

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 28-2010

Date of Meeting: Monday, December 20, 2010

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

Media Present: Lynda Hillman – Rapley – Lakeshore Advance
Gord Whitehead – Various Publications

1. CALL TO ORDER

The Mayor called the meeting to order at 7:00 p.m. Prior to the start of the meeting, the Mayor expressed the appreciation of Council for those who helped out during the recent storm, including, but not limited to, the Community Services staff who were out working in very poor weather, the public who welcomed stranded visitors into their homes and the area businesses that donated food and goods.

2. DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

Mayor Weber 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 – December 06, 2010

The minutes of the December 6, 2010 regular Council meeting were reviewed, and it was noted that there was a spelling error in the name of one of the persons making comments and it should read Matzka, instead of Matzca.

**10-1220-01 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That the minutes of the regular Council meeting held the 6th day of December, 2010 be accepted as amended. Carried

Mr. Gary Scandlan, the 7:00 p.m. delegation was detained due to inclement weather; therefore, the order of the agenda was revised.

6.1 Chippewas of Kettle and Stony Point First Nation – Lambton Shores’ Joint Committee

The draft minutes from the August 27, 2010 CKSPFN-Lambton Shores’ Joint meeting were reviewed, and Councillor Illman reported that there had been a subsequent meeting on December 10, 2010, at which the new Council members had met the committee members.

With respect to the issue of the launch ramp for the Ipperwash area, Deputy Mayor Davis-Dagg questioned when comments from the public would be sought. Councillor Illman noted that a timeline had not been set, but that the goal was to accommodate the residents, therefore input would be solicited later in the spring when the residents and public were available. Councillor Illman noted that further consultation with the Chippewas of Kettle & Stony Point First Nations regarding the future location of a boat launch in the Ipperwash area would be necessary.

**10-1220-02 Moved by: Councillor Illman
Seconded by: Councillor Cook**

That the minutes from the August 27, 2010 CKSPFN-Lambton Shores’ Joint Committee be received and filed. Carried

6.3 D.C.S. Report No. 69-2010 – Re: Connecting Link Highway 21 Bridge

Director of Community Services Peggy Van Mierlo-West outlined the proposal to work with the Ministry of Transportation (MTO) to undertake improvements to the Highway 21 Bridge and at the main intersection in Grand Bend.

The process for obtaining funding approval from the MTO was reviewed, along with an overview of the proposed works, which included the installation of a pedestrian railing adjacent to the sidewalk, and the implementation of a “scramble” pedestrian crosswalk, both to improve pedestrian safety and enhance traffic flow.

**10-1220-03 Moved by: Councillor Russell
Seconded by: Councillor Bonesteel**

That D.C.S. Report No. 69-2010 be accepted, and that the railing installation project and Connecting Link Bridge and Intersection improvements be referred to the 2011 Capital budget deliberations for further consideration, together with a full report with costing

information and implications for other funding sources, and that staff be directed to install informational signage at the bridge until such time as a railing is installed. Carried

6.5 TR Report No. 54-2010 - Re: Council Remuneration and Expenses

Treasurer Janet Ferguson advised Council of the current methodology of allocating Council remuneration, which deems 1/3 of the remuneration to be reimbursement for expenses incidental to the discharge of the duties of a member of Council, and is non-taxable. Ms. Ferguson advised that if the new Council was supportive of this methodology; a resolution would be required to affirm the decision.

**10-1220-04 Moved by: Councillor Illman
Seconded by: Councillor Underwood**

That TR Report No. 54-2010 regarding Council Remuneration and Expenses be received and that Council affirm that 1/3 (one third) of the total Council remuneration be deemed to be for expenses incurred resulting from the discharge of duties as members of Council. Carried

6.7 TR Report No. 57-2010 – Re: Draft Year to Date Operating & Capital Summaries – November 30, 2010

TR Report No. 57-2010 included comments from the various Department Heads on the status of the Municipal accounts as of November 30, 2010.

