

# THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

## Regular Council Meeting

Meeting Number:

Date of Meeting: Monday, October 3, 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  
Director of Community Services Peggy Van Mierlo-West  
Planner Patti Richardson  
Administrative Assistant Roberta Brandon

Media Present: Lynda Hillman-Rapley, Lakeshore Advance  
Gord Whitehead, Various Publications  
Amy McMahon, The Standard

### 1. CALL TO ORDER

Mayor Weber called the meeting to order at 7:00 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 and none were declared.

Prior to reviewing the minutes of the previous meeting Mayor Weber announced the resignation of the Director of Community Services Peggy Van Mierlo-West. On behalf of Council Mayor Weber noted that he was saddened to see Ms. Van Mierlo-West leave as she has been an integral part of the Lambton Shores Management team. Mayor Weber advised that Ms. Van Mierlo-West had accepted a position with a different municipality and would be a great asset to them and wished her all the very best in her new job.

### 3. CONFIRMATION OF MINUTES FROM PREVIOUS

#### 3.1 Regular Council Meeting – September 19, 2011

## Minutes of the October 3, 2011 Council Meeting

The minutes of the September 19, 2011 Council meeting were reviewed and Councillor Underwood took exception to the resolution in Section 6.11 stating that the proposed work plan for a BMX Park within the Town of Forest be referred to the 2012 budget deliberations. He explained that he believed this issue was to come to Council for review once the report was prepared, not referred to the 2012 Budget discussions. The mover Councillor Illman and seconder Councillor Bonesteel agreed that the resolution should state "that staff be directed to consult with Councillor Underwood, the user groups and the public to develop a work plan, liability plan and timeframe for the development of a BMX Park within the Town of Forest for Council review".

Councillor Underwood further advised that he believed Council had granted permission to the Dirty Dogs allowing the sale of alcohol at their hockey games, that the resolution for Section 6.12 did not reflect this accurately. Councillors Bonesteel and Underwood agreed that the resolution should reflect that the sale of alcohol at the Legacy Centre was approved however a report was needed on where the sale of alcohol would be conducted at this facility along with information on a possible licensed area in the Shores Recreation Centre.

Councillor Illman asked that the resolution requesting a running list of staff reports and staff requests be amended to reflect that this list be referred to as the Resolution Tracker and will be provided quarterly to Council members as an "In Camera" item. The mover and seconder of this original motion were in agreement.

**11-1003-01 Moved by: Councillor Russell  
Seconded by: Councillor Illman**

That the minutes of the Council meeting held the 19<sup>th</sup> day of September, 2011 be accepted as amended. Carried

Mayor Weber noted that his statement at the September 19, 2011 Council meeting regarding the Discussion Period is being conceived as out of line and that he was not speaking on behalf of Council. Several members of Council agreed that as the statement made by the Mayor was in accordance with the Lambton Shores' Procedural By-law the Mayor was within his rights to make such a statement.

Deputy Mayor Davis-Dagg advised that there are very few opportunities for the public to speak to Council and that the Mayor was sending out the wrong message in threatening to have the Discussion Period portion of the agenda removed.

#### **4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS**

##### **4.1 Jeff Keller, Chair – South Huron Hospital Association – Re: PowerPoint Presentation**

Mr. Jeff Keller, Chair of the South Huron Hospital Association was unable to attend the meeting to present information regarding the Association however Council agreed that if they should have any questions regarding the information submitted in the agenda they could make inquiries to Mr. Keller.

**4.2 Glenn Starkey, Forest Kiwanis – Re: Information on a “Technology Issue at the Kiwanis Theatre”**

Mr. Starkey, past president of the Forest Kiwanis Club was in attendance to introduce the Kiwanis Club, provide a brief history of the Forest Kineto Theatre in Forest and to outline the current position the Kiwanis Club finds itself in regarding its existing film delivery format (35 mm).

Mr. Starkey advised that the current projection format that is used at the Kineto Theatre is being phased out by the cinema industry and that the theatre would have to replace their current system with a digital system and was requesting that Council consider some type of financial support to offset this estimated cost of \$73,584.47 and/or process any public donations through the Municipality’s charitable donation process.

