THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Meeting of Council

Meeting Number: 24-2010

Date of Meeting: Monday, September 20, 2010

Time: 7:00 p.m.

Place of Meeting: Village Complex, Thedford

AGENDA

1. Call to Order

2. Declaration of Pecuniary or Conflict of Interest

3. Confirmation of Minutes from Previous Meetings

3.1 Regular Council Meeting – September 7, 2010

4. Delegations, Public Meetings & Presentations

4.1 7:10 p.m. Public Meeting – Official Plan Amendment Application OP-04/2010 & Zoning By-law Amendment Application ZO-07/2010

Applicant: David Hendrickx

Property Address: 6429 Townsend Line

See PL Report No. 36-2010 pages 21 - 28

5. Correspondence & Petitions

5.1 Letter of Commendation from Barbara Olzem – Re: Lifeguards

6. Consideration of Committee Minutes and Staff Reports

Planning


Administration & Finance

6.3 CL Report No. 72-2010 – Re: Follow Up from the Public Meetings held Saturday, September 11, 2010

7. **By-laws & Resolutions**

7.1 By-law 83-2010 – Authorize an Extension of an Agreement between the Ontario Provincial Police & the Municipality of Lambton Shores
See page 31

7.2 By-law 84-2010 – Authorize an Agreement for the Provision of Police Services
See page 30

7.3 By-law 85 – Confirm Resolutions to Date

8. **ACCOUNTS**

8.1 TR Report No. 39-2010 – August, 2010 Cheque Register
Included separately in the agenda package

9. **Councillor Reports**

10. **New Business**

11. **Discussion Period**

12. **Confidential**

13. **Adjourn**
THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

Regular Council Meeting

Meeting No. 22-2010

Date of Meeting: Tuesday, September 7, 2010

Members Present: Mayor Gord Minielly
Deputy Mayor Carolyn Jamieson
Councillor John Dehondt
Councillor Bill Weber
Councillor Mark Simpson
Councillor Ruth Illman
Councillor Gerry Rupke
Councillor Doug Cook
Councillor John Russell

Staff Present: Treasurer/Acting C.A.O. Janet Ferguson
Clerk Carol McKenzie
Director of Community Services Peggy Van Mierlo-West
Planner Patti Richardson

Media Present: Kim Powell – The Standard
Lynda Hillman-Rapley – Lakeshore Advance

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 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 – August 9, 2010

The minutes from the August 9, 2010 Council meeting were reviewed and Councillor Dehondt noted that Chief Administrative Officer John Byrne was away at the last meeting, however, he was noted as present in the minutes.

10-0907-01 Moved by: Councillor Dehondt
Seconded by: Councillor Russell

That the minutes of the regular Council meeting held August 9, 2010 be accepted as amended. Carried
Deputy Mayor Jamieson addressed Council and apologized for leaving the August 9 Council meeting without the permission of the Mayor and Council, which was a violation of the Municipal procedural by-law. Mrs. Jamieson also drew attention to Section 7.3 of the by-law which states that before a member can speak to a matter, he/she is to be recognized by the Mayor, and Section 7.7 of the same by-law that notes that members were not to use profane or offensive words, or insulting expressions.

10-0907-02 Moved by: Councillor Weber  
Seconded by: Councillor Rupke

That the apology tendered by Deputy Mayor Jamieson be accepted as presented.  
Carried

5. **CORRESPONDENCE & PETITIONS**

5.1 **Shawn Dickey – Thedford Dirty Dogs Senior A Hockey Club Requesting Licensed Area at the Legacy Centre**

A request has been received from the Thedford Dirty Dogs Senior A Hockey Club, requesting permission to establish a licensed area in the "standing room" at the top of the seating area in the Legacy Centre, as the area previously used for the bar area has been removed, and the area approved at the renovated facility was still under construction.

The letter further notes that the revenue from the bar allows the Club to maintain an adequate operating budget.

It was discussed that the decision made when this issue was first raised was to allow the Club to operate a licensed area in the new Thomas Hall, which would comply with the Municipal alcohol policy. This decision was confirmed.

10-0907-03 Moved by: Councillor Illman  
Seconded by: Deputy Mayor Jamieson

That the request from the Thedford Dirty Dogs for permission to operate a bar in the stands at the new Legacy Centre be denied.  
Carried

5.2 **Ausable Bayfield Conservation Authority Board of Directors – Re: Nominations for Conservation Strategy Development Team**

Information has been received from the Ausable Bayfield Conservation Authority Board of Directors, advising that nominations for the Conservation Strategy Development Team were still being accepted.

10-0907-04 Moved by: Councillor Simpson  
Seconded by: Councillor Weber
That the information from the Ausable Bayfield Conservation Authority Board of Directors, regarding nominations for the Conservation Strategy Development Team be received and filed. Carried

5.3 Lambton Shores Community Association – Issues for Council’s Comment or Action

Correspondence from the Lambton Shores Community Association providing information on the restrictive covenants that were part of the deed for the Grand Bend North Beach property was reviewed, and it was recommended that a legal opinion be obtained to clarify the restrictions on the property.

10-0907-05 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Dehondt

That the deed for the Grand Bend Beach, and the restrictive covenant contained with the deed be referred to the Municipal solicitor for a report. Carried

5.4 Lambton Shores Community Association – Concerns & Observations at the Not So Pro Tournament

The Lambton Shores Community Association also submitted correspondence outlining the Committee’s concerns and observations from the Not So Pro Tournament held the 22-26th of July, 2010.

10-0907-06 Moved by: Councillor Russell
Seconded by: Councillor Illman

That the concerns submitted by the Lambton Shores Community Association pertaining to the 2010 Not So Pro tournament be referred to the consultants drafting the Recreation and Leisure Master Plan.

6. CONSIDERATION OF COMMITTEE MINUTES AND STAFF REPORTS

Corporate & Strategic

6.1 Kettle and Stony Point – Lambton Shores Joint Committee Meeting – May 20, 2010 – Draft Minutes

The draft notes from the May 20, 2010 meeting of the Kettle and Stony Point-Lambton Shores Joint Committee were reviewed and it was noted that there had been several corrections to the minutes made at the September meeting. One of the decisions from the meeting was the consensus that the committee minutes would become part of regular Council meeting agendas. It was noted that there are terms of reference for the committee that will be included in future public agendas, and that the most important
issues for the committee will be community healing, moving forward with economic initiatives, and communications with the residents and other stakeholders.

