

**ST. CLAIR TOWNSHIP
COUNCIL MINUTES
SESSION #19**

St. Clair Civic Centre
Council Chambers
Monday, October 16, 2006
7:00 p.m.

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

	S. Arnold	Mayor
	S. Miller,	Deputy Mayor
	P. Alexander,	Councillor
	S. Warner,	“
	P. Gilliland,	“
	D. Randell,	“
Staff:	J. Rodey,	CAO
	J. DeMars,	Director of Administration/Clerk/ Deputy CAO

AGENDA:

Declaration of Conflict of Interest:

Adopt Minutes:

Council Meeting of October 2, 2006
Committee of the Whole of October 11, 2006

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

7:10 p.m. – McIntosh Dr. – Court of Revision
7:15 p.m. – Turnbull Dr. – Court of Revision
7:30 p.m. – Rezoning R 5/06 Durocher Subdivision
7:40 p.m. – Rezoning R 7/06 Lumley Rezoning
7:45 p.m. – Rezoning R 8/06 Housekeeping By-law

CORRESPONDENCE:

- a) OPG – McIntosh Dr. – assessment appeal

INFORMATION:

1. O.M.B. – Citizen Liaison Office
2. Notice of Public Meeting – Rezoning – Blocks C & D, Plan 600
3. Notice of Public Meeting – Rezoning – E ½ Lot 11, Conc. 1
4. Notice of Public Meeting – Rezoning – Zoning By-law Amendment
5. St. Clair River Trail – June 28th minutes
6. M.P. Pat Davidson – rural mail
7. Lambton County – Community Health – Newsletter
8. Heritage Sarnia – Lambton – “Sampler”
9. Corunna Community Policing – October 3, 2006 meeting
10. S.C.R.C.A. – September 21, 2006 minutes
11. Stantec Consulting St. – Proposed Gas Line
12. Ministry of Health – health study
13. Barry Uitvlugt – Planning Report – Block C & D, Plan 600
14. Barry Uitvlugt – Planning Report – Pt. Lot 11, Conc. 1
15. Barry Uitvlugt – Planning Report – proposed Zoning By-law Amendment

16. County of Lambton – Planning – Mar-Wil Condo
17. Ministry of the Environment – Approval – Lot 14, Conc. 12
18. Ministry of the Environment – Approval – Lot 11, Conc. 1
19. MPAC – 6 month progress report
20. County of Lambton Planning – Woodlot application

DRAINS:

By-law #32 of 2006 – McIntosh Dr. – 3rd reading
By-law #33 of 2006 – Turnbull Dr. – 3rd reading

REPORTS OF COMMITTEES AND OFFICERS:

Committee of Adjustment-Applications A 17/06 and B 16/06

COORDINATOR OF ENGINEERING SERVICES:

- Brigden Road Waterline Tenders
- Bridge Rehabilitation

CLERK'S REPORT:

- Legal – In Camera

CAO'S REPORT:

MOTIONS:

- Tile loan approval

BY-LAWS:

By-law 62 of 2006 – Rezoning R-5 – Blocks “C” & “D” of Plan 600 (1560906 Ont. Ltd.)
By-law 63 of 2006 – Rezoning R-7 – Part Lot 11, Concession 1 (1982 LaSalle Line)
By-law 64 of 2006 – Rezoning R-8 – Housekeeping By-law
By-law 65 of 2006 – Tile Loan Rating
By-law 66 of 2006 – Inaugural Meeting of Council

COUNCILLORS REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

UPCOMING MEETINGS:

Regular Council – Monday, November 6, 2006 – 7:00 p.m.
Committee of the Whole – F&A and P.W.O and Engineering – Wed., Nov. 8, 2006 – 2:00 p.m.
Regular Council – Monday, November 20, 2006 – 7:00 p.m.

ADJOURNMENT:

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

DECLARATION OF CONFLICT OF INTEREST:

None declared

MINUTES:

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

Moved by S. Warner

Seconded by D. Randell

Motion #1 That the minutes of the October 2, 2006 Council meeting Session #18, be adopted as printed and circulated.

CARRIED

Moved by P. Alexander

Seconded by P. Gilliland

Motion #2 That the minutes of the Committee of the Whole (Combined meeting of Finance & Administration and Public Works & Operations) meeting of October 11, 2006 be adopted as printed and circulated.

