

**ST. CLAIR TOWNSHIP
COUNCIL MINUTES
SESSION # 23**

St. Clair Civic Centre
Council Chambers
December 17, 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 December 3, 2007 – Session #22
Committee of the Whole of December 12, 2007
Sombra Museum of November 15, 2007

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

7:15 p.m. – Tom Wilson ~MDS Variance
7:30 p.m. – Zoning By-law Amendment ~ Paddock Green
8:00 p.m. – Catalpa Way~local improvement~court of revision
8:15 p.m. – Brenda McLaughlin ~property north of Civic Centre
8:30 p.m.– Gaston Drapeau ~ property north of civic Centre

CORRESPONDENCE:

- a) Randy Atkinson – alley closing request
- b) Meadowview Villa – funding request
- c) Inn of the Good Shepherd – funding request

INFORMATION:

- 1) St. Clair Region Conservation – November 15, 2007 minutes
- 2) Notice of Public Hearing – Paddock Green
- 3) Shell – refinery project update
- 4) Barry Uitvlugt – planning report on Paddock Green
- 5) County of Lambton – radio equipment grant funding
- 6) AMO alert – incident management
- 7) Corunna Community Police – December 4, 2007 minutes
- 8) Barry Uitvlugt – planning report on Part Lot Control
- 9) Barry Uitvlugt – draft plan of subdivision – Blocks C & D
- 10) St. Clair River Trail – November 28, 2007 minutes
- 11) Notice of Passing – rezoning Moore Presbyterian Foundation

DRAINS:

REPORTS OF COMMITTEES AND OFFICERS:

Committee of Adjustment-Application A-20/07 & Minutes of November 26, 2007 meeting
Property Standards Committee – December 6, 2007 minutes

COORDINATOR OF PLANNING REPORT:

Circulation of Planning Application

COORDINATOR OF ENGINEERING REPORT:

Bunker Ave. mailbox
Nova raw water pipeline

DIRECTOR OF PUBLIC WORKS, OPERATIONS AND ENGINEERING REPORT:

Traffic light costs
Environmental study report – executive summary

PROPERTY STANDARDS OFFICER REPORT:

1784 Petrolia Line - order

CLERK'S REPORT:

CAO'S REPORT:

MOTIONS:

BY-LAWS:

By-law 70 of 2007 – Deeming By-law
By-law 72 of 2007 – Accountability and delegation of power
By-law 73 of 2007 – Confirming By-law
By-law 74 of 2007 – Appointment of open meeting investigator
By-law 75 of 2007 – Amend zoning by-law Paddock Green
By-law 76 of 2007 – Part Lot Control By-law – Paddock Green
By-law 77 of 2007 – Sanitary Sewer area – St. Clair Parkway
By-law 78 of 2007 – Notification Protocols
By-law 79 of 2007 – Catalpa Way – land improvement

COUNCILLORS REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

UPCOMING MEETINGS:

Regular Council – Monday January 7, 2008 ~ 7:00pm
Finance and Administration, Public Works/Operations – Wednesday January 16, 2008 ~ 6:00pm
Regular Council – Monday January 21, 2008 ~ 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:

Mayor Arnold declared a conflict of interest during the discussion on the construction of the Nova raw water pipeline, as a Nova employee and left his chair.

MINUTES:

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

Moved by D. Randell

Seconded by P. Gilliland

Motion #1 That the minutes of the Council meeting of December 3, 2007 – Session #22, Committee of the Whole meeting of December 12, 2007 and Sombra Museum meeting of November 15, 2007 be adopted as printed and circulated:

CARRIED

BUSINESS ARISING FROM MINUTES:

Councillor Carswell questioned the Deputy Mayor whether he has obtained any information in response to her earlier question regarding emergency medical staff. Deputy Mayor Gilliland advised that his committee has not met since the Councillor's request and that he would obtain the information requested. Councillor Carswell also advised of a discussion with the mall plaza owner regarding the recently installed "no parking" signs at the request of the OPP. The request is in the form that once the OPP vacate the current premises, will the signs be removed. The Clerk suggested that the property owner file a written request with the Township for such removal at the appropriate time. Councillor Brown and Councillor Carswell raised questions over the decision at the last Finance and Administration Committee meeting to change the meeting time for the committees from 2 pm to 6 pm. Both Councilors questioned the protocol that was followed in the taking of the vote.