Deputy Mayor Davis-Dagg asked for details of the various issues that comprise the legal expenses, and was advised that there were several complex legal cases that resulted in the budget estimate being exceeded, such as the PVB volleyball agreement termination, Arkona standpipe discharge and human resources issues; however, the bulk of the expenditures were for the mediation efforts pertaining to the Grand Bend Sewage Treatment Facility. Chief Administrative Officer John Byrne advised that as some of the issues were still in litigation, he could provide more details during a closed session of Council.

With respect to the work orders noted in the “Water” department, Director of Community Services Peggy Van Mierlo-West advised these were primarily related to the Forest waterline replacement project and that many of the costs were recoverable from property owners.

Councillor Illman noted that several changes were made last year to the stand alone “beach business unit”, and was pleased to see that the changes were working out fairly well. Councillor Maguire raised concerns with respect to the Municipality operating a concession at the beach that competed with the Main Street merchants and Director of Community Services Peggy Van Mierlo-West explained that was the reason that the canteen had a very limited menu, and had higher prices than the other merchants.

In response to the question from Councillor Bonesteel, Director of Community Services Peggy Van Mierlo-West advised that the regular users of the “Legacy Centre” were being accommodated at the surrounding arenas during the construction period. It was also noted that there would be a more in-depth discussion on the facility at the next Council meeting.

The increase in wages for the Community Service Department was the result of staff replacement and temporary employment when a full time staff member was off on short term disability. It is noted that it takes time to train new staff on the different pieces of equipment, and it is necessary to ensure sufficient staff to provide adequate coverage and maintain service levels while new staff is being trained.

**10-1220-05 Moved by: Councillor Cook
 Seconded by: Councillor Russell**

That Council approves the Draft Year to Date Financial Statements as presented and outlined in TR Report No. 57-2010. Council

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.1 Public Meeting – Power Point Presentation by Gary Scandlan of Watson & Associates Ltd. – Re: Water Ontario Regulation 453/07 Financial Plan

Mr. Scandlan addressed Council and provided a brief overview of the events leading up to the Province passing the “*Safe Drinking Water Act*” and Ontario Regulation 453/07, which is a regulation passed under the Act that requires a financial plan to be prepared and submitted to the Province as a prerequisite to obtaining a Municipal Drinking Water License to operate a water system. It was noted that this licensing is mandatory, and must be renewed every 5 years.

The plan prepared for the Municipality of Lambton Shores is based on a 10 year planning horizon, and includes forecasting the capital, operating, and reserve fund positions, detailed inventories, forecasting of future volumes and calculation of the rates, all of which is made available to the public.

The plan will also assist the Municipality with determining the life cycle costs of the infrastructure, which will be needed to plan for the replacement of the assets and to ensure the current rates are sufficient to meet the long term needs.

Questions were raised with respect to the tender for the operation of the Municipal systems, and it was noted that the most recent contract was set to expire in the midst of a very busy time, with the acquisition of the LAWSS “Lakeshore Road” line, the final section of Phase 4 of the rural water, the commencement of the compost site testing, and the addition of the Indian Hills Treatment Plant. The current systems operators, O.M.I., offered to extend the contract to ensure the maintenance of the systems continued during this demanding time.

**10-1220-06 Moved by: Councillor Russell
 Seconded by: Councillor Underwood**

That the Lambton Shores Water Financial Plan prepared by Watson & Associates Economists Ltd. dated December 15, 2010 be accepted and approved and that staff be directed to submit the plan and required information to the Ministry of Municipal Affairs and Housing and to the Ministry of the Environment. Carried

4.2 Todd Brown, Monteith Brown Planning Consultants - Re: Municipality of Lambton Shores' Recreation and Leisure Services Master Plan

Mr. Todd Brown addressed Council and presented the draft Municipality of Lambton Shores' Recreation and Leisure Services Master Plan. Council and the public were asked to review the draft plan, and provide comments back to the Municipality prior to January 15, 2011.

