

## TOWNSHIP OF ST. CLAIR

### COUNCIL AGENDA

#### SESSION #4

St. Clair Township Civic Centre  
February 20, 2018  
6:30 p.m.

A Regular Meeting of Council was held Tuesday, February 20, 2018 at the Council Chambers in Mooretown at 6:30 p.m. with the following people present:

S. Arnold	Mayor
P. Gilliland	Deputy Mayor
J. Agar	Councillor
J. De Gurse	“
D. Randell	“
S. Miller	Councillor

Regrets: T. Kingston Councillor

Staff: J. Rodey CAO  
J. Baranek Clerk

#### **Declaration of Conflict of Interest:**

#### **Minutes:**

Regular Council Meeting – Session #3 – January 29, 2018  
Finance & Administration Meeting – February 12, 2018  
Public Works & Operations Meeting – February 12, 2018

#### **Business Arising from the Minutes:**

#### **DEPUTATIONS AND APPOINTMENTS:**

6:45 p.m. - Public Rezoning Meeting - ZBLA – 1757 LaSalle Line  
(Wray Enterprises Ltd.)\*  
\*see separate agenda  
7:00 p.m. - OPG – Dan Roorda & Steve Repergel [POSTPONED]  
7:15 p.m. – Gerry MacPherson – Hescott-Anderson Drain Culvert Concerns

#### **CORRESPONDENCE:**

- 1) 4680 & 4668 Riverside Drive – Property Standards
- 2) Port Lambton Beautification Project
- 3) Great Lakes Mayors – Membership Renewal
- 4) Heritage St. Clair – Stewart James
- 5) SLICC – “Wisp” Internet in Brigden
- 6) Merlink – Sign Request
- 7) Jim Vandenberghe – Brigden Speed Concerns
- 8) 145 Main Street – Property Standards

#### **INFORMATION:**

- a) Shell Turnaround
- b) Communities in Bloom
- c) Plan to Strengthen Rural Education
- d) Spriet – OGRA Hospitality Invitation
- e) County Council Highlights

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- f) OGRA – Cowan Reception
- g) Lambton Farm Safety Association – Balance Sheet
- h) County Building Permit Stats
- i) NEB Application – Genesis Pipeline
- j) Tax Class Appeal Notice
- k) CCsC Bike Rodeo

**DRAINS:**

**REPORTS OF COMMITTEES AND OFFICERS:**

**DIRECTOR OF PUBLIC WORKS' REPORT:**

- Proposed Funding for iPad Purchase

**CLERK'S REPORTS:**

- Industrial Wind Turbines Bylaw 24 of 2013 – Amendment Prohibited on lands the proponent does not reside on and own
- Fence Concern – 3453 St. Clair Parkway
- Transient Trader Permit Request – Ice Cream
- Boat Dock at Leeland Gardens
- Property Standards Updates

**CAO'S REPORT:**

**MOTIONS:**

**BY-LAWS:**

- 11 of 2018 – To Amend By-Law 24 of 2013 - Being a By-Law to Restrict any potential Industrial Wind Turbines
- 12 of 2018 – To Amend Comprehensive By-law 17 of 2003 Pursuant to Section 34 of the Planning Act
- 16 of 2018 – Nova Sanitary Sewer Use Agreement
- 17 of 2018 – Nova Water Use Agreement

**COUNCILLORS' REPORTS:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

- Regular Council – Monday, March 5, 2018 ~ 6:30 p.m.
- Committee of the Whole – Monday, March 12, 2018 ~ 3:00 p.m.
- Regular Council – Monday, March 19, 2018 ~ 6:30 p.m.
- Regular Council – Monday, April 2, 2018 ~ 6:30 p.m.
- Committee of the Whole – Monday, April 9, 2018 ~ 3:00 p.m.
- Regular Council – Monday, April 16, 2018 ~ 6:30 p.m.

**In Camera:**

- 239 (e) Updates on ongoing liability litigation cases
- 239 (e) Advice on potential litigation related to a purchasing contract

**ADJOURNMENT:**

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Mayor Arnold called the meeting to order at 6:30 p.m. and asked members of Council to declare any possible conflicts of interest at the appropriate time.

None declared.

**ADOPT MINUTES:**

Moved by D. Randell

Seconded by J. Agar

**Motion #1** Be it resolved that the Minutes from Council Session #3 held January 29, 2018 be received and accepted as printed.

**CARRIED**

Moved by J. Agar

Seconded by D. Randell

**Motion #2** Be it resolved that the Minutes from the Finance & Administration and the Public Works & Operations meetings held February 12, 2018 be received and accepted as printed.