10-0907-07 Moved By: Councillor Illman
Seconded by: Councillor Simpson

That the minutes from the May 20, 2010 Kettle & Stony Point – Lambton Shores Joint Committee be received and filed.
Carried

4. DELEGATIONS, PUBLIC MEETINGS & PRESENTATIONS


10-0907-08 Moved by: Councillor Russell
Seconded by: Councillor Dehondt

That the Council meeting adjourn at 7:10 p.m. for a public meeting, held under the provisions of the Planning Act to hear the application for an Official Plan Amendment, and Zoning By-law Amendment submitted by Mark and Lisa Bastiaansen.
Carried

Planner Patti Richardson presented background information on the applications submitted by Mark and Lisa Bastiaansen that would amend the Official Plan and Zoning By-law to allow the creation of a new non farm dwelling lot for a dwelling that was surplus to the farm operations. Ms. Richardson noted that while this is currently not permitted in the Lambton Shores Official plan, it is permitted by the Provincial Policy Statements. (PPS).

The proposed lot does comply with the intent of the P.P.S., as well as the size requirements in the zoning by-law. Conditions imposed included a prohibition against building a new dwelling on the severed lot, and the need to prove that the septic system is adequate and meets current regulations, which is a requirement with any planning application.

There were no questions from members of Council or the audience.

10-0907-08 Moved by: Councillor Weber
Seconded by: Councillor Cook

That the regular Council meeting reconvene at 7:15 p.m.
Carried

10-0907-09 Moved by: Councillor Weber
Seconded by: Deputy Mayor Jamieson

That Official Plan Amendment Application OP-03/2010 submitted by Mark and Lisa Bastiaansen requesting an amendment to the Lambton Shores
Official Plan and Zoning By-law as it relates to lands known as 6494 Proof Line, to allow the creation of a new non-farm dwelling lot for a dwelling which is surplus to a farming operation as result of a farm consolidation be **APPROVED**, subject to the County and Municipality being satisfied with respect to the adequacy of the existing septic system to serve the residential dwelling, that the system is located entirely on the proposed non-farm lot and that it is not tied into any existing farm drainage tiles or ditches prior to the Official Plan amendment being adopted by Council; and

That Zoning By-law Amendment Application ZO-06/2010 requesting an amendment to the Lambton Shores Zoning By-law 1 of 2003 as it relates to lands known as 6494 Proof Line, to prohibit the construction of a new dwelling on the remnant farm parcel after the severance of the surplus dwelling be **APPROVED**, subject to the County and Municipality being satisfied with respect to the adequacy of the existing septic system to serve the residential dwelling, that the system is located entirely on the proposed non-farm lot and that it is not tied into any existing farm drainage tiles or ditches prior to the Zoning By-law Amendment being adopted by Council. **Carried**


Planner Patti Richardson advised Council that the public meeting on the applications submitted by Gary DeBorger for 5622 Townsend Line had previously been held, with the decision deferred until confirmation was received that the applicant owns and resides on another farm property. Ms. Richardson has received confirmation from the applicant's solicitor of this ownership, and is prepared to recommend that the applications be processed, with the usual conditions.

**10-0907-10 Moved by: Councillor Simpson**
**Seconded by: Councillor Illman**

That Official Plan Amendment Application OP-05/2009 submitted by Gary Mitchell DeBorger requesting an amendment to the Lambton Shores Official Plan and Zoning By-law as it relates to lands known as 5622 Townsend Line, to allow the creation of a new non-farm dwelling lot for a dwelling which is surplus to a farming operation as result of a farm consolidation be **APPROVED**, subject to:

(a) the County and Municipality being satisfied with respect to the adequacy of the existing septic system to serve the residential dwelling, that the system is located entirely on the proposed non-farm lot and that it is not tied into any existing
farm drainage tiles or ditches prior to the Official Plan amendment being adopted by Council; and

(b) the area of the lot proposed to support the surplus farm dwelling be increased to 0.8 hectares;

That Zoning By-law Amendment Application ZO-14/2009 submitted by Gary Mitchell DeBorger requesting an amendment to the Lambton Shores Zoning By-law 1 of 2003 as it relates to lands known as 5622 Townsend Line, to:

(a) prohibit the construction of a new dwelling on the remnant farm parcel after the severance of the surplus dwelling;

(b) Allow the remnant farm parcel to have a minimum lot area of 33.1 hectares;

be APPROVED, subject to:

(i) the County and Municipality being satisfied with respect to the adequacy of the existing septic system to serve the residential dwelling, that the system is located entirely on the proposed non-farm lot and that it is not tied into any existing farm drainage tiles or ditches prior to the Official Plan amendment being adopted by Council; and

(ii) the area of the lot proposed to support the surplus farm dwelling be increased to 0.8 hectares;

prior to the Zoning By-law Amendment being adopted by Council.

Carried

As there was time before the next delegation, the Mayor asked for approval to amend the order of the agenda.

10-0907-11 Moved by: Councillor Weber
Seconded by: Councillor Russell

That the order of the agenda be amended. Carried


Representatives from Operations Management International (OMI) attended the meeting to provide an overview of the services provided to the Municipality.

Area Manager Mr. Terry Rands introduced the staff in attendance and detailed the water distribution and sanitary collection and treatment systems currently within the OMI contract, and the changes as a result of the additional waterline from the Phase IV
project, the assumption of the Lambton Area Water Supply System transfer, and additional services added over time.

A brief discussion took place on the grinder pumps on River Road, as comments have been made that the units are problematic. OMI staff advised that the units are 35 years old, and there are problems when home owners believe that they can throw anything down the sink, and items such as grease will affect the system. He further noted that all 8 systems are cleaned each year, which takes approximately 3 - 4 hours.

The current contract requires a price adjustment based on the consumer price index, plus additions for out of scope services and the "additional" items that comprised the additional $63,000.00 were reviewed.

It was further noted that OMI no longer does beach water testing, which is now done in Grand Bend by the Rotary Club, and the other areas are done by the health unit.


In C.A.O. Report No. 32-2010, Chief Administrative Officer John Byrne reported that one of the restrictions on Council after the nomination day will be the hiring of staff, unless the authority has been delegated in advance. Mr. Byrne advised Council of several pending situations whereby staff will need to be appointed to cover a maternity leave, and to replace an operator position vacant as a result of a termination. Director of Community Services Peggy Van Mierlo-West noted that there would also be a maternity leave position in the Community Services Department later in the year, and Clerk Carol McKenzie advised that workers would be hired to assist at the election.

10-0907-12 Moved by: Councillor Weber
Seconded by: Councillor Simpson

That staff be authorized to fill staff complement vacancies as outlined in C.A.O. Report No. 32-2010, as well as the maternity leave in the Community Services Department and staffing for the upcoming election.

Carried


Chief Administrative Officer John Byrne provided background information in C.A.O. Report No. 31-2010 regarding the contract with the Ontario Provincial Police to provide police services to the County of Lambton. The current contract expired in May of 2010, and an agreement to cover the next 5 years has been prepared and was provided to Council for review and comment.

