

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

St. Clair Civic Centre  
Council Chambers  
June 23, 2008  
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:**

Regular Council Meeting of May 20, 2008 – Session #11  
Special Council Meeting of May 29, 2008 – Session #12  
Committee of the Whole of June 16, 2008  
Special Council Meeting of June 16, 2008 – Session #13  
Moore Museum of May 7, 2008  
Sombra Museum of May 15, 2008  
Emergency Services – June 20, 2008

**Business Arising from the Minutes:**

**DEPUTATIONS AND APPOINTMENTS:**

7:15 pm Pubic Meeting – Anita Burling – Fence By-law exemption  
7:30 pm Public Meeting – Rezone of Con. 10 North Part Lot 16 Sombra  
former Auction Centre  
7:45 pm Port Lambton & District Sports & Recreation – Skate Park

**CORRESPONDENCE:**

- a) Grant Cemetery Association – request
- b) Brigden Optimist – permission

**INFORMATION:**

- 1) Cty of Lambton – Council highlights – May 21
- 2) Cty of Lambton – Council highlights – June 4
- 3) St. Clair River Trail – minutes – April 23
- 4) St. Clair River Trail – minutes – May 28
- 5) OMB – decision
- 6) Corunna Community Policing – June 3 minutes
- 7) MP Pat Davidson – Agriculture update
- 8) MP Pat Davidson – Navigable Water Act
- 9) A.M.O. – nominations

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- 10) Catherine McKenna – thank you
- 11) Greg Barr – rezoning
- 12) Cty of Lambton – Waste management
- 13) S.C.R.C.A. – conservation update
- 14) S.H.C.A. – invitation
- 15) Physician Recruitment Taskforce – May 15 minutes
- 16) Physician Recruitment Taskforce – report
- 17) Moore Township Foundation – June 3 minutes
- 18) Cty of Lambton – Community Health Study
- 19) Cty of Lambton – Building Services – 1188 Kimball Road
- 20) Jeff Baranek ~ Planning Report – 1188 Kimball Road
- 21) Shell Canada Project- environment issues

**DRAINS:**

**REPORTS OF COMMITTEES AND OFFICERS:**

Committee of Adjustment-Applications A19/08, A20/08 A21/08  
-Decisions A14/08, A16/08, A17/08, A18/08, B7/08

**DIRECTOR OF PUBLIC WORKS AND OPERATIONS:**

Paddock Green - debris

**CLERK'S REPORT:**

Nominations – Cultural Heritage Awards (2)

**COORDINATOR OF PLANNING REPORT**

- Address Change from Balmoral Drive to Bentinck Drive, Corunna
- Enbridge Gas amended site plan agreement

**CAO'S REPORT:**

**MOTIONS:**

**BY-LAWS:**

- By-law #41 of 2008 – Stop Signs Paddock Green
- By-law #42 of 2008 – Deeming By-law
- By-law #43 of 2008 – Authorize site plan agreement with Enbridge Gas
- By-law #44 of 2008 – Confirming by-law
- By-law #45 of 2008 – Deeming By-law

**COUNCILLORS REPORTS:**

**UNFINISHED BUSINESS:**

-Draft By-law #39 of 2008 – Rezoning Terra

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

Finance & Administration, Public Works & Operations – Monday July 14, 2008 – 6:00pm  
Regular Council – Monday July 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:**

None declared.

**MINUTES:**

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

Moved by P. Carswell-Alexander

Seconded by D. Randell

**Motion #1:** That resolution #5 from Session #13, the Special meeting of Council held June 16, 2008 be tabled.

**DEFEATED**

Moved by P. Brown

Seconded by P. Carswell-Alexander

**Motion #2:** That the following minutes be adopted as printed and circulated:

- 1) Regular meeting of Council May 20, 2008 Session #11
- 2) Special meeting of Council May 29, 2008 Session #12
- 3) Committee of the Whole June 16, 2008
- 4) Moore Museum May 7, 2008
- 5) Sombra Museum May 15, 2008
- 6) Emergency Services meeting June 20, 2008
- 7) Special Meeting of Council June 16, 2008

**CARRIED**

**CORRESPONDENCE:**

Moved by D. Randell

Seconded by J. Agar

**Motion #3:** That the letter received from the Grant Cemetery Association requesting a new flag pole be granted.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by S. Miller

**Motion #4:** That permission be granted for a refreshment tent at the Brigden Optimist Club two-pitch tournament to be held July 25-27, 2008, subject to the provision of the appropriate policing and security as per Townships policy.