CARRIED

In discussion of business arising out of the minutes Mayor Arnold requested staff to investigate the status of the Mutual Agreement Drain between the municipality and Mr. Russell Marsh and the installation status of the pedestrian crossing on Lyndoch Street in Corunna.

CORRESPONDENCE:

Council reviewed the Correspondence received from Ontario Power Generation regarding their assessment appeal on the McIntosh Drain and a request from Steadman Funeral Chapel in Brigden for Council consideration of a conditional building permit to allow a building addition in advance of the completion of a site plan amendment.

The OPG correspondence was referred to the Court of Revision section of the meeting.

Moved by P. Alexander

Seconded by S. Warner

Motion #3 That Council approve the request of Steadman Funeral Chapel for the issuance of a conditional building permit for a building addition in advance of the required site plan agreement subject to the execution of the appropriate agreement between the municipality and the property owner.

CARRIED

Discussion of the correspondence received from MP Pat Davidson regarding rural mail delivery, Mayor Arnold advised that he had additional information from MP Davidson that he will share with the other Councillors.

DEPUTATIONS AND APPOINTMENTS:

At the appointed time the Clerk called to order the Court of Revision held to consider assessment appeals on the McIntosh Drain.

Moved by D. Randell

Seconded by S. Warner

Motion #4 That the Court of Revision on the McIntosh and Turnbull Drains be called to order with Mayor Arnold as Chair.

CARRIED

The Chair called upon Mr. Mike Devos of Spriet and Associates, the author of the two reports, to address the issues raised by OPG. Mr. Devos stated that he and the Drainage Superintendent attended with OPG officials this afternoon and resolved the outstanding issues to the satisfaction of OPG. No other written appeals were received and no verbal appeals were offered.

Moved by P. Alexander

Seconded by D. Randell

Motion #5 That the Engineer's assessment on the McIntosh Drain as prescribed in the report dated June 23, 2006 be confirmed and that the Court of Revision on the McIntosh Drain be closed.

CARRIED

The Court of Revision considered appeals on the assessment on the Turnbull Drain. The Clerk advised that no written appeals have been received and no verbal appeals were presented to the Court.

Moved by D. Randell

Seconded by P. Alexander

Motion #6 That the Engineer's assessment on the Turnbull Drain as prescribed in the report dated January 26, 2006 be accepted and that the Court of Revision on the Turnbull Drain be closed.

CARRIED

Council returned to order.

In response to Councillor Alexander's question Mr. Devos stated he and the Drainage Superintendent conducted an on site meeting this afternoon on the Dicer Drain at which time it was determined that the consensus of opinion was for the installation of a flap gate on one of the road crossing culverts. Mr. Devos thought that the report would be available for the Drainage Committee's consideration in approximately one month.

Moved by S. Miller

Seconded by S. Warner

Motion #7 That the following correspondence be received and dealt with as per Council's instructions as noted:

- a. OPG McIntosh Dr. – assessment appeal
Inst. Motion #5
- b. Steadman Funeral Chapel
Inst. Motion #3

CARRIED

REPORTS OF COMMITTEES AND OFFICERS:

Council reviewed Applications A 17/06 and B 16/06 to the Committee of Adjustment and offered no comment.

COORDINATOR OF ENGINEERING SERVICES:

Moved by S. Miller

Seconded by P. Alexander

Motion #8 That staff negotiate with the low tenderer in an effort to reduce the tendered price on the Brigden Road waterline extension. After negotiation, a report and recommendation will be prepared and submitted to the November 6th session of Council.

CARRIED

Moved by P. Gilliland

Seconded by P. Alexander

Motion #9 That the quote submitted by Sylvester Construction in the amount of \$8,900.11 plus GST be accepted for the replacement of the guide rails on the White Line bridge at Clay Creek adjacent to the CSX railway (Bridge #37).

CARRIED

CLERK'S REPORT:

The Clerk advised of a legal issue to be discussed at an in camera session.

Moved by P. Alexander

Seconded by S. Warner

Motion #10 That the four tile loans identified in Tile Drainage Debenture Number 11-06 be approved subject to provincial funding.