It was noted that the contract figures do not include the amount rebated to compensate for when Lambton Officers are seconded elsewhere, nor does it include revenues generated from user fees. It was also noted that the police contract is the biggest percentage of the Lambton Shores budget, and the Lambton Shores share of the
county contract is approximately 13%. The Police Services Board is recommending that the proposed contract be accepted, which becomes effective November 1, 2010

10-0907-13 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Russell

That the Mayor and Clerk be authorized to execute the 2010-2015 Policing Contract with the Ontario Provincial Police for policing services in Lambton Shores, as outlined C.A.O. Report No. 31-2010, and that the additional expense for the current year be incorporated into the 2010 operating. Carried

6.2 PowerPoint Presentation on Municipal Finances - Treasurer Janet Ferguson

Treasurer Janet Ferguson presented information on the financial status of the Municipality, including information on assessment and taxation, water and wastewater systems, budget, reserves and reserve funds, and the debt limit.

Ms. Ferguson noted that there were significant increases in assessment in reassessment years, which is market driven, and typical for municipalities along the water, whereas the tax rate has decreased over the years.

The tax rate distribution was explained to be divided 20.06% for Education, 40.43% for municipal purposes, and 39.51% for County of Lambton purposes. With respect to the overall County levy, Lambton Shores pays 12.333% of the levy. With respect to the Lambton Shores portion, the majority of the funds raised (59.25%) are allocated to transportation (road system) and policing.

Ms. Ferguson explained that the water and waste water rates are reviewed every 2 years, and the annual costs from 2006 to 2010 were compared and a comparison with neighbouring municipalities was also provided. It was noted that the Lambton Shores’ rates include full lifecycle costing.

The 2009 and 2010 budget comparisons, showing comparisons to other municipalities, was provided, as well as details on the reserve fund balances and annual contribution to the reserves. Details on the debt projection to 2015 and the debt distribution were also provided.

The Treasurer was asked if she had concerns with our ability to handle debt, and Ms. Ferguson advised that Lambton Shores is within our permitted debt repayment limit and has the ability to raise the required funds in the future.

A brief discussion took place on the reductions in the tax rates vs. the increase in assessment, the commercial tax rate, the change in assessment attributed to growth vs. inflation.
It was also noted that it would be more accurate to use the term “investment” instead of “debt”, as the expenditures are strategic and planned investment in Lambton Shores' infrastructure and assets.

6.5 PL Report No. 33-2010 – Re: Severance Agreement between Roger Keith Sutherland and Diane Shirley Sutherland & the Corporation of the Municipality of Lambton Shores – Consent Application B-04/2010

Planner Patti Richardson advised that staff have been working with Roger and Dianne Sutherland on an agreement to implement an approved consent application that will allow the creation of a new single family dwelling. The conditions of the approval of the consent have been included in the agreement, and Ms. Richardson recommended that Council authorize the execution of the agreement.

10-0907-14 Moved by: Councillor Weber
Seconded by: Councillor Simpson

That Council pass a By-law authorizing the execution of a Severance Agreement between Roger Keith and Diane Shirley Sutherland and the Corporation of the Municipality of Lambton Shores for lands located at the northeast corner of Leighton Drive and Hurdon Street and described as Lots 13, 14, 27 and 28, Registered Plan 34. Carried

Community Services


In D.C.S. Report No. 49-2010, Director of Community Services Peggy Van Mierlo-West provided details of a long term “gentleman’s agreement” for the use of a vacant parcel of land adjacent to Utter Park in Arkona and recommended that this use be acknowledged in a legal agreement.

10-0907-15 Moved by: Councillor Dehondt
Seconded by: Councillor Cook

That DCS Report No. 49-2010 regarding the lease of land more particularly described as Concession 6 NER, Part Lot 25, RP25R 3044 Part 2, RP 25R 4540 Part of Part 2, be accepted and approved and that By-Law 79-2010 authorizing the Mayor and Clerk to sign the associated agreement be approved. Carried

6.9 D.C.S. Report No. 50-1020 – Re: Grand Bend International Rugby Festival

Director of Community Services Peggy Van Mierlo-West outlined a request received from the Grand Bend International Rugby Festival organizers to host a rugby tournament in the Grand Bend area on July 23-24, 2011. It was noted that events are proposed for the Grand Bend Motorplex, Klondyke Park and the Grand Bend beach.
It was recommended that the Klondyke Sports Park be approved as the host site, and that the request to use the Grand Bend Beach be reviewed once the “Beach Event Policy” has been approved by Council.

10-0907-16 Moved by: Councillor Dehonld
Seconded by: Councillor Illman

That the recommendation in D.C.S. Report No. 50-2010 be approved, and that the Grand Bend International Rugby Festival be permitted to operate at the Klondyke Sports Park for a one day tournament in July 2011, and further that the request to utilize the Grand Bend Beach for a one day tournament be reviewed once the “Beach Event Policy” has been approved and implemented.

Carried

6.10 D.C.S. Report No. 53-2010 – Re: Reallocation of Vehicle and Equipment Funding

D.C.S. Report No. 53-2010, Director of Community Services Peggy Van Mierlo-West noted that the current ice resurfacing machine at the Legacy Centre (Thedford Arena) was being repaired with parts from the unit from the former Forest Arena. As replacement parts may become more difficult to obtain in the future, it was recommended that part of the $102,140.20 allocation approved in the 2010 Capital budget for the acquisitions of 3 pieces of equipment be reallocated to the purchase of an ice resurfacing machine for the Legacy Centre. It was noted that a used machine would be obtained if possible.

10-0907-17 Moved by: Councillor Rupke
Seconded by: Deputy Mayor Jamieson

That DCS Report No. 53-2010 and the recommendation contained therein is approved and that the amount of $90,869.98 is reallocated to the purchase of an ice resurfacing machine for the Legacy Centre.

Carried

6.11 D.C.S. Report No. 54 – RE: Legacy Centre Update

Director of Community Services Peggy Van Mierlo-West provided a status update on the Legacy Centre project that commenced in March of this year, and advised that the construction is a bit more complex than conventional construction as the project recycles as much of the old facility as possible, plus incorporates state of the art energy and environmental components.

Several questions were raised and answered pertaining to contingency plans if the ice is not ready on time, the project costs, funding sources, the kitchen design, and the solar panels.
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10-0907-18 Moved by: Councillor Russell
Seconded by: Councillor Simpson

That D.C.S. Report No. 54-2010 providing an update of the Lambton Shores Legacy Centre be received and filed.
Carried

6.12 D.C.S. Report No. 55-2010 Re: Lambton Shores Recreation and Leisure Services Master Plan – Update

An update on the Recreation and Leisure Master Plan was provided in D.C.S. Report No. 55-2010, Phase 1 of which was presented to Council in July. One of the issues identified was the need to undertake an in depth study of the Grand Bend Beach and to develop a “use policy”. A draft terms of reference for the review has been prepared, with an estimated cost of $20,000.00.

