

**ST. CLAIR TOWNSHIP
COUNCIL MINUTES
SESSION # 14**

St. Clair Civic Centre
Council Chambers
Monday July 17, 2006
6:30 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	Deputy Mayor
	P. Alexander,	Councillor
	S. Miller,	“
	S. Warner,	“
	P. Gilliland,	“
	D. Randell,	“
Staff:	J. Rodey,	CAO
	J. DeMars,	Director of Administration/Clerk/ Deputy CAO
	C. Quenneville	Treasurer
Absent:	J. Dedecker,	Mayor

AGENDA:

Declaration of Conflict of Interest:

Adopt Minutes:

Council Meeting of June 19, 2006
Sombra Museum of June 15, 2006
Committee of the Whole (Combined Finance & Administration and Public Works
and Operations) meeting of July 12, 2006
Site Plan Committee meeting of July 12, 2006

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

6:45 p.m. – Frank Chiarotto and Susan Thurston – Lambton Generating
7:05 p.m. – Mary Alderson – Community Economic Development
7:30 p.m. – Sections 359 and 359.1 of the Municipal Act – Union Gas (error in calculation
of taxes)
8:00 p.m. – Fencing By-law exemption – David Kerwin, 480 Murray St. Corunna
8:15 p.m. – Lance Bougard – Brigden Optimist - request

CORRESPONDENCE:

- a) Brigden Optimist – August 19 festival
- b) Chris Fox – Captain Kidd’s Day
- c) Corunna Horticultural – funding request
- d) David Kerwin – fencing exemption
- e) Charlotte’s Task Force for Rural health - resolution

INFORMATION:

- 1) Mary Alderson – Community Economic Development
- 2) C. DiCocco – OMPF
- 3) Invenergy – Environmental Screening
- 4) Sarnia Lambton Committee Against Trafficking of Women and Children –

Request for support

- 5) D. Randell – B.S.I.
- 6) A.M.O. – Alert - Property Assessment
- 7) A.M.O. – Alert – Emergency Measures Act
- 8) M.M.A.H. – backgrounder – Municipal Statute Law
- 9) St. Clair River Trail – May 24 minutes
- 10) Pat Davidson, M.P. – invitation
- 11) Brigden Horticultural Society – Thank You
- 12) CCPC – June 6th minutes
- 13) County of Lambton – Warden Burns – Health study
- 14) Lambton Farm Safety – June 26th minutes
- 15) Stantec – Environmental Assessment
- 16) County of Lambton – Council Highlights

DRAINS:

By-law #30 of 2006 – Rivers-Lapish Drain
By-law #31 of 2006 – Rivers-Lapish Drain
Drainage Committee dates (2)

REPORTS OF COMMITTEES AND OFFICERS:

Committee of Adjustment-**Applications** B 14 and B 15/06 and A 12/06; **Decisions** B 12 and B 13/06

COORDINATOR OF ENGINEERING SERVICES:

- Cogeco Pedestal Placement request
- draft memo – St. Clair Parkway Sewer and water
- Lyndoch St. – pedestrian crossing
- Moore Line/Burton Creek Bridge – Status Update

CLERK'S REPORT:

CAO'S REPORT:

MOTIONS:

- Clean Harbors – Truck Washing Facility – waive site plan
- Bargain Shop – Dan Brousseau – Lyndoch St. Corunna – authorize Building Inspection to issue foundation permit

BY-LAWS:

By-law 33 of 2006 – Rezoning Kraayenbrink – 3rd Reading
By-law 38 of 2006 – Adopt the budget for 2006
By-law 39 of 2006 – Levy Taxes for the year 2006
By-law 40 of 2006 – Site Plan Agreement – 618645 Ontario Limited – Jim Abra
By-law 41 of 2006 - 1528574 Ontario Ltd. - Shawn Bogaert
By-law 42 of 2006 -Site Plan Agreement - Lambton Kent District School Board –
Riverview School - Best Start
By-law 43 of 2006 – Site Plan Agreement – St. Clair Catholic District School Board –
St. Joseph's School – Best Start
By-law 44 of 2006 – Agreement with Nova Chemicals Inc. – Sanitary sewer usage
By-law 45 of 2006 – Confirming by-law
By-law 46 of 2006 – Appointment of Animal Control Officer

COUNCILLORS REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

UPCOMING MEETINGS:

Committee of the Whole – Wednesday, August 9, 2006 – 2:00 p.m.

Regular Council – Monday, August 21, 2006 – 7:00 p.m.

Regular Council – Tuesday, September 5, 2006 – 7:00 p.m.

