

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 28-2009

Date of Meeting: Monday, December 21, 2009

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

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

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 – December 7, 2009

The minutes of the Council meeting held the 7th day of December, 2009 were reviewed, and the timing of the development of the “scope of work” for the Recreation Master Plan was discussed. Director of Community Services Peggy Van Mierlo-West anticipated that the draft will be ready for Council review by the end of January, and that it may take one full year to complete the public consultation and finalize the report.

09-1221-01 Moved by: Councillor Dehondt
Seconded by: Councillor Russell

That the minutes of the December 7, 2009 Council meeting be
accepted as presented. Carried

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS

4.1 Swearing In of the President for the Grand Bend Chamber of Commerce, Brianne Haist

Brianne Haist, the new president of the Grand Bend and Area Chamber of Commerce, was sworn in by Mayor Minielly.

4.2 Michael Gibbs – Re: Archaeological Site behind the Lambton County Museum

Mr. Michael Gibbs advised Council of a “looting” of the archaeological site behind the Lambton Heritage Museum that was reported to the Ontario Provincial Police, and he asked the Mayor to follow up on the report. He also noted a reported desecration of a cemetery in Hillsboro, and an issue with respect to the scope of work for an Ausable Bayfield Conservation Authority project that he requested the Mayor to look into.

5. CORRESPONDENCE & PETITIONS

5.1 Connie Boere – Re: Request to Sever 50 Acre Parcel for Residential Use

Connie Boere had presented information to Council on property she and her husband own outside of Thedford that they would like to divide into saleable lots. The property is designated “Agricultural”, and she asked for information as to whether or not it would be possible to divide the lot.

**09-1221-02 Moved by: Councillor Illman
Seconded by: Councillor Russell**

That the issue of subdividing property located at Concession 3, Part of Lots 24 and 25 be referred to the Planner for a report on the compliance of the request with municipal planning documents and the Provincial Policy Statements. Carried

5.2 The Rotary Club of Forest – Re: Proposed Skateboard Park Facility, Forest

A request has been received from the Rotary Club of Forest for the development of a Skateboard Park in Forest, and the recommendation was to refer the request to staff for inclusion in the Recreation Master Plan review.

**09-1221-03 Moved by: Councillor Illman
Seconded by: Councillor Simpson**

That the request from the Rotary Club of Forest regarding a proposed Skateboard Park Facility for Forest be referred to the Facilitator of Recreation and Leisure for consideration during the Recreation Master Plan.

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

Corporate & Strategic

6.1 C.A.O. Report No. 38-2009 – Re: Strategic Plan Review and Update – July to December, 2009

Chief Administrative Officer John Byrne provided a review and update on the Strategic Plan initiatives that had been completed between July and December 2009.

The need for an annual review of the Strategic Plan initiatives was discussed, as well as methods of obtaining feedback from the residents. It was noted that the information could be posted on the website, with feedback opportunities.

**09-1221-04 Moved by: Councillor Dehondt
Seconded by: Councillor Illman**

That C.A.O. Report No. 38-2009 regarding a review and update of the Strategic Plan from July to December, 2009 be received and filed. Carried

4.3 Rob Sutherland – Re: Conditions of Bayley Street in Forest

A delegation of residents from Bayley Street in Forest attended the meeting to discuss the prolonged state of disrepair of the road. Mayor Minielly noted that the portion of Bayley Street from Broadway to McKenzie will be repaired in 2010 as part of the waterline replacement, and that the section from Church to McKenzie is included in the proposed capital schedule for 2011.

6.2 C.A.O. Report 47-2009 – Re: The Legacy Centre, Thedford – Implementation Plan

In C.A.O. Report No. 47-2009, Chief Administrative Officer John Byrne provided an update on “The Legacy Centre” tender and the changes in the scope of work since the project commenced. It was noted that the original proposal was to renovate the existing facility, whereas the current plan includes the incorporation of the Thedford Library, and accessibility and energy conservation initiatives. These new design features increased the estimate for the project, and the recently received tenders were higher than the original budget amount.