D.C.S. Report No. 55-2010 also noted that Phase 2 and 3 of the plan were being done simultaneously, and the findings from these phases will be presented at the September 14 Council meeting, and at the Public Information Centre being held September 21. The draft master plan will be submitted to Council in October, with the final plan scheduled for presentation in November 2010.

The cost for the beach study was discussed, and it was noted that the study could be funded through the reserve fund if required, and the goal will be to complete the work prior to the 2011 summer season. The proposed scope of work was discussed, and the need for an unbiased report from a firm with experience in beach strategic planning. It was noted that Pinery would be undertaking a beach review next year, and our study should not be done in isolation.

10-0907-19 Moved by: Councillor Dehondt
Seconded by: Councillor Russell

That the scope of work and terms of reference for the Beach component of the Recreation and Leisure Master Plan be approved, and the work proceed up to an upset limit of $20,000.00, to be funded from reserves.
Carried

10-0907-20 Moved by: Councillor Dehondt
Seconded by: Councillor Illman

That D.C.S. Report No. 55-2010 providing an update of the Lambton Shores Recreation and Leisure Services Master Plan be received and filed.
Carried


Earlier in the meeting, details were provided on the agreement between the Municipality of Lambton Shores and CH2M Hill OMI for the operation of the municipal water and
waste water systems. Further contract details and a breakdown of the costs for maintaining the additional infrastructure was provided in D.C.S. Report No. 58-2010.

10-0907-21 Moved by: Councillor Weber  
Seconded by: Councillor Rupke

That D.C.S Report No. 23-2010 regarding Base Fee Adjustment – OMI Water/Wastewater Agreement be accepted and approved and that By-law 53-2010 authorizing the Mayor and Clerk to sign the associated agreement be approved. Carried

Administration & Finance

6.14 TR Report No. 38-2010 – Re: Draft Year to Date period ending August 31, 2010

As part of the regular reporting to Council, a review of the draft year to date financial statements for the period ending August 31, 2010 was presented, and in TR Report No. 38-2010, Treasurer Janet Ferguson noted that at this time, the business units were operating within the approved budgets.

The information was reviewed and questions were raised and answered on the bag tag revenues, and a cap for the costs for the Zone 3 project.

10-0907-22 Moved by: Councillor Russell  
Seconded by: Councillor Simpson

That TR Report No. 38-2010 providing information on the draft year to date ending August 31, 2010 be received and filed. Carried

6.15 CL Report No. 66-2010 – Re: Governance Issue

In CL Report No. 66-2010, Clerk Carol McKenzie reported that questions had been raised as to whether or not the Municipality was in compliance with the Accountability and Transparency sections of the Municipal Act, as they pertain to the appointment of an Auditor General and Integrity Commissioner and the implementation of a Code of Conduct. The report provided details on the amendments to the Act that implemented those provisions, and noted that these sections were discretionary, as opposed to mandatory requirements; therefore, the Municipality was in compliance with the Municipal Act requirements.

It was recommended that “Councillor Orientation” and training sessions be held immediately following the election, so that the new Council will be ready to assume their positions at the Council meeting held December 6, 2010.

10-0907-23 Moved by: Councillor Russell  
Seconded by: Councillor Weber
That CL Report No. 66-2010 regarding governance issues be received and filed.

6.16 CL Report No. 65-2010 – Re: Council Status as of Nomination Day

Clerk Carol McKenzie advised in an election year, the Municipal Act, 2001 R.S.O. 2001 Chapter 25 places certain restrictions on Council actions after the date that it can be determined that the new Council will include less than three quarters of the members of the outgoing Council. The first time that this can be determined is at the close of nominations on September 10, 2010, and if, after reviewing the nominees, it is not possible for 7 of the existing members to return, the current Council will have certain restrictions on its actions. The restrictions and exceptions are outlined in Section 275 of the Municipal Act, and were detailed in CL Report No. 65-2010.

10-0907-24 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Simpson

That CL Report No. 65-2010 regarding the status of the Council as of Nomination Day be received and filed. Carried

6.17 CL Report No. 67-2010 Re: License Agreement – Forest Curling & Social Club

As reported previously, the Forest Curling and Social Club have been strategically working through the process necessary to renovate the existing Forest Curling club, which is owned by the Municipality of Lambton Shores.

It was determined earlier that the first step in the process was to enter into a new agreement that would update the terms and conditions of the usage of the facility by the Club, and clarify the ownership of the facility and the contents. The draft agreement has been prepared and was presented for Council’s review and consideration.

10-0907-25 Moved by: Councillor Rupke
Seconded by: Councillor Simpson

That Council approves By-law 80 of 2010, authorizing the execution of a license agreement between the Forest Curling & Social Club and the Corporation of the Municipality of Lambton Shores. Carried

6.18 CL Report No. 69-2010 Re: Joint Election Compliance Audit Committee

The Municipality of Lambton Shores made the decision to work together with 7 other local municipalities to form a “Joint Election Compliance Audit Committee”. All participating municipalities approved the draft terms of reference, and the next step is to approve the implementing by-law and appoint a representative to the member selection committee.

10-0907-26 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Weber
That By-Law 76 of 2010, being the final by-law and terms of reference for the establishment of a Joint Compliance Audit Committee, as outlined in CL Report No. 69-2010, be approved, and that the Clerk-Returning Officer is appointed to sit on the Membership “Selection Committee”

7. BY-LAWS & RESOLUTIONS

10-0907-27  Moved by: Councillor Simpson
           Seconded by: Councillor Cook

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 76 -2010 – Establish a Compliance Audit Committee
- By-law 77-2010 – Authorize Agreement – Sutherland Severance
- By-law 78-2010 - Confirming Resolutions to Date
- By-law 79-2010 – Authorize Agreement - Hartman – Use of Parking Area – Utter Park
- By-law 80-2010 – Authorize Agreement – Forest Curling & Social Club. Carried

10-0907-28  Moved by: Councillor Simpson
           Seconded by: Councillor Cook

That the following by-law be read a third time:

- By-law 69-2010 – Provide for Drainage Works – Plan 37 Drain – Evergreen Ave Branch. Carried

8. ACCOUNTS

8.1 TR Report No. 37-2010 Re: July 2010 Cheque Register

The accounts for the month of July, 2010 were presented in TR Report No. 37-2010.

10-0907-29  Moved by: Deputy Mayor Jamieson
           Seconded by: Councillor Russell

That the accounts for the month of July, 2010 in the amount of $2,853,265.80 be approved. Carried

9. COUNCILLOR REPORTS

Councillor Russell advised that Part 5 of the Ontario Heritage Act allows for the designation of an area as a “heritage community” and it may be possible to use this Act to help resolve the issue of vehicle use on Armstrong East.
Mr. Russell also requested a report on how drain maintenance work is allocated to the area contractors.

Councillor Illman reported on the recent open house at the Forest Golf and Country Club, and noted that the plans are to turn the facility into a show place, which will have a positive impact on the community.

