



CORPORATION OF THE TOWNSHIP OF ST. CLAIR

COUNCIL MINUTES

SESSION #19

Electronic Meeting
October 5, 2020
3:00 p.m.

A Regular Meeting of Council was held Monday, October 5, 2020 at 3:00 p.m. with the following people participating via video conference:

S. Arnold	Mayor
S. Miller	Deputy Mayor
R. Atkins	Councillor
P. Brown	Councillor
T. Kingston	Councillor
B. Myers	Councillor
J. De Gurse	Councillor

Staff:	J. Rodey	CAO
	J. Baranek	Clerk

AGENDA:

1. CALL TO ORDER

2. DECLARATION OF PECUNIARY INTEREST

3. ADOPTION OF MINUTES

3.1 Regular Council Meeting - Session #18 – September 21, 2020

4. DELEGATIONS/PRESENTATION

4.1 PUBLIC MEETING

- 3:30 p.m. – Proposed Fence Hearing – Walnut Grove

5. CORRESPONDENCE ITEMS

5.1 Royal Canadian Legion Branch 447 – Remembrance Week Activities

5.2 Concerns – 3490 Water Street

5.3 Concerns – MacDonald Park – Location of North Diamond

5.4 Concerns – 495 Colborne Drive

6. INFORMATION ITEMS

6.1 Building Permits Report – August 2020

6.2 Enbridge Gas Inc. – Notice of Application – 2019 Earnings Sharing and Disposition of Account Balances

7. **DRAINS**

7.1 Drainage By-Law 18 of 2020 – Various Drains – 2018 Maintenance

7.2 Drainage By-Law 19 of 2020 – Various Drains – 2018 Maintenance

7.3 Drainage By-Law 20 of 2020 – Various Drains – 2018 Maintenance

7.4 Drainage By-Law 24 of 2020 – Various Drains – 2019 Maintenance

8. **REPORTS OF COMMITTEES AND STAFF**

8.1 Clerk's Report – Committee of Adjustment Return to Council Chamber

8.2 Deputy Clerk's Report – Agreements – Temporary Use of Modular Buildings & Storage Unit Structures – Enbridge Gas Inc. – 3600 Ladysmith, 3100 and 3555 Tecumseh Road