He noted that during the consultation there had been a number of comments received pertaining to the Municipally owned beach in Grand Bend and that while the comments had been recorded, a separate report on the Grand Bend beach was being prepared that would provide an in depth review of this important asset.

Goals of the review included looking at the current facilities and services to ensure they were correct for the target age group, and to determine key recreation and leisure trends and needs in the community. The information obtained was used to create the draft Vision Statement, from which nine strategic directions were derived, which were to:

1. Become a leading edge municipality
2. Support the volunteer community
3. Establish positive partnerships
4. Support Municipal staff
5. Have success through Municipal leadership and community development
6. Increase awareness of local resources and opportunities
7. Facilitate a range of recreation and leisure activities
8. Embrace the arts, culture and heritage
9. Have a functional and sustainable park system.

Councillor Russell questioned the fact that the first draft made reference to the Ausable River, and Mr. Brown noted that the comment had been generated from public input that this asset was deserving of mention.

When asked by Deputy Mayor Davis-Dagg what were the 3 top issues heard from the public, Mr. Brown noted they were the Grand Bend Beach, the need to support the community volunteers, and the desire for an interconnected trail system.

Councillor Illman thanked the consultants and noted the economic benefits resulting from these types of community developments, the long term nature of a master plan and that one of the prime issues that was identified from the comments was the need to focus on people first, rather than facilities. She also made note that this plan had been initiated by the former Council however it was important that the new Council get involved.

That the Council meeting adjourn at 9:11 p.m. for a public meeting under the Planning Act to hear an application to amend the Zoning By-law submitted by Larry and Metje Swart for property located at 5497 Huron View Ave. Carried

Planner Patti Richardson summarized the zoning by-law amendment application submitted by Larry and Metje Swart, which was for approval to change the designation on a portion of the land they own at 5497 Huron View Ave. to “residential” to allow the creation of a new residential lot which would encompass the existing dwelling.

Ms. Richardson noted that correspondence had been received from the Manager of Building Services at the County of Lambton Corrine Nauta, advising that the current septic system on the property was installed in 2002 and an Engineer had certified that the system was appropriate for the soil conditions on the lands.

An area resident had advised he was opposed to the application, as he did not feel that the segregation of the lot was justified or beneficial to the area.

The compliance of the request to the Lambton Shores’ Official Plan and proposed use in comparison to the use and density of the abutting area was reviewed, and Ms. Richardson advised that as the request complies with the purpose and intent of the Official Plan, she could recommend approval of the application.

Mayor Weber asked for comments from the audience, and Mr. Robert Petrie advised he represented the applicants and he supported the Planner’s report and recommendation.

Mayor Weber called for questions from Council and Councillor Underwood inquired if the distance from the property line for the septic system should be 10’ as per the report from Mrs. Nauta, or 3 m as per the Planning recommendation, and asked if it had been confirmed that the system was the required distance, and was advised that confirmation had not yet been confirmed.

Deputy Mayor Davis-Dagg questioned the potential for additional lots being created from this parcel of land, and Ms. Richardson noted that the new Lambton Shores Official Plan will limit development that is not on full Municipal services, therefore, the potential for future lots is limited.

Councillor Maguire inquired about the access for the agricultural lands, and was advised that the property currently has 2 frontages (Lakeshore Road and Huronview Ave) and while the access would likely be from Lakeshore Road, access via Huronview would not be prohibited.

Deputy Mayor Davis-Dagg asked how the severance would comply with the minimum farm size requirement of 100 acres, and Planner Richardson noted that the remnant parcel was already deficient in size, and that this deficiency is recognized in the general provisions in the zoning by-law pertaining to existing lots.