Also reported was the fact that the North Lambton Community Health Centre would be receiving funds from the LIN for chronic disease management, and more details on this initiative will be provided in the future.

Councillor Illman also reported on the concern that was raised recently that there isn’t a water fountain at The Shores Recreation Centre. She noted that at the “Y” there is a water bottle filling station, which is an option that could be considered.

Councillor Dehondt raised the issue of the current rates for “Cash in Lieu of Parking”, and was concerned that the requirements may be restrictive and stifled business. Also noted was the fact that several of the restaurants that had operated on the Main Street, such a Finnigans and the Lakeview Cafe, were no longer in existence and the impact of these closures on parking provisions should be reviewed.

Deputy Mayor Jamieson supported reviewing the rates, as there has been a recession since the amount was last amended, and information on the actual cost to create a parking space should be considered. Councillor Russell noted that the discussion should include why parking in lieu should be retained as well.

Discussions ensued regarding the proximity of parking to the establishments, and ways of attracting boaters and pedestrians from the neighbouring communities.

Planner Patti Richardson discussed that amount of parking required is dictated by the type of business, and that a business is required to make provisions to accommodate the parking needs. When it is not possible to accommodate the parking on site, there is an opportunity for the business to pay towards the establishment of public parking areas.

10-0907-30 Moved by: Councillor Dehondt
Seconded by: Councillor Russell

Whereas By-law 3011 of 1985 authorizes payment of Cash in Lieu of Parking;

And whereas the amount currently established for Cash-in-lieu of parking is $ 200.00 per parking space in Forest, and $ 1,000.00 per parking space in Grand Bend;

And whereas the Cash-In-Lieu by-law restricts and limits new business growth in Forest and Grand Bend.
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That the amount of Cash-In-Lieu be reduced to $200.00 per parking space in Grand Bend and $100.00 per parking space in Forest. The motion failed.

10-0907-30 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Russell

That a report be prepared on the issue of Cash-in-Lieu (C.I.L.) of Parking, and include details on the rationale for collecting C.I.L., the actual cost to create a space and rate options for the various community. Carried

Councillor Dehonldt asked for and received information from the Planner on the number of times the Municipality had been to the Ontario Municipal Board during the term of the current Council, and how many hearings had been decided in favour of the Municipality.

Councillor Dehonldt asked the Director of Community Services the number of houses in Zone 4, and was advised that there were approximately 1200 households. Ms. Van Mierlo-West advised that the project started in 2006, with the Pinery forcemain installed in 2009. It was necessary to include all the potential households to be served in order to determine the required capacity for the forcemain. It was also noted that the use of a grinder pump system was the recommended option in the Environmental Assessment that was approved for zone 4.

The cost for the Grand Bend plant and the household cost for the grinder pumper were discussed.

Councillor Rupke advised that the Province is considering offshore wind turbines in 3 areas in Lambton Shores, with a minimum distance of 5 kilometres from the shoreline. He noted that one of the benefits of the Lake Huron shoreline is the sunsets, and the installation of wind turbines will dramatically change the "vista". He noted that the Heritage Act allows for the "protection of a vista" and that in Europe, the turbines are located 22 km off shore.

10-0907-31 Moved by Councillor Rupke
Seconded by: Councillor Weber

That staff looks into the Heritage Act provisions for the "protection of a vista" as it pertains to the possible erection of wind turbines in Lake Huron. Carried

Councillor Weber questioned the possibility of installing a railing on the sidewalk on the bridge in Grand Bend, and Director of Community Services Peggy Van Mierlo-West advised that this would be a municipal project as it is a municipal sidewalk, and that the project would be included for discussion in the 2011 capital budget.

10. NEW BUSINESS

There were no items of new business.
11. DISCUSSION PERIOD

During the discussion period, Christine Bregman, Grand Bend Chamber of Commerce, clarified a statement made in the correspondence regarding tourist accommodations, the cost for the Legacy Centre was discussed, as was the anticipated deficit for the facility operations. Also discussed was the Kettle & Stony Point – Lambton Shores Joint Committee, and the proposal to close West Ipperwash beach to traffic, and the minutes from previous Tri-Municipal meetings.

12. CONFIDENTIAL

10-0907-32 Moved by: Councillor Weber
Seconded by: Councillor Russell

That the Council meeting goes “In Camera” at 9:25 p.m. to discuss legal matters and will reconvene immediately thereafter.

Carried

Council rose and reported progress on legal matters at 9:30 p.m.

13. ADJOURN

10-0907-33 Moved by: Deputy Mayor Jamieson
Seconded by: Councillor Cook

That the Council meeting adjourns at 9:30 p.m.
Village Office People,

I am writing this letter of commendation for two of this year's lifeguards, Scott Huddle and Carolyn Schaefer. Their compassionate and immediate response to an injured boy on the night of Aug. 10, 2010 was greatly appreciated by all of my neighbors on Huron Ave.

My neighbors, Anne Horne and Jim Baker, and myself, had just returned from visiting friends in Exeter. It was at 10 P.M. This 13 yr. old boy and an older boy came running down our street from Main St. (They were resting at 15 Huron Ave.) The older boy locked the 13 yr. old out of the house, and he began banging very hard on the glass storm door. (This same thing happened earlier in the afternoon of that day, the mother apparently was not home.) The 13 yr. old continued banging on the storm door and yelling for someone to let him in. Then the glass door

Sept. 12, 2010
Broke, and he was cut on his arm. He was screaming for help and for someone to call 911. Several people and my neighbor rushed over to see if they could help him. The older boy was on his cell phone, but didn't think he called 911, so we rushed over to help.

But Scott and Carolyn came from around the corner. Scott immediately went to the lifeguard's house, and returned with a large first aid kit. He calmed the boy down, and took some gauze out of his arm, and cleaned up his arm. I heard Scott say that the boy might need some stitches. In the meantime, Carolyn got a broom from the house, and swept up the glass, as the boys and (I think) she and Scott were bandaging another of my neighbors, Bob sheltering 11 Harr Ave. went home for a box to put the glass fragments in.

We were all very impressed with Scott's and Carolyn's calmness, and their ability to successfully handle this emergency. Many times, the lifeguards
an criticized for being passing off
duty. This has not been the case
this year. We all feel very grateful
that these two people were available
and responded quickly and profes-
sionally to this situation.

Please be sure to let them
know how much their actions
on Aug. 10th were appreciated, and
be sure to hire them again next year!

The boy's notice did not come back
till the next morning, and I'm not
sure what happened then. She has
told the owners of No. 15 Hono that
she will pay for the door to be re-
paired, but the fact it needs safety
glass installed in it. If her sister
not repeated longed so hard on it
(at least 3X that I observed) it would
not have been broken. We also wonder
where she was that night. Young boy
should not be left alone in Garden.

Sincerely,

P.S. I've a summer
resident I've been
for 40 yrs.

