

**ST. CLAIR TOWNSHIP  
COUNCIL MINUTES  
SESSION #24**

St. Clair Civic Centre  
Council Chambers  
December 15, 2008  
7:00 p.m.

The regular semi-monthly meeting of the Council of the Corporation of the Township of St. Clair was held this evening with the following members present:

	S. Arnold	Mayor
	P. Gilliland,	Deputy Mayor
	P. Carswell-Alexander,	Councillor
	P. Brown,	“ joined the meeting in progress
	D. Randell,	“
	J. Agar,	“
Staff:	J. Rodey,	CAO
	J. DeMars,	Director of Administration/Clerk/ Deputy CAO
Absent:	S. Miller,	Councillor

**AGENDA:**

**Declaration of Conflict of Interest:**

**Adopt Minutes:**

Council Meeting of December 1, 2008, Session #23  
Committee of the Whole of December 8, 2008

**Business Arising from the Minutes:**

**DEPUTATIONS AND APPOINTMENTS:**

7:00 p.m. - Gibb Drain ~ Court of Revision  
7:30 p.m. – Rezoning Application 1188 Kimball Road (Great West Auction)

**CORRESPONDENCE:**

- a) Moore Agricultural Society – Grant request
- b) Meadowview Villa – Sponsorship request
- c) Shore to Shore relay – Request

**INFORMATION:**

- 1) County of Lambton – Election of Warden
- 2) County of Lambton – Election of Deputy Warden
- 3) Huron Boys Home – Christmas bulletin
- 4) Corunna Community Policing Committee – December 2 meeting minutes
- 5) SCRCA – November 20<sup>th</sup> meeting minutes
- 6) Jeff Baranek, Planning report – 1188 Kimball Road

**DRAINS:**

Gibb Drain – By-law #47 of 2008  
Laur Drain – By-law #46 of 2008 – Actual costs

**REPORTS OF COMMITTEES AND OFFICERS:**

**DIRECTOR OF PUBLIC WORKS AND OPERATIONS:**

- Draft Invoice to MTO – Rokeby Line
- Traffic Report – Beckwith and John Streets
- Information Letters – Wilkesport & Boswell Street Residents

**DIRECTOR OF COMMUNITY SERVICES REPORT:**

Proposed Mooretown boat launch

**COORDINATOR OF OPERATIONS (WORKS) REPORT:**

Furnace replacement  
Truck damage

**CLERK'S REPORT:**

Gibb Drain Court of Revision

**CAO'S REPORT:**

**MOTIONS:**

**BY-LAWS:**

By-law 74 of 2008 – Site Plan Agreement Rogers Wireless (Brigden Tower)  
By-law 75 of 2008 – Rezoning 1188 Kimball Road

**COUNCILLORS REPORTS:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

Regular Meeting of Council – Monday January 5, 2009 ~7pm  
Committee of the Whole – Monday January 12, 2009 ~ 4pm  
Regular Meeting of Council – Monday January 19, 2009 ~ 7pm

**ADJOURNMENT:**

The Mayor called the meeting to order at 7:00 p.m. and asked members of Council to declare any possible conflicts of interest at the appropriate time.

**DECLARATION OF CONFLICT OF INTEREST:**

None declared.

**MINUTES:**

Council proceeded to review the minutes as listed on the agenda.

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

**Motion #1** That the minutes of the Council meeting of December 1, 2008 – Session #23 be adopted as printed and circulated.

**CARRIED**

Council Meeting Minutes  
December 15, 2008

Moved by J. Agar

Seconded by P. Gilliland

**Motion #2:** That the minutes of the Finance and Administration Committee dated December 8, 2008 be adopted as printed and circulated.

**CARRIED**

Moved by J. Agar

Seconded by P. Gilliland

**Motion #3:** That the minutes of the Public Works & Operations Committee dated December 8, 2008 be adopted as printed and circulated.

**CARRIED**

**CORRESPONDENCE:**

Moved by P. Carswell-Alexander

Seconded by P. Gilliland

**Motion #4:** That the letter received from the Moore Agricultural Society requesting financial support in the amount of \$5,000.00 be approved with the \$5,000.00 grant to be paid out of the 2009 operating budget.

