

**ST. CLAIR TOWNSHIP
COUNCIL MINUTES
SESSION # 20**

St. Clair Civic Centre
Council Chambers
November 19, 2007
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
	P. Gilliland,	Deputy Mayor
	P. Carswell-Alexander,	Councillor
	P. Brown,	“
	D. Randell,	“
	S. Miller,	“
	J. Agar,	“
Staff:	J. Rodey,	CAO
	J. DeMars,	Director of Administration/Clerk/ Deputy CAO

AGENDA:

Declaration of Conflict of Interest:

Adopt Minutes:

Council Meeting of November 5, 2007 Session #19
Sombra Museum of October 18, 2007
Committee of the Whole – Finance and Administration, Public Works and
Engineering of November 14, 2007

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

7:30 pm Rezoning – Moore Presbyterian Foundation
7:40 pm Rezoning – Chinook Chemicals

CORRESPONDENCE:

- a) Bill & Heather Wray – Property Standards
- b) Joan Lowes – Property Standards
- c) Moore Presbyterian Foundation – grant request
- d) Courtright United Church – alley closing
- e) Lorne and Nancy Alexander – property standards

INFORMATION:

- 1) St. Clair Region Conservation Authority – September minutes
- 2) Jeff Baranek – Planner’s report – Chinook application
- 3) County of Lambton – Council highlights
- 4) Shell Canada – Environmental assessment
- 5) John and Liz Lyle – lighting request
- 6) County of Lambton – Bluewater Health
- 7) Municipality of Brockton – resolution
- 8) Notice of Public Hearing – rezoning Lot 172, Plan 413
- 9) Planner’s Report – Moore Presbyterian Foundation rezoning

DRAINS:

REPORTS OF COMMITTEES AND OFFICERS:

Committee of Adjustment-Applications: A16/07, A17/07, A18/07, A19/07, B29 & B30/07, B31/07

DRAINAGE SUPERINTENDANT'S REPORT:

Jarvis Drain

CO-ORDINATOR OF OPERATIONS REPORT:

Tenders – vactor unit

CO-ORDINATOR OF ENGINEERING REPORT:

St. Clair Parkway Sewer – project status

DIRECTOR OF ENGINEERING SERVICES:

Engineered Wetlands

CLERK'S REPORT:

CAO'S REPORT:

MOTIONS:

BY-LAWS:

By-law #59 of 2007 – OPA Pt Lots 38 & 39 Front Concession
By-law #68 of 2007 – Rezoning Pt Lot C, Con 10, Chinook Global

COUNCILLORS REPORTS:

UNFINISHED BUSINESS:

Official Plan Amendment Number 8 – Redesignate property known as Part Lot 38 and 39, 1155 Emily St. from Open Space to Residential.

NEW BUSINESS:

UPCOMING MEETINGS:

Regular Council Monday Dec. 3, 2007 – 7:00pm
Committee of Whole Wednesday Dec. 12, 2007 – 2:00pm
Regular Council Monday Dec. 17, 2007 – 7:00pm

ADJOURNMENT:

The Mayor 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. Deputy Mayor Gilliland noted that the reference on pg. 5 to the two Township representatives missing a recent Clean Harbors liaison Committee it should be noted that the Councilors were absent due to their attendance at a budget meeting. Council also felt there was confusion relative to Motion #35 from the last minutes of Council.

Moved by P. Gilliland

Seconded by P. Alexander

Motion #1 That the issue of the installation of two additional street lights in Corunna, as referenced by Motion #35 be lifted from the table.

CARRIED

Moved by P. Gilliland

Seconded by P. Brown

Motion #2 That Council reconsider its actions relative to two additional street lights in Corunna as referenced by Motion #35.

CARRIED

Moved by P. Carswell

Seconded by P. Brown

Motion #3 That staff be instructed to proceed with the installation of two additional street lights at the intersection of Hill and Lyndoch and Lyndoch and St. Clair Boulevard as directed in the November 14th meeting of the Public Works and Engineering Committee.

CARRIED

Mayor Arnold asked the Clerk to provide a verbal report on the status of the two property standards issues that were a topic of discussion at the November 12 meeting of the Finance and Administration Committee. The Clerk advised the meeting that the Property Standards Officer has issued on this past Thursday and today, property standards orders relative to property known as 1784 Petrolia Line and property at the intersection of 8th and Main Street in Courtright, respectively. Both orders call for a compliance by the 2nd week of December 2007.