**CARRIED**

**DEPUTATIONS AND APPOINTMENTS:**

**6:45 p.m. – PUBLIC REZONING – 1757 LASALLE LINE**

At the appointed time of 6:45 p.m. Mayor Arnold declared the public meeting for a Rezoning for 1757 LaSalle Line open and asked Township Planner - Ezio Nadalin to make his presentation.

The rezoning was a condition of a previously approved consent B-05/17 which was a severance to dispose of a surplus farm dwelling. Both the new lot and retained lot comply with minimum size requirements. By this application, the severed lot would be zoned A1-R Agricultural Non-Farm Residential and the retained lot would be zoned A1-ND Agricultural No-Dwelling.

Mayor Arnold asked if anyone in the audience wished to speak for or against the application and no one came forward. Proponent Bill Wray advised that he merged the retained parcel to ensure the minimum size was maintained.

Seeing no other comments forthcoming, Mayor Arnold declared the public meeting closed.

Moved by P. Gilliland

Seconded by S. Miller

**Motion #3** Be it resolved that the proposed rezoning for Concession 12, East Part Lot 13, East ½ Lot 13, geographic township of Moore as a condition of consent for B05/17 be approved and the corresponding bylaw be considered for all three readings.

**CARRIED**

**7:15 P.m. – GERRY MACPHERSON – HESCOTT-ANDERSON DRAIN CULVERT CONCERNS**

At the appointed time of 7:15 p.m. Mayor Arnold welcomed Gerry MacPherson to come forward to make his presentation.

Mr. MacPherson attended the recent Committee of Adjustment meeting where a surplus farm dwelling severance was approved on Moore Line resulting in the need for a new access over the Hescott-Anderson Drain. He was concerned that, despite the cost of the new culvert being 100% the responsibility of the present owner, at the time of the next engineer's report for the Hescott-Anderson Drain, the culvert could become part of the drain at which point the upstream landowners would become responsible for a percentage of its maintenance and replacement. He felt that the culvert would not benefit any of the existing landowners so having to pay any percentage for its maintenance or replacement at any time in the future was not justifiable.

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After a robust discussion about such severances and resulting new culverts, staff was directed to produce a report on possible ways to ensure such accesses remain with the owner for all costs continuing into the future and that they never become a legal part of the drain.

**CORRESPONDENCE:**

Moved by P. Gilliland  
Seconded by J. Agar  
**Motion #4** Be it resolved that the Property Standards complaint received against the properties known as 4680 & 4668 Riverside Drive be referred to staff for investigation.

**CARRIED**

Moved by P. Gilliland  
Seconded by S. Miller  
**Motion #5** Be it resolved that the Port Lambton Beautification Project submitted by Janet Sterling for a donation of \$1000 for five large flower pots to be placed in the business district be approved.

**CARRIED**

Moved by D. Randell  
Seconded by J. De Gurse  
**Motion #6** Be it resolved that the Township membership to the Great Lakes Mayors group be renewed for the 2018 year.

**CARRIED**

Moved by J. Agar  
Seconded by P. Gilliland  
**Motion #7** Be it resolved that the request submitted by Heritage St. Clair to install story boards to acknowledge the achievements in the field of magic made by Stewart James in Courtright Park be approved in consultation with the Township of St. Clair Director of Community Services.

**CARRIED**

Moved by S. Miller  
Seconded by D. Randell  
**Motion #8** Be it resolved that the request submitted by SLICC to install a tower on the water tower in Brigden that would provide the village with “WISP” internet be referred to staff for a report on the feasibility of the tower’s installation.

**CARRIED**

Moved by D. Randell  
Seconded by S. Miller  
**Motion #9** Be it resolved that the request submitted by Merlink Communications to install a sign at the Sombra Daycare at 3536 St. Clair Parkway for three months until May 1, 2018 be approved, subject to compliance with the Township Sign Bylaw.

**CARRIED**

Moved by S. Miller  
Seconded by J. De Gurse  
**Motion #10** Be it resolved that the letter submitted by Jim Vandenberg related to traffic and traffic speed concerns in Brigden be referred to staff for a report.

**CARRIED**

Moved by J. Agar  
Seconded by P. Gilliland  
**Motion #11** Be it resolved that the Property Standards complaint received against the property known as 145 Main Street, Courtright be referred to staff for investigation.