CARRIED

At the appointed time Mayor Arnold called to order the public meeting called to consider the rezoning proposals submitted by Joe Durocher, owner of property at the intersection of St. Clair Boulevard and Bentinck Street. The Mayor called upon Mr. Barry Uityvlugt who made a verbal report on his Planning Merit Report dated October 9, 2006. At the

conclusion of his report Mr. Uitvlugt is recommending that Council defer further consideration of the amendment until information relative to the noise and vibration impacts of the CSX right-of-way can be determined. Mr. Uitvlugt also pointed out that T.W. Gray & Associates, agent for the property owner have also requested the matter be deferred. At the conclusion of Mr. Uitvlugt's presentation, Mayor Arnold opened the meeting for questions and discussion. Councillor Alexander questioned if the streets proposed in the new development area would require the construction of sidewalks. Mr. Uitvlugt advised that the County would consider the need for sidewalks during their subdivision review process. It was also pointed out by Mr. Uitvlugt that the owner proposes to construct upscale housing units and the zoning proposed is actually a down zoning because the current zoning allows medium to high density uses.

Jeff Thomson

Mr. Thompson questioned if the multiple residential units were proposed to be higher end units or more attractive to low income housing. Also Mr. Thompson felt that there is an over abundance of townhouse units in the community of Corunna.

Larry Heath

Mr. Heath questioned the orientation of the lots along Bentinck Drive. Mr. Uitvlugt advised that the current proposal by the developer would be that the rear yards would front on Bentinck Dr.

Colin MacDonald

Mr. MacDonald questioned why the development could not be reconfigured to provide that the multiple residential units be developed in an area along the CSX right-of-way.

Mary Vosburg

Mrs. Vosburg questioned whether there would be a wall provided by the developer between the proposed development and Parkdale Park. It was pointed out that a normal requirement for a new development would not require such a barrier between corresponding residential uses.

Hugh Devin

Mr. Devin had earlier filed with the Township an extensive letter of opinion on the proposed development and in summary questioned why the higher density units could not be placed at the southwest corner of the property. Mr. Devin in his letter also suggested amongst other things a reconfiguration of the street pattern and a different access point. Mr. Uitvlugt pointed out that a notice would be sent by Lambton County to allow residents an opportunity to input their questions and concerns during the subdivision approval process.

Mr. Terry Gray on behalf of T.W. Gray responded to several questions and concerns of those present at this meeting. Mr. Gray also stated from his discussion with the developer the units are proposed to be relatively upscale and similar to those being developed in the Nash Landing Development. Hearing no further questions or comments the meeting was closed.

Moved by S. Warner

Seconded by S. Miller

Motion #11 That consideration of the rezoning of property referred to as Block "C" and "D", Plan 600, owned by 1560906 Ontario Limited be deferred for further consideration.

CARRIED

Mayor Arnold called to order the public hearing on the rezoning application submitted by Mark and Ann-Marie Lumley on property known as Part of Lot 11, Concession 1, (1982 LaSalle Line).

Mr. Uitvlugt advised that the zoning prescribed in the application was to conform to a condition of an earlier conditional approval for severance granted by the Township Committee of Adjustment. Conditional approval also required the removal of a relatively small building from the property and a re-survey of the property to assure its site conformity. In view of this Mr. Uitvlugt is recommending to Council that it accepts the proposal and give provisional adoption of the corresponding rezoning by-law until the conditions are met. Mr. Uitvlugt responded to several questions from Council and hearing no more questions or comments the public hearing was declared closed.

Moved by S. Warner

Seconded by D. Randell

Motion #12 That By-law Number 63 of 2006, being a by-law to amend Zoning By-law 17 of 2003 affecting lands described as East Half Lot "11", Concession 11, Geographic Township of Sarnia, Township of St. Clair to change the zone symbols from Agricultural-1 (A1) to Agricultural-1 Residential (A1-R) and Agricultural 1 – No Development (A1-ND) be given First and Second readings only to address the removal of the accessory building and survey completed showing proper setbacks and lot dimensions.

CARRIED

At the appointed time Mayor Arnold called to order the public meeting called to consider a draft zoning by-law amendment considered by the Township to be of a housekeeping nature. Mr. Uitvlugt advised in his report that the by-law would address certain items such as established building line and regulate the size of attached accessory uses. Mr. Uitvlugt further explained to Council several options they would have in considering the by-law. Hearing no further comments Mayor Arnold declared the public hearing closed.