Councillor Illman advised Council of the many successful fundraisers efforts conducted over the years by the Kiwanis Club for projects such as a new roof as well as extensive renovations for the theatre and asked that staff come back with a report as to how Lambton Shores could be of assistance in helping the Kiwanis Club to raise the needed funding for this change in theatrical equipment.

**11-1003-02 Moved by: Councillor Illman  
Seconded by: Councillor Cook**

That staff prepare a report for Council’s review on the options available in assisting the Kiwanis Club of Forest in its fundraising efforts for new digital equipment. Carried

**4.3 Richard F. Matzka – RE: Requesting Information on the Manner of Obtaining Opinions on Dr. Belke’s Report on the Golder Groundwater Study**

Mr. Richard Matzka appeared before Council to state his concern regarding information provided to Council from Dr. Brian Branfireun of the University of Western Ontario outlining his findings of Dr. Carl Belke’s report on the Golder Groundwater Study. Mr. Matzka stated that Dr. Belke should be honoured not vilified for preparing his report, that the report from Dr. Branfireun was biased and not positive to the concerns of the community and was being used to discredit Dr. Belke.

Mr. Matzka had several questions regarding Dr. Branfireun’s report and other reports gathered on Dr. Belke’s conclusions, as well as questioning the cost of obtaining three different opinions on Dr. Belke’s report.

The question of this presentation conforming to the Lambton Shores procedural by-law was discussed and it was agreed that Council further review what is acceptable as a delegation during protocol discussion.

**11-1003-03 Moved by: Councillor Illman  
Seconded by: Councillor Underwood**

That Council receive the delegation as presented and refer this delegation to discussion on protocol. Carried

## **5. CORRESPONDENCE & PETITIONS**

### Correspondence – Receive and File

#### **5.1 Correspondence from the Ontario Property and Environmental Rights Alliance – Re: Closing Down Rural Ontario and 5.2 Correspondence from John Irwin, P.E., Siemens – Re: Grand Bend Area Sewage Treatment Facility Expansion & Upgrade**

Council reviewed correspondence from the Ontario Property and Environmental Rights Alliance and John Irwin, P.E., of Siemens.

Deputy Mayor Davis-Dagg noted her support for the Ontario Property and Environmental Rights Alliance in its efforts to protect the rural community and Councillor Illman advised that one of the prime objectives of the proposed Official Plan is to protect agricultural land.

Councillor Bonesteel asked that the letter from Siemens regarding the Grand Bend Area Sewage Treatment Facility expansion and upgrade be referred to the Grand Bend Area Sewage Treatment Facility Board and Ad Hoc Committee for their review.

**11-1003-04 Moved by: Councillor Illman  
Seconded by: Councillor Bonesteel**

That correspondence from the Ontario Property and Environmental Rights Alliance be received and filed and that correspondence from Siemens regarding the Grand Bend Area Sewage Treatment Facility expansion and upgrade be received and referred to the Board for the Grand Bend Area Sewage Treatment Facility and Zones 3 and 4 Ad Hoc Committee. Carried

### Correspondence – For Council Direction

#### **5.3 Correspondence from Valarie Anderson – Re: Audible Traffic Light in Grand Bend and 5.4 Correspondence from Jacqueline Pentland – Re: Audible Traffic Light in Grand Bend**

Council reviewed correspondence from two individuals requesting audible traffic lights in Grand Bend for the benefit of visually impaired people and Councillor Underwood noted that this request would be reviewed by the Accessibility Committee for inclusion in its Accessibility Plan.

**11-1003-05 Moved by: Councillor Maguire  
Seconded by: Councillor Bonesteel**

That staff prepares a report providing details on installing audible traffic lights within Grand Bend and the costs associated with this installation, and be referred to the Accessibility Committee for consideration during the drafting of the Accessibility Plan.

Carried

**5.5 Correspondence from Dr. Eric Hoskins, Minister – Ministry of Citizenship and Immigration – Re: Outstanding Achievement Award**

A review of information provided by the Ministry of Citizenship and Immigration regarding a call for nominations for the June Callwood Outstanding Achievement Award for Voluntarism in Ontario was conducted and it was agreed to refer this information to our volunteer coordinator Acting Facilitator of Recreation and Leisure.

