

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting Number: 31-2011

Date of Meeting: Monday, December 5, 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

Council Absent: Councillor Doug Cook
Councillor John Russell

Staff Present: Clerk Carol McKenzie
Treasurer Janet Ferguson
Planner Patti Richardson
Administrative Assistant Roberta Brandon

Staff Absent: C.A.O. John Byrne

Media Present: Lynda Hillman-Rapley, Lakeshore Advance
Brette Hamilton & John Preston, The Standard

1. CALL TO ORDER

Mayor Weber called the meeting to order at 6:30 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 with respect to the business itemized on the agenda and none were declared.

With consent of Council the order of the agenda was amended to accommodate the 6:30 p.m. delegation.

4. DELEGATIONS & PRESENTATIONS

4.1 Francis Veilleux, Bluewater Recycling – Re: Automated Collection Services

Mr. Francis Veilleux of Bluewater Recycling appeared before Council to make a presentation on a possible changeover from the current system of garbage and recycling collection to an automated collection.

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Mr. Veilleux provided Council with information on the Blue Box Program ~~from inception~~ and advised that although the current program is quite successful, problems do occur such as overflowing boxes creating litter issues, poor ergonomics leading to employee injuries, lack of capacity to increase further recover materials and “scavenging” of valuable issues to name a few.

He advised that Bluewater Recycling has been searching for a better way to provide garbage and recycling services to the public, to accommodate the change in packaging, consumption, a shrinking and aging workforce, health and safety concerns and increased costs and are proposing a state of the art advanced automated collection system.

Mr. Veilleux outlined several reasons why the Municipality should consider converting to an automated system, such as higher productivity, increased efficiency, increased worker’s and user’s safety and cost savings. Complimentary bins having the capacity of up to 6 blue boxes, the bins being easier to handle, improving neighbourhood esthetics and lowering costs were just a few of the benefits Mr. Veilleux outlined for Council.

He further proceeded in outlining the Bluewater Recycling Association’s commitment to this upgrade, and provided information on the service options, recycling and waste container options, fee comparisons for those containers and frequency of pickup.

Councillor Bonesteel inquired if this new automated system would eliminate the need for garbage tags and it was confirmed that the tags are not needed for the automated system however collection is based on user pays as a RFD tag is built into each collection bin recording who’s bin is being emptied, amount of garbage being picked up and any contaminants this bin would contain.

Councillor Bonesteel also asked if there would be flexibility in the pickup schedule from season to season and Mr. Veilleux noted that a more fixed schedule would need to be in place.

Councillor Illman asked what the procedure would be in notifying the residents of this newest technology and Mr. Veilleux explained those steps that could be taken to inform municipal residents such as sending out notices, scheduling public information sessions, advertising and relying on media coverage.

Further to an inquiry from Councillor Martin, Mr. Veilleux advised that there would be occasions when a resident’s container would not accommodate the amount of garbage that person would have and there would be some flexibility in allowing the occasional tagged garbage bag however it might be necessary for the resident to attend the area Landfill site.

Deputy Mayor Davis-Dagg noted that she found this new technology definitely visionary however in discussion with rural residents concerns were raised in having to drag this large container down a lengthy laneway and the invasion of privacy that some rural residents feel will occur with having a picture taken of their garbage.

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Mr. Veilleux assured the Deputy Mayor that there were ways of dealing with having to drag these containers down a long laneway and that any picture taken of someone's garbage and or recycling was done so to ensure proper use of the system only.

Issues regarding renters, public education, the results of the on-line and mail in survey and capital costs were also discussed.

**11-1205-01 Moved by: Councillor Bonesteel
Seconded by: Councillor Scott**

That Council accepts the Bluewater Recycling Association (BRA) proposal in principle to initiate automated garbage collection in the Lambton Shores' community in 2012 and that staff supply BRA with an accurate count of the number and different types of containers to appropriately service our residents and that Councillor John Russell work with staff as Councillor liaison on this project.

Carried

3. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Regular Council Meeting – November 21, 2011

Minutes of the regular Council meeting held the 21st day of November were reviewed and Deputy Mayor Davis-Dagg noted her concern with the vagueness of resolution # 11-1122-06 regarding a report on the issue of mandatory connection to municipal services as a result of planning applications. The Deputy Mayor noted that this resolution did not reflect that this report was to provide information on the previous Council's decision with respect to mandatory hookup to the rural waterline.

