

**ST. CLAIR TOWNSHIP
COUNCIL MINUTES
SESSION #15**

St. Clair Civic Centre
Council Chambers
July 21, 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,	“
	J. Agar,	“
Staff:	J. Rodey,	CAO
	J. DeMars,	Director of Administration/Clerk/ Deputy CAO
Absent:	S. Miller,	Councillor

AGENDA:

Declaration of Conflict of Interest:

Adopt Minutes:

Council Meeting of June 23, 2008 Session #14
Committee of the Whole July 14, 2008
Moore Museum of June 4, 2008

Business Arising from the Minutes:

UNFINISHED BUSINESS:

Reconsideration for River Run Rezoning

DEPUTATIONS AND APPOINTMENTS:

7:15 pm King Street – road closing – public meeting
7:30 pm Public Meeting – Rezoning Al Brock for Donahue (former Church Courtright)
7:45 pm Doug Henderson – Rezoning

CORRESPONDENCE:

- a) Greg Barr – Appeal rezoning – Terra
- b) Anne Bruder – Property
- c) Byran Spiegelberg – Property
- d) Moore Optimist Santa Claus Parade – Request
- e) Paul Beauchamp – Dock encroachment

INFORMATION:

- 1) Barry Uitvlugt – Planning report – July 30 and April 14, 2008
- 2) Notice of Public Meeting – King Street closure
- 3) County of Lambton – Council highlights
- 4) County of Lambton – Lot 172, Plan 413 – draft plan
- 5) Doug Henderson – Rezoning

- 6) Moore Museum – Sampler
- 7) Ryan Wilson – Thank you
- 8) R.G. Drummond – Beresford Street improvements
- 9) Tourism Sarnia Lambton – Request
- 10) Village of Oil Springs – Invitation
- 11) County of Lambton – Composters
- 12) Warden Jim Burns – Invitation
- 13) A.M.O – June 2008 Board meeting
- 14) A.M.O. – WEEE plan
- 15) Jeff Baranek – Planning report – rezoning
- 16) Monteith & Sutherland - rezoning

DRAINS:

REPORTS OF COMMITTEES AND OFFICERS:

Committee of Adjustment-Decisions A19/08, A20/08 A21/08
-Applications A22/08 & B8/08

ENGINEERING REPORT:

Renaming of Balmoral Drive

DEPUTY CLERK, COORDINATOR OF PLANNING:

Stag Island

COORDINATOR OF OPERATIONS (WORKS) REPORT:

-Urban resurfacing tender

DIRECTOR OF FIRE SERVICES:

Fire vehicle

CLERK'S REPORT:

September Meetings of Council & Committee of the Whole

CAO'S REPORT:

In camera – Property and Legal

MOTIONS:

BY-LAWS:

- By-law #46 of 2008 – Deeming by-law (Eric Allaer)
- By-law #47 of 2008 – King Street Closure
- By-law #48 of 2008 – Zoning by-law – Chinook Global
- By-law #49 of 2008 – Zoning by-law – Donahue 115 Main Street Courtright
- By-law #50 of 2008 – Temporary use Agreement – Bouman
- By-law #51 of 2008 – Rezoning – Part Lot 38 & 39, Front Concession

COUNCILLORS REPORTS:

NEW BUSINESS:

UPCOMING MEETINGS:

Committee of the Whole – Monday August 11, 2008 – 6:00pm
Regular Council – Monday August 18, 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. It was pointed out that there was an error in the minutes of the June 23rd meeting of Council on page 4. The Mover of the motion was identified as Steve Arnold as opposed to the correct mover whom was Councillor Steve Miller. Councillor Carswell questioned the status of the information requested during the rezoning Public Hearing. The Clerk advised that the first stage of the site assessment has been received with a Phase 2 investigation required.

Moved by D. Randell

Seconded by J. Agar

Motion #1 That the minutes of the Regular Council meeting of June 23, 2008 – Session #14 and the Moore Museum minutes of June 4, 2008 be adopted as printed, circulated and corrected.

CARRIED

Moved by P. Gilliland

Seconded by J. Agar

Motion #2 That Motion #17 from the Public Works and Operations Committee be considered separately from the Committee report.

A recorded vote was requested.

Councillor Randell – No

Councillor Agar - Yes

Deputy Mayor Gilliland – Yes

Councillor Carswell-Alexander – No

Councillor Brown – No

Mayor Arnold – Yes

DEFEATED

Moved by D. Randell

Seconded by J. Agar

Motion #3 That the minutes of the Committee of the Whole of July 14, 2008 be adopted as printed and circulated.

CARRIED

CORRESPONDENCE:

Council reviewed the correspondence received from Mr. Greg Barr filing an appeal to the Ontario Municipal Board of the rezoning that would have allowed the establishment of greenhouses on property owned by Terra International.