**CARRIED**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #5:** That the request for sponsorship by the Meadowview Villa be granted in the same amount as last year.

**CARRIED**

Moved by D. Randell

Seconded by J. Agar

**Motion #6:** That the request for support in the use of Township Roads and Parks for the Westover Shore to Shore Relay be granted.

**CARRIED**

At the appointed time, the Court of Revision on the Gibb Drain was reconvened. The Clerk advised that no written assessment appeals had been received, no verbal appeals were offered at this sitting of the Court.

Moved by P. Carswell-Alexander

Seconded by D. Randell

**Motion #7:** That the Engineer's assessment on the Gibb Drain as per the report dated October 14, 2008 be accepted and confirmed and that the Court of Revision be closed.

**CARRIED**

The meeting returned to order.

Council reviewed the communication received today from MP Pat Davidson requesting input from Council as to what it considers budget priorities for her Sarnia-Lambton riding in advance of her consultations with the Minister of Finance. Council identified affordable housing for single persons infrastructure projects particularly the Building Canada Fund with the request for additional funding plus timely approval on the grant intake just submitted and Federal assistance in the remediation of the St. Clair River from an Environmental point of view. Council instructed that staff convey this position to MP Pat Davidson.

Moved by P. Gilliland

Seconded by J. Agar

**Motion #8:** That the following correspondence be received and dealt with as per Council's instructions as noted:

- a. Moore Agricultural Society - grant request  
**Inst.** See motion #4
- b. Meadowview Villa – sponsorship request  
**Inst.** See motion #5
- c. Shore to Shore relay - request  
**Inst.** See motion #6

**CARRIED**

**DRAINS:**

Moved by D. Randell

Seconded by P. Gilliland

**Motion #9:** That Drainage By-law #46 of 2008, being a by-law to raise the sum of \$10,405.55 being money expended out of the General Fund of the Township of St. Clair for the costs for the drainage report on the Laur Drain be given the necessary readings and signed by the Mayor and Clerk, and the Corporate Seal affixed thereto and finally passed.

**CARRIED**

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

**Motion #10:** That Drainage By-law #38 of 2008 being a by-law to confirm the engineers assessment on the Gibb Drain be repealed and further that Drainage By-law #47 of 2008, confirming the engineer's assessment for the Gibb Drain be given the necessary readings and signed by the Mayor and Clerk, and the Corporate Seal affixed thereto and finally passed.

**CARRIED**

**REPORTS OF COMMITTEES AND OFFICERS:**

**DIRECTOR OF PUBLIC WORKS AND OPERATIONS:**

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

**Motion #11:** That the report submitted by the Director of Operations and Engineering dated December 10, 2008 regarding the proposed invoice to MTO for Rokeby repairs be received and accepted.

**CARRIED**

In discussion of Mr. Burnham's report, Mayor Arnold suggested that the cost summary attached as part of the invoice be made more comprehensive with the inclusion of the quantities and costs of the material provided for by the Township.

Moved by P. Carswell-Alexander

Seconded by D. Randell

**Motion #12:** That the report submitted by the Director of Operations and Engineering dated December 10, 2008 regarding the traffic report for Beckwith Street, Corunna and John Street, Port Lambton be received.

**CARRIED**

In discussion of Mr. Burnham's report, it was;

Moved by P. Gilliland

Seconded by J. Agar

**Motion #13:** That the Director of Public Works and Operations asked to file a subsequent report on traffic flows on Beckwith Street in Corunna and John Street in Port Lambton providing a more clear statistical review as to the upper and lower rates of speed and perhaps a more focused report as to the effect of a shift change on traffic patterns and speed.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by P. Gilliland

**Motion #14:** That the report submitted by the Director of Operations and Engineering dated December 10, 2008 regarding an informative letter to the residents of Wilkesport and Boswell Street be received and approved for mailing.

**CARRIED**

**COORDINATOR OF OPERATIONS (WORKS):**

Moved by P. Carswell-Alexander

Seconded by P. Gilliland

**Motion #15:** That the report submitted by the Coordinator of Operations (works) dated December 10, 2008 recommending that the quote from Abram Refrigeration Systems in the amount of \$6,475.49 (excluding GST/PST) be approved for the supply and installation of a new radiant style heating system at the Wilkesport Operations Center, to be paid from the 2009 Operations budget be received and accepted.