Planner Patti Richardson confirmed that staff was quite clear that this report would provide details on the issue of mandatory connection for rural severances as compared to planning policies on other types of development for council's review, and further direction.

**11-1205-02 Moved by: Councillor Illman
Seconded by: Councillor Maguire**

That the minutes of the regular Council meeting held November 21, 2011 be accepted as presented.

Carried

5. CORRESPONDENCE & PETITIONS

Correspondence – Receive and File

5.1 Correspondence from Cathie Brown, Project Manager ABMV Source Protection Region – Re: Drinking Water Source Protection Plans

Council reviewed correspondence from Cathie Brown, Project Manager of ABMV Source Protection Region advising that the source protection plans are underway and

will be ready for a formal commenting process called “pre-consultation” before the end of the year for comments on this plan from the implementing bodies such as municipalities, ministries and conservation authorities.

Deputy Mayor Davis-Dagg advised that she had concluded from this document that no sewage lines would be allowed within 300 metres within any intake and would this become an issue when bringing major forcemains from Bluewater to Grand Bend. It was pointed out that the intake at Port Blake was at least a mile out in the lake and should not be an issue.

**11-1205-03 Moved by: Councillor Illman
Seconded by: Councillor Underwood**

That correspondence from Cathie Brown, Project Manager of ABMV Source Protection Region on both the source protection plan and drinking water source protection news be received and filed.

Carried

Correspondence – For Council Direction

5.2 Correspondence from Ontario Good Roads Association – Re: OGRA Nominations

Correspondence from the Ontario Goods Roads Association regarding the final call for nominations to the Board of Directors was reviewed.

11-1205-04 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Maguire

That correspondence from the Ontario Good Roads Association regarding a final call for nominations to the Board of Directors be received and filed.

Carried

5.3 Correspondence from Christ Church Anglican – Re: 2 Handicap Parking Spaces

Council reviewed a request from the Christ Church Anglican in Forest for two handicap parking spaces in front of the church along Main Street. Councillor Underwood noted there are several elderly members attending this church that cannot easily access the church from the rear parking lot and having two handicap parking spaces out front would be a great benefit to these people.

**11-1205-05 Moved by: Councillor Scott
Seconded by: Councillor Under**

That this request from the Christ Church Anglican for 2 handicap parking spaces on Main Street in Forest be referred to staff for inclusion in future accessibility plans.

Carried

5.4 Correspondence from Management & Staff of the Pine Dale Motor Inn – Re: Lack of Christmas Spirit in Grand Bend

Council reviewed a letter from management and staff of the Pine Dale Motor Inn stating their displeasure with what they consider to be a lack of Christmas Spirit on the Municipality's part for the absence of Christmas decorations in Grand Bend.

Councillor Scott asked that this be a matter for consideration in the 2012 budget however Councillor Bonesteel noted that having the downtown areas of the Municipality decorated for Christmas was not solely up to the Municipality itself but should be a partnership with such groups as the Chamber of Commerce, Rotary and Optimist Clubs working as a team for future Christmas decorating in Grand Bend.

Councillor Bonesteel further noted the lack of concern for aesthetics in the downtown core of Grand Bend when businesses close after the summer season.

Councillor Illman noted how the contributions of the Forest Business Association and the Thedford Spirit Club have enhanced the Christmas decorating efforts in these areas of the Municipality, that there are grants that can be applied for to assist with these efforts and that partnerships with local community organizations can be an asset.

Deputy Mayor Davis-Dagg asked for consideration of a phased in approach to purchasing Christmas decorations for Grand Bend as they can be quite expensive.

**11-1205-06 Moved by: Councillor Bonesteel
Seconded by: Councillor Illman**

That the issue of the lack of Christmas decorations in the Village of Grand Bend be referred to staff and budget discussions and that Councillor Maguire be appointed Council liaison to work with the Village on plans for future Christmas decorating. Carried

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

6.1 Minutes of the Lambton Shores Accessibility Committee Meeting held November 9, 2011

The minutes of the Lambton Shores Accessibility Committee meeting held the 9th day of November were reviewed and Councillor Illman noted her pleasure with this Committee in addressing those issues of accessibility.

**11-1205-07 Moved by: Councillor Underwood
Seconded by: Councillor Maguire**

That the minutes of the November 9, 2011 meeting of the Lambton Shores Accessibility Committee be received and filed and that the 2011-2012 Accessibility Plan be accepted as presented.

