

**ST. CLAIR TOWNSHIP  
COUNCIL MINUTES  
SESSION #10**

St. Clair Civic Centre  
Council Chambers  
April 18, 2011  
7:00 p.m.

The 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
	J. DeGurse,	Councillor
	D. Randell,	“
	S. Miller,	“
	J. Agar,	“
Staff:	J. Rodey,	CAO
	J. DeMars,	Director of Administration/Clerk/ Deputy CAO
	J. Baranek	Deputy Clerk/Coordinator of Planning
Absent:	P. Carswell-Alexander,	Councillor

**AGENDA:**

**Declaration of Conflict of Interest:**

**Adopt Minutes:**

Council meeting minutes of April 4, 2011 – Session #9  
Finance and Administration meeting minutes of April 11, 2011  
Public Works and Operations meeting minutes of April 11, 2011

**Business Arising from the Minutes:**

**DEPUTATIONS AND APPOINTMENTS:**

7:00 pm – Moore Museum presentation to Joyce Brock  
7:30 pm – Court of Revision – Osborne Drain  
7:35 pm – Court of Revision – Gray Drain  
7:40 pm – Zoning Amendment – draft MDS distances

**CORRESPONDENCE:**

- a) Port Lambton Gala Days – permission
- b) Patrick and Brenda Hanlon – recovery costs
- c) City of Sarnia – shared services

**INFORMATION:**

- 1) County of Lambton - notice of public meeting
- 2) Ontario Municipal Board – Grant
- 3) Township of St. Clair – West Nile virus
- 4) SCRT – meeting minutes of March 23, 2011
- 5) Kel-Gor Ltd – dock rental information
- 6) County of Lambton – historic artifact donation
- 7) CCPC – thank you
- 8) CCPC – meeting minutes of April 5, 2011
- 9) Halton region – resolution
- 10) Moore Presbyterian Foundation – thank you
- 11) Don and Barbara Myers – paving request

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- 12) Rick Hansen relay – route information
- 13) City of Mississauga - resolution
- 14) Meadowview Villa Auxiliary – thank you
- 15) St. Vincent de Paul Society – thank you

**DRAINS:**

**REPORTS OF COMMITTEES AND OFFICERS:**

**PLANNER’S REPORT:**

Applications A4/11, A5/11, A6/11, B3/11 & B4/11  
Barry Uitvlugt - Proposed Zoning By-law Amendment

**DEPUTY CLERK/COORDINATOR OF PLANNING REPORT:**

Site plan agreement – Provident Energy

**TREASURER’S REPORT:**

Supply of fire extinguisher maintenance services tender results

**COORDINATOR OF OPERATIONS (ROADS/DRAINAGE) REPORT:**

½ ton extended cab pick-up truck tender  
Miscellaneous sidewalk replacement and curb & gutter repair tender  
Dust suppressant tender

**DIRECTOR OF PUBLIC WORKS AND OPERATIONS REPORT:**

Needed projects

**CLERK'S REPORT:**

Daniel and Krista Turner – encroachment agreement

**CAO’S REPORT:**

In-camera – property

**MOTIONS:**

**BY-LAWS:**

By-law #23 of 2011 – Daniel and Krista Turner – fence encroachment  
By-law #24 of 2011 – Rezoning MDS

**COUNCILLORS REPORTS:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

**ADJOURNMENT:**

The Mayor called the meeting to order at 7:00pm and asked members 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 J. Agar

Seconded by J. DeGurse

**Motion #1** That the minutes of the Council meetings held April 4, 2011, Session #9 be adopted as printed and circulated.

**CARRIED**

Moved by S. Miller

Seconded by D. Randell

**Motion #2:** That the minutes of the Finance and Administration Meetings held April 11, 2011 be adopted as printed and circulated.

**CARRIED**

Moved by J. DeGurse

Seconded by J. Agar

**Motion #3:** That the minutes of the Public Works and Operations Meeting held April 11, 2011 be adopted as printed and circulated.