8.3 Deputy Clerk's Report – Final Site Plan Agreement – St. Clair Community Church – 3454 John Street, Sombra

8.4 Treasurer's Report – General Accounts and Corporate Visa Statement

8.5 Treasurer's Report – Awarding of the 2020 Development Charge Study

8.6 Treasurer's Report – Update to the 2020 Capital Budget

8.7 Director of Public Works' Report – WSIB Health and Safety Excellence Initiative

8.8 Coordinator of Operations' (Works) Report – Safety Issues Regarding Fawn Island and Southwestern Sales

8.9 Coordinator of Operations' (Works) Report – 3111 St. Clair Parkway – Conveying Portion of the Road Allowance

8.10 Coordinator of Operations' (Works) Report – Additional Driveway Request – 1214 St. Clair Parkway

8.11 Coordinator of Operations' (Works) Report – Crossing Guards and Potential Upgrades

8.12 Coordinator of Operations' (Works) Report – McGee Drain – Pretty Road

8.13 Coordinator of Operations' (Water/Wastewater) Report – Jacobs (CH2M Contract Amendment No.9 – Wastewater Facilities

8.14 Coordinator of Operations' (Water/Wastewater) Report – Port Lambton South Lagoon Remediation Project

8.15 Coordinator of Engineering's Report – Monthly Report

8.16 Coordinator of Engineering's Report – St. Clair Parkway Golf Course Paving

8.17 Coordinator of Engineering's Report – Wilkesport Line – Highway 40 to Baby Road Rehabilitation Options

8.18 Coordinator of Engineering's Report – St. Clair Township Sidewalk Guidelines

8.19 Coordinator of Engineering's Report – St. Clair Parkway Left Turning Lane to Shell Refinery

8.20 Drainage Superintendent's Report – Monthly Report

8.21 Drainage Superintendent's Report – Storm Water Issue at 420 Silver Sands

8.22 Director of Community Services' Report – Information

8.23 Director of Community Services' Report – Opening of Community Halls

9. BY-LAWS

9.1 By-Law 51 of 2020 – Temporary Use Agreement – 912176 Ontario Ltd. (Enbridge Gas Inc.) – 3100 and 3595 Tecumseh Road

9.2 By-Law 52 of 2020 – Temporary Use Agreement – 912176 Ontario Ltd. (Enbridge Gas Inc.) – 3595 Tecumseh Road

9.3 By-Law 53 of 2020 – Temporary Use Agreement – Enbridge Gas Inc. – 3600 Ladysmith Road

9.4 By-Law 54 of 2020 – Site Plan Agreement – St. Clair Community Church – 3454 John St., Sombra

10. NEW BUSINESS

10.1 Lambton County – Cultural Services Division – Libraries' Reopening Request

11. IN CAMERA SESSION

11.1 Municipal Act – Section 239 (2) (d) To discuss rent relief at the Emergency Services building

11.2 Municipal Act – Section 239 (2) (a) Labour relations due to potential absences due to COVID-19

11.3 Municipal Act – Section 239 (2) (c) To consider an offer of purchase for a parcel in the industrial park

11.4 Municipal Act – Section 239 (2) (e) Potential litigation related to termination of a contractor's contract

12. COUNCILLORS' REPORTS

13. UPCOMING MEETINGS

13.1 Regular Council Meeting – Monday, October 19, 2020 at 3:00 p.m.

13.2 Regular Council Meeting - Monday, November 2, 2020 at 3:00 p.m.

14. ADJOURNMENT

1. CALL TO ORDER

At the appointed time of 3:00 p.m., Mayor Arnold declared the meeting to order and welcomed those appearing in the Chamber and those participating via Zoom.

2. DECLARATION OF PECUNIARY INTEREST

None declared.

3. **ADOPTION OF MINUTES**

Moved by B. Myers

Seconded by S. Miller

Motion 1 Be it resolved that the Minutes from the Regular Council Meeting - Session #18 held on September 21, 2020, be received and accepted as corrected.

CARRIED

4. **DELEGATIONS/PRESENTATIONS**

4.1 **PUBLIC MEETING – Proposed Fence Hearing – Walnut Grove**

At the appointed time of 3:30 p.m., Mayor Arnold declared open the public meeting to consider a fence variance for the proposed development at Walnut Grove and welcomed Ryan Gervais to the meeting who was representing the proponent.

The proponent applied to install a perimeter fence around the proposed development off Queen Street which would consist of 6 foot and 8 foot tall wood panels as well as brick columns joining them.

The purpose of the fence request was to create a buffer from the abutting park and sports fields and to reinforce security for the eventual residents in the area.

Mr. Gervais explained they will try to maintain whatever they can from the existing brick fence and confirmed that only the columns will be taller than the permitted 6 feet.

Nobody took the opportunity presented by Mayor Arnold to speak in favour or against the proposed fence, and Clerk Jeff Baranek confirmed that no written comments were received.

Seeing no other comments, Mayor Arnold declared the public meeting closed and asked for any forthcoming motion.

Moved by S. Miller

Seconded by T. Kingston

Motion 2 Be it resolved that the fence request submitted by Danbury Developments to install a perimeter fence at Walnut Grove (ARN: 380522009312401) with a maximum height of eight (8) feet for the columns, while maintaining the six (6) foot height for the panels as permitted by Section 3 (d) of Fence By-law 36 of 2010 be approved.

CARRIED

5. **CORRESPONDENCE**

Moved by J. De Gurse

Seconded by R. Atkins

Motion 3 Be it resolved that Council accept the following items of correspondence as per Council's direction:

- 5.1 Royal Canadian Legion Branch 447 – Poppy Campaign
- 5.2 Concerns – 3490 Water Street
- 5.3 Concerns – MacDonald Park
- 5.4 Concerns – 495 Colborne Drive

CARRIED

5.1 Moved by P. Brown

Seconded by B. Myers

Motion 4 Be it resolved that October 30th – November 11th be declared Poppy Weeks and that Royal Canadian Legion Branch 447 be authorized to canvas residents for donations throughout this period, and all other associated activities be approved.