Carried

6.2 C.A.O. Report No. 70-2011 – Re: Request for New Engineer’s Report on Kennedy Line

C.A.O. Report No. 70-2011 provided information on the necessity for a new drainage report to allow for construction of a drainage system at the easterly end of Kennedy Line as it intersects with Ausable River.

**11-1205-08 Moved by: Councillor Bonesteel
Seconded by: Councillor Illman**

That the petition request for a drainage system through an Engineer’s report for the Kennedy Line under Section (4.1) be approved as outlined in C.A.O. Report No. 70-2011 and that Spriet and Associates be appointed as the engineer for the project conditional on the expiration of the 30 day notice period required under Section 6 of the Drainage Act. Carried

6.3 C.A.O. Report No. 71-2011 – Re: DWQMS Update

C.A.O. Report No. 71-2011 provided details on the status of drinking water operations.

**11-1205-09 Moved by: Councillor Illman
Seconded by: Councillor Underwood**

That C.A.O. Report No. 71-2011 regarding the quarterly update on the Drinking Water Quality Management System be received and filed. Carried

6.4 C.A.O. Report No. 72-2011 – Re: Lambton Shores’ Solid Waste Management Plan

Council reviewed information on the Lambton Shores’ Solid Waste Management plan and the results of an on-line and mail in survey of property owners. The report provided Council with an overview of what the services currently are and recommendations on what can be done in the future to enhance and strengthen those services.

**11-1205-10 Moved by: Councillor Bonesteel
Seconded by: Councillor Scott**

That Council accept the draft Waste Management Study in principle and refer the plan to staff for review, cost and prioritizing and that Councillor John Russell act as Council liaison to staff in this project. Carried

Administration and Finance

6.5 TR Report No. 57-2011 – Re: Tangible Capital Asset Program – 2012 Budget

Information on computer software that is required to assist the Finance Department in reporting municipal assets for the PSAB accounting requirements was provided in TR Report No. 57-2011. The Finance Department is recommending the CityWide Tangible Assets software solution be purchased prior to December 21, 2011 to receive the current pricing of \$14,990.00.

**11-1205-11 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Illman**

That Council approves the commitment to purchase the Tangible Capital Asset Software program as outlined in TR Report No. 57-2011. Carried

6.6 CL Report No. 84-2011 – Re: Applications heard by the Committee of Adjustment on November 24, 2011

Council reviewed the decisions of the Committee of Adjustment on applications heard November 24, 2011 meeting and Councillor Bonesteel noted how impressed he was with the Chairman of this Committee and how he handled the “contentious issue” in Grand Bend.

**11-1205-11 Moved by: Councillor Bonesteel
Seconded by: Councillor Maguire**

That CL Report No. 84-20911 regarding the applications heard by the Committee of Adjustment at the meeting held November 24, 2001 be received and filed. Carried

6.7 CL Report No. 85-2011 – Re: Policy Request – Dealing with Marijuana Grow Ops

Information on what the Municipal role is when notified by the police of a “Grow Op” located within Lambton Shores was outlined in CL Report No. 85-2011. Council reviewed a proposed policy outlining the procedure staff is to take when informed of a “Grow Op”.

**11-1205-12 Moved by: Councillor Illman
Seconded by: Deputy Mayor Davis-Dagg**

That Policy No. 60, detailing the procedures for the Municipality to adhere to when notified of a “Marijuana Grow Operation”, as outlined in CL Report No. 85-2011 be approved. Carried

6.8 CL Report No. 88-2011 – Re: Lease and Encroachment Agreements -10 Main Street, Grand Bend

A request to assign an encroachment agreement and lease agreement from new owners of property located at 10 Main Street in Grand Bend was reviewed. It was noted

that these two agreements for use of Municipal land were entered into several years ago and contain clauses that require them to be carried over to new owners.

**11-1205-13 Moved by: Councillor Maguire
Seconded by: Councillor Illman**

That the lease and encroachment agreements between the Corporation of the Village of Grand Bend and owner of 10 Main Street, Grand Bend for the use of municipal land in the former Village of Grand Bend be assigned to the new owner of the property, and the Mayor and Clerk are authorized to sign the "Assignment Agreement:". Carried

6.9 CL Report No. 89-2011 – Re: By-law and Tender Agreement for the Sercombe Drain with Van Bree Drainage

Previously, Council had approved the tender submitted by Van Bree Drainage for the reconstruction of the Sercombe Drain. The required agreement to conduct this work has been signed by Van Bree drainage and was submitted for Council review.