**CARRIED**

At the appointed time, Mayor Arnold and several members of the Moore Museum Board and Joyce Brock were present to receive the Lieutenant Governor of Ontario's Cultural Heritage Trust Volunteer Service Award. Mayor Arnold congratulated Ms. Brock for her 13 years of dedicated service to the Museum and the Community it serves. At the conclusion of the presentation ceremony, Council took a 10 minutes recess.

The meeting returned to order and Council proceeded to review the correspondence as listed on the agenda.

**CORRESPONDENCE:**

Council reviewed the request received on behalf of the Port Lambton Gala Days Committee. Council discussed the fact that it has requested a meeting with the Gala Days Committee members, the Captain Kidd organization committee members and various other interested groups such as the local OPP to attend a pre-event planning meeting scheduled for perhaps mid May.

Moved by P. Gilliland

Seconded by J. DeGurse

**Motion #4:** That permission be granted to the Port Lambton Gala Day Committee to host an outdoor refreshment tent for the Gala Day community festival scheduled for July 29, 30<sup>th</sup> and 31<sup>st</sup> subject to the outcome of the upcoming pre-event planning meeting.

**CARRIED**

Council reviewed the letter of claim from Patrick and Brenda Hanlon regarding compensation for the insurance deductible paid for an insurance claim resulting from flooding damage during recent water line construction in Corunna.

Moved by P. Gilliland

Seconded by J. Agar

**Motion #5:** That the request of Patrick and Brenda Hanlon for reimbursement of the \$1000 insurance deductible paid resulting from an insurance claim during recent water main construction in the amount of \$1000 be paid by the Township.

**DEFEATED**

Council asked for a staff report for review at its next meeting on the status of the Hanlon claim as well as the two other similar outstanding damage claims.

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Moved by D. Randell

Seconded by J. Agar

**Motion #6:** That the communication from the City of Sarnia regarding investigation of shared services be received and filed.

**CARRIED**

Moved by D. Randell

Seconded by P. Gilliland

**Motion #7:** That the resolution of Halton Region regarding harmonized sales tax and funding mechanisms for transportation infrastructure be endorsed and supported.

**CARRIED**

Moved by S. Miller

Seconded by D. Randell

**Motion #8:** That the request received from Don and Barbara Myers regarding paved shouldering at 4546 St. Clair Parkway Port Lambton be referred for staff report to the next meeting of the Public Works & Operations Committee.

**CARRIED**

Council reviewed the communication regarding the Rick Hansen Relay. Councillor Randell led Council into a discussion of possible appropriate groups that may be called upon to facilitate the November 24<sup>th</sup> relay through St. Clair Township, such as the St. Clair River Trail Committee.

Moved by P. Gilliland

Seconded by J. Agar

**Motion #9:** That the resolution of the City of Mississauga regarding HST and transportation infrastructure be accepted and endorsed.

**CARRIED**

Moved by D. Randell

Seconded by S. Miller

**Motion #10:** That the following correspondence be received and dealt with as per Council's instructions as noted:

- a. Port Lambton Gala Days– permission  
**Inst.** See motion #4
- b. Patrick and Brenda Hanlon – recovery costs  
**Inst.** Instructions to staff
- c. City of Sarnia – shared services  
**Inst.** See motion #6

**CARRIED**

At the appointed time, Mayor Arnold called to order the Court of Revision called to hear any possible assessment appeals on the Osborne Drain. Mr. Ray Dobbin, the author of the Engineer's report on the Osborne Drain was present to provide background information on the assessment methods and respond to any questions. Mr. Dobbin advised that at the request of the Drainage Committee and as requested by Mr. Jerry Duncan, a reexamination of the watershed area was conducted to determine that the Duncan property does not in fact drain into the Osborne Drain. Mr. Dobbin stated that the schedule of assessment on the Osborne Drain has been amended accordingly and that is the schedule he is recommending to be adopted by the Court of Revision. Mr. Dobbin also advised that he has contacted the owner of the Andrew's property and the agricultural tenant regarding the residential property tax class of the Andrew's farm. There were no written appeals or verbal appeals presented to the Court.