ADJOURNMENT:

In the Mayor's absence Deputy 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.

DECLARATION OF CONFLICT OF INTEREST:

Deputy Mayor Arnold declared a conflict of interest in regards to By-law 44 of 2006 as a Nova employee.

MINUTES:

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

Moved by D. Randell

Seconded by S. Warner

Motion #1 That the minutes of the following meetings be adopted as printed and circulated:

Council Meeting of June 19, 2006, Session #13

Sombra Museum Board Committee Minutes of June 15, 2006

Site Plan Committee meeting of July 12, 2006

CARRIED

Moved by P. Gilliland

Seconded by P. Alexander

Motion #2 That the minutes of the Committee of the Whole (Combined meeting of Finance & Administration and Public Works & Operations) meeting of July 12, 2006 be adopted as printed and circulated.

CARRIED

DEPUTATIONS AND APPOINTMENTS:

Deputy Mayor Arnold on behalf of Council welcomed Frank Chiarotto and Susan Thurston of the Lambton Generating Station present, to present to Council the annual report on the activities and area of interest relative to the operation of the Lambton Generation Station.

Mr. Chiarotto provided to Council an overview of OPG's generating capacity relative to coal fired plants, nuclear plants and hydro electric plants. It was also pointed out that OPG's business plan has been successful with net income rising to 366 million dollars for the year 2005 compared to the 2004 profit levels of 42 million. Mr. Chiarotto detailed in his report the fiscal and environmental record of the Lambton Generating Station and the areas of improvement, such as the use of new burners in units No. 1 and 2 and the exclusive use of low sulphur coal in these units. Following the presentation and in response to Council's questions Mr. Chiarotto advised that the Province has revised its position relative to a 2007 closure for the remaining coal fired plants, but have not specified any possible closure dates.

Also, it was pointed out that consideration of the upgrading of the Lambton Generating Station to build scrubber units for units 1 and 2 will be subject to an Ontario Power Authority report and recommendation to the Province. Also discussed was the state of the Hydro One Transmission Lines and the burden that will be placed on this grid once the gas fired plants are operational. At the conclusion of the discussion Mr. Chiarotto on behalf of the Lambton Generating Station and its employees thank Council for their efforts in the last several years to lobby the Province to keep Lambton Generating functional.

Council welcomed Mary Alderson of the Sarnia Lambton Business Development Corporation present to speak to Council about her groups efforts to promote small business development. The Development Corporation provides small business loans, community economic development advice, free business consultation and a self employment benefit program. Ms. Alderson also said that her group has been involved in assisting municipalities with strategic planning and tourism promotion, and currently has a project in the municipality of Lambton Shores. Funding for the group is provided by Industry Canada. At the conclusion of the presentation Deputy Mayor Arnold on behalf of Council thanked Ms. Alderson for the presentation and the information provided.

Township Treasurer, Charles Quenneville was present for the Public Hearing called to consider arguments relative to the error in capping calculations pursuant to Section 359 and 359.1 of the Municipal Act relative to property owned by Union Gas. Mr. Quenneville advised that the error in capping involved tax revenues in the amount of approximately \$14,000.00. Council was advised by Mr. Quenneville that Union Gas has been contacted and did not wish to pursue the issue nor attend the public hearing. Hearing no comments or appeals, it was;

Moved by P. Gilliland

Seconded by S. Warner

Motion #3

(1) That Council does hereby authorize the Treasurer to correct the gross or manifest error that is a clerical or factual error, including the transposition of figures, a typographical error or similar error, but not an error in judgment in assessing the land for the taxation year 2004 for roll # 3805 220 040 05605.

(2) That Council does hereby authorize the Treasurer to correct an error in the calculation of capped taxes; and to authorize the use of an amount of taxes referred to in paragraph 1 of subsection 329(2) for 2005 (base taxes for capping purposes) which reflects what the taxes would have been for the previous year if the error had not been made for roll # 3805 220 040 05605.

CARRIED

CORRESPONDENCE:

Council proceeded to review the items of correspondence.

Moved by D. Randell

Seconded by P. Gilliland

Motion #4 That the 2006 edition of the Captain Kidd Days be declared as a Community Festival and that municipal permission be given for the issuance of a Special Occasion Liquor Permit subject to security being provided consistent with past practices for the event.