Moved by C. Randell

Seconded by P. Carswell

Motion #4 That the letter of objection to the Ontario Municipal Board from Mr. Greg Barr relative to the zoning on property owned by Terra International be received and that the OMB be advised that Council considers Mr. Barr's appeal in this matter is frivolous due in part to the fact that the issues raised by Mr. Barr are not zoning issues but rather site plan issues that could have been addressed in a different venue.

CARRIED

The letter from Ann Bruder and Bryan Spiegelberg were referred to an "in camera" session to be held later in this meeting due to the property nature of the letters.

Moved by P. Gilliland

Seconded by J. Agar

Motion #5 That the letter received from Moore Optimist Corunna asking for monetary donations be accepted and a donation of \$250.00 be approved.

CARRIED

Moved by P. Brown

Seconded by P. Carswell-Alexander

Motion #6 That the letter received from Paul Beauchamp asking for enforcement of Zoning by-law section 4.3.6(c) be forwarded to the appropriate staff for further investigation in consultation with Township Solicitor.

CARRIED

At the appointed time Mayor Arnold called to order the Public Hearing called to consider the request for the closure of a portion of the King Street road allowance in Sombra Village from the east limit of John Street easterly to the CSX right-of-way. The Clerk advised the meeting that no written submissions have been received either in support or opposition to the proposal. No one was present at the meeting to either support or oppose the proposal. Hearing no comments the Mayor declared the Public Hearing closed.

Council continued with the consideration of the correspondence as listed on the agenda. Councillor Randell pointed out to the meeting the information received in the Museum Sampler regarding the generous donation made by Mayor Arnold to the Moore Museum of an antique family owned tractor. Council directed that a letter of response, for the Mayor's signature, be prepared relative to the request received for the improvement Beresford Street received from Mr. Drummond.

Moved by P. Brown

Seconded by D. Randell

Motion #7 That a prize of 4 rounds of golf be donated to Tourism Sarnia Lambton in support of the amateur fisherman involved in this week's Fishing Tournament.

CARRIED

In review of the communications received from AMO regarding its June Board Meeting, Council instructed the Treasurer to obtain information on CIF funding relative to the Blue Box Recycling Program. Councillor Alexander had a question relative to the electronic waste recycling protocols and her questions were referred to Mr. Jim Kutyba, Director of Infrastructure for Lambton County.

Moved by J. Agar

Seconded by D. Randell

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

- a. Greg Barr – appeal rezoning of Terra
Inst. Motion #4
- b. Anne Bruder – property
Inst. referred to “in camera”
- c. Byran Spiegelberg – property
Inst. referred to “in camera”
- d. Moore Optimist Santa Claus parade – request
Inst. Motion #5
- e. Paul Beauchamp – dock encroachment
Inst. Motion #6

CARRIED

At the appointed time Mayor Arnold called to order the Public Hearing called to consider the application for rezoning for property known as Lots PRT registered Plans 5 and 19 geographic Township of Moore, Township of St. Clair, identified as 115 Main Street in Courtright. Jeff Baranek of the Lambton County Planning Department presented verbally his report to Council dated July 7th, 2008. Mr. Baranek pointed out that the current zoning on the property is Institutional and the site was the host of the previous Roman Catholic Church in Courtright. The proposal is to rezone the property to allow the development of

single family residential uses. In his report Mr. Baranek pointed out that now vacant lot is surrounded by similar residential uses. Mr. Baranek pointed out that the subject lot is approximately 45 meters in width and that the proposed zoning would be conducive if the owners chose to do so in the future, could apply to the Committee of Adjustment for consent to create up to three lots. At the conclusion of his report, Mr. Baranek is recommending the rezoning of the subject property to residential. The Mayor then opened the discussion and questions from members of Council or those in attendance at this meeting.

Mr. Wayne Forbes questioned Mr. Baranek on the sanitary sewer capacity and would the proposed rezoning put pressure on that capacity. Mr. Baranek advised that he was not qualified to respond to Mr. Forbes question, which would be better directed to the Township's Engineering Staff.

Mr. Larry Donahue owner of the subject property advised that the lot is currently fully serviced and it was his intention that the lot would remain vacant for the foreseeable future.

Hearing no further comments the Mayor declared the Public Hearing closed.

Moved by D. Randell

Seconded by J. Agar

Motion #9 That By-law Number 19 of 2008, being a by-law to rezone 115 Main Street, Courtright owned by Lawrence and Bonita Donahue be given he necessary three readings, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

CARRIED

REPORTS OF COMMITTEES AND OFFICERS:

Council reviewed the decisions and applications to the Committee of Adjustment and offered no comments. Councillor Alexander did, however, have a question on one of the applications to be heard at the Committee's next meeting.

ENGINEERING REPORT:

Council reviewed Stephanie Agar's report on the renaming of Balmoral Drive in the Paddock Green Subdivision.