Moved by D. Randell

Seconded by J. DeGurse

**Motion #11:** That the Engineer's assessment according to his report dated February 16<sup>th</sup>, 2011 as amended relative to the Jerry Duncan property be accepted and confirmed and that the Court of Revision on the Osborne Drain be closed.

**CARRIED**

At the appointed time, the Court of Revision on the Gay Drain was convened. Ray Dobbin, author of the Gray Drain report provided to the Court, his assessment method and rationale. The Clerk advised that there were 3 written submissions received be considered

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by the Court. Two from Mr. Arthur Eyre, the latest dated April 13<sup>th</sup> and communications from Lambton County as the affected road authority dated April 18<sup>th</sup>. Mr. Dobbin stated that the letter dated March 21<sup>st</sup>, 2011, he has suggested a new schedule of assessment for the Gray Drain in recognition of the reduction to the Osborne Drain watershed, since the Osborne Drain outlets into the Gray Drain. Mr. Dobbin further pointed out that reduction in assessment due to the removal of the Jerry Duncan property was assessed totally to Lambton County.

Moved by P. Gilliland

Seconded by J. Agar

**Motion #12:** That the Court hear verbal appeals presented at this Court of Revision.

**CARRIED**

In response to the question from Mr. Jerry Duncan, Mr. Dobbin advised that the Duncan property has been removed from both the Osborne Drain and the Gray Drain watersheds.

Mr. Art Eyre was duly sworn. Mr. Eyre presented to the Court, photos of accumulation of salt on his access culvert due to what he considers to be the use of his driveway as a turn around by the County salting trucks. Mr. Eyre felt that this deposit of salt has led to the premature failure of the culvert. He also pointed out that the culvert servicing the Eyre property is approximately 14 feet longer to accommodate grain truck traffic with the additional expense of approximately \$3000 to be financed privately by Mr. Eyre. Mr. Eyre also explained his second letter regarding his opinion that the access culvert to his property known as the South half of the North half of Lot 15 was in reasonably good condition and does not need to be replaced. Mr. Dobbin advised that earlier today he attended on site and entered into the culvert to determine that generally speaking, the bottom of the culvert was rotted and deteriorated. Mr. Eyre conceded to Mr. Dobbin's professional opinion as to the condition of the culvert. In response to the Committee's questions, Mr. Eyre stated that in his opinion it would be fair if the County was assessed at 50% of the cost of his culvert replacement due to its contribution in his opinion to the premature deterioration of the said culvert. In response to the Court's question, Mr. Dobbin advised that the cost to replace the access culvert of the Eyre property is estimated to be \$5984.00 plus approximately \$3000 cost for the 14 foot extension, leaving a total cost to the Eyre property of \$8984.00. Again in response to the Court's question, Mr. Eyre felt it would be fair to assess one half of this cost to Lambton County. After considerable discussion, it was;

Moved by J. Agar

Seconded by P. Gilliland

**Motion #13:** That the Engineer's assessment in accordance with his report dated December 17<sup>th</sup>, 2010 as amended relative to the reduction in the Osborne Drain water shed be revised by the reduction of the assessment for the Eyre property known as the West half of Lot 15, Concession 4 by an amount equal to \$4492.00 with this reduction to be added to the assessment of the County of Lambton on the Kimball Road and that the Court of Revision be adjourned until May 16<sup>th</sup> 2011.

**CARRIED**

Mr. John MacPherson owner of property known as Roll #30-068 wished to appeal his assessment on the Gray Drain. In response to Mr. MacPherson's questions, Mr. Dobbin advised that based on his assessment techniques a portion of the replacement costs of the downstream culverts were assessed to the upstream land owners including Mr. MacPherson. Mr. MacPherson stated that in his opinion his property should not be responsible for a cost contribution for access culverts necessitated by relatively small acreage severance. Hence in his opinion, the County and the Township are benefiting from additional tax revenue from these relatively small severed parcels. Those two municipal jurisdiction should be responsible for these culvert replacement costs. In response to the Courts question, Mr. Dobbin advised that the assessment of the MacPherson property was done in the same fashion as all the other cost apportionments on the drain. In response to questions from the Court, Mr. MacPherson advised that in his opinion, each culvert owner should be assessed a minimum cost for the culvert and that the additional costs for the downstream culverts servicing relatively small agricultural properties should not be assessed to rate payers upstream. After considerable discussion, it was;

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Moved by D. Randell

Seconded by P. Gilliland

**Motion #14:** That the verbal appeal of Mr. John MacPherson owner of property identified by roll number 30-068 be denied.