**CARRIED**

Moved by J. Agar  
Seconded by D. Randell  
**Motion #12** Be it resolved that Council accept the following items of correspondence as per Council’s direction:

- 1) 4680 & 4668 Riverside Drive – Property Standards
- 2) Port Lambton Beautification Project
- 3) Great Lakes Mayors – Membership Renewal

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- 4) Heritage St. Clair – Stewart James
- 5) SLICC – “Wisp” Internet in Brigden
- 6) Merlink – Sign Request
- 7) Jim Vandenberghe – Brigden Speed Concerns
- 8) 145 Main Street – Property Standards

**CARRIED**

**INFORMATION:**

Moved by D. Randell

Seconded by J. Agar

**Motion #13** Be it resolved that the following items of information be dealt with as per Council’s instructions for agenda items identified a) to k):

- a) Shell Turnaround
- b) Communities in Bloom
- c) Plan to Strengthen Rural Education
- d) Spriet – OGRA Hospitality Invitation
- e) County Council Highlights
- f) OGRA – Cowan Reception
- g) Lambton Farm Safety Association – Balance Sheet
- h) County Building Permit Stats
- i) NEB Application – Genesis Pipeline
- j) Tax Class Appeal Notice
- k) CCsC Bike Rodeo

**CARRIED**

**DRAINS:**

**REPORTS OF COMMITTEES AND OFFICERS:**

**DIRECTOR OF PUBLIC WORKS’ REPORT:**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #14** Be it resolved that the report submitted by Brian Black – Director of Public Works dated February 17, 2018 with regard to Proposed Funding for iPad Purchase be received and that the purchase of 10 iPads for approximately \$12,000.00 be funded from the General Roads Equipment Reserve.

**CARRIED**

**CLERK’S REPORTS:**

Moved by P. Gilliland

Seconded by D. Randell

**Motion #15** Be it resolved that Council receive the report *Industrial Wind Turbines By-law 24 of 2013 – Amendment Prohibited on lands the proponent does not reside on and own* submitted by Jeff Baranek – Clerk dated February 1, 2018 as information and that By-law 11 of 2018 being a by-law to amend By-law 24 of 2013 be considered for approval.

**CARRIED**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #16** Be it resolved that Council receive the report *Fence Concern – 3453 St. Clair Parkway* submitted by Jeff Baranek - Clerk dated February 13, 2018 as information.

**CARRIED**

Moved by S. Miller

Seconded by J. Agar

**Motion #17** Be it resolved that the owners of the property known as 3453 St. Clair Parkway be required to lower their fence to the compliant 29 inches by May 31, 2018, or apply for and secure a variance to By-law 36 of 2010.

**CARRIED**

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Moved by P. Gilliland

Seconded by J. Agar

**Motion #18** Be it resolved that the report *Transient Trader Permit Request – Ice Cream* submitted by Jeff Baranek - Clerk dated February 13, 2018 be received as information and that, subject to the submission of valid insurance, holding the Township harmless and a clean criminal record check, Council direct staff to issue a Transient Trader Permit for Kool Treats to sell frozen treats from a bicycle on township land and in township parks expiring December 31, 2018.

**CARRIED**

Moved by S. Miller

Seconded by J. De Gurse

**Motion #19** Be it resolved that Council receive the report *Boat Dock at Leeland Gardens* submitted by Jeff Baranek - Clerk dated February 13, 2018 as information and that the request to authorize a boat dock in Leeland Gardens to serve the property known as 3947 Seaway Road be approved subject to obtaining a permit from the St. Clair Region Conservation Authority and only in a location that does not obstruct similar developments for abutting lands nor does it obstruct the canal.

**CARRIED**

Moved by J. De Gurse

Seconded by S. Miller

**Motion #20** Be it resolved that Council receive the report *Property Standards Updates* submitted by Jeff Baranek - Clerk dated February 15, 2018 as information.

**CARRIED**

Moved by D. Randell

Seconded by J. Agar

**Motion #21** Be it resolved that property owners be advised to remove any equipment from the north-south alley in Courtright on Thomson Street prior to May 31, 2018 or it will be removed by the Township.

**CARRIED**

Moved by P. Gilliland

Seconded by J. De Gurse

**Motion #22** Be it resolved that the Property Standards file for 156 King Street in Sombra be closed.

**DEFEATED**

Moved by S. Miller

Seconded by J. Agar

**Motion #23** Be it resolved that the owner of 156 King Street in Sombra be given until May 31, 2018 to bring the two outbuildings into compliance with the Ontario Building Code.

**CARRIED**

Moved by S. Miller

Seconded by J. Agar

**Motion #24** Be it resolved that staff be directed to keep the file for 3470 John Street, Sombra until the Spring to be closed once the roofs on the dwelling and detached structure are replaced.

**CARRIED**

Moved by J. Agar

Seconded by S. Miller

**Motion #25** Be it resolved that the owners of 173 Smith Line, Sombra be given until May 31, 2018 to bring the property into compliance and a report be submitted to staff thereafter.