Moved by P. Brown

Seconded by P. Gilliland

Motion #4 That the minutes of the Council meeting of November 5, 2007 – Session #19, Sombra Museum of October 18, 2007 and Committee of the Whole, Finance and Administration, Public Works and Engineering of November 14, 2007 be adopted as printed and circulated:

CARRIED

CORRESPONDENCE:

Council noted that the property standards issue identified by Bill and Heather Ray, is already been dealt with through one of the property standards orders discussed by the Clerk.

Moved by S. Miller

Seconded by P. Brown

Motion #5 That the letter submitted by Joan Lowes be referred to the Property Standards Officer for further investigation.

CARRIED

Moved by P. Carswell

Seconded by S. Miller

Motion #6 That the request for financial support for the operation of the Elderly Persons Centre at Thompson Gardens in Corunna by the Moore Presbyterian Foundation in the amount of \$8540.00 be referred to the 2008 operating budget deliberations.

CARRIED

Council reviewed the request received Courtright United Church Building Committee and the Courtright Friendship Club for the development of the adjacent alley as parking for their respective facilities.

Moved by P. Carswell

Seconded by P. Gilliland

Motion #7 That the request received from the Courtright United Church Building Committee and the Courtright Friendship Club for the use of an adjacent alley for parking purposes and the development of such by the Township be referred to staff for a report as to costs of the request, location of buried utilities and other facilities that may be on the alley in question and further that the neighboring property owners be invited to a future meeting of Council to discuss the request.

CARRIED

Moved P. Carswell

Seconded by P. Brown

Motion #8 That the letter submitted by Lorne and Nancy Alexander be referred to the Property Standards Officer for further investigation.

CARRIED

Moved by D. Randell

Seconded by J. Agar

Motion #9 That the following correspondence be received and dealt with as per Council's instructions as noted:

- a. Bill & Heather Wray – property standards
Inst. Property Standards Officer order
- b. Joan Lowes – property standards
Inst. Motion #5
- c. Moore Presbyterian Foundation – grant request
Inst. Motion #6
- d. Courtright United Church – alley closing
Inst. Motion #7
- e. Lorne & Nancy Alexander – property standards
Inst. Motion #8

CARRIED

At the appointed time Mayor Arnold called to order the public hearing to consider an application to rezone property known as Lots 172, Plan 413, Corunna, Geographic Township of Moore, Township of St. Clair, owned by the Moore Presbyterian Foundation. The Mayor advised those in attendance the format that would be followed for this meeting, then anyone wishing to speak either in support or opposition of the rezoning proposal would have an opportunity to do so. Mayor Arnold then called upon Barry Uitvlugt of the Lambton County Planning Department, who presented his planning merit report on the issue dated November 1, 2007. In his report, Mr. Uitvlugt advise that the proposal calls for the development of 8 single family units on the 8 lots that could be created by plan of subdivision following the rezoning of the subject property. In his report, Mr. Uitvlugt recommended that Council either give the corresponding zoning by-law the first and second reading with the third reading to be tabled until after the draft plan approval of the subdivision or alternatively the rezoning by-law could be read the third time and finally passed, establishing a holding zone that could be lifted after the subdivision process is successfully completed. Mayor Arnold then called upon anyone in attendance who wished to speak in opposition of the proposal.

James Glowa: Mr. Glowa identified himself as a neighboring resident and questioned road access to the proposed new subdivision, storm water capacity and the fact that the subject property is relatively close to existing commercial development in Corunna and perhaps a commercial development on the property would be its highest and best use. Mr. Glowa also commented on the street access to the proposed development.

Hearing no further comments, Mayor Arnold called upon anyone who wished to speak in support of the proposal. Mr. Terry Gray of T.W. Gray Associates was present to speak to

the proposal on behalf of the developer. Mr. Gray advised that the water and sanitary sewers are in place and storm drainage that currently existed was adequate. Also in response to the comment received regarding a cul du sac type street for the development, Mr. Gray advised that the development of such a street would add an undue financial burden on the proposal and that it would further negatively impact existing services. In conclusion, Mayor Arnold asked Mr. Uitvlugt for any further comment. Mr. Uitvlugt advised that in his opinion that he would suggest to Council that it pass the appropriate rezoning By-law by giving it three readings to incorporate a holding provision that could be lifted without further public hearing once the draft subdivision is approved by Lambton County. Hearing no further comment, the Mayor declared the public hearing closed and Council returned to order

Moved by J. Agar

Seconded by P. Gilliland

Motion #10 That the Council of the Township of St. Clair give zoning By-law 69 of 2007 first and second readings to permit residential uses by way of single detached residences on land owned by Moore Presbyterian Foundation at the corner of Fane and Murray Streets in Corunna, with the third reading to be considered after draft plan of subdivision approval.