**CARRIED**

In response to his questions, Mr. MacPherson was advised that the Court of Revision decision could be appealed further to the Ontario Drainage Tribunal.

Council returned to order

**DRAINS:**

The Clerk provided a verbal report as to the discussion this afternoon between Drainage Superintendent Dave Neely and Mr. and Mrs. Bruce Wickens regarding their decision on lawn piping to service their property on the Walton Drain that was tabled from the March 29<sup>th</sup> meeting of the Drainage Committee.

Moved by D. Randell

Seconded by S. Miller

**Motion #15:** That the issue of the culvert versus lawn piping for the Bruce Wickens property on the Walton Drain be lifted from the table for further discussion.

**CARRIED**

Council was advised by the Clerk that Mr. and Mrs. Wickens have decided to proceed with the lawn piping as prescribed in the Engineer's report presented by Dillon Consulting dated January 26<sup>th</sup> 2011.

Moved by D. Randell

Seconded by J. DeGurse

**Motion #16:** That the Engineer's report on the Walton Drain dated January 26<sup>th</sup> 2011 be adopted subject to possible Court of Revision changes.

**CARRIED**

Moved by S. Miller

Seconded by D. Randell

**Motion #17:** That By-law #7 of 2011 being a by-law to authorize the construction and financing of the Walton Drain be read the first and second time and provisionally adopted.

**CARRIED**

**REPORTS OF COMMITTEES AND OFFICERS:**

Moved by J. Agar

Seconded by J. DeGurse

**Motion #18:** That applications A4/11, A5/11, A6/11, B3/11 B4/11 submitted by the Coordinator of Planning for the month of April be received and accepted as information.

**CARRIED**

At the appointed time Council called to order the public meeting called to consider the by-law to amend the current comprehensive zoning by-law relative to the minimum distance separation calculations from livestock operations and non-farm related residential development. Mr. Uitvlugt of the Lambton County Planning Department presented his planning merit report on the subject dated March 17<sup>th</sup>, 2011. In his report, Mr. Uitvlugt is stating that the amendment would replace the old definitions and the recommended by-law would conform to Provincial legislation and County policies. At the conclusion of the presentation the Clerk advised that no written submissions were received and no one was present to speak either in opposition or support of the proposed rezoning. Hearing no further comments the public hearing was closed.

Moved by D. Randell

Seconded by P. Gilliland

**Motion #19:** That By-law Number 24 of 2011, being a by-law to amend By-law #17 of 2003 having been given the necessary three readings, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

**CARRIED**

The Mayor recognized Mr. Chris Thomas of Kel-Gor Ltd. present to respond to any questions Council may have relative to the possible usage by Kel-Gor of the former

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Township gravel dock at Mooretown for the loading of prefabricated modules for shipment to the United States. Mr. Thomas had earlier filed with Council, basic loading plan and a diagram of the placement of the transportation barges. Mr. Thomas spoke to the fact that based on Council's earlier decision, Kel-Gor is asking for 7 days relief from the suggested penalty for non-compliance to the agreement. Mr. Thomas stressed that there is a daily cost to Kel-Gor for every day the vessels are in place and Kel-Gor would be most encouraged to remove the temporary facilities in a timely fashion.

Moved by J. Agar

Seconded by D. Randell

**Motion #20:** That Kel-Gor be given a 7 day grace period from the last loading of the pre-fabricated modules onto barges to achieve the removal of barges and any loading facilities constructed to facilitate the loading and transport with the provision that a \$25,000 penalty per week be imposed if the grace period is exceeded.

**CARRIED**

Council also stressed that in their opinion public information is a critical component in this activity and that Kel-Gor was requested to provide loading and transport information by way of written communications to the neighbors as well as a personal visit.