**CARRIED**

Moved by S. Miller

Seconded by J. Agar

**Motion #26** Be it resolved that the Property Standards file for 1353 Wilkesport Line be closed.

**CARRIED**

Moved by S. Miller

Seconded by P. Gilliland

**Motion #27** Be it resolved that the Property Standards file for 2672 Bickford Line be closed.

**CARRIED**

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Moved by S. Miller

Seconded by J. Agar

**Motion #28** Be it resolved that the owner of 2387 Boswell Street be given 14 days to finish siding the entire dwelling after which, if the work is not completed, the file will be forwarded to the Property Standards Officer.

**CARRIED**

Moved by J. Agar

Seconded by J. De Gurse

**Motion #29** Be it resolved that the Property Standards file for 527 Belmont Avenue be closed.

**CARRIED**

Moved by J. Agar

Seconded by S. Miller

**Motion #30** Be it resolved that the owner of 249 Blackthorn Crescent be given 30 days to remove all derelict vehicles from the driveway.

**CARRIED**

Moved by P. Gilliland

Seconded by S. Miller

**Motion #31** Be it resolved that the owner of 935 St. Clair Parkway be provided until May 31, 2018 to remove all heavy equipment and fill piles from site.

**CARRIED**

### **CAO'S REPORT:**

#### **BY-LAWS:**

Moved by S. Miller

Seconded by J. De Gurse

**Motion #32** Be it resolved that By-law 11 of 2018 – To Amend By-law 24 of 2013 – Being a By-Law to Restrict any potential Industrial Wind Turbines receive all three readings and be thereby passed and that the Mayor and Clerk be authorized to execute appurtenant agreements.

**CARRIED**

Moved by S. Miller

Seconded by J. De Gurse

**Motion #33** Be it resolved that By-law 12 of 2018 – To Amend Comprehensive By-law 17 of 2003 Pursuant to Section 34 of the Planning Act receive all three readings and be thereby passed and that the Mayor and Clerk be authorized to execute appurtenant agreements.

**CARRIED**

Moved by J. De Gurse

Seconded by S. Miller

**Motion #34** Be it resolved that By-law 16 of 2018 – Nova Sanitary Sewer Use Agreement receive all three readings and be thereby passed and that the Mayor and Clerk be authorized to execute appurtenant agreements.

**CARRIED**

Moved by J. De Gurse

Seconded by S. Miller

**Motion #35** Be it resolved that By-law 17 of 2018 – Nova Water Use Agreement receive all three readings and be thereby passed and that the Mayor and Clerk be authorized to execute appurtenant agreements.

**CARRIED**

### **COUNCILLORS' REPORTS:**

#### **Deputy Mayor Gilliland:**

Deputy Mayor Gilliland attended the recent SLEP meeting and an Asset Management Webinar at the Civic Centre.

#### **Councillor Miller:**

Councillor Miller attended the Asset Management Webinar at the Civic Centre.

**Mayor Arnold:**

Mayor Arnold represented the Township at a number of events since the last meeting including the Sustainability Conference in Ottawa, Children's Safety Village meeting, and a meeting related to bringing high speed internet to the municipality.

Mayor Arnold has been exploring all possible avenues and lobbying for funding to repair the causeway to the Bluewater Ferry.

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

Moved by D. Randell

Seconded by J. Agar

**Motion #36** Be it resolved that the report submitted by Fire Chief Anderson titled *Response to new Fire Regulations* be received as information and that the recommendations contained within be forwarded to the Ministry of Community Safety and Correctional Services.

**CARRIED**

**UPCOMING MEETINGS:**

- Regular Council – Monday, March 5, 2018 ~ 6:30 p.m.
- Operating Budget Meeting – Thursday, March 8, 2018 ~ 5:00 p.m.
- Committee of the Whole – Monday, March 12, 2018 ~ 3:00 p.m.
- Regular Council – Monday, March 19, 2018 ~ 6:30 p.m.
- Regular Council – Monday, April 2, 2018 ~ 6:30 p.m.
- Committee of the Whole – Monday, April 9, 2018 ~ 3:00 p.m.
- Regular Council – Monday, April 16, 2018 ~ 6:30 p.m.

**IN-CAMERA:**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #37** Be it resolved that the meeting enter an in-camera session under the following sections:

- 239 (e) Updates on ongoing liability litigation cases
- 239 (e) Advice on potential litigation related to a purchasing contract

**CARRIED**

Mayor Arnold declared the meeting back into open session and asked for any forthcoming motions.

**ADJOURNMENT:**

Seeing no further business to discuss, it was thereby moved:

Moved by S. Miller

Seconded by D. Randell

**Motion #38** That the meeting of Council hereby adjourned.

**CARRIED**

The meeting adjourned at 8:30 p.m.

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MAYOR - Steve Arnold

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CLERK - Jeff Baranek