**CARRIED**

Moved by J. Agar

Seconded by D. Randell

**Motion #5:** That the following correspondence be received and dealt with as per Council's instructions as noted:

- a. The Grant Cemetery Association  
**Inst.** See Motion #3
- b. Brigden Optimist Club  
**Inst.** See Motion #4

**CARRIED**

Council reviewed the recently received decision from the Ontario Municipal Board relative to the Chinook property on the Holt Line. In the decision, the OMB has upheld the appeal of Chinook and re-instated the M3 zoning on the subject property. The CAO explained to Council the appeal process for OMB decisions.

Moved by P. Gilliland

Seconded by S. Miller

**Motion #6:** That the CAO be authorized to obtain a legal opinion and research the possibilities of a possible appeal of the recent OMB decision relative to the Chinook property.

**CARRIED**

As an item of correspondence, Council received a petition from Mr. Shawn Bogaert from several neighboring properties of the proposed agricultural development on the Terra property.

At the appointed time, Council considered the request received from Mrs. Anita Burling, owner of property known as 162 Fieldstone Avenue, Corunna for an exemption to the Township's fencing by-law to allow a fence in excess of the six foot height regulations. Ms. Burling is requesting to install an eight foot fence on the perimeter of her property to provide privacy and a noise barrier as well as safety for resident dogs and children due to the close proximity of her property to the St. Clair Parkway. Three letters of support have been received from Ms. Burling's neighbors regarding the proposal to construct a new eight foot fence. No one spoke in opposition to the granting of the exemption. At the conclusion of the discussion and after response to several questions posed by Council, it was;

Moved by S. Miller

Seconded by P. Gilliland

**Motion #7:** That the request for an exemption from the height restriction in the Township's fencing by-law to allow a fence 8 feet in height for property known as 162 Fieldstone Avenue be denied.

**CARRIED**

At the appointed time, Mayor Arnold called to order the public meeting to consider the application to re-zone the property known as 1188 Kimball Road from agricultural commercial to agricultural non-farm rural residential. Mayor Arnold explained to those in attendance, the process that would be followed at this public meeting at which time everyone would be given the chance to speak either in support of or in opposition to the rezoning proposal. Mayor Arnold then called upon Mr. Jeff Baranek of the Lambton County Planning Department, who presented his planner's report on the issue, dated June 13, 2008. Mr. Baranek pointed out that the zoning has been applied for in such a fashion as to accommodate the development of the property most currently used as an auction facility for a single family residence with a dog kennel for boarding and breeding purposes. Mr. Baranek pointed out in his report that the owner of the property has yet to file a record of site assessment as required by the Environmental Protection Act to determine any possible adverse negative effects for any possible previous use of the property. Mr. Baranek is recommending that Council defer its decision on the application rezoning until the proponent has filed the appropriate site assessment documents. Mayor Arnold then called upon those wishing to speak in opposition of the proposal:

Mr. Mike Regan identified himself as an adjacent property owner, being the closest residential owner to the subject property. Mr. Regan is objecting to the redevelopment of the property for residential and dog kennel uses.

Connie Rosseel identified herself as the owner of the adjacent farm parcel which houses a residential unit approximately 1500 feet from the building on the subject property. Ms. Rosseel is objecting to the proposal on the grounds of noise that could be generated from the kennel facility.

No one other than the applicant spoke in support of the application. Mr. Don Perry identified himself as the prospective buyer of the property and explained his current kennel operation in the City of Sarnia and advised that the kennel would be used for boarding and housing of show dogs. Also his current facility is used by the O.P.P. and special animal training such as canine units and the O.P.P.'s drug dog team. His current operation is capable of housing approximately 25 dogs. In response to Council's questions, Mr. Perry advised that it was his intention to develop the east side of the existing building as residential with a portion of the balance of the building converted for dog kennel usage. Hearing no further comments, Mayor Arnold declared the public meeting closed.

Moved by S. Arnold

Seconded by P. Carswell-Alexander

**Motion #8:** That consideration of the proposal to rezone property known as 1188 Kimball Road be deferred pending a review of a record of site assessment documentation required under the Environmental Protection Act.

**CARRIED**

A recorded vote was requested:

Councillor Randell	yes
Councillor Agar	no
Deputy Mayor Gilliland	yes
Councillor Miller	yes
Councillor Carswell-Alexander	yes
Councillor Brown	no
Mayor Arnold	no