**CARRIED**

Moved by D. Randell

Seconded by J. Agar

**Motion #16:** That the report submitted by the Coordinator of Operations (Works) dated December 10, 2008 recommending that the quote from Viking Cives in the amount of \$3,700 plus labor (excluding taxes) be approved for the purchase and installation of a new front plow harness to replace the damaged equipment on the 2000 Volvo single axel dump truck, to be paid from the 2009 operations budget be received and accepted.

**CARRIED**

In discussion of Mr. DePooter's report, regarding damage to one of the snow plow vehicles, Council requested a report from staff as to what recourses the Township may have for recovery of repair costs from the developer and what efforts could be made to more clearly mark the manholes for roads which only have the first course of asphalt to avoid such damages in the future.

**CLERK'S REPORT:**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #17:** That the report submitted by the Clerk dated December 12, 2008 recommending that the Court of Revision on the Gibb Drain be reconvened and that By-law #33 of 2008 be repealed and By-law #47 of 2008 be passed relative to the decision of the Court of Revision be received and accepted.

**CARRIED**

**BY-LAWS:**

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

**Motion #18:** That By-law #74 of 2008 being a by-law to authorize execution of a Site Plan Control Agreement with Rogers Wireless Inc. and Ryan Leslie Scott, for a 100 meter high telecommunications tower on Part of Lot 7, Concession 4 geographic Township of Moore, Township of St. Clair be given the necessary three readings, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

**CARRIED**

At the appointed time the Mayor called to order the public hearing called to consider the application to rezone property known as 1188 Kimball Road. The Mayor then turned the meeting over to Planner, Jeff Baranek, who presented his report on the application. Mr. Baranek advised that the current zoning on the property is C3-2 which is Agricultural Commercial and the proposed zoning is A1-R which is Agricultural Non-farm Rural Residential. Mr. Baranek explained the Official Plan provisions and other considerations he took into account to arrive at his recommendation that Council approve the Zoning as requested by the applicant. The Mayor then called upon anyone wishing to speak in opposition to the granting of the rezoning.

Mike Reagan – Mr. Reagan identified himself as a neighboring property owner on the Kimball Road and stated that in his opinion, the building in question was designed and built as an elementary school and never intended to be put to a residential use. Mr. Reagan further stated that in his opinion, the 18000 square foot building is too large for residential uses and with a flat roof and being approximately 50 years in age would not make a suitable single family residential dwelling and due to its age, perhaps the building should be demolished. Mr. Reagan also stated his fears that based on an earlier zoning application for the subject property, he is afraid that the new owner will establish a dog kennel facility on the eight acre site.

Connie Rosseel - Mrs. Rosseel identified herself as an adjacent owner at 1128 Kimball Road, she also stated her opinion that she is afraid the property will be the site of a future dog kennel and questioned if an accessory building could be established on the site. Mr. Baranek advised that the main building on the site would be the proposed single family residential family unit but the owner could construct a second building as an accessory to the permitted use. Further in response to Mrs. Rosseel questions, a dog kennel could be established on the property if that development was consistent with the Township's dog kennel regulation by-law. It was further pointed out that a dog kennel is only permitted in an agriculturally zoned property.

The Mayor called upon those wishing to speak in support of the application. Bill and Mary Card identified themselves as the potential buyers of the property and stated that their interest in the property was driven by their desire to return to a rural setting from a current urban setting. Also in response to questions, Mr. and Mrs. Card advised that they had no interest in establishing a dog kennel on the subject property. Mr. Card in response to comments stated by Mr. Reagan, stated that the size of the residential unit, the fact that it has a flat roof and the fact that the building is approximately 50 years old should be his concern as a potential owner and not a matter of concern for his neighbor. In response to questions, Mr. Baranek advised the meeting that an environmental study has been conducted on the building and it was his understanding that remedial work has been carried out to remove the asbestos that was identified in the building. Mayor Arnold posed the question to Mr. and Mrs. Card if they would be willing to support a site specific zoning that would prohibit the establishment of a dog kennel. Councillor Carswell interjected that in her opinion that could lower the value of the property. In response to the Mayor's question, Mr. Card advised that he would be reluctant to see the subject property restricted beyond the point of that of his neighbor's property. At the conclusion of the discussion and hearing no further comments, the Mayor declared the public hearing closed.