Barbara Olyan
14 Hono Ave.
(579) 38-8164
TO: Mayor Minielly and Members of Council
FROM: Patti Richardson, Senior Planner
RE: OFFICIAL PLAN AMENDMENT APPLICATION OP-04/2010
ZONING BY-LAW AMENDMENT APPLICATION ZO-07/2010
LOCATION: 6429 Townsend Line
OWNER: David Hendrickx

RECOMMENDATION:

That Official Plan Amendment Application OP-04/2010 submitted by David Hendrickx requesting an amendment to the Lambton Shores Official Plan, as it relates to lands known as 6429 Townsend Line, to allow the creation of a new non-farm dwelling lot for a dwelling which is surplus to a farming operation as result of a farm consolidation, be APPROVED, subject to:

1. the existing barn being removed; and

That Zoning By-law Amendment Application ZO-07/2010 requesting an amendment to the Lambton Shores Zoning By-law 1 of 2003 as it relates to lands known as 6429 Townsend Line, to:

(a) prohibit the construction of a new dwelling on the remnant farm parcel after the severance of the surplus dwelling;

(b) to allow a farm parcel to have a minimum lot area of 35.4 hectares and a minimum lot frontage of 92 metres;

(c) to allow a new non-farm residential lot to have a lot area of 0.4 hectares; and

(d) to require that the surplus dwelling be connected to municipal water and sanitary sewers

be APPROVED, subject to:

1. the existing barn being removed; and
2. the dwelling being connected to municipal water and sanitary sewers

prior to the Zoning By-law Amendment being adopted by Council.

REPORT

Summary of the Application

The Applicant, David Hendrickx requesting:

Official Plan Amendment

an amendment to the Lambton Shores Official Plan to permit the creation of a new non-farm dwelling lot for a dwelling which is surplus to a farming operation as result of a farm consolidation.

Zoning By-law Amendment Application

an amendment to Zoning By-law 1 of 2003:

(a) as it affects the remnant farm parcel to:

• prohibit the construction of a new dwelling on the farm parcel after the severance of the surplus dwelling; and

• to recognize that it will have a minimum lot area of 35.4 hectares and a minimum lot frontage of 92 metres, whereas the “Agricultural 1” zoning requires a minimum lot area of 38 hectares and a minimum lot frontage of 150 metres.

(b) as it affect the proposed severed non-farm dwelling lot to allow a lot area of 0.4 hectares, whereas the By-law requires 0.8 hectares.

The applications are being proposed in order to allow the existing farm dwelling and accessory buildings to be severed from the farm parcel and sold as a non-farm dwelling. The proposed severed dwelling is excess to the owners needs as he resides with his family at 35 McKenzie Street in Forest.

Location

The subject lands are located on the south side of Townsend Line where it intersects with Rawlings Road. The lands are occupied by a dwelling, a detached garage and a small shed, a large older barn and 3 newer coveralls. The balance of the lands is under cultivation. The lands have frontage on Townsend Line of 147 metres (483 feet), and an area of 35.9 hectares (88.75 acres). Land to the west, south and east are under cultivation. Lands to the north are occupied by industrial uses.

Correspondence - no correspondence has been received to date.
Discussion

The lands are currently designated “Agriculture” in the Lambton Shores Official Plan. The primary use of lands located within the “Agricultural” designation includes the growing of crops, including nursery and horticultural crops; raising of livestock and other animals for food, or fur, including poultry and fish; aquaculture; agro-forestry; maple syrup production; and associated on-farm buildings and structures including accessory farm dwellings.

The Official Plan indicates that the minimum lot size for agricultural uses shall generally be 40 hectares. The proposed retained farm parcel will have a lot area of 35.4 (87 acres) hectares, which generally complies with the intent of the Official Plan.

Section 1.11 of the Lambton Shores Official Plan states:

A severance to create a new non-farm lot may be permitted for infilling purposes, provided Council is satisfied that the lot to be created and the proposed retained farm lot comply with the following polices:

i) infilling will be limited to the creation of one residential lot between two existing non-farm residences which are on separate lots of a similar size and which are situated on the same side of the road and are not more than 61 metres apart;

ii) only one non-farm single-detached residential lot will be permitted to be severed from an original farm lot;

iii) the proposed non-farm single-detached dwelling lot meets the requirements of the Province, the County, the Health Unit and the Municipality regarding water supply and sewage disposal;

iv) the proposed non-farm single-detached dwelling is located in compliance with the Minimum Distance Separation formulae; and

v) the proposed non-farm single-detached dwelling lot has direct access to an improved year round public road and the access does not result in traffic hazards due to poor sight lines or proximity to an intersection.

Provincial Policy Statement 2005

Section 2.3.1 of the 2005 Provincial Policy Statement states that Prime Agricultural areas shall be protected for long-term use for agriculture.

Further, Section 2.3.4.1 of the Provincial Policy Statement indicates the following:

Lot Creation in prime agricultural areas is discouraged and may be permitted for:

c) a residence surplus to a farming operation as a result of farm consolidation provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by severance.
The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective: and

The 2005 Provincial Policy Statement defines “residence surplus to a farming operation as

"an existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Finally, Section 2.3.3.3 states:

"New land uses, including the creation of lots, and new and expanding livestock facilities shall comply with the minimum distance separation formulae."

The 1997 Provincial Policy Statement, on which the present Official Plan policies were based and which has been superseded by the 2005 Policy Statement, provided the following with respect to the creation of new residential lots:

Lot Creation in prime agricultural Areas is generally discouraged and will be permitted only in the following situations:

(a) new lots for residential uses may be permitted for:

1. a farm retirement lot;
2. a residence surplus to a farming operation; and
3. residential infilling.

David Hendrickx, owns 3 agricultural properties, located in Lambton Shores, including the subject lands. His land holdings comprise a total acreage of 75 hectares (186 acres). Mr. Hendrickx also rents 51 hectares (127 acres). Presently, Mr. Hendrickx resides with his family at 35 McKenzie Street in Forest, a property owned by his wife. He does not reside on any of his agricultural properties. The dwelling on the subject lands is surplus to his needs and as a result he would like to dispose of it. Normally a farmer resides on another farm. Mr. Hendrickx situation is different than some of the other applications Council has considered for surplus dwellings severances, in that he does not reside on one of the other agricultural properties he owns. He is however in the business of farming. The Provincial Policy Statement defines “residence surplus to a farming operation as:

“an existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Certainly, this is the situation that Mr. Hendrix finds himself in. He will continue to reside at 35 McKenzie Street in Forest and thus does not need the dwelling on the property. It is my opinion that this application is consistent with the 2005 Provincial Policy Statement. It does not however comply with the Lambton Shores Official Plan which has not been updated to reflect the 2005 Policy Statement.