Mayor Arnold welcomed on behalf of Council, spokesperson Phil Johnston representing the Port Lambton and District Sports and Recreation Association present to discuss with Council, their funding request to facilitate their development of the skate and bike park in VanDamme Park Port Lambton. Mr. Johnston and his group explained to Council the proposed location of the park on the southeast corner of VanDamme Park in the area that currently hosts the park's playground equipment. It was proposed to relocate the playground equipment to another location. In response to Council's questions, Mr. Johnston advised that a meeting was held last fall with the neighbors of the area and at that time, no objections were received. Joanne Lane addressed the meeting, identifying herself as a residential property owner immediately adjacent to the park, expressing her concerns about unusual noises particularly after dark that may be generated due to the use of the proposed facility. Mr. Johnston advised Council that the tender received on the project calls for a construction cost of \$89,130 plus approximately \$2500 to move the existing playground equipment. The Sports & Recreation Association are asking the Municipality to commit to paying 50% of the project costs and financing the project on completion less the \$20,000 the Association has on hand as their initial contribution to the project. Further, it is proposed that the balance of the Sports & Recreation's share will be repaid to the Municipality over a 5 year period. Mr. Kettlewell identified himself as an adjacent residential property owner and had concerns as Mrs. Lane did for unusual noise and possible trouble with youth that could be generated by the facility. Gary Hackett the Township's Director of Community Services advised that the idea had been discussed by the Parks Advisory Board with the Board's support for the proposal. Generally speaking, Mr. Hackett was in support of the project as proposed. After considerable discussion, it was

Moved by S. Miller

Seconded by D. Randell

**Motion #9:** That Council accepts the request of the Port Lambton and District Sports & Recreation Association to provide 50% grant funding for the establishment of the skateboard and bike park at VanDamme Park in Port Lambton estimated to cost \$89,130 plus \$2500 playground equipment moving costs, less the initial contribution by the Sports & Recreation Association of \$20,000 with the balance of the Sports & Recreation Association's cost share to be repaid to the Municipality over a 5 year period with the project be financed from the St. Clair Township Environmental and Education Reserved Fund.

**CARRIED**

**REPORTS OF COMMITTEES AND OFFICERS:**

Council reviewed the decisions of the Committee of Adjustment and future applications and offered no comment.

**DIRECTOR OF PUBLIC WORKS & OPERATIONS:**

Moved by S. Miller

Seconded by P. Brown

**Motion #10:** That the Director of Public Works, Operations and Engineering report dated June 18, 2008 regarding debris in the Paddock Green subdivision area be received and accepted as information.

**CARRIED**

**CLERK'S REPORT:**

The Clerk provided a verbal report to Council regarding requests received from the Moore Museum and the Sombra Museum to nominate Arnold Pole and Eldon Grant respectively for the Provincial Cultural Heritage Awards.

Moved by S. Miller

Seconded by P. Gilliland

**Motion #11:** That Mr. Arnold Pole and Mr. Eldon Grant be nominated by the Township for the Provincial Cultural Heritage Awards.

**CARRIED**

Council directed that a copy of these nomination forms be sent to MPP Bob Bailey for information.

**COORDINATOR OF PLANNING REPORT:**

Council reviewed Ms. Brennan's report on the issue of renaming Balmoral Drive to Bentinck Drive in the Paddock Green Subdivision. Council raised concerns such as public notification for this street naming and possible implications of the Township's 911 numbering system.

Moved by P. Brown

Seconded by P. Carswell-Alexander

**Motion #12:** That the Coordinator of Planning's recommendation to rename Balmoral Drive to Bentinck Drive east of St. Clair Blvd and south of Albert Blvd as authorized by By-law #42 of 1993 be tabled pending further information regarding a public notification process and possible implications to the 911 addressing system.

**CARRIED**

Moved by S. Miller

Seconded by P. Carswell-Alexander

**Motion #13:** That the report submitted by the Coordinator of Planning, dated June 19 recommending that Council approve the amended site plan agreement with Enbridge Gas Distribution Inc. to permit the construction of a new maintenance shop 743.2 square meters in size be accepted.

**CARRIED**

**CHIEF ADMINISTRATIVE OFFICER'S REPORT:**

Mr. Rodey advised Council of two items relating to legal issues that he would like Council to discuss in an in-camera discussion.

**BY-LAWS:**

Moved by J. Agar

Seconded by D. Randell

**Motion #14:** That By-law Number 41 of 2008, being a by-law to regulate traffic signs and authorize the placement of the appropriate signs be given the necessary three readings, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

**CARRIED**

Moved by P. Brown

Seconded by S. Miller

**Motion #15:** That By-law Number 42 of 2008, being a deeming by-law for Lots 14 & 15 (2973 St. Clair Parkway) to be given the necessary three readings, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

**CARRIED**

Moved by J. Agar

Seconded by D. Randell

**Motion #16:** That By-law Number 43 of 2008, being a by-law to execute a Site Plan Control agreement with 912176 Ontario Ltd. be given the necessary three readings, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

**CARRIED**

Moved by P. Brown

Seconded by S. Miller

**Motion #17:** That By-law Number 44 of 2008, 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 May 26, 2008 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**

Moved by J. Agar

Seconded by D. Randell

**Motion #18:** That By-law Number 45 of 2008, being a deeming by-law for 4697 Crescent Drive, Port Lambton be given the necessary three readings, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

**CARRIED**

### **COUNCILLORS REPORTS:**

#### **Pete Gilliland**

Deputy Mayor Gilliland led Council in to discussion of the possibility of advancing the 2009 Capital Project to install traffic control lights at the intersection of St. Clair Boulevard and St. Clair Parkway in response to rate payers' requests. Council discussed possible funding sources for the project if it is advanced into the 2008 Capital Construction budget.