**11-1205-14 Moved by: Deputy Mayor Davis-Dagg
Seconded by: Councillor Underwood**

That the agreement with Van Bree Drainage and Bulldozing Ltd. for the Sercombe Drain 2011, and the authorizing By-law 104-2011, as outlined in CL Report No. 89-2011 be approved. Carried

7. BY-LAWS AND RESOLUTIONS

**11-1205-15 Moved by: Councillor Underwood
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 101-2011 – Authorizing the Agreement with Larry & Vaughn Wellington for Provision of a Parking Lot
- By-law 102-2011 – Confirming Resolutions to date
- By-law 103-2011 – Authorize Assignment of Agreement for 10 Main Street, Grand Bend
- By-law 104-2011 – Authorize Agreement with Van Bree for Sercombe Drain. Carried

8. ACCOUNTS

There were no accounts for Council to review.

9. COUNCILLOR REPORTS

Councillor Bonesteel advised that he and Councillor Maguire had attended a very productive meeting with the Southcott Pines Homeowners' Association, that the Dirty Dogs had agreed to the terms presented by the Municipality for compensation for the loss of the use of the Legacy Centre, that he had attended the Grand Bend Sewage Advisory Ad Hoc Committee meeting held November 28th and that preparations were underway for the Public Meeting on sewers in Grand Bend to be held December 10th at the Grand Bend Legion.

Councillor Scott asked for information on how Council was promoting the availability of the Municipal industrial land being either for rent or for sale and was advised that this property is being promoted through the Sarnia Lambton Economic Partnership, that there have been several inquiries concerning this property; however more that could be done to encourage interest in this property.

11-1205-16 Moved by: Councillor Scott
Seconded by: Deputy Mayor Davis Dagg

That staff be directed to prepare a report providing information on future promotion of the Municipal industrial land in Forest.

Carried

Councillor Scott further inquired as to what Council's plans were for the former Thedford library building.

11-1205-16 Moved by: Councillor Scott
Seconded by: Councillor Illman

That staff be directed to prepare a report on options for the future of the former Thedford Library building.

Carried

Councillor Scott reported that she had attended the Collector to Collector Art display by ABCA and that although not well attended, it was an amazing event.

Mayor Weber reported that the Mayor of Plympton-Wyoming Mr. Lonnie Napper would be participating in the Alzheimer's Walk for Memories on January 29th and pledge forms were available if Council members chose to sponsor him, and that he was making available copies of the Lambton County agendas for those people would like to review these

He also reported that he had participated in the Forest Santa Clause Parade and that County Warden Steve Arnold had participated in the Thedford Santa Claus Parade.

Deputy Mayor Davis-Dagg emphasised the importance of attending the Grand Bend Sewer Advisory Ad Hoc meeting to be held December 10th and how interesting it was going to be to hear the public's feedback on this issue.

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She further reported that she had attended the 2011 Ontario West Municipal Conference held November 25th and had found it very informative and that consideration should be given to a bio-digester program and the money that could be raised from the collection and processing of human waste through energy and composting.

Councillor Illman reported that she would be attending the Ad Hoc meeting on December 10th and advised that after listening to the Task Team 4 – Deputy Mayor's PowerPoint presentation on the Westshore Media site asked the Committee members to consider providing more data to help clarify some aspects of the presentation. Clarification was needed as follows:

1.1 Tables 2 and 3 related to capacity- there does not appear to be a reference to how our engineering consultant determined the size of the proposed plant as well as our required capacity, which needs to be clarified. The long term capacity number of 1693 is not a staff or consultant number. New development has not been allocated 1693.

- Plant size and capacity based on: existing connected population in study area, existing unconnected population in study area, projected population growth rate of 2% per year for 20 years and Pinery capacity commitment;

1.2 Clarify –plant not designed on full build-out of any development;

1.3 There is a statement that the 799 m³ for South bend and the 340 m³ for Rice does not include the commercial-planners report does state that commercial is included-should be corrected;

1.4 Cost of 26 million –grants and 3 way split-Charts do refer to the cost proportions that the 3 municipalities will pay but needs to be clear that at this time Lambton Shores is not responsible for 26 million.;

1.5 Section on debt needs to be enhanced:

- debt of 21 million
- no reference to value of our assets and in particular the value of the wastewater assets
- no reference to repayment schedule for current debt
- no reference to the fact lifecycle for major recent infrastructure projects is 40-50 years(rural waterline, Forest waterline, Legacy, Shores, grand Bend Beach and Main Street
- BMA study reference clarified-all municipalities –no
 - 83 of 444 municipalities participated in this study
 - favourable tax rates
 - water and sewer rates are high-apples and oranges-LS has factored in lifecycle costs –many others have not yet done so and water and sewer rates are huge issues now in many municipalities.