CARRIED

At the appointed time, Mayor Arnold called to order the public hearing called to consider the application to rezone property known as 224 Holt Line West, Con. 10 Lot 1 and 2, RP 25 R6569 Con. C, geographic Township of Sombra, Township of St. Clair filed by Mr. Ronald Breen, on behalf of Chinook Global Ltd. Mayor Arnold advised those in attendance the format that would be followed at this public hearing that would allow that anyone wishing to speak in favor of or in opposition to the proposal to be given an opportunity to do so. Mayor Arnold then called upon Jeff Baranek of the Lambton County Planning Department, who presented to the meeting his planner's report on the proposal dated October 24, 2007. Mr. Baranek advised that the property is currently zoned M3-1 and the proposal was to create two different zones on the subject property. One being an Industrial Type 2 (M2) zone for a parcel of the property that was subject to a recent application for consent proposed to be used for a contractor's yard with the remnant property to be rezoned as an Industrial Type 3 (M3) zone. In his report, Mr. Baranek pointed out applicable set backs for both the zones, official plan implications and in conclusion, his recommendation that the parcel proposed to be severed be zoned as a M2 zone and the remnant parcel owned by Chinook Global be rezoned as a M6. The Mayor then called upon the Clerk to advise the meeting of any written submissions received on the proposal. The Clerk advised that a written submission was received from Mr. Grant Barclay in opposition to the proposal that was read into the record. The meeting was advised that a petition against the proposal was received with approximately 60 signatures. The Mayor called upon those wishing to speak in opposition to the proposal an opportunity to do so.

Harry Barrons - 3568 St. Clair Parkway. Mr. Barrons questioned the Municipality as to why he was not advised to this public meeting. Mr. Barrons was advised that as required by the Planning Act, notification is sent to property owners within 400 feet of the subject property and Mr. Barron's property was outside of that radius.

Robert Henry - 302 West Holt Line. Mr. Henry expressed his dissatisfaction with the operation of Chinook Global for many years as a generator of offensive odors.

Ralph Vokes - 3722 St. Clair Parkway. Mr. Vokes also questions why he was not given notification of this meeting. In the response to his question, was the same as that to Mr. Barrons. Mr. Vokes stated in his opinion the operation at Chinook Global has been a problem for many years and hoped that the closure of the Chinook facility would mark the end of industrial uses on the property.

Helen Vanderheide - 3846 St. Clair Parkway. Ms. Vanderheide questioned the type of uses that could be made to the former Chinook site by a perspective new owner with the zoning requested. She also question if the property could be used for a "Clean Harbors" type facility?

Mr. Baranek provided his opinion that the M3 zoning could support an operation similar to the Clean Harbors facility, subject to MOE approvals.

Peter Naylar - 3726 St. Clair Parkway. Mr. Naylar questioned what the permitted uses would be in the proposed M6 zone? Mr. Baranek responded that permitted uses that an M6 zone would be very similar to those in an M2 zone and Mr. Baranek provided to the meeting, a list of permitted uses.

Terry Little - Mr. Little identified himself as a resident of Corunna and expressed his opinion that he felt that the opposition to the proposal by the neighbors were due to their personal health concerns.

Chris Hussey - 3569 St. Clair Parkway. Mr. Hussey questioned if there has been an order placed on the current Chinook facility by either the Ministry of the Environment to have the site demolished and cleaned up?

Vicky Holmes - 3668 St. Clair Parkway. Ms. Holmes advised that she is in opposition to any rezoning on the Chinook property that would continue an industrial use on the site.

Mayor Arnold then called upon Mr. Ron Breen, representing Chinook Global Ltd. to present his position in support of the application. Mr. Breen advised the meeting that he, as well did not receive a copy of Mr. Baranek's report until earlier this evening. Mr. Breen went on to explain the business activities in the last several years by Chinook Global at which time the owners of the company have entered into non-competitive agreements to cease the production of product known as Amines. These materials that have perhaps led to odor complaints in past years, can no longer be produced on this site as per the terms of these non-competitive agreements. Mr. Breen advised that the reason for the request to rezone the property to M3 was to aid in the sale of the property and increase interest amongst potential buyers of the property. Mr. Breen also stated his hopes that a purchaser would continue in industrial operation on the subject site to create local employment opportunities and maintain the Township's tax base. Mr. Breen also stated that he has not as yet, found a buyer for the property.