Moved by P. Gilliland

Seconded by J. Agar

**Motion #19:** That By-law #75 of 2008, being a by-law to rezone the lands described as Concession 10, N Part Lot 16, geographic Township of Sombra 1188 Kimball Road, Township of St. Clair, be given the necessary three readings, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

**CARRIED**

### **COUNCILLORS REPORTS:**

#### **Pete Gilliland**

Deputy Mayor Gilliland offered to his fellow Councilors and members of staff a Merry Christmas and the best in the holiday season.

#### **Jeff Agar**

Councillor Agar requested staff to contact the County of Lambton regarding numerous potholes on Hill Street, east of Brooktree in Corunna.

#### **Darrell Randell**

Councillor Randell suggested that the Township's website be incorporated into the banner of the St. Clair Beacon. Councillor Randell also advised that at a recent BPAC meeting after 20 years of efforts, a measurable goal has been achieved regarding the tainted taste of fish and wildlife harvested from the St. Clair River. Councillor Randell also suggested Council enter an in-camera session to discuss a property issue.

#### **Pat Carswell-Alexander**

Councillor Carswell-Alexander requested that an in-camera session be held related to a legal issue.

#### **Steve Arnold**

Mayor Arnold debriefed Council on his meeting today with Minister Dwight Duncan regarding pre-budget deliberations and consultations. Mayor Arnold explained to the Minister the Township's concern as to the impact decision relative to the LGS which he sensed Mr. Duncan had little sympathy. However, Mr. Duncan did seem to comprehend the Township's position regarding the education portion of the levy relative to the two gas fired generation plants. Mayor Arnold briefed Council on the numerous activities he has attended on behalf of the Municipality since the last meeting of Council. Mayor Arnold also wished to express his thanks to the staff members responsible for the successful Municipal Christmas party held this past Saturday. Mayor Arnold also wished his Council and Senior staff, best wishes in the holiday season.

Council Meeting Minutes  
December 15, 2008

Council proceeded to review the Director of Community Services report on the tender results on the proposed Mooretown boat launch as per his report on the subject dated December 15, 2008. It was pointed out in the report that notwithstanding the total budgeted amount for this work is \$85,000, the lowest tender submitted was \$128,700. It was also pointed out that a portion of this tendered amount was for the development of a parking lot to be used in conjunction with the boat ramp. A motion by Councillor Carswell-Alexander to table discussion on the issue to the first meeting in January 2009 failed to get a seconder and was declared lost.

Moved by J. Agar

Seconded by P. Gilliland

**Motion #20:** That Council accept the tender of Wicks Construction in the amount of \$128,766.75 as recommended by the St. Clair Regional Conservation Authority and Shore plan Engineering with the financing overrun to be accommodated for from the Sandrin Reserve and the St. Clair Education and Environmental Fund as noted in the Director of Community Services report dated December 15, 2008.

**CARRIED**

Councillor Brown entered the meeting and offered to Council, his Councillor's report.

**Pat Brown**

Councilor Brown asked staff to apply the necessary granular material at the south end of Fairview Street in Froomfield. Councillor also brought to Council's attention, the issues of the potholes on Hill Street that had already been brought forward by Councillor Agar. Councillor Brown also questioned the results of the Mayor's audience earlier today with Provincial Finance Minister Dwight Duncan.

Moved by D. Randell

Seconded by P. Carswell-Alexander

**Motion #21:** That the meeting enter an in-camera session to discuss a property and legal matter.

**CARRIED**

The meeting returned to order.

**ADJOURNMENT:**

Moved by P. Carswell-Alexander  
That the meeting do hereby adjourn.

Seconded by D. Randell

**CARRIED**

The meeting adjourned at 8:15 p.m.

---

MAYOR

---

CLERK