**11-1003-06 Moved by: Councillor Russell  
Seconded by: Councillor Underwood**

That correspondence from the Ministry of Citizenship and Immigration regarding the call for nominations for the June Callwood Outstanding Achievement Award for Voluntarism in Ontario be referred to the Acting Facilitator of Recreation and Leisure.

Carried

**6. Consideration of Committee Minutes and Staff Reports**

**6.1 Minutes of the Lambton Shores Official Plan Meeting held September 16, 2011**

The minutes of the Lambton Shores Official Plan meeting held the 16<sup>th</sup> day of September, 2011 were reviewed by Council and it was reiterated that the new Official Plan will not make recommendations to Council on sewage servicing for Zones 3 and 4.

**11-1003-07 Moved by: Councillor Illman  
Seconded by: Deputy Mayor Davis-Dagg**

That the minutes of the September 16, 2011 Lambton Shores Official Plan meeting be received and filed.

Carried

Planning

**6.2 PL Report No. 35-2011 – Re: Subdivision Agreement between Rice Development Company Inc. and the Municipality of Lambton Shores**

The Planner Ms. Richardson reported that staff has been working with Rice Development Company over the last year to finalize the draft approval of the west half of their lands on Main Street East in Grand Bend. In order to satisfy the conditions of draft approval the Sub-divider must enter into a Subdivision Agreement with the Municipality and that agreement was presented for Council review.

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The Planner Patti Richardson explained that Condition 12 regarding the subdivision owner preparing a traffic impact study did not have the Lambton Shores development charges incorporated into this agreement and this condition would be updated to include these charges and brought back to Council for approval.

**11-01003-08 Moved by: Councillor Underwood  
Seconded by: Councillor Scott**

That Council:

1. Approve the Subdivision Agreement between Rice Development Company Inc. and the Corporation of the Municipality of Lambton Shores for Draft Plan of Subdivision File No. SD2006-1 as presented in Planning Report No. 35-2011 and direct staff to have the agreement executed by Rice Development Company Inc., following the resolution of Condition 12 to the satisfaction of Council; and
2. Grant final approval to the west half of Draft Plan of Subdivision File No. SD2006-1 and authorize the Mayor and Clerk to sign the final plan subject to the Subdivision Agreement being executed by November 15, 2011.
3. Extend the Draft Approval lapsing date for the east half of Draft Plan of Subdivision SD2006-1 (Revised) to June 15, 2014. Carried

**6.3 PL Report No. 36-2011 – Re: Occupation Agreement between Kyle & Jennifer McIntosh – Sherrard Street, Thedford**

At the September 19, 2011 Council meeting Kyle McIntosh and Patti Turnbull requested permission from Council to use the Sherrard Street road allowance west of Dumfries Street in Thedford for the installation of an underground electrical transmission line and a gravel driveway to serve their proposed solar panel development on the adjacent lots. The occupation agreement has been prepared and was submitted for Council review and approval.

Concern was raised regarding the Municipality terminating the agreement within 180 days of the execution in the event that the owner does not use the road allowance as indicated in the agreement and it was agreed to extend this to 240 days as well as amended the term of the agreement to 20 years.

**11-1003-09 Moved by: Councillor Cook  
Seconded by: Councillor Underwood**

That Council pass a by-law authorizing the execution of an Occupation Agreement as amended with Kyle Andrew McIntosh

and Jennifer Kate McIntosh affecting the Sherrard Street road allowance lying west of Dumfries Street in Thedford. Carried

Community Services

**6.4 D.C.S. Report No. 94-2011 – Re: 2011 One Ton Truck Tender Results**

The results of the request for proposals submitted for the purchase of a one ton truck for the Community Services Department were reviewed. This RFP required all things necessary to supply a 2011 One Ton Truck, V-Plow and Box Sander.