CARRIED

5.2 Moved by S. Miller Seconded by T. Kingston
Motion 5 Be it resolved that the concern submitted against the use of the property located at 3490 Water Street in Sombra be referred to staff for investigation.

CARRIED

5.3 Moved by S. Miller Seconded by R. Atkins
Motion 6 Be it resolved that the concerns submitted against the redevelopment of MacDonald Park be received as information.

CARRIED

5.4 Moved by P. Brown Seconded by T. Kingston
Motion 7 Be it resolved the Property Standards concern received against 495 Colborne Drive be referred to staff for investigation.

CARRIED

6. INFORMATION ITEMS

Moved by B. Myers Seconded by P. Brown
Motion 8 Be it resolved that the following items of information be dealt with as per Council's direction:

- 6.1 Building Permits Report - 2020
- 6.2 Enbridge Gas Inc. – Notice of Application – 2019 Earnings Sharing & Disposition of Account Balances

CARRIED

7. DRAINS

7.1 Moved by J. De Gurse Seconded by P. Brown
Motion 9 Be it resolved that Drainage By-Law 18 of 2020, being a by-law to raise the sum of \$11,276.67 being money expended out of General Funds of the Township of St. Clair for the maintenance to various drains be read all three times and be deemed to be passed thereby authorizing repairs to various drains throughout the Township.

CARRIED

7.2 Moved by J. De Gurse Seconded by P. Brown
Motion 10 Be it resolved that Drainage By-Law 19 of 2020, being a by-law to raise the sum of \$15,282.92 being money expended out of the General Funds of the Township of St. Clair for the maintenance to various drains be read all three times and be deemed to be passed thereby authorizing repairs to various drains throughout the Township.

CARRIED

7.3 Moved by J. De Gurse Seconded by P. Brown
Motion 11 Be it resolved that Drainage By-Law 20 of 2020, being a by-law to raise the sum of \$14,854.83 being money expended out of the General Funds of the Township of St. Clair for the maintenance to various drains be read all three times and be deemed to be passed thereby authorizing repairs to various drains throughout the Township.

CARRIED

7.4 Moved by J. De Gurse Seconded by P. Brown
Motion 12 Be it resolved that Drainage By-Law 24 of 2020, being a by-law to raise the sum of \$4,524.79 being money expended out of the General Funds of the Township of St. Clair for the maintenance to various drains be read all three times and be deemed to be passed thereby authorizing repairs to various drains throughout the Township.

CARRIED

8.5 Moved by P. Brown Seconded by T. Kingston
Motion 17 Be it resolved the *Awarding the 2020 Development Charge Study* report as submitted by Treasurer - Charlie Quenneville be received as information and the bid for the Development Charge Study be awarded to Hemson Consulting Ltd in the amount of \$21,475 + HST.

CARRIED

8.6 Moved by P. Brown Seconded by J. De Gurse
Motion 18 Be it resolved the *Updates to the 2020 Capital Budget Projected through December 31, 2020* report as submitted by Treasurer - Charlie Quenneville be received as information.

CARRIED

8.7 Moved by S. Miller Seconded by J. De Gurse
Motion 19 Be it resolved that the *EH&S Policy HS100.2 Leadership & Commitment/Responsibilities* report submitted by the Director of Public Works - Brian Black, be received as information and that the policy contained therein be approved.

CARRIED

8.8 Moved by S. Miller Seconded by T. Kingston
Motion 20 Be it resolved that the *Safety Issues Regarding Fawn Island and SWS Docks* report submitted by Coordinator of Operations – David Neely be received and that the following recommendations be approved:

1. Public Works installs steel structure swing gates and signage, that while closed, will block public access to the shoreline area immediately north of the leased Township property (gravel piles).
2. The cost of gate materials and installation be funded by the Public Works Operational budget.
3. Public Works will maintain the gates and signage.
4. The gates will be operated by Southwestern Sales staff prior to and during the docking/off-loading of a ship, under the permission/direction of Township staff.