**10-1220-10 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That the public meeting close at 9:16 p.m. Carried

**10-1220-11 Moved by: Councillor Illman
Seconded by: Councillor Maguire**

That Zoning By-law Amendment Application ZO-09/2010 requesting an amendment to Zoning By-law 1 of 2003 as it affects lands known as 5497 Huron View Avenue to change the zoning on a portion of the lands which abut Huron View Avenue from an Agricultural 1 (A1) Zone to a Residential 6 (R6) Zone to allow a new residential lot to be created which will have a lot area of 4087 m² (1 acre) and will be occupied by an existing dwelling be approved, subject to the County and Municipality being satisfied with respect to the existing septic system being a minimum of 3 metres from all property lines, prior to the Zoning By-law Amendment being adopted by Council.

Carried

4.4 George Genge – Re: Support for Installation of Natural Gas in the Ipperwash Area

Mr. Genge addressed Council and advised that he was a long-time member of the community who had moved away and recently returned to the Ipperwash area. He outlined the unsuccessful process used several years ago by Union Gas to survey the residents to determine if they were interested in having gas supplied to the community, and suggested that with the recent increases in hydro rates, a new survey should be initiated, possibly with a cost comparison of the alternative fuel sources.

**10-1220-12 Moved by: Councillor Russell
Seconded by: Councillor Scott**

That Lambton Shores supports and encourages Union Gas Ltd. to extend natural gas service to the Ipperwash and Kettle Point area and that Union Gas be requested to ensure that a more effective survey of property owner interest in the idea is developed including the addition of a schedule showing “typical household costs comparisons for various heating system alternatives” as part of that survey.

Carried

6.8 CL Report No. 90-2010 - Re: Sound System – Thedford Village Complex

In CL Report No. 90-2010, Clerk Carol McKenzie advised that the 2010-2011 Lambton Shores' Accessibility Plan had included a recommendation that a sound system be installed at the Thedford Village Complex to assist persons having difficulties hearing the proceedings at Council meetings. Ms. McKenzie noted that the Council table configuration and location had recently been changed with the goal of enhancing both visibility and acoustics, and recommended that the installation of a sound system be deferred at this time and the situation be re-examined after a suitable trial period with the new configuration.

**10-1220-13 Moved by: Councillor Illman
Seconded by: Deputy Mayor Davis-Dagg**

That the calling for tenders for a sound system at the Thedford Village Complex be deferred at this time. Carried

7. By-laws and Resolutions

**10-1220-14 Moved by: Councillor Russell
Seconded by: Councillor Scott**

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 101-2010 – Being a by-law for the Imposition of Development Charges
- By-law 102 – 2010 – Confirming Resolutions to Date – December 20, 2010. Carried

8. Accounts

8.1 TR Report No. 56-2010 – Re: Accounts for the Month on November 2010

TR Report No. 56-2010 detailing the Municipal accounts for the month of November 2010 was reviewed.

**10-1220-15 Moved by: Councillor Cook
Seconded by: Councillor Bonesteel**

That the municipal accounts for the month of November 2010, in the amount of \$2,201,598.91 be accepted as presented. Carried

10. Councillor Reports

Councillor Russell provided articles to members of Council pertaining to “rubber” sidewalks from the December “Municipal World” magazine.

Councillor Cook mentioned there were issues with respect to light outages in Arkona that are affecting some of the Christmas lights. Director of Community Services Peggy Van Mierlo-West advised there was a faulty relay, and the goal was to have the replacement relay installed shortly.

Councillor Cook also asked that the upgrading of sidewalks and replacement of the paving stones in Arkona be included in the capital budget.

Councillor Underwood asked for an update on the newly installed “LED Streetlights” on MacDonald St. and resident complaints that the lighting isn’t sufficient for pedestrian and vehicular traffic. Peggy Van Mierlo-West advised that “the Community Services

Department has purchased a light meter to help it assess the effectiveness of street lighting throughout the Municipality and that once that assessment is done a report will be presented to Council on those findings along with recommendations for improvement.