Council also asked if the Ministry of the Environment has provided the MSDS statistics on the fly ash material from their plant site.

Mr. Tom Wilson, at the appointed time, was welcomed by Mayor Arnold. Mr. Wilson was accompanied by his 2 sons. Mr. Wilson made a presentation asking Council to waive the fee for the minor variance he has applied for to accommodate the construction of a roof over his current barnyard as required by his nutrient management plan. Mr. Wilson advised that he is receiving grant funding for 50% of the cost and felt that his herd size will not increase and he is receiving very little financial advantage to the proposal that run off to an adjacent municipal drain would be greatly improved from a contamination point of view. Mr. Wilson explained that there should be local expertise to assist applicants such as him through the nutrient management process and questioned his need for a minor variance. Mr. Wilson stated in his opinion that the Township should establish a policy to automatically waive planning fees for any nutrient management project needing a minor variance. Deputy Mayor Gilliland and Councillor Carswell explained to Mr. Wilson, the Committee of Adjustment process and the lack of authority staff had to waive the provision of the Planning Act.

Moved by P. Gilliland

Seconded by J. Agar

Motion #2 That Council waive the Committee of Adjustment fee relative to the Tom Wilson application for consent necessitated by his nutrient management project.

CARRIED

At the appointed time, Mayor Arnold called to order the public hearing to consider the application to rezone properties in Paddock Green and explained the purpose of the zoning by law was to provide for re-alignment of zones and to reallocate sanitary sewer allocation. The Mayor then called upon Mr. Barry Uitvlugt of the Lambton County Planning

Department who verbally presented his planning merit report dated December 6, 2007. In conclusion, Mr. Uitvlugt stated that he is recommending the acceptance by Council of the rezoning proposal. Councillor Carswell questioned the cost of the fence and the type of fence for the future development adjacent to Sir John Moore School. Mr. Uitvlugt stated that if the zoning by-law is passed the fence could be required in the draft subdivision plan process that could dictate the type of fence required. Hearing no further questions, Mayor Arnold declared the public hearing closed.

Moved by S. Miller

Seconded by P Carswell

Motion #3 That By-law Number 75 of 2007, being a by-law amend Comprehensive Zoning By-law 17 of 2003 to amend R1-h2, to R1, OSI to R1-h2, C5 to OSI, and R1 to R1-h2 as shown on Schedule "A-2-5", be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

CORRESPONDENCE:

Council reviewed the communication received from Mr. Randy Atkinson regarding a possible alley closure and conveyance in Brigden.

Moved by P. Gilliland

Seconded by S. Miller

Motion #4 That the request of Mr. Randy Atkinson for Council consideration to attempt to close and convey an alley in Brigden be referred for staff report as to the ownership of the alley, presence of any underground utilities and a possible cost to close and convey.

CARRIED

Moved by P. Brown

Seconded by P. Gilliland

Motion #5 That a donation in the amount of \$50 be made to the Meadowview Villa auxiliary to host a social function for the residents with the amount amended to \$75.

CARRIED

Moved by D. Randell

Seconded by P. Carswell

Motion #6 That a donation in the amount of \$75 be made to the Meadowview Villa auxiliary to host a social function for the residents.

CARRIED

Council reviewed the correspondence received from Kyle Churcher regarding Council consideration of the development of a bike and skateboard park in Courtright. Council instructed staff to refer this letter to the Director of Community Services for comment with cost estimates.

Moved by S. Miller

Seconded by P. Carswell

Motion #7 That the request for donation from the Inn of the Good Shepherd be received and filed.

CARRIED

Moved by S. Miller

Seconded by P. Carswell

Motion #8 That the following correspondence be received and dealt with as per Council's instructions as noted:

- a. Randy Atkinson – alley closing request
Inst. See motion #4
- b. Meadowview Villa – funding request
Inst. See motion #6
- c. Inn of the Good Shepherd – funding request
Inst. See motion #7

Council reviewed the items received for information.