CARRIED

Moved by P. Brown Seconded by B. Myers
Motion 21 Be it resolved that staff approach South West Sales with a 50-50 cost share proposal for the installation of the gates authorized by Motion 20.

****Mayor Arnold asked for a Recorded Vote**

Councillor Atkins	Nay
Councillor Brown	Aye
Councillor De Gurse	Aye
Councillor Kingston	Nay
Councillor Myers	Nay
Deputy Mayor Miller	Nay
Mayor Arnold	Nay

DEFEATED

8.9 Moved by T. Kingston Seconded by R. Atkins
Motion 22 Be it resolved that the *3111 St. Clair Parkway – Conveying Portion of Road Allowance* report submitted by Coordinator of Operations – David Neely be received as information, and that portion of the road allowance fronting 3111 St. Clair Parkway be closed and ownership transferred to the abutting property owner, with all associated costs of the transfer to be the responsibility of the private property owner.

CARRIED

- 8.10 Moved by S. Miller Seconded by P. Brown
Motion 23 Be it resolved that the *Additional Driveway Request* report submitted by Coordinator of Operations – David Neely be received as information, and that the Township waive restrictions within the curb cut policy of May 7, 2012, to allow a second driveway access fronting St. Clair Parkway, located on the property known as No. 1214 St. Clair Parkway.

CARRIED

- 8.11 Moved by S. Miller Seconded by T. Kingston
Motion 24 Be it resolved that the *Crossing Guards & Potential Upgrades* report submitted by Coordinator of Operations – David Neely be TABLED to allow staff to consider alternative crosswalk concepts and resubmit the report.

TABLED

- Moved by B. Myers Seconded by P. Brown
Motion 25 Be it resolved that the wages for Crossing Guards be increased to \$60/day.

CARRIED

- 8.12 Moved by T. Kingston Seconded by P. Brown
Motion 26 Be it resolved that the *McGee Drain – Pretty Road* report submitted by Coordinator of Operations – David Neely be received and that the following recommendations be approved:

1. That an Engineer be appointed to prepare a new report on the McGee Drain under Section 78 of the Drainage Act, to update the drain profile, all access culverts, assessments and all other required specifications.
2. That Council direct staff to remove the lawn piping section between the two driveways at House No. 60 Pretty Road, which is undersized, installed without approval in 1995, and is collapsing.

CARRIED

- 8.13 Moved by P. Brown Seconded by J. De Gurse
Motion 27 Be it resolved that the *Jacobs Contract Amendment No.9 for the Operations, Maintenance and Management of the Courtright Wastewater Treatment Plant and the Corunna Pumping Station* report as submitted by Coordinator of Operations (Water/Wastewater) - Chris Westbrook be received and that the Contract Amendment No. 9 in the amount of \$410,233 for the period of June 1, 2020 to May 31, 2021 be approved, and the document be signed by the Mayor and Clerk.

CARRIED

- 8.14 Moved by R. Atkins Seconded by T. Kingston
Motion 28 Be it resolved that the *Port Lambton South Lagoon Remediation Project* report as submitted by Coordinator of Operations (Water/Wastewater) - Chris Westbrook be received and that the option to lease the EMF-1000 until 2022 at no extra cost rather than own the EOS-2000 be approved and the original 2017 contract be closed.

CARRIED

- 8.15 Moved by S. Miller Seconded by P. Brown
Motion 29 Be it resolved that the *Monthly Report* submitted by Coordinator of Engineering - Paul daSilva be received and that the procurement policy be waived and that the installation of 340 metres of watermain on Old River Road from the Baby's Point Subdivision to Indian Road be awarded to Cope Construction Inc. at an approximate cost of \$90,000 and be funded by water reserves.