Councillor Illman requested a status report on the Legacy Centre for the first meeting in January, and reported that many of the presentations from the recent AMO conference are or will be available shortly "on line". Councillor Illman also reported that the local LIN was providing \$500,000 to the 4 local health centres, including Grand Bend and North Lambton, to treat chronic disease, which will create several positions at each site.

Councillor Scott reported on the session at the recent conference entitled "Why Plan?" which discussed development tools, and the need to be creative and look outside of the box. With respect to the questions raised pertaining to heritage and culture session, Planner Patti Richardson advised that the requirement for a heritage and culture review is a standard condition of Lambton Shores' development approvals.

Councillor Bonesteel thanked Director of Community Services Peggy Van Mierlo-West for having the Rotary Trail cleared, and asked when a discussion on the Zone 3 Ad Hoc Committee Terms of Reference would take place. Chief Administrative Officer John Byrne advised the matter was scheduled for the first meeting in January.

Councillor Maguire requested a report on the possibility of a webcam to record Council sessions, and the issue was suggested to be part of the sound system discussion.

Deputy Mayor Davis-Dagg commented on the need to develop a strategic plan to outline what Council wants to accomplish in the next 4 years, and suggested that one of the upcoming "training" Council meetings be set aside for "strategic brainstorming".

Councillor Russell agreed and noted that the current strategic plan will need to be brought up to date to include recommendations from recent studies, and any new goals or directions.

Supplemental Issue – Correspondence

S.1 Correspondence from Mr. John Ross owner of Dairy Dip Ice Cream, Main St. Grand Bend Expressing Concerns about New Streetscape Improvements and Impact on his Business

**10-1220-16 Moved by: Councillor Bonesteel
Seconded by: Councillor Russell**

That the letter submitted by John Ross pertaining to municipal issues be brought forward. Carried

Mayor Weber advised that he had received a letter directed to the Mayor and Council from Mr. Ross, outlining concerns with the new Grand Bend streetscape and the reduced number of parking spaces. The issues and concerns were discussed and referred to the 2011 budget discussions.

**10-1220-17 Moved by: Councillor Russell
Seconded by: Councillor Bonesteel**

That the letter from Mr. John Ross owner of Dairy Dip Ice Cream. Main St. Grand Bend expressing concerns about the recently completed enhancement of Main St. along with suggestions for addressing those issues, be referred to the 2011 Budget deliberations for further consideration. Carried

Mayor Weber advised that a letter had been received from Ivan Armstrong Trucking of Arthur, Ontario, thanking the community for the hospitality extended to the company's drivers during the recent winter storm, in appreciation; the company enclosed a donation for the community centre.

11. Discussion Period

Walter Kratz, Southcott Pines, stated that Dr. Belkie had previously sent a letter to Council asking for a meeting and had not received a response. Mayor Weber noted that he would look into the issue.

Dick Matzka asked if ground water testing would continue, and was advised the testing was still taking place on a quarterly basis. Director of Community Services Peggy Van Mierlo-West noted she would ensure the results were still available on the website.

Dick Matzka also asked if an official letter had been sent to the Ministry of the Environment advising of the withdrawal of the E.A. for Zone 3, and was advised that the letter had been sent on December 7, 2010.

**10-1220-18 Moved by: Councillor Underwood
Seconded by: Councillor Scott**

That the December 20, 2010 Council meeting extend beyond 10:00 p.m. Carried

Mr. Ernest Lewis requested a copy of the letter sent to the M.O.E. regarding the withdraw of the Zone 3 E.A., and requested a certified copy of the resolution.

**10-1220-19 Moved by: Councillor Russell
Seconded by: Councillor Cook**

That the meeting go into a closed session at 10:05 p.m., and will reconvene immediately thereafter. Carried

Council rose with no items to report at 10:15 p.m.

**10-1220-20 Moved by: Councillor Underwood
Seconded by: Councillor Cook**

That the December 20, 2010 Council meeting adjourn at 10:15 p.m. Carried