CARRIED

Council reviewed the communication received from the Corunna Horticultural Society regarding a funding request. Several members of the Horticultural Society were present represented by spokesperson Bob Drummond who explained to Council the request for financial assistance as detailed in the group's June 25th correspondence. In summary the group is requesting release of the balance of the former Corunna B.I.A. reserve in the amount of \$1,645.00 for dedication to the efforts of the Horticultural Society and the municipality's financial support and sponsorship of the proposal to purchase new lighting and new Christmas decorations at an estimated cost of \$13,000.00, the Township assuming the Horticultural Society's cost share of the provision of a Federally sponsored summer student and as well consideration for funding of the Horticultural Society is a routine budget item starting in 2007. The C.A.O. advised Council that the cost share of the summer student estimated to be \$910.00 has already been accommodated for.

Moved by S. Warner

Seconded by P. Alexander

Motion #5 That staff be instructed to release the balance of the Corunna B.I.A. reserve estimated to be approximately \$1,645.00 to the Corunna Horticultural Society.

CARRIED

Moved by P. Gilliland

Seconded by S. Warner

Motion #6 That the Township provide financial assistance to the Corunna Horticultural Society for their Christmas decoration project estimated to cost \$13,000.00 to be financed from the Moore Environmental and Education Reserve Fund and that any donations and proceeds received by way of private donations or Corporate donations be received on behalf of the Municipality and credited to the reserve fund.

CARRIED

Mr. Dave Kerwin owner of property known municipality as 480 Murray Drive was present to present to Council his request for an exemption from the fencing by-law to allow a fence in excess of 6 feet in total height. Mr. Kerwin is proposing to construct a fence in such a fashion that the height would be 6 feet 10 inches at the posts and 6 feet 4 inches at the middle point between the posts. In response to Council's questions Mr. Kerwin advised that he is proposing to build the fence in such a fashion and height to match the neighbouring fences in his neighbourhood. After several questions from Council the Clerk advised that no written comments had been received following the recent circulation to neighbours within 60 metres of the subject property either in support or opposition to the proposal and no comments or objections were offered at the public meeting.

Moved by D. Randell

Seconded by P. Alexander

Motion #7 That an exemption to the fencing height regulation should be granted to Mr. Dave Kerwin owner of property known municipality as 480 Murray Drive to allow a fence to a height of 6 feet 10 inches high at the support posts and 6 feet 4 inches high at the mid point between the posts.

CARRIED

Mr. Lance Bogaert representing the Brigden Optimist Club Board was present to discuss with Council his group's request, further to permission granted at the last meeting of Council to close the Brigden Road through Brigden, to extend the closure for approximately 150 feet of Boswell Street east of the Brigden Road and for permission to establish an outdoor licensed facility. Mr. Bogaert explained to Council that plans for the August 19th Community Festival are expanding with the group, in co-operation with the Brigden Legion, hoping to incorporate a street dance and an antique auto show.

Moved by D. Randell

Seconded by S. Miller

Motion #8 That permission be granted to the Brigden Optimist Club to close 150 feet of Boswell Street east of the Brigden Road between the hours of 7:00 p.m. to 12:00 midnight on August 19th, subject to appropriate signage and further that the August 19th event be declared as a Community Festival with municipal permission granted for the establishment of a outdoor refreshment area subject to appropriate security.

CARRIED

Council returned to the consideration of items of correspondence.

Moved by S. Warner

Seconded by P. Alexander

Motion #9 That the resolution offered by Charlotte's Task Force Group be endorsed.

Motion was defeated.

Moved by D. Randell

Seconded by S. Warner

Motion #10 That the following items of correspondence be dealt with as per Council's instructions as noted:

- a. Brigden Optimist – August 19, 2006 festival
Inst. See Motion #8
- b. Chris Fox 1- Captain Kidd's Day
Inst. See Motion #4
- c. Corunna Horticultural – funding request
Inst. See Motion #6
- d. David Kerwin – fencing exemption
Inst. See Motion #7

- e. Charlotte's Task Force for Rural health – resolution
Inst. See Motion #9

CARRIED

DRAINS:

Moved by S. Warner

Seconded by D. Randell

Motion #11 That Drainage By-law #30 of 2006, being a by-law to raise the sum of \$5,445.34 being money expended out of the General Funds of the Township of St. Clair for the maintenance repairs to the Rivers-Lapish 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. Alexander

Seconded by S. Miller

Motion #12 That Drainage By-law #31 of 2006, being a by-law to raise the sum of \$7,750.39 being money expended out of the General Funds of the Township of St. Clair for the maintenance repairs to the Rivers-Lapish Drain be given the necessary readings and signed by the Mayor and Clerk, and the Corporate Seal affixed thereto and finally passed.