CARRIED

- 8.16 Moved by B. Myers Seconded by T. Kingston
Motion 30 Be it resolved that the *St. Clair Parkway Golf Course Paving* report submitted by Coordinator of Engineering - Paul daSilva be received and that the

tender submitted by DiCocco Contractors Inc. in the amount of \$177,754.37 net HST be accepted and the Mayor and Clerk be authorized to sign the contract and other related documents and that the project be financed as follows:

Per the June 15, 2020 Council Meeting:

Motion 22 Be it resolved that the Golf Course Paving of Driveway & Parking Lot report as submitted by Director of Community Services – Kendall Lindsay be received and that \$220,000.00 be allotted for the paving including \$150,000.00 from Education and Environment Fund and \$70,000.00 from Capital Reserves for the golf course.

CARRIED

8.17 Moved by R. Atkins

Seconded by J. De Gurse

Motion 31 Be it resolved that the *Wilkesport Line – Highway 40 to Baby Road Rehabilitation Options* report submitted by Coordinator of Engineering - Paul daSilva be received as information.

CARRIED

Moved by S. Miller

Seconded by T. Kingston

Motion 32 Be it resolved that Option 3 from the *Wilkesport Line – Highway 40 to Baby Road Rehabilitation Options* report submitted by Coordinator of Engineering - Paul daSilva be approved and that financing be confirmed at 2021 Capital Budget deliberations.

CARRIED

8.18 Moved by P. Brown

Seconded by T. Kingston

Motion 33 Be it resolved that the *St. Clair Township Sidewalk Guidelines* report submitted by Coordinator of Engineering - Paul daSilva be received as information.

CARRIED

8.19 Moved by J. De Gurse

Seconded by R. Atkins

Motion 34 Be it resolved that the *St. Clair Parkway Left Turning Lane to Shell Refinery* report submitted by Coordinator of Engineering - Paul daSilva be received as information and that the tender submitted by DiCocco Contractors Inc. in the amount of \$251,599.75 net HST be accepted and the Mayor and Clerk be authorized to sign the contract and other related documents.

CARRIED

8.20 Moved by J. De Gurse

Seconded by B. Myers

Motion 35 Be it resolved that the *Monthly Report* as submitted by the Drainage Superintendent – Lucas DePooter be received and that the following recommendations be approved:

1. Wray Drain - Have a suitably sized private culvert installed to the W1/2 lot 14, concession 12, with construction and future maintenance costs assessed 100% to that property;
2. Burman Drain - Have a suitably sized private culvert installed to the south part of lot 25, concession 13, with construction and future maintenance costs assessed 100% to that property;
3. Dobie Drain - Have a suitably sized private culvert installed to the S1/2W1/2 lot 29, concession 7, with construction and future maintenance costs assessed 100% to that property;
4. Chowen Drain - Appoint R. Dobbin Engineering to write a section 78 engineers report specifying culvert maintenance instructions and physical specifications;

5. Jarvis Drain East - Have a suitably sized private culvert installed to the S1/2 lot 20, concession 8, with construction and future maintenance costs assessed 100% to this property;
6. Have the Stephens Drain cleaned out by a suitable and qualified contractor at the expense of the drain;
7. Stephens Drain - Have a suitably sized private culvert installed to W1/2 lot 1, concession 3, with construction and maintenance costs assessed 100% to this property.

CARRIED

- 8.21 Moved by P. Brown Seconded by S. Miller
Motion 36 Be it resolved that the *Storm Water Issue at 420 Silver Sands Lane* report as submitted by the Drainage Superintendent – Lucas DePooter be received as information.

CARRIED

- 8.22 Moved by R. Atkins Seconded by T. Kingston
Motion 37 Be it resolved that the *Information Report* submitted by Director of Community Services - Kendall Lindsay be received as information.

CARRIED

- 8.23 Moved by S. Miller Seconded by B. Myers
Motion 38 Be it resolved that the *Opening of Community Halls* report be submitted by Director of Community Services - Kendall Lindsay be received as information and that the Community Halls remain closed other than for Hall Board meetings which will be permitted subject to preserving all COVID-19 safety protocols.