Mayor Arnold then opened the meeting up for questions:

Jen Burnham – Ms. Burnham questioned Mr. Breen as to possible potential uses of the site. Mr. Breen advised that he does not have a confirmed purchaser at this time and could not speculate as to the future use of the property.

Jeff Agar – Councillor Agar questioned Mr. Baranek if the entire property could be zoned as M6?

Pete Gilliland – Deputy Mayor Gilliland advised that in his opinion, the two zoning requests were intertwined and Council should consider either one separately and in isolation.

Hearing no further comments, Mayor Arnold declared the public hearing closed and Council returned to order.

Moved by S. Miller

Seconded by J. Agar

Motion # 11 That the request to rezone property know as 224 Holt Line as submitted by Mr. Ron Breen, on behalf of Chinook Global Ltd. be denied as presented. This motion was superseded by a motion to table.

Moved by P. Gilliland

Seconded by D. Randell

Motion # 12 That the proposal to rezone property known as 224 Holt Line Part Lot 1 and 2 RP 25R6569 Part Lot C, Con. 10 geographic Township of Sombra, Township of St. Clair be tabled pending further information and clarification as to permitted uses in an M3-1 zone and M6 zone and examples of permitted uses in an M3, M2, and M6 zones.

CARRIED

The Mayor advised those in attendance that the request for rezoning as submitted would be further considered by Council, once the requested report is available from the planner.

REPORTS OF COMMITTEES AND OFFICERS:

Council reviewed the applications to the Committee of Adjustments as identified on the agenda.

DRAINAGE SUPERINTENDANT'S REPORT:

Moved by P. Brown

Seconded by P. Carswell

Motion #13 That Council approve the Drainage Superintendent's report and recommendation for Enbridge Gas Distribution Inc. to be given approval to install a suitable sized access culvert in the Jarvis Drain at the southeast corner of the E1/4 of Lot 19, Con. 8 of the former Moore Township on the west side of Tecumseh Road, with all associated costs to be paid 100% privately.

CARRIED

CO-ORDINATOR OF OPERATIONS REPORT:

Council reviewed Mr. VanHyfte's report dated November 14, 2007 on the subject of the possible purchase of a high pressure sewer:

Bidder	Option	Tender Amount	Comments
Joe Johnson Equipment	A	\$328,258.44	Includes GST and with trade-in
Joe Johnson Equipment	C	\$373,858.44	Includes GST and without trade-in
Joe Johnson Equipment	A	\$339,265.14	Includes GST and with trade-in
Joe Johnson Equipment	C	\$384,865.14	Includes GST and without trade-in

After review of the tenders and Mr. VanHyfte's report recommendation it was;

Moved by D Randell

Seconded by J. Agar

Motion #14 That it be recommended to Council that the Co-ordinator of Operations report on the tender bid "B" of Joe Johnson Equipment for the supply of one 2008 Combination High Pressure Sewer Cleaner/Vacuum Truck be accepted with the choice of option "A" with trade-in for a total cost of \$321,409.08 or "C" without trade-in for a total cost of \$364,609.08 to be decided at time of delivery, with prices excluding G.S.T..

CARRIED

CO-ORDINATOR OF ENGINEERING REPORT:

Council reviewed Mr. Graham's report on the status of the St. Clair Parkway sanitary sewer extension project.

Moved by S. Miller

Seconded by P. Carswell

Motion # 15 That the report submitted by the Coordinator of Engineering Services regarding St. Clair Parkway Sewers status, be accepted and received as information.

CARRIED

The Mayor asked staff to provide information as to the status of the delivery of the equipment for the second pump station.

DIRECTOR OF ENGINEERING SERVICES:

Council reviewed Mr. Burnham’s report received from the Township’s consultant on the proposed wastewater treatment plant expanded facility relative to engineered wetlands that could be incorporated into the system to reduce the volume of plant sludge and the corresponding disposal fees.

Moved by D. Randell

Seconded by P. Carswell

Motion # 16 That the Director of Engineering Services be requested to forward the opinion of the Township’s consultant for the proposed expanded wastewater treatment facility on the subject of engineered wetlands to Jacques Whitford for review and comment.