The Policy Statement would require that the retained farm parcel be zoned to prohibit the construction of a new farm dwelling on the lands. The applicants have applied for a zoning amendment to prohibit a new dwelling on the farm parcel. As well, the Provincial
Policy Statement requires that the creation of lots comply with the minimum distance separation formulae (MDS) for animal operations. Site inspection has revealed that there are no animal operations in the general area; therefore the proposal complies with the MDS.

Zoning

The subject lands are zoned "Agricultural 1" in the Lambton Shores Zoning By-law. The Agricultural 1 (A1) zone requires that a farm parcel have a minimum lot area of 38 hectares and a minimum lot frontage of 150 metres. The lands which are to be retained in agriculture use will have a lot area of 35.4 hectares, (87.7 acres) and a lot frontage of 93 metres (308 feet) and thus do not comply with the minimum lot area and frontage requirements of the "A1" zone. The "A1" zoning on these lands permits an accessory farm dwelling as a permitted use. The zoning on the remnant farm parcel will be required to be amended to prohibit the construction of a new non-farm dwelling as is required by the Provincial Policy Statement and to recognize the deficient lot area and frontage. The deficient area and frontage should not pose any difficulty.

The Agricultural 1 (A1) Zone requires that a non-farm dwelling lot have a minimum lot area of 0.8 hectares and a minimum lot frontage of 45 metres. The surplus dwelling lot is proposed to have a lot area of approximately 0.4 hectares and a lot frontage of 53 metres. The proposed lot does not comply with the minimum lot area requirement of the By-law. The minimum lot area of 0.8 hectares generally reflects that most non-farm dwellings in the agricultural area are serviced by private septic systems and up until recently by private wells. Mr. Hendricks intends on connecting the dwelling to the municipal water line and sanitary sewer located within the Townsend Line road allowance and as such the 0.4 hectare lot area is sufficient. The Zoning By-law will be required to be amendment to reflect this.

Currently, a large barn exists on the property which traverses the proposed new lot line between the remnant farm parcel and the new non-farm dwelling lot. Mr. Hendrickx indicates that the barn is to be torn down as it has no value and its useful life has expired. As the building traverses the lot line any approval of these applications should be conditional on the barn being removed.

Summary

In light of the above, I can recommend that these applications be approved subject to the conditions contained in the Recommendation Section of this report as they are consistent with the Provincial Policy Statement.

Respectfully submitted

Patti L. Richardson
Senior Planner
Jackie Mason  
Committee of Adjustment  
Municipality of Lambton Shores  
P.O. Box 610  
Forest, Ontario  
N0N 1J0  

Dear Madam:

RE: David Hendrickx  
Part of Lot 4, N.E.R., Concession 8, formerly  
Township of Warwick, now Municipality of Lambton Shores  
Official Plan Amendment and Rezoning Application

I am Solicitor for David Hendrickx who operates cash crop farm land in the Township of Warwick and the old Township of Bosanquet. Mr. Hendrickx' principal residence is at the family home at 35 McKenzie Street, Forest, which is in the registered ownership of his wife, Becky Hendrickx, and he wishes to sever the vacant single family residence being part of the farm property at 6429 Townsend Line, Part of Lot 4, N.E.R., Concession 8, Township of Warwick, now Municipality of Lambton Shores. Mr. Hendrickx spent considerable labour and money on upgrading the vacant single family home, and he does not wish to rent it as a rental property because of his experience with tenants.

Please find the following documents enclosed herein for your records:

1. Official Plan Amendment Application;
2. Rezoning Application;
3. Sketch of the proposed severance together with a sketch of his farm at Roll # 60-021 showing the location of the lands to be severed.
Mr. Hendrickx owns three farms which are as follows:

1. Part of Lot 5, Concession 7, N.E.R., Warwick, Municipality of Lambton Shores, being 50 acres;
2. Part of Lot 5, Concession 7, N.E.R., Warwick, Municipality of Lambton Shores, being 48.78 acres;
3. Part of Lot 4, Concession 8, N.E.R., Warwick, Municipality of Lambton Shores, being 88 acres

for a total of 186.78 acres.

In addition, he rents three additional farms which are as follows:

1. Part of Lot 5, Concession 8, N.E.R., Warwick, Municipality of Lambton Shores, being 40 acres;
2. Part of Lot 10, Concession 14, Bosanquet, Municipality of Lambton Shores, being 47 acres;
3. Part of Lot 21, Concession 6, Bosanquet, Municipality of Lambton Shores, being 40 acres

for a total rented acreage of 127 acres.

The total of all of his farm operation is 313.78 acres.

Mr. Hendrickx proposes to have the municipal water line and municipal sewer line which are on the north side of Townsend Line across the road from his farm at the north-west corner bored under the municipal road, and bring municipal sewers and water to his new proposed severed residential lot so that he will have full services to this particular property. The lands retained will be used for his cash crop operation. There are no intensive livestock or poultry operations anywhere near the lands to be severed with one single family home to the east, a second single family home to the north-east, and a third single family home to the west. Two operating industrial plants are on the north side of Townsend Line, north-west of the lands to be severed.

The old frame barn located to the south of the car garage and west of the shed is to be torn down because it has no commercial value, and its use life has expired. There are three hay storage coverall structures to the south of the lands to be severed, and these structures are to be retained with the retained farm land of Mr. Hendrickx, and are used in his farming operation for storage of hay and equipment.

if there are any questions or instructions in this regard, please feel free to contact me.

Yours truly,

J. Philip Walden

JPW:cmk
Encl.
TO: Mayor Minielly and Members of Council

FROM: Carol McKenzie, Clerk

RE: Ontario Provincial Police – By-laws Authorizing the Signing of the 2010-2015 Contract and Authorizing the Extension of the Existing Contract

RECOMMENDATION:

That By-Law 84 of 2010, being the by-law to authorize the signing of the 2010-2015 O.P.P. contract renewal, as approved by Council in resolution #10-0907-13 and By-law 83 of 2010, authorizing the extension of the terms and conditions of the existing O.P.P. contract until October 31, 2010, as outlined in CL Report No. 71-2010, be approved.

REPORT

At the last Council meeting, C.A.O. Report No. 31-2010 regarding the proposed 2010-2015 Ontario Provincial Police contract was reviewed, and approved.

The new contract will become effective November 1, 2010 and the O.P.P. requires a by-law approving the renewal for insertion into the contract document. Attached is a draft by-law for Council's consideration.

Until the new contract comes into force, the terms and conditions of the original contract remain in effect, and an authorizing by-law is required to approve the extension of the terms of the existing agreement. The existing agreement had an original expiration date of May 31, 2010. The amended expiration date will be October 31, 2010. Attached for Council’s consideration is a draft extension by-law.

Treasurer Janet Ferguson has confirmed that the 2010 Lambton Shores budget was established using the existing agreement and that no new funds are required for the term extension, and therefore, Council has the authority to pass the required by-law.