CARRIED

9. BY-LAWS:

- 9.1 Moved by J. De Gurse Seconded by T. Kingston
Motion 39 Be it resolved that the following By-laws receive all three readings and that the Mayor and Clerk be authorized to execute all appurtenant agreements and be thereby passed:

- 9.1 By-Law 51 of 2020 – Temporary Use Agreement – 912176 Ontario Ltd. (Enbridge Gas Inc.) – 3100 and 3595 Tecumseh Road

- 9.2 By-Law 52 of 2020 – Temporary Use Agreement – 912176 Ontario Ltd. (Enbridge Gas Inc.) – 3595 Tecumseh Road

- 9.3 By-Law 53 of 2020 – Temporary Use Agreement – 912176 Ontario Ltd. (Enbridge Gas Inc.) – 3600 Ladysmith Road

- 9.4 By-Law 54 of 2020 – Site Plan Agreement – St. Clair Community Church - 3454 John Street, Sombra

CARRIED

10. NEW BUSINESS

- Moved by P. Brown Seconded by R. Atkins
Motion 40 Be it resolved that Motion 27 from Council Meeting Session #18 held on September 21, 2020, related to sidewalk improvements on Lyndoch Street be lifted from the table for consideration.

CARRIED

- Moved by P. Brown Seconded by R. Atkins
Motion 41 Be it resolved that improvements and widening of the sidewalk on the west side of Lyndoch Street from the Library to Fane Street be included for consideration during the 2021 Capital Budget deliberations.

CARRIED

Moved by T. Kingston

Seconded by J. De Gurse

Motion 42 Be it resolved that the request submitted by the County of Lambton's Cultural Services Division to allow the re-opening of the libraries in Brigden, Sombra and Corunna be approved subject to their operations being carried out in compliance with all COVID-19 protocols.

CARRIED

Moved by R. Atkins

Seconded by S. Miller

Motion 43 Be it resolved that staff be directed to produce a report to consider 'No Parking' options for the portion of St. Clair Parkway abutting the St. Clair River Trail at Princess Street in Port Lambton.

CARRIED

Moved by B. Myers

Seconded by P. Brown

Motion 44 Be it resolved that Councillor Atkins be endorsed to run for St. Clair Township's representative on the Tourism Samia-Lambton's Board of Directors.

CARRIED

11. IN CAMERA SESSION

Moved by T. Kingston

Seconded by B. Myers

Motion 45 Be it resolved that the meeting enter an in-camera session to discuss the following:

- 11.1 Municipal Act – Section 239 (2) (c) To discuss rent relief at the Emergency Services building
- 11.2 Municipal Act – Section 239 (2) (d) Labour relations due to potential absences due to COVID-19
- 11.3 Municipal Act – Section 239 (2) (c) To consider an offer of purchase for a parcel in the Industrial Park
- 11.4 Municipal Act – Section 239 (2) (e) Potential litigation related to termination of a contractor's contract

CARRIED

Moved by R. Atkins

Seconded by S. Miller

Motion 46 Be it resolved that the following policy identifying the treatment of sick-time related to COVID-19 be approved:

Any employee displaying Covid-19 type symptoms will be sent home and requested to obtain a Covid-19 test to determine if they in fact have the virus. If an Employee refuses to take a test they will be treated in accordance with the existing policies in the Union Contract related to sick leave. If they take the test, they will be paid 100% of their wages while off waiting the results of the test and will not be charged any sick days. If the test is negative, they can return to work, if they test positive, they will continue to be paid 100% of their wages for the 14-day isolation period and until they are symptom free. If an employees' child is sent home from school due to Covid-19 symptoms the employee will also be asked to stay at home and obtain a Covid-19 test for the Child and will be paid while at home. If the test is negative, the employee would be expected to return to work. If the test is positive, then the employee would be paid for the isolation period.

CARRIED

12. COUNCILLORS' REPORTS:

Councillor Brown

Councillor Brown asked for a report at the next meeting from the Treasurer updating the total donations awarded thus far in 2020.