While present Councillor Warner asked Mr. Uitvlugt if the owner of the Antonio's Pizza site has applied for a site plan amendment. Mr. Uitvlugt advised that the owner has not as yet made such an application.

BY-LAWS:

Moved by S. Miller

Seconded by D. Randell

Motion #13 That By-law 32 of 2006 being a by-law to authorize the financing and construction of the McIntosh Drain be read the third and final time and finally passed, signed and sealed.

CARRIED

Moved by P. Alexander

Seconded by D. Randell

Motion #14 That By-law 33 of 2006 being a by-law to adopt an amended schedule assessment on the Turnbull Drain be read the third time and be finally passed, signed and sealed.

CARRIED

Noted that By-law #62 to rezone properties known as Block "C" & "D", Plan 600 has been deferred.

Moved by S. Miller

Seconded by D. Randell

Motion #15 That By-law Number 64 of 2006 being a by-law to amend Comprehensive Zoning By-law 17 of 2003 be read the required number of times, and be finally passed, signed and sealed.

CARRIED

Moved by P. Gilliland

Seconded by P. Alexander

Motion #16 That By-law Number 66 of 2006, a by-law to establish the inaugural meeting of the Municipal Corporation of the Township of St. Clair for its 2006 – 2010 term, 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:

Steve Miller

Deputy Mayor Miller advised that the new flagpole has been installed at the Sombra Community Service Building and the Port Lambton Community Hall and the Community Hall Board was most appreciative of this new flagpole.

Darrell Randell

Councillor Randell advised of receiving some information on shoreline restoration in the Detroit area done as a cooperative effort between different levels of government and private property owners.

Pete Gilliland

Councillor Gilliland questioned the status of the Property Standards Order on the Colborne Street School. The Clerk advised that this issue was proposed to be discussed as the legal issue later in the meeting. Councillor Gilliland also requested staff to investigate the Wayne Manley concern regarding low pressure for his property located near the intersection of the Petrolia Line and Brigden Road. Staff advised that this issue has been investigated before. Council requested the appropriate staff investigate the water pressure at the nearest fire hydrant to the Manley property. Councillor Gilliland also brought to Council's attention the recognition for a local man involved in a life saving effort following a recent motor accident.

Moved by P. Gilliland

Seconded by S. Warner

Motion #17 That the Township appropriately recognize Mr. Kevin Wood for his recent act of heroism.

CARRIED

Pat Alexander

Councillor Alexander suggested that the Township may wish to consider the re-establishment of its Citizen of the Year Award to recognize a person such as Mr. Wood. Deputy Mayor Miller advised that the OPP participate in such recognition awards, and several local St. Clair residents have been recipients of these Provincial awards in the past.

Councillor Alexander recognized a forthcoming donation to the Veterans Memorial at the St. Clair Civic Square made on behalf of the Ethyl Corporation. Councillor Alexander also requested the appropriate staff to investigate the visibility at the intersection of Bickford Line and Brigden Road relative to cattails in the roadside drain.

Steve Arnold

Mayor Arnold requested the appropriate staff to investigate and report on the issue of possible crossing signals at the intersection of the CN railway and the Oil Springs Line. Mayor Arnold is also requesting staff to investigate the maintenance needs at that same location. Also due to the fact the Riverside Drive bridge replacement in Port Lambton has been postponed until at least 2007, it was requested staff investigate the possibility of re-bolting the bridge deck planking. Staff was also requested to investigate roadside shoulders slumping north of the area adjacent to Seager Park and in particular the Oil Springs Line area of the St. Clair Parkway.

Moved by S. Miller

Seconded by S. Warner

Motion #18 That the meeting enter an in camera session to discuss legal issues with the Mayor as Chair.

CARRIED

The meeting returned to order.

Councillor Alexander asked the CAO to obtain information on the Northumberland Recycling facility. Also the CAO led Council in a discussion of contacting the Manager of Planning Services with Lambton County to determine the feasibility of joint public meetings relative to rezonings pertaining to new subdivision development.

ADJOURNMENT:

Moved by S. Miller
That the meeting adjourn.

Seconded by S. Warner

CARRIED

The meeting adjourned at 9:40 p.m.

MAYOR

CLERK