor Illman**

That the Council meeting adjourns at 9:50 p.m.

Carried