**DEPUTY CLERK/COORDINATOR OF PLANNING REPORT:**

Moved by j. Agar

Seconded by J. DeGurse

**Motion #21:** That the report submitted by the Coordinator of Planning dated April 13, 2011 recommending that Council approve and pass a by-law authorizing the municipality to enter into a site plan agreement with Provident Energy for its operation west of Highway 40 (the most recent site plan agreement for Provident was for the east side) be received and accepted.

**CARRIED**

**TREASURER'S REPORT:**

Moved by S. Miller

Seconded by D. Randell

**Motion #22:** That the report submitted by the Treasurer dated April 13, 2011 recommending that Council accept the tender from Sentry Fire Protection Service for the supply of fire extinguisher maintenance service and the Mayor and Clerk be authorized to sign the agreement be received and accepted.

**CARRIED**

Council asked for a report to be considered at the next meeting of the Finance and Administration Committee relative to the number of fire extinguishers that would be covered under this CKLAG contract and whether or not this function could be carried out by existing in-house staff.

**COORDINATOR OF OPERATIONS (ROADS/DRAINAGE) REPORT:**

Moved by D. DeGurse

Seconded by J. Agar

**Motion #23:** That the report submitted by the Coordinator of Operations (Roads/Drainage) dated April 13, 2011 recommending that the tender from Patterson Motors (Wallaceburg) Ltd. in the amount of \$21,128.80 for the supply of one 2011 ½ ton extended cab pick-up be received and accepted.

**CARRIED**

Moved by P. Gilliland

Seconded by D. Randell

**Motion #24:** That the report submitted by the Coordinator of Operations (Roads/Drainage) dated April 13, 2011 recommending that the tender submitted by R.B.M. Contractors in the amount of \$40,680.00 for the "miscellaneous sidewalk replacement and curb and gutter repair" be received and accepted.

**CARRIED**

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Moved by J. DeGurse

Seconded by J. Agar

**Motion #25:** That the report submitted by the Coordinator of Operations (Roads/Drainage) dated April 13, 2011 recommending that the tender submitted by Pollard Highway Products Ltd. in the amount of \$117,463.50 for the "2011 supply and application of Chloride based liquids for dust control" be accepted and the Mayor and Clerk be authorized to sign the contract and other related documents be received.

**CARRIED**

**DIRECTOR OF PUBLIC WORKS AND OPERATIONS REPORT:**

Moved by D. Randell

Seconded by S. Miller

**Motion #26:** That the report submitted by the Director of Public Works and Operations dated April 13, 2011 regarding needed projects be received and accepted as information.

**CARRIED**

**CLERK'S REPORT:**

The Clerk provided a verbal report as to conversations with Mrs. Krista Turner regarding their acceptance based on their own legal advice as to the draft terms of the encroachment agreement that would allow the private fence approximately 3 inches onto property owned by the Township.

Moved by J. DeGurse

Seconded by J. Agar

**Motion #27:** That the verbal report given by the Clerk with regards to the encroachment agreement for Dan and Krista Turner be received and accepted.

**CARRIED**

**CAO'S REPORT:**

Mr. Rodey advised of a need for an in-camera discussion on a property and legal matter. Mr. Rodey also advised Council of attempted discussions today with appropriate Federal and Provincial officials charged with the decision as to whether or not to allow further infrastructure projects to be financed from the already approved federal/provincial infrastructure programs.

**BY-LAWS:**

Moved by J. Agar

Seconded by J. DeGurse

**Motion #28:** That By-law Number 25 of 2011, being a by-law to authorize execution of a Site Plan Control Agreement with Provident Energy Ltd. and the Township of St. Clair at Part of PIN 43497-0214 LT, Part of Lot 25, Concession 12, and Part of Lot 26, Concession 12, Geographic Township of Moore, Township of St. Clair, County of Lambton, Designation as Parts 1 to 17 and 21 to 26, all inclusive on Plan 25R-9709 being part of the PIN. PIN 43497-0224 LT, Part of Lot 25, Concession 12, and Part of Lot 26, Concession 11, Geographic Township of Moore, Township of St. Clair, County of Lambton, Designated as Parts 17 to 20 and 27 to 34, all inclusive on Plan 25R-9709 and part Lot 25 Concession 11(MO) mineral rights only designated as Part 1 on Plan 25R-304, geographic Township of Moore, Township of St. Clair, having been given the necessary three readings, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