After discussing the option available, and confirming that the municipality had sufficient debt capacity to finance this project and other upcoming issues, the decision was to accept the tender as received.

**09-1221-05 Moved by: Councillor Russell
Seconded by; Councillor Weber**

That C.A.O. Report No. 47-2009 regarding the new Legacy Centre project in Thedford and the recommendations contained therein be accepted and approved and that the tender for construction of the new facility be awarded to Agri-Urban Buildings Inc., Dresden, Ontario. Carried

Chief Administrative Officer John Byrne also presented C.A.O. Report No. 50-2009 which detailed financing options for the project.

**09-1221-06 Moved by: Councillor Russell
Seconded by: Councillor Weber**

That C.A.O. Report No. 50-2009 regarding the financing of the Thedford Legacy Centre project by accepted and approved and that staff continue to report back on cost cutting measures and final financing costs at a future date. Carried

6.3 C.A.O. Report No. 48-2009 – Re: Scout Hall Rental Agreement – Contact House, Forest

The agreement to implement the use of the former Forest Scout Hall at the Forest Arena complex by the Contact House Food Bank has been prepared and presented for Council's approval.

**09-1221-07 Moved by: Councillor Illman
Seconded by: Councillor Dehondt**

That the Mayor and Clerk be authorized to execute a rental agreement for the use of the Scout Hall building in Forest for the Contact House Food Bank as outlined in C.A.O. Report No. 48-2009. Carried

6.4 C.A.O. Report No. 49-2009 – Re: Proposed Upgrades to Access Cedar Cove Marina

Information on the proposal by the owner of the Cedar Cove Marina to improve the access to the establishment, and the request for Municipal support for any grants available to the private sector for this type of project were outlined in C.A.O. Report No. 49-2009.

**09-1221-08 Moved by: Councillor Dehondt
Seconded by: Councillor Illman**

That Council support in principal the proposed plan and grant application to upgrade the Cedar Cove Marina access as outlined in C.A.O. Report No. 49-2009. Carried

4.4 Gary Scandlan, Watson & Associates Economists Ltd. – Re: Water and Wastewater Rate Review

Mr. Scandlan provided an overview of the legislation that regulates water and wastewater, and the impact the legislation has on municipal operations and water rates. Also presented were the present rate structures, and the current and forecasted water and wastewater billable volumes. The proposed capital infrastructure needs, lifecycle

reserves and financing options together with the recommended rate structure to meet the present and future needs were reviewed as well.

Mayor Minielly asked for questions from the members of Council:

Councillor Illman questioned the difference between capital financing for the LAWS System and the Lake Huron system and was advised that Lake Huron collects all increases from the rates whereas the LAWS System does not have much capital planned.

Also requested was information on the rates charged by the Municipality of South Huron as a comparative.

Mayor Minielly asked for questions from the audience:

Bob Sharen noted that another financing option was for residents to commutate capital costs, and asked for details on the computation of the Municipality's Development Charge. Mr. Scandlan provided general information on the calculation of the charge, and noted that there may be specific agreements in place that dictate a different collection schedule.

It was noted that the by-law to enact the rates will be presented at the January 11, 2010 Council meeting.

**09-1221-09 Moved by: Councillor Weber
Seconded by: Councillor Simpson**

That the proposed water and wastewater rates for Lambton Shores as prepared by Watson and Associates and presented December 21, 2009 be approved in principle, and that the enacting by-law be presented at the January 11, 2010 Council meeting. Carried

Planning

6.6 PL Report No. 45-2009 – Re: Request for Allocation of Sewage Capacity – 45 Main Street, Grand Bend – Jack Spiers

A request has been received from the owner of 45 Main Street for an allocation of the unallocated sanitary capacity in the Grand Bend Sewage Treatment Facility to accommodate the proposed uses for the property. Planner Patti Richardson noted there is sufficient capacity in the plant to grant the request, and recommended approval conditional on the owner entering into a site plan agreement for the property prior to May 31, 2010.