DEPUTATIONS AND APPOINTMENTS:

REPORTS OF COMMITTEES AND OFFICERS:

Council reviewed the application and minutes as listed on the agenda for the Committee of Adjustments and offered no comment. Council also reviewed the report of the Property Standards Committee from its December 6, 2007 minutes.

COORDINATOR OF PLANNING REPORT:

Council reviewed Ms. Brennan's report on the circulation of planning applications.

Moved by S. Miller

Seconded by P. Carswell

Motion # 9 That the report of the Coordinator of Planning dated December 7, 2007 regarding of circulation of planning applications be received for information purposes.

CARRIED

COORDINATOR OF ENGINEERING REPORT:

Council reviewed Mr. Graham's report dated December 13, 2007 on the issue of the placement of new community mailboxes at Bunker Ave.

Moved by P. Brown

Seconded by S. Miller

Motion # 10 That permission be granted to Canada Post to install a community mailbox along the north side of Bunker adjacent to the No-Frills Store, conditional upon their agreement to relocate it in the future at their expense if necessary to accommodate future development.

CARRIED

Prior to the discussion on Mr. Graham's report on the Nova Raw Water Pipeline – temporary road access, Mayor Arnold declared a conflict of interest as a Nova employee, left his chair and the meeting was turned over to Deputy Mayor Gilliland.

Moved by P. Brown

Seconded by D. Randell

Motion # 11 That permission be granted to allow construction traffic to access the Nova Chemicals property from the existing entrance off of the St. Clair Parkway south of Curran Avenue as part of the Nova Raw Water Pipeline project provided that the traffic access the St. Clair Parkway via LaSalle Line.

CARRIED

DIRECTOR OF ENGINEERING AND PUBLIC WORKS REPORT:

Council reviewed Mr. Burnham's proposed break down of traffic light costs.

Moved by P. Carswell

Seconded by P. Brown

Motion # 12 That the report of the Director of Engineering and Public Works dated December 13, 2007 on the subject of the proposed breakdown of traffic light costs be received for information.

CARRIED

Moved by S. Arnold

Seconded by P. Carswell

Motion # 13 That the Director of Engineering and Public Works be requested to contact the parties that could be affected from a financial point of view for the installation of traffic lights at the intersection of St. Clair Blvd. and St. Clair Parkway for comment and review.

CARRIED

The Mayor returned to his seat.

At the appointed time, the Clerk called to order the meeting of the Court of Revision called under the authority of the Municipal Act to hear assessment appeals on the Catalpa Way local improvement. The Clerk briefed those in attendance the authority and duties of the

court and the fact that the Municipal Act required that the composition of the court must be 3 or 5 members.

Moved by S. Arnold

Seconded by P. Gilliland

Motion # 14 That the Court of Revision on the Catalpa Way local improvement consist of Mayor Arnold, Deputy Mayor Gilliland, Councillor Miller, Carswell and Brown, with Deputy Mayor Gilliland as chair.

CARRIED

Court was advised by the Clerk that no written appeals have been received and no one was in attendance to appeal to the court.

Moved by S. Arnold

Seconded by P. Carswell

Motion # 15 That the Court of Revision approve the schedule of assessment identifying the cost share to the individual property owners for the Catalpa Way local improvement and that the Court of Revision be closed.

CARRIED

Council returned to order.

Council reviewed the report of the Director of Engineering and Public Works relative to the executive summary for the proposed waste water treatment plant.

Moved by P. Gilliland

Seconded by D. Randell

Motion # 16 That the report of the Director of Engineering and Public Works regarding the executive summary of the environmental assessment for the proposed waste water treatment plant be received for information.

CARRIED

PROPERTY STANDARDS OFFICER'S REPORT:

Moved by S. Miller

Seconded by P. Gilliland

Motion # 17 That the Property Standards Officer's order for property known as 1784 Petrolia Line as amended by the Property Standards Committee be received for information.

CARRIED

CLERK'S REPORT:

The Clerk provided a verbal report to Council that a solicitor acting on behalf of Chinook Global and Scrap Metal Coordinators have filed an appeal to the recent rezoning of the former Chinook Global Ltd. property on the Holt Line.