CARRIED

Council discussed possible meeting dates for the Drainage Committee needed to consider 6 engineers reports that have been recently filed. The Councillors on the Drainage Committee recommended that a meeting of the Committee be held on Tuesday, August 22nd, commencing at 7:00 p.m. to consider the 4 reports prepared by Spriet & Associates and further that a subsequent meeting date would be discussed at that time to consider the reports filed by Todgham & Case on the Taylor Drain and the Reid Drain. Staff was instructed to provide a copy of the information package on the Penrise Drain to Councillor Gilliland.

REPORTS OF COMMITTEES AND OFFICERS:

Council reviewed the applications to and the decisions of the Committee of Adjustment with no comment or objections other than a concern expressed by Councillor Alexander on the site line issue for one of the consent decisions. Council was advised that such concerns would be addressed either in the Township's fencing by-law or zoning by-law.

CO-ORDINATOR OF ENGINEERING SERVICES:

Council reviewed Mr. Burnham's report regarding the request received from Cogeco to install a cable television pedestal on the pedestrian footpath to the public park off Bentinck Street in Paddock Green.

Moved by S. Miller

Seconded by D. Randell

Motion #13 That the proposal by Cogeco to construct a pedestal in the footpath to the public park off Bentinck Street in Paddock Green be approved.

CARRIED

Council reviewed the draft memo prepared by Mr. Burnham proposed to be circulated to the participants in the St. Clair Parkway sanitary sewer water project south of County Road #80 and approved its content and circulation. The Committee reviewed Mr. Burnham's report on an estimated cost of a proposed pedestrian crosswalk on the Lyndoch Street in the vicinity of Thompson Gardens. Mr. Burnham's preliminary estimate for the cost of materials and installation, contingency and applicable taxes is \$40,810.00. The report suggested that the project could if approved by Council be financed from the 2006 Provincial one time funding allocation.

Moved by P. Alexander

Seconded by S. Warner

Motion #14 That Staff be instructed to provide for the installation of a pedestrian crosswalk on Lyndoch Street in Corunna on the north side of Beckwith Street at an estimated cost of \$40,810.00 to be financed from the 2006 Provincial one time funding allocation.

CARRIED

Council reviewed Mr. Burnham's report on the status of the Moore Line, Burden Creek Bridge status update. The report identified that an adjacent property owner on the north side of the road has been contacted regarding a mutual drain, final negotiations have not been accomplished. Council is requesting that efforts be made to complete the negotiations with a report to the next Public Works and Operations Committee.

MOTIONS:

Moved by S. Miller

Seconded by P. Gilliland

Motion #15 That the Council of the Township of St. Clair waive site plan approval for a truck washing facility at the Clean Harbors, 4090 Telfer Road site, and the Building Inspector be authorized to issue the necessary building permits. The 20' by 66' by 24' 6" high truck wash facility will be incorporated into site plan modifications for the new waste pretreatment complex proposed to be implemented in 2007.

CARRIED

Moved by P. Gilliland

Seconded by S. Warner

Motion #16 That the Council of the Township of St. Clair authorize the County of Lambton Building Inspector to issue a foundation permit for the Bargain Shop to be located in the central business district of downtown Corunna at 419 – 427 Lyndoch Street, Corunna. The owner will be subject to site plan control and will be required to enter into a Site Plan Agreement before building permits are issued.

CARRIED

BY-LAWS:

Moved by D. Randell

Seconded by S. Warner

Motion #17 That By-law Number 33 of 2006, being a by-law to rezone property known as Part of Lot 1, Concession 10, geographic Township of Sombra, Township of St. Clair, owned by Bernard Kraayenbrink, having been given the Third and Final reading, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

Moved by S. Miller

Seconded by P. Alexander

Motion #18 That By-law Number 38 of 2006, a by-law to adopt the budget for the Year 2006, for the 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 S. Warner

Seconded by D. Randell

Motion #19 That By-law Number 39 of 2006, a by-law to Levy Taxes for the Year 2006, for the 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. Alexander

Seconded by P. Gilliland

Motion #20 That By-law #40 of 2006, a by-law to authorize execution of a Site Plan Agreement with 618645 Ontario Limited, (Jim Abra) for Lots 76 and 78, Plan 413, and Part 1, Plan 25R4646, Corunna, 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

Moved by P. Gilliland

Seconded by P. Alexander

Motion #21 That By-law #41 of 2006, a by-law to authorize execution of a Site Plan Agreement with 1528574 Ontario Limited, (Shawn and Sandra Bogaert) for Lots 18, 19 and 20, Plan 23 (SO), 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