**11-1003-10 Moved by: Councillor Russell  
Seconded by: Councillor Scott**

That D.C.S. Report No. 94-2011 be approved and that the proposal from Oxford Dodge-Chrysler Jeep be awarded that One Ton Tender in the amount of \$67,836.16 including HST. Carried

**6.5 D.C.S. Report No. 98-2011 – Re: Port Franks Speed Limits**

D.C.S. Report No. 98-2011 provided a history, information on traffic counts and vehicular speeds and potential options of resolving the issue of the speed limits in Port Franks. Maintaining the current status, restoring previous speed limits and installing pedestrian signage and maintaining current status until road upgrades are complete were the three options Council reviewed and it was agreed that Sections 1 and 3 as depicted in the report (a portion of Port Franks Road and Outer Drive) be restored to the previous limits and that Section 2 remain as is.

**11-1003-11 Moved by: Councillor Russell  
Seconded by: Councillor Scott**

That the speed limits outlined in D.C.S. Report No. 98-2011 for Sections 1 and 3 be restored to 60 km/hr for Section 1 and 80 km/hr for Section 3 and that the speed limit for Section 2 remain at 40 km/hr. Carried

**6.6 D.C.S. Report No. 99-2011 – Re: Capital Plan 2011 – GPS Equipment Purchase**

The results of the request for proposals for the purchase of new GPS Equipment were reviewed. Following presentations from those companies that bid on this equipment demonstrating how it would work the Community Services staff recommended that the submission from Leica GS12 Rover Unit be accepted.

**11-1003-12 Moved by: Councillor Bonesteel  
Seconded by: Councillor Russell**

That D.C.S. Report No. 99-2011 be approved and that staff be directed to purchase the Leica GS12 Rover from Leica Geosystems. Carried

**6.7 D.C.S. Report No. 100-2011 – Re: Capital Plan 2011 – Port Franks Air Conditioning**

Council reviewed results of the request for proposals submitted for the air conditioning unit for the Port Franks Community Centre approved in the 2011 Capital Plan. Staff of the Community Services Department recommended that the RFP submitted by Turnbull Plumbing and Electric Inc. be awarded this project in the amount of \$4,796.85.

**11-1003-13 Moved by: Deputy Mayor Davis-Dagg  
Seconded by: Councillor Russell**

That D.C.S. Report No. 100-2011 be approved and that Turnbull Plumbing and Electrical Inc. be awarded the contract for the Port Franks Library and Youth Centre Air Conditioning Project. Carried

**6.8 CL Report No. 70-2011 – Re: Policy Directive – Signage on Municipal Property**

The benefit to updating the sign by-laws to encompass the entire Municipality was discussed as well as the question of what to do with signage that is erected without permission on municipal property and/or not in compliance with the regulations of the current sign by-laws.

The Municipal Solicitor suggested that it would be advantageous for a policy to be developed to deal with the removal of signs that do not conform to the sign by-laws in order to provide clear direction to staff and to ensure that all signs are treated equitably.

Signs installed without permission on road allowances on Armstrong East were discussed and it was agreed that residents be notified that immediately following the Thanksgiving holiday, any not conforming sign would be removed.

**11-1003-14 Moved by: Councillor Scott  
Seconded by: Councillor Underwood**

That Policy #59 regarding signage on Municipal property be approved and that immediate notice be given to residents of Armstrong East that any sign in contravention of the sign by-law will be removed in accordance with the Policy. Carried

**7. BY-LAWS & RESOLUTIONS**

**11-1003-15 Moved by: Councillor Scott  
Seconded by: Councillor Russell**

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

- By-law 81-2011 – Authorize Agreement with Kyle & Kate McIntosh
- By-law 82-2011 – Confirming Resolutions to Date. Carried

### **8. ACCOUNTS**

There were not accounts for Council to review.

### **9. COUNCILLOR REPORTS**

Councillor Russell thanked his fellow members for their support in his family's efforts that raised \$5,000.00 for the fight against breast cancer, as well as advising that an organizational meeting for the Lambton Shores Nature Trail Committee was scheduled for October 19<sup>th</sup>.

Councillor Scott asked that staff prepare a report regarding the ownership of the bridge at the end of Huron Street providing information on the options of allowing trail access to the Lambton Shores Nature Trail Committee.