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Councillor Illman further reported that the Stuart McLean Vinyl Café event at the Anglican Church in Forest was great, that the Forest BIA sponsored Ladies Night had been very successful, and that the Forest Curling Club would be hosting the Provincial Seniors' curling championship in January of 2012.

She also reported that she too had attended the AMO Conference in London in November and had it re-affirmed that the Municipality was on the right track as far as planning and economic principles go.

Councillor Illman proceeded to advise that the recent manure spill was now in the hands of the Ministry of the Environment and noted the seriousness of this matter and the need to protect both the farmers and the environment.

She further advised that there was a steering committee established for the Provincial Doors Open program along with a subcommittee being established involving the Communities in Blooms Committee.

Councillor Underwood asked Council to make note of the need for a microphone system for meetings and this request is in the Accessibility Plan for 2011 – 2012.

Mayor Weber provided an update on the Fire Summit meeting held with the Mayors and C.A.O.s from 21 other municipalities held recently to discuss issues dealing with Ministry recruitment liability and training standards imposed by the Ministry of Labour for part-time Fire Departments.

The Mayor advised that those participating municipal representatives agreed on the importance of lobbying on behalf of their Fire Departments, that following a further meeting to discuss and prepare a statement of concerns, a delegation would be requested with the Minister of Labour at the Ontario Good Roads Conference being held in February of 2012 to outline those concerns.

He further announced that the new tanker truck for the Arkona Fire Department had arrived and was now in use.

10. NEW BUSINESS

Mayor Weber asked for Council to consider making repairs to the siding and waterproofing on the north side of the old arena in Forest as some leaking has occurred and could damage the newly renovated Forest Curling Rink. It was reported that these repairs would cost approximately \$4,200.00, and could be paid for through the Rec and Leisure Reserve funds.

11-1205- 17 Moved by: Councillor Scott
Seconded by: Councillor Bonesteel

That staff are directed to proceed with the repairs to the siding and waterproofing on the north side of the old arena in Forest with these costs being allocated from the Rec and Leisure Reserve Funds.

Carried

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Deputy Mayor Davis Dagg asked for a discussion on developments that have occurred since the last Grand Bend and Area Sewage Treatment Facility Tri-Municipal Board meeting, noting that South Huron has notified the Board that they will only proceed with the single train build because of the financial impact it would have on the Municipality of South Huron and that it has become apparent to her in discussions with the Municipality of Bluewater that they are depending on Clause 46 of the Tri-Municipal Agreement stating if they withdraw, they can potentially have their capacity held for up to 10 years and not have to pay any capital or operating costs until such time as they want to be part of the project.

Councillor Bonesteel raised a Point of Order requiring a 2/3's vote to reconsider Council's position on the Grand Bend and Area Sewage Treatment facility and noted that a full discussion is planned on this matter for the December 13, 2011 Council meeting.

Deputy Mayor Davis-Dagg further asked if it was Council's intent to proceed with the full build at the cost of \$11,000,000. with an annual operating cost of 1.4 million and reiterated the need for discussion on this matter.

Mayor Weber re-stated Council's position on this matter being that Council supports the Full Build-Double Train.

Councillor Underwood agreed of the need to have a discussion regarding this matter and both Councillors Underwood and Maguire confirmed that this discussion including a report on all the options would be held at the next Council meeting December 13, 2011.

11. DISCUSSION PERIOD

Further to the Deputy Mayor's question on the intake protection area Mr. Bob Sharen made a statement on this issue and the importance of Council looking into what he considered were inaccuracies in this matter.

12. CONFIDENTIAL

**11-1205-18 Moved by: Councillor Maguire
Seconded by: Councillor Scott**

That Council goes into a "Closed Session" at 8:19 p.m. to discuss a personal matter and litigation. (Authorization to close – Section 239 (2) (b) and 239 (2) (f) of the Municipal Act) Carried

Council rose from the "Closed Session" at 8:28 p.m.

13 ADJOURN

**11-1205-19 Moved by: Councillor Underwood
Seconded by: Councillor Scott**

That the December 5, 2011 Council meeting adjourn at 8:28 p.m.
Carried