**09-1221-10 Moved by: Councillor Dehondt
Seconded by: Councillor Simpson**

That Council allocate 1 cubic metre of sewage capacity to lands known as 45 Main Street in Grand Bend subject to the owner entering into a Site Plan Agreement with the Municipality by May 31, 2010. Carried

Community Services

6.7 D.C.S. Report No. 82-2009– Re: Tenders for Phase II of the Forest Watermain Replacement Program

Director of Community Services Peggy Van Mierlo-West provided details on the tenders received for the Forest watermain replacement project.

**09-1221-11 Moved by: Councillor Illman
Seconded by: Councillor Russell**

That D.C.S. Report No. 83-2009 regarding the 2009 Capital Program – Forest Watermains Contract No. 2 be approved and that Birnam Excavating be awarded this project. Carried

6.8 D.C.S. Report No. 82-2009 – Re: Base Fee Adjustment – OMI Water/Wastewater Agreement

D.C.S. Report No. 82-2009 outlined the terms of the agreement with CH2M Hill OMI for the operation of the Lambton Shores water and wastewater systems that include an annual adjustment to the base rate.

**09-1221-12 Moved by: Councillor Weber
Seconded by: Councillor Illman**

That D.C.S. Report No. 82-2009 regarding Base Fee Adjustment – OMI Water/Wastewater Agreement be approved. Carried

Administration & Finance

6.9 TR Report No. 54-2009 – Re: Forest BIA 2010 Budget

The proposed 2010 BIA Budget was reviewed, and Councillor Illman provided details on the proposed allocations.

**09-1221-13 Moved by: Councillor Illman
Seconded by: Councillor Russell**

That Council approves the Forest BIA 2010 Budget as presented and incorporated into the 2010 Operating Budget for Lambton Shores for levying purposes. Carried

6.10 TR Report No. 58-2009 – Re: 2010 Assessment

Treasurer Janet Ferguson provided an overview of the 2010 assessments for Lambton Shores, including a graph depicting the assessment composition.

**09-1221-14 Moved by: Councillor Simpson
Seconded by: Councillor Weber**

That TR Report No. 58-2009 regarding the 2010 Assessment be received and filed.

6.11 TR Report No. 60-2009 – Re: 2010 Ontario Municipal Partnership Fund

TR Report No. 60-2009 provided details on the 2010 Ontario Municipal Partnership Fund allocations for Lambton Shores.

**09-1221-15 Moved by: Councillor Illman
Seconded by: Councillor Simpson**

That TR Report No. 60-2009 regarding the 2010 Ontario Municipal Partnership Fund be received and filed. Carried

6.13 CL Report No. 99-2009 – Re: Declaring a Council Seat Vacant – Ward 6

Clerk Carol McKenzie outlined the Municipal Act requirements for declaring a seat vacant and options for filling the Ward 6 Council Seat vacancy in CL Report No 99-2009.

**09-1221-16 Moved by: Councillor Russell
Seconded by: Councillor Simpson**

That the Ward 6 Council seat be declared vacant as of December 21, 2009, and that the vacancy be filled by appointment, in accordance with the Municipal policy, and Section 263 (1)(a) of the Municipal Act. Carried

6.14 CL Report No. 101-2009 – Re: Appointment of a Fire Chief for the Forest Fire Department

CL Report No. 101-2009 outlined the process used to select the replacement for the retiring Forest Fire Chief, and included the by-law necessary to confirm the appointment.

**09-1221-17 Moved by: Councillor Weber
Seconded by: Councillor Illman**

That By-law 85-2009 confirming the appointment of Dave McLean as the Fire Chief for the Forest Fire Department as outlined in CL Report No. 101-2009 be approved. Carried

6.15 CL Report No. 102-2009 – Re: The Appointment of a Member of Lambton Shores' Council to Sit on the Court of Revision for the Hobbs McKenzie Drain

CL Report No. 102-2009 advised of the need for a member of the Lambton Shores' Council to sit on the Court of Revision for the Hobbs McKenzie Drain initiated by the Township of Warwick, to represent the Lambton Shores residents assessed on the drain.