CARRIED

CHIEF ADMINISTRATIVE OFFICER’S REPORT:

Mr. Rodey advised of a property issue to be discussed in-camera.

BY-LAWS:

Council proceeded to review draft official plan amendment No. 8 to redesignate property known as Part Lots 38 and 39, 1155 Emily Street from “Open Space” to “Residential”. The Mayor advised those in attendance for the public hearing for this proposed official plan amendment was conducted on September 17, 2008 and it was not the intention of Council to reconvene the public meeting at this time.

Moved by P. Carswell

Seconded by S. Miller

Motion # 17 That the application for amendment to the St. Clair Township Official Plan for property known as Part Lots 38 and 39, Front Concession, geographic Township of Moore, Township of St. Clair that was subject to a public hearing September 17, 2007 be denied.

DEFEATED

A recorded vote was requested:

Councillor Randell	No
Councillor Agar	No
Deputy Mayor Gilliland	No
Councillor Miller	Yes
Councillor Carswell	Yes
Councillor Brown	Yes
Mayor Arnold	No

Motion was defeated.

Moved by D. Randell

Seconded by P. Gilliland

Motion # 18 That By-law #69 of 2007, being a by-law to adopt official plan amendment Number 8 to redesignate property known as Part Lots 38 and 39, Front Concession, geographic Township of Moore, Township of St. Clair from “Open Space” to “Residential” be given the required number of readings finally passed signed and sealed.

CARRIED

A recorded vote was requested:

Councillor Randell	Yes
Councillor Agar	Yes
Deputy Mayor Gilliland	Yes
Councillor Miller	No
Councillor Carswell	No
Councillor Brown	No
Mayor Arnold	Yes

Mr. Bev Byers asked to address the meeting and questioned why he was not given notice of this public hearing. The Mayor advised on behalf of Council that Mr. Byers did not get a notice of this public meeting because this was not a public meeting under the provisions of the planning act and that meeting was conducted on September 17, 2007.

Mr. Doug Henderson questioned Council on its procedures relative to the possible disposal of the subject property.

COUNCILLORS REPORTS:

Darrell Randell

Councillor Randell advised of attending with the Deputy Mayor the recent AMO sponsored Southwest conference in London, which was very informative, particularly relative to the discussion attended by Deputy Mayor Gilliland as to provisions of the amendment to the Municipal Act known as Bill 130. Councillor Randell also advised that he has been accepted as the Lambton County Representative on the Source Water Protection Committee. Councillor Randell also advised that he was proud to represent St. Clair Township at the November 11th Remembrance Day ceremony in Wallaceburg at which time his attendance was well received by the event organizers.

Pat Carswell-Alexander

Councillor Carswell also advised Council of attending on behalf of St. Clair Township, the Remembrance Day celebrations in Brigden. Councillor Carswell also reminded members of Council of the December 2nd Christmas tree lighting ceremony commencing at 7pm in Brigden.

Pat Brown

Councillor Brown advised of attending the November 11th Remembrance Day ceremonies in Corunna which was very well attended. Councillor Brown also attended the kick off for the Operation Christmas Tree Campaign.

Steve Arnold

Mayor Arnold advised of attending a recent LAWS budget meeting, County Strategic Plan meetings and an Environment Summit hosted at Lambton College. The Mayor also attended the November 10th and 11th Remembrance Day ceremonies hosted by the Corunna Legion. The Mayor also attended the recent Brigden Horticultural Society dinner and the Annual Poor Boys Luncheon staged to aid financial support to Operation Christmas Tree.

NEW BUSINESS:

The Clerk led Council into discussion into the provisions of the property standards order issued for property at the intersection of 8th Street and Main Street in Courtright.

Councillor Randell also questioned the progress of the Strategic Plan Process. In response to Councillor Randell's question, the CAO advised of his discussion with City media at which time it was determined that the consultant fees for such a project would be approximately \$45,000.

Council also requested that the Treasurer provide a reminder as to the approved timetable for the consideration of the draft 2008 operating budget.

Moved by D. Randell

Seconded by J. Agar

Motion # 19 That the meeting enter an in-camera session to discuss a property issue.

CARRIED

Council Meeting
November 19, 2007

The meeting returned to order.

ADJOURNMENT:

Moved by S. Miller
That the meeting do hereby adjourn.

Seconded by P. Gilliland

CARRIED

The meeting adjourned at 10:40 p.m.

MAYOR

CLERK