Respectfully submitted,

Carol McKenzie
Clerk
THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

BY-LAW NUMBER 84-2010

A By-law of the Corporation of the Municipality of Lambton Shores to authorize an agreement between the Municipality of Lambton Shores and Her Majesty the Queen in Right of Ontario, as represented by the Minister of Community Safety and Correctional Services for the provision of Police Services

WHEREAS: Under Section 4 (1) of the Polices Services Act, R.S.O. 1990, C. P15 as amended, (the Act), the Municipality is required to provide adequate and effective police services in accordance with its needs;

AND WHEREAS: The Corporation of the Municipality of Lambton Shores deems it expedient to meet this obligation by entering into an agreement with Her Majesty the Queen in Right of Ontario, as represented by the Minister of Community Safety and Correctional Services, for the provision of Police Services;

AND WHEREAS: A proposed agreement for the provision of police services was reviewed by Council on the 7th of September, 2010, and the terms and conditions of the agreement were approved;

NOW THEREFORE: The Council of the Corporation of the Municipality of Lambton Shores enacts as follows:

1. The Mayor and Clerk are hereby authorized to execute the Agreement for the provision of police services between Her Majesty the Queen in Right of Ontario, as represented by the Minister of Community Safety and Correctional Services and the Municipality of Lambton Shores, a copy of which is attached to and forming part of this by-law and shall affix to it the Corporate Seal of the Corporation of the Municipality of Lambton Shores.

READ A FIRST AND SECOND TIME THIS 20TH DAY OF SEPTEMBER, 2010

READ A THIRD TIME AND FINALLY PASSED THIS 20TH DAY OF SEPTEMBER, 2010

______________________________
MAYOR - Gord Minielly

______________________________
CLERK - Carol McKenzie
A By-law of the Corporation of the Municipality of Lambton Shores to authorize an extension of an agreement between the Ontario Provincial Police and the Municipality of Lambton Shores

WHEREAS: The Municipality of Lambton Shores passed By-law 36-2005 on the 16th day of May, 2005, authorizing the municipality to enter into a 5 year agreement with the Ontario Provincial Police for the provisions of police services;

AND WHEREAS: The Agreement expired on the 31st of May, 2010;

AND WHEREAS: A new agreement for the provision of police services has been approved, with the effective date of November 1, 2010;

AND WHEREAS: It is necessary for Council to approve the extension of the terms and conditions of the 2005 agreement until October 31, 2010;


READ A FIRST AND SECOND TIME THIS 20TH DAY OF SEPTEMBER, 2010

READ A THIRD TIME AND FINALLY PASSED THIS 20TH DAY OF SEPTEMBER, 2010

__________________________________________________________
MAYOR - Gord Minielly

__________________________________________________________
CLERK - Carol McKenzie
TO: Mayor Minielly and Members of Council
FROM: Carol McKenzie, Clerk
RE: Follow up from the Public Meetings held Saturday, September 11, 2010

RECOMMENDATION:

That staff research and prepare a report on the 4 options presented at the September 11, 2010 site meeting respecting the use of the Centre Ipperwash Road allowance as a boat launch area; and

That, with respect to the use of vehicles on Armstrong East, a Special Purpose Committee be struck, comprised of representatives from Council, the residents in favour of the use of vehicles, the residents opposed to the use of vehicles, the Ausable Bayfield Conservation Authority, Ministry of Natural Resources, Ontario Provincial Police and Emergency Medical Services to review the various issues;

as outlined in CL Report No. 71-2010.

REPORT

On Saturday, September 11, 2010, two public information sessions were held to obtain feedback from the community on two issues: the use of the Centre Ipperwash Road Allowance as a launching area; and the use of vehicles on Armstrong East.

The use of the Centre Ipperwash Road Allowance as a launching area;

Council and residents met on site at the Centre Ipperwash Road Allowance at 9:30 a.m., and there was a good turnout, with approximately 70 people in attendance.

The various options and situations and experiences were discussed, and at the conclusion of the discussions, there were 4 options that clearly emerged:

1. Status quo, with signage erected outlining the rules and regulations;
2. Allow launching, but ban all parking on the Centre Ipperwash Road Allowance;
3. Establish permanent “in” and “out” access lanes with a parking ban in the lanes; and
4. The establishment of a 30’ in/out area in the middle of the allowance, with a parking ban in the in/out area.
An informal vote was taken at the meeting and there were varying levels of support for the different options.

In order to resolve the issues, it is recommended that staff research all options with input from the Ontario Provincial Police and the By-law Enforcement Officer, and a report be prepared on the advantages and disadvantages of each option. The report could then be presented at a meeting where the public could provide input.

As noted at an earlier meeting, seasonal residents will not be in the area much longer, and therefore, it is recommended that this research take place over the winter months, and the recommendations on the options presented to Council in March or April of 2011. The resulting decision can be implemented in 2011, and communicated to the community prior to the 2011 boating season.

Armstrong East

At 11:30 a.m. on September 11, 2010, a meeting was convened at the Port Franks Hall to discuss the use of vehicles on Armstrong East, and this meeting was also well attended, with a number of people present representing both view points.

The use of vehicles on Armstrong East is a complex issue, as it involves property rights, legal rights, historical usage, and environmental issues, among others, and requires input from outside agencies as well. All the various issues need to be identified, and verified.

Therefore, it is recommended that a Special Purpose Committee be struck, comprised of representatives from Council, Armstrong East residents in favour of the use of vehicles and Armstrong East residents opposed to the use of vehicles, and that representatives from the Ausable Bayfield Conservation Authority, Ministry of Natural Resources, Ontario Provincial Police and Emergency Medical Services be asked to participate as well.

This group could review all the issues, options and legal matters and report back to the residents and council with an option or options.

Respectfully submitted,

Carol McKenzie
Clerk
THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

BY-LAW NUMBER 85-2010

A By-law of the Corporation of the Municipality of Lambton Shores to confirm the resolutions of the Municipal Council which were adopted up to and including September 20th 2010

WHEREAS: It has been expedient that from time to time, the Council of the Corporation of the Municipality of Lambton Shores should act by resolution of Council;

AND WHEREAS: It is deemed advisable that all such actions that have been adopted by a resolution of the Council be authorized by By-law;

THEREFORE: The Council of the Corporation of the Municipality of Lambton Shores enacts as follows;

THAT all actions of Council which have been authorized by a resolution of the Council and adopted in open Council and recorded in the minutes of a Council meeting or the minutes of a Committee of Council and accepted by Council up to and including September 20th 2010 be hereby confirmed; and

THAT any pecuniary interest declared during any Council meeting or Committee meeting is deemed to be in force and the same as though repeated in this by-law; and

THAT THIS BY-LAW is read a FIRST, SECOND and THIRD time and finally passed September 20th 2010.

__________________________________________________________
MAYOR – Gord Minielly

__________________________________________________________
CLERK - Carol McKenzie

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