Moved by P. Gilliland

Seconded by P. Brown

**Motion #19:** That staff be instructed to prepare a report relative to the possible advancement into the 2008 Capital budget year for the proposed traffic control lights at the intersection of St. Clair Boulevard and St. Clair Parkway with the report to address staff time that may be required for the completion of the project, equipment availability and estimated construction time as well as possible funding sources.

**CARRIED**

Deputy Mayor Gilliland also advised of receiving several rate payer concerns about sightings of wild animals in urban areas. It was pointed out that the Ministry of Natural Resources should be contacted and the OPP should be contacted if the wild animals are showing any signs of aggression.

#### **Jeff Agar**

Councillor Agar questioned the enforcement of grading plans. Councillor Agar was advised of such enforcement of grading plans for new subdivision is the responsibility of the Township's Building Official who require a grading plan conformity certificate prior to the issuing of the final occupancy report. Also Councillor Agar advised of a concern received regarding a fence that may exceed the height limitations in the Township's fencing by-law. It was suggested to Councillor Agar that such complaints should be filed with the Municipality in writing. Also Councillor Agar asked the appropriate department to investigate and cut the tall grass and weeds in the bull pen area of Duggan Field.

#### **Darrell Randell**

Councillor Randell advised of attending on behalf of the Municipality in a presentation of an honorary plaque to Mr. Cliff Johnston on the occasion of his 85<sup>th</sup> birthday. He also attended a very interesting and informative Sombra Museum social event.

#### **Steve Miller**

Councillor Miller advised that due to an earlier commitment, he would be unable to attend the July Committee of the Whole meeting as well as the July meeting of Council.

**Pat Carswell-Alexander**

Councillor Carswell-Alexander asked staff to investigate whether or not there is any money in a Township reserve raised earlier through fundraising activities for a possible Brigden skateboard park. Councillor Carswell-Alexander also provided information received from a rate payer regarding a local ham radio operator's weekend called "radio relay" at which time information will be provided as to the use of ham radios during emergency communications when conventional methods of communications are unavailable. Councillor Carswell-Alexander questioned the number of apparatus that was at the Sombra splash pad and was advised that the 5 units proposed are installed and operational.

**Pat Brown**

Councillor Brown requested staff to contact the appropriate County operations staff regarding road side mowing on Hill Street entering Corunna. Also following a recent meeting of the Corunna Community Policing Committee, the department of Community Services staff was asked to consider the request to place "lock it or lose it" signs at perhaps the Sports Complex and the Golf Course.

**Steve Arnold**

Mayor Arnold briefed Council on his meeting today with Conservation Ontario in Toronto which he found very informative and had information that would be made available and left in the office for interested Councilors. The Mayor also attended on behalf of Lambton County the recent meeting of the Federation of Canadian Municipalities Conference. Mayor Arnold brought back for staff consideration, information on blue box improvements, solar signs as a traffic control device and information on water parks and skate board parks.

**UNFINISHED BUSINESS:**

The Clerk reminded Council that it was circulated the draft by-law for the proposed rezoning to accommodate an agricultural facility on the Terra property. Members of Council were asked if they had any concerns or questions following their review of the by-law to please pass those forward to the appropriate planning staff.

**NEW BUSINESS:**

The Clerk provided to Council a verbal report as to the preliminary hearing held today by the Environmental Assessment Review panel relative to the charges laid for the property standards issue at 1184 Petrolia Line. At today's meeting, the parties agreed to attempt a mediation process to solve the outstanding issues. Failing successful mediation, a formal hearing will commence on November 6, 2008. Council briefly discussed with the CAO, the status of the Township's draft Strategic Plan. Mr. Rodey advised that the representatives from City media were unavailable to attend this evening's meeting of Council but he has a meeting with City media principles this coming Wednesday to discuss the project status and possible presentation dates to Council.

Moved by D. Randell

Seconded by P. Brown

**Motion #20:** That the meeting enter an in-camera session to discuss two legal issues.

**CARRIED**

The meeting returned to order.



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**ADJOURNMENT:**

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

Seconded by D. Randell

**CARRIED**

The meeting adjourned at 9:10 p.m.

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MAYOR

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CLERK