BY-LAWS:

Moved by J. Agar

Seconded by P. Gilliland

Motion # 18 That By-law Number 70 of 2007, being a by-law to deem Lots 165, 166, 167 and 168, Plan 729 Geographic Township of Moore, Township of St. Clair (Paddock Green), be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

Moved by P. Brown

Seconded by S. Miller

Motion # 19 That By-law Number 72 of 2007, being a by-law to adopt policies and accountability and transparency delegation of Power and Duties, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

Moved by P. Gilliland

Seconded by J. Agar

Motion # 20 That By-law Number 73 of 2007, being a by-law to confirm the resolutions and motions of St. Clair Township which were adopted up to and including November 26, 2007 be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

Moved by P. Brown

Seconded by P. Carswell

Motion # 21 That By-law Number 74 of 2007, being a by-law to appoint an open meeting investigator, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

Moved by D. Randell

Seconded by P. Gilliland

Motion # 22 That By-law Number 76 of 2007, being a by-law to remove certain lands from part lot control be read the first, second and third time, and finally passed, signed and sealed.

CARRIED

Moved by D. Randell

Seconded by P. Gilliland

Motion # 22 That By-law Number 77 of 2007, being a by-law to expand the Township's sanitary sewer usage area be read the first, second and third time, and finally passed, signed and sealed.

CARRIED

Moved by P. Brown

Seconded by S. Miller

Motion # 23 That By-law Number 79 of 2007, being a by-law to confirm the assessments to the Catalpa Way local improvement be read the required number of times and be finally passed, signed and sealed.

CARRIED

COUNCILLORS REPORTS:

Jeff Agar

Councillor Agar asked staff to pass on to the Public Works Department council's appreciation of the efforts made by the Work's crews during the weekend snow storm.

Darrell Randell

Councillor Randell advised Council of attending his first meeting representing the County of Lambton at the Source Water Protection Committee.

Steve Miller

Councillor Miller advised of attending a recent St. Clair Region Conservation Authority meeting as well as the Port Lambton Community Hall board meeting.

Pat Carswell

Councillor Carswell advised of attending a Corunna Community Policing Committee meeting and asked staff to consider improvements on Boswell Street in Brigden, including improved drainage at the intersection of Duncan and Boswell and consideration for the Arnold property at the east end of Boswell when design plans are being developed for the improvement of that portion. Councillor Carswell was also asked by a rate payer for Council assistance in bringing to the attention of Shell, three items from the environmental assessment review such as, underground storage for crude oil, stockpiling of coke material on site and a request to require Shell to have their water discharge pipe upstream of their water intake. It was suggested that perhaps the party making the request could address

their concerns to Shell's Environmental consultant as staff does not necessarily have the expertise to comment on these issues.

At the appointed time, Mayor Arnold called upon Mr. Gaston Drapeau who requested an agenda appointment with Council. In a prepared statement, Mr. Drapeau apologized for his behaviour to Councillor Miller for an incident occurring at an earlier meeting and also stated his opinion on the actions of members of Council during the past few meetings. Mr. Drapeau also stated that he approached Township staff in August and was told the property north of the Civic Centre building was not for sale. Council thanked Mr. Drapeau for his attendance and opinion.

Councillor's reports continued:

Steve Arnold

Mayor Arnold advised Council of his attendance at a recent St. Clair Region Conservation Authority Flood Action committee and heard comments about traffic and speed on Hill Street in Corunna. Mayor Arnold asked the complaining party to put his comments in writing for further discussion. The request also included a request to the MTO to pave the shoulder of Highway 40 from Hill Street to the Bickford Line, Mayor Arnold thought such paving would be of assistance to large construction type vehicles such as cranes to interact with normal vehicular traffic. The Mayor also attended a recent meeting of the Lambton Area Water Supply at which time the draft budget was approved. The Mayor requested a staff report on water costing and flows for consideration at the next meeting of the Public Works Committee. The Mayor also requested the status from staff when the draft 2008 water and wastewater rates would be available. In conclusion the Mayor wished all members of Council and Staff a Merry Christmas.

Council reviewed the list of upcoming meetings.

ADJOURNMENT:

Moved by S. Miller

Seconded by P. Brown

Motion #24 That the meeting do hereby adjourn.

CARRIED

The meeting adjourned at 8:40 p.m.

MAYOR

CLERK