Moved by P. Gilliland

Seconded by S. Miller

Motion #22 That By-law #42 of 2006, a by-law to authorize execution of a Site Plan Agreement with the Lambton Kent District School Board, 3926 St. Clair Parkway, Part of Lot "D", Concession 9, geographic Township of Sombra, Township of St. Clair, be given the necessary three readings, signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed, and that the County of Lambton Building Inspector be authorized to issue foundation permits to permit construction during the execution of the Site Plan Agreement. (Riverview School)

CARRIED

Moved by S. Warner

Seconded by D.Randell

Motion #23 That By-law #43 of 2006, a by-law to authorize execution of a Site Plan Agreement with the St. Clair Catholic District School Board, Lots 139 and 140, Registered Plan 731, Part of Lots 54 and 55 Front Concession, Part of Lot 27, Concession 9, Part of Lot 27, Concession 10 and Part of Road Allowance between Lots 27 and 28, Concession 9, geographic Township of Moore, Township of St. Clair, more particularly described as Parts 1, 2, 3, 4 and 5 Reference Plan 25R5356, be given the necessary three readings, signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed, and that the County of Lambton Building Inspector be authorized to issue foundation permits to permit construction during the execution of the Site Plan Agreement. (St. Joseph School)

CARRIED

Council proceeded to consider By-law #44 of 2006, being a by-law to authorize an agreement with Nova Chemicals for inclusion in the Township's sanitary sewerage infrastructure. Deputy Mayor Arnold declared a conflict of interest as a Nova employee and left the Council Chambers.

Moved by D. Randell

Seconded by P. Gilliland

Motion #24 That Councillor Miller act as Chairperson for the meeting pending the return of the Deputy Mayor.

CARRIED

Moved by S. Warner

Seconded by D. Randell

Motion #25 That By-law #44 of 2006, being a by-law to authorize the execution of an agreement with Nova Chemicals Incorporated for participation in the Township's sanitary sewerage system be given the necessary three readings, signed by the Mayor and Clerk, corporate seal affixed thereto and finally passed.

CARRIED

The Deputy Mayor returned.

Moved by S. Miller

Seconded by P. Gilliland

Motion #26 That By-law #45 of 2006, the By-law for the Township of St. Clair to confirm the resolutions and motions of St. Clair Township which were adopted up to and including the June 19, 2006 Council meeting, having been given the necessary three readings, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

COUNCILLORS REPORTS:

Shirley Warner

Councillor Warner reminded Council of a complaint received several years ago from Mark and Marie Taylor requesting the Township relocate the elevated pipe associated with the Courtright sewage treatment plant that creates a nuisance for their property. Council was advised that the relocation of this pump system was incorporated as part of the Courtright sewage treatment upgrade that has now been cancelled. Council requested the engineering department to provide a cost estimate to relocate the elevated pipe or to raise it to a sufficient height to eliminate the nuisance to the Taylor property as an independent project not part of the Courtright sanitary sewage treatment plant upgrade.

Darrell Randell

Councillor Randell advised of receiving information from the St. Clair Region Conservation Authority regarding possible funding through the Great Lakes Sustainability Fund. It seems other municipalities have had access to this report and was curious why St. Clair Township has not been made aware. Staff was instructed to investigate the status of the report in question.

Steve Miller

Requested Staff to investigate the CSX crossing on the Lambton Line in Port Lambton with a repair request.

Pete Gilliland

Councillor Gilliland advised that the downed tree at the former Colborne Street School is being cut on behalf of the property owner.

Pat Alexander

Councillor Alexander advised that she has examined the Roels property on Daly Road and noticed considerable cleanup improvement. Councillor Alexander also requested Staff to provide information to members of Council who do not sit on the Site Plan Committee for information regarding site plans. The CAO offered that at meetings of Council were Council is requested to approve site plan agreements that a copy of the specific site plans be available for examination by members of Council. Councillor Alexander also advised of a discussion with a Sarnia Transit representative who expressed interest in providing Sarnia Transit service to St. Clair Township on a fee for service basis. Council reminded Councillor Alexander that this issue has been discussed before and has been referred for Staff investigation and report.

Steve Arnold

Deputy Mayor Arnold advised of representing Council at the recent 50th Wedding Anniversary celebration hosted by Howard & Jean Maw.

Councillor Gilliland reminded Council that he would be out of the municipality for the August 9th and August 21st meetings.

ADJOURNMENT:

Moved by S. Warner
That the meeting due hereby adjourn.

Seconded by S. Miller

CARRIED

The meeting adjourned at 9:20 p.m.

MAYOR

CLERK