**CARRIED**

Moved by P. Gilliland

Seconded by

**Motion #29:** That By-law #23 of 2011 being a by-law to authorize the encroachment agreement between the Municipality and Daniel and Krista Turner having been given the necessary three readings, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

**CARRIED**

**COUNCILLOR'S REPORT:**

**Peter Gilliland:**

Deputy Mayor Gilliland advised of attending a recent ceremony awarding various volunteers services awards and acknowledged that Councillor DeGurse received a 15 year volunteer award for this service to Lambton Elderly Outreach.

**Steve Miller:**

Councillor Miller advised of his attendance at a very informative Chamber of Commerce community leaders breakfast as well as advising council that Mr. Murray Jackson has been appointed the Chair of the Lambton Police Services Board.

**Darrell Randell:**

Councillor Randell attended the recent annual meeting of the Lambton Municipal Association.

**Jim DeGurse:**

Councillor DeGurse questioned possible Township contribution to the Joel Hookey memorial garden. The CAO advised that an ad-hoc committee has been established representing the OPP, neighbors of Mr. Hookey and the municipality to determine an appropriate memorial to the late Joel Hookey. Council will approve the final design and have an opportunity at that stage of the project to determine any financial assistance from the Municipality. Councillor DeGurse also advised of a rate payer complaint as to what he considers the untimely delivery of the St. Clair Beacon.

**Steve Arnold:**

Mayor Arnold reminded Council of the Wednesday April 20<sup>th</sup> meeting of the Lambton County Rural Game Protective Association in Inwood as well as his success in the recent SCRCA canoe race and further that the funds raised during this year's event will be devoted to enhance children's programs.

**NEW BUSINESS:**

Council reviewed a request received from Mr. Richard Climie, a resident of the St. Clair Parkway in Sombra adjacent to the new Sombra Museum site for the possible purchase of the storage shed located on the property owned by the Municipality. Mr. Climie has offered to make a contribution to the Museum building fund in exchange for the ownership of this accessory building with this building to be relocated onto his property.

Moved by S, Miller

Seconded by D. Randell

**Motion #30:** That in exchange for a charitable donation of \$100 to the Sombra Museum fund the storage building located on property owned by the municipality as the host site for the museum be offered to Mr. Robert Climie with the provision that the building be relocated to the Climie property and located as furthest south as possible on the Climie property.

**CARRIED**

Council circulated the draft development agreement to provide for the solar farm facility proposed by First Solar on the Rokeby Line.

Moved by D. Randell

Seconded by J. DeGurse

**Motion #31:** In consideration of the draft agreement between the municipality and First Solar for the proposed development of the solar farm on the Rokeby Line be tabled.

**DEFEATED**

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Moved by S. Miller

Seconded by J. Agar

**Motion #32:** That the draft site plan agreement between the municipality and First Solar to facilitate the establishment of the solar farm on Rokeby Line be accepted and approved for signature with the \$5000 agreement fee to cover the Township's incidental costs to be confirmed.

**CARRIED**

Moved by J. Agar

Seconded by S. Miller

**Motion #33:** That First Solar be asked for a contribution in the amount of \$25,000 to be devoted to the Township's Education and Environment Reserve fund for possible youth oriented projects.

**CARRIED**

Moved by P. Gilliland

Seconded by D. Randell

**Motion #34:** That the meeting enter an in-camera session to discuss legal and property issues.

**CARRIED**

Meeting returned to order.

Hearing no further business, it was;

**ADJOURNMENT:**

Moved by S. Miller

Seconded by D. Randell

That the meeting do hereby adjourn.

**CARRIED**

The meeting adjourned at 10:15 p.m.

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MAYOR

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CLERK