**09-1221-18 Moved by: Councillor Simpson
Seconded by: Councillor Weber**

That John Russell be appointed to serve as the Lambton Shores representative on the Court of Revision for the Hobbs-McKenzie drain, initiated by the Township of Warwick as outlined in CL Report No. 102-2009. Carried

6.16 CL Report No. 103-2009 – Re: Rural Waterline and Future Connection Requirements

At the last Council meeting, a by-law was passed which outlined the future connection requirements for properties serviced by the rural waterline. An additional scenario had been discussed, and it is recommended that the by-law be amended to include a requirement for connection when additions to existing dwellings are undertaken.

**09-1221-19 Moved by: Councillor Illman
Seconded by: Councillor Russell**

That for existing dwellings that front on the Rural Waterline, mandatory connection to the waterline, as per Section 7.1.5.3 of the Building Code, will be required upon the issuance of a building permit for either; a) an increase of 15% or more of the finished area of the dwelling unit, or b) the addition or upgrading of washrooms and/or bathing facilities. Carried

6.17 CL Report No. 104-2009 – Re: Policy for By-law Infraction Complaints

In CL Report No. 104-2009, Clerk Carol McKenzie outlined the standard operating procedure when dealing with complaints received for violations under the Property Standards or Tidy Yard By-laws. It is recommended that a formal policy be approved to enshrine the practice.

**09-1221-20 Moved by: Councillor Dehondt
Seconded by; Councillor Simpson**

That the Policy #54, pertaining to handling complaints filed under the Property Standards and Tidy Yard by-laws as outlined in CL Report No. 104-2009 be approved. Carried

7. BY-LAWS

**09-1221-21 Moved by: Councillor Weber
Seconded by: Councillor Russell**

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 85-2009 – Appoint a Fire Chief
- By-law 86-2009 – Amend By-law 81-2009 – Providing for Establishment & Collection of Fees & Set Future Connection Policies for the Rural Water Expansion Project
- By-law 87-2009 – Confirm Resolutions to Date. Carried

8. ACCOUNTS

8.1 TR Report No. 59-2009 – Re: November, 2009 Cheque Register

The accounts for the Month of November 2009 were reviewed.

**09-1221-22 Moved by: Councillor Weber
Seconded by: Councillor Simpson**

That the accounts for the month of November, 2009 in the amount of \$ 3,239,190.38 be approved.

9. COUNCILLOR REPORTS

Councillor Illman advised that the second draft of the Lambton Shores Official Plan should be reviewed by the Committee in January or February, referred to Council in March/April, a public open house and public meeting in May.

John Russell noted that he had passed on a list of questions to Chief Administrative Officer John Byrne for response.

John Dehondt noted that there is someone interested in putting on an international level rugby tournament at the Klondyke park and at the beach, and he will be contacting Ashley and Peggy in the new year.

Chief Administrative Officer John Byrne asked that if Councillors receive concerns from residents, it helps us to know what the concerns are, and if they contact the municipal office, we can determine what the issues are and start building a paper chain and give people some feedback, and it may be that the issues are referred to Council for resolution.

It was also noted that the policy for directional signage is still on the list but is not completed yet.

6.5 Discussion – Re: 2010 Operating & Capital Budget Review

The decision was to discuss the 2010 Capital Budget at the January 19th, 2010 meeting.

10. NEW BUSINESS

There was no other new business.

11. DISCUSSION PERIOD

Lynda Hillman Rapley asked for and received details on the Olympic torch relay route.

12. CONFIDENTIAL

**09-1221-23 Moved by: Councillor Dehondt
Seconded by: Councillor Russell**

That the Council meeting goes "In Camera" at 8:40 p.m. to discuss legal matters and will reconvene immediately thereafter.

Carried

Council rose from the Closed Session at 9:05 p.m.

13 ADJOURN

**09-1221-24 Moved by: Councillor Weber
Seconded by: Councillor Dehondt**

That the Council meeting adjourns at 9:06 p.m.

Carried