**11-1003-16 Moved by: Councillor Scott  
Seconded by: Councillor Russell**

That staff prepare a report on the ownership of the bridge at the end of Huron Street outlining the options for use by the Lambton Shores Nature Trail Committee. Carried

Councillor Underwood reported that the Forest Fire Department had an Open House on the weekend with the O.P.P. and County EMS in attendance that had been very well attended and that he would be attending the Lake Huron Water Supply System on Thursday, October 6<sup>th</sup>, 2011.

Councillor Bonesteel reported that there was a new restaurant in Grand Bend and the Meet and Greet hosted jointly by him and Councillor Dave Maguire was scheduled for October 8 from 10 a.m. to 12 noon.

Councillor Illman thanked staff for the Volunteer BBQ, giving kudos to the Acting Facilitator of Recreation and Leisure Shannon Prout for stepping in at the last minute and ensuring a very successful event. She further thanked Councillor Cook, Home Hardware and staff for their efforts in the tree planting recently held.

Councillor Illman noted that 2 Forest businesses were considering taking advantage of the loan program to make improvements or updates to the signage, front doors or awnings of their establishments and that the Annual Forest Business Improvement Association Dinner was scheduled for October 19, 2011.

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Councillor Cook expressed his appreciation for the support of Council on the tree planting held recently, noting 60 trees were planted.

Councillor Maguire also noted that he and Councillor Bonesteel were hosting a Meet and Greet Saturday, October 8<sup>th</sup> and reminded Council of the Thanksgiving Market and Sidewalk Sales that were to be held in Grand Bend.

Deputy Mayor Davis-Dagg advised of a musical production to be held Oct. 15<sup>th</sup>, and of a cook book being offered for sale by the Lambton County Health Services.

Mayor Weber expressed his appreciation of the Volunteer Dinner noting what a great venue the Legacy Centre was for holding such events.

### **10. NEW BUSINESS**

Councillor Under advised of his concerns with staff members being able to participate in Ceremonies on Remembrance Day and Council agreed to the importance of Council and staff taking part.

The C.A.O. John Byrne noted that it has been a regular practice of the Municipality for staff to participate in the local Remembrance Day Ceremonies.

**11-1003-17 Moved by: Councillor Underwood  
Seconded by: Councillor Russell**

That Lambton Shores' staff members who are veterans, or presently serving members of the volunteer fire departments or a serving member of a Lambton Shores Legion be allowed to participate and honour their fallen comrades during Remembrance Day ceremonies and that all staff members have the right to attend Remembrance Day ceremonies. Carried

Deputy Mayor Davis-Dagg advised that she had been in discussions with Municipal stake holders such as Bluewater Recycling, potential advertisers and staff regarding a calendar that she would put together for communication purposes.

### **11. DISCUSSION PERIOD**

Mr. Dick Matzka asked for clarification on information provided in the correspondence from Siemens.

Mrs. Ruthanne Wallace asked why Council was resistant to support the Ontario Property and Environmental Rights Alliance and noted that if Council really supported the rural community they would be supportive of this association.

Mr. Glen Baillie advised the Deputy Mayor that there are several not for profit organizations that use calendars as a way of fund raising and the impact on these groups should be considered if she was planning on another calendar.

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Mr. Bob Sharen made an inquiry as to a payment made to Dillon engineering in past accounts.

Mr. Jordy Speake asked for clarification regarding the trade-in value of the old dump truck in tendering out for a new dump truck.

**12. CONFIDENTIAL**

**11-1003-18 Moved by: Councillor Maguire  
Seconded by: Councillor Cook**

That the Council meeting goes into a "Closed Session" at 8:55 p.m. to consider personal matters about an identifiable individual, including municipal or local board employees (Authorization to Close - Section 239 (2) b of the Municipal Act) Carried

Council rose and reported progress on personal matters.

**13. ADJOURN**

**11-1003-19 Moved by: Councillor Maguire  
Seconded by: Councillor Bonesteel**

That the October 3, 2011 Council meeting adjourns at 10:45 p.m.