Moved by D. Randell

Seconded by P. Brown

Motion #10 That the engineering report on the possible renaming of Balmoral Drive in the Paddock Green Subdivision be tabled until the next meeting of the Committee of the Whole and that the Fire Chief be asked to draft a report for the Committee's consideration, at that time, of the impact of the 911 addressing system created by such a possible name change.

CARRIED

DEPUTY CLERK COORDINATOR OF PLANNING REPORT:

Moved by P. Carswell-Alexander

Seconded by P. Brown

Motion #11 That the report submitted by Sandra Brennan, Deputy Clerk and Coordinator of Planning recommending to Council of the Township of St. Clair to direct staff to initiate an Official Plan Amendment and subsequent Zoning By-law Amendment to update the planning provisions concerning Stag Island be implemented.

CARRIED

COORDINATOR OF OPERATIONS REPORT:

Moved by J. Agar

Seconded by D. Randell

Motion #12 That the report submitted by the Coordinator of Operations (Works) recommending that the tender submitted by Lloyd's Paving Ltd. in the amount of \$102,905.00 (plus GST) for surface treatment be accepted (subject to adjustment of

quantities), and the Mayor and Clerk be authorized to sign the contract and other related documents.

CARRIED

DIRECTOR OF FIRE SERVICES REPORT:

Moved by P. Brown

Seconded by P. Carswell-Alexander

Motion #13 That the report submitted by the Fire Chief dated July 4, 2008 recommending that the purchase of a Pumper truck from Metalfab for \$231,865.00 (plus tax) be granted.

CARRIED

CLERK'S REPORT:

Moved by J. Agar

Seconded by D. Randell

Motion #14 That the report submitted by the Clerk dated July 18, 2008 regarding the September meeting schedule be received and accepted.

CARRIED

At the appointed time Council proceeded to consider the issue of the possible rezoning of property known as Parts Lot 38 and 39, Front Concession, geographic Township of Moore, Township of St. Clair. It was pointed out that the subject property is currently owned by the Municipality. It is immediately north of the Emily Street Civic Centre. In its discussion, Council made referenced to the Planner's Reports authored by Mr. Barry Uitvlugt, dated July 3rd and April 14th, 2008.

Moved by D. Randell

Seconded by P. Carswell-Alexander

Motion #15 That consideration of a possible rezoning for property known as Parts Lot 38 and 39, Front Concession tabled earlier by Council be lifted from the table for further discussion.

CARRIED

Moved by P. Gilliland

Seconded by J. Agar

Motion #16 That Council approve the rezoning of property known as Part of Lot 38 and 39, Front Concession to a Special Suburban Residential Zone with the provision of a minimum of a 30 meter frontage and a minimum lot size of 2,000 square meters.

DEFEATED

Moved by D. Randell

Motion #17 That Council accept Option #1 identified in Mr. Uitvlugt's Planning Report dated April 14th, 2008 to rezone the property known as Parts of Lot 38 and 39 to accommodate the applicants original application.

The Motion was not seconded and therefore failed.

Moved by P. Carswell-Alexander

Seconded by P. Brown

Motion #18 That the application for rezoning for property known as Part of Lot 38 and 39, Front Concession be denied.

DEFEATED

Moved by P. Gilliland

Seconded by D. Randell

Motion #19 That the property known as Part of Lot 38 and 39, Front Concession be rezoned as per Option #2 (a) in Mr. Uitvlugt's Planning Report dated April 14th, 2008 to accommodate lot sizes with a minimum of 15 meter frontage and a minimum lot area of 500 square meters with a 30 meter setback from the rail line and a 2 meter high berm at track level.

A recorded vote was requested.

Councillor Randell – yes

Councillor Agar - no

Deputy Mayor Gilliland - no

Councillor Carswell-Alexander - no

Councillor Brown - no
Mayor Arnold - no

DEFEATED

Moved by P. Gilliland

Seconded by D. Randell

Motion #20 That the property known as Part of Lots 38 and 39, Front Concession be rezoned to a Special Suburban Residential with the site provisions of a minimum of 29 meters frontage and the lot area of a minimum of 2,000 square meters.

DEFEATED

Councillor Carswell-Alexander suggested that the decision on the rezoning of the subject property be tabled and that a second public hearing be called to allow further public input.

Moved by P. Carswell-Alexander

Seconded by J. Agar

Motion #21 That the property known as Parts of Lot 38 and 39, Front Concession, Township of St. Clair be rezoned to a Special Suburban Residential zone to accommodate lots with a minimum lot frontage of 31 meters and a minimum lot size of 2,000 square meters and that By-law Number 51 of 2008, being a by-law to rezone property known as Parts of Lot 38 and 39, Front Concession, geographic Township of Moore, Township of St. Clair as "Special Suburban Residential" be given the necessary three readings, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

CARRIED

At the conclusion of the discussion on the proposed rezoning of the subject lands, Mayor Arnold recognized Mr. Doug Henderson who thanked Council for their decision relative to the rezoning that would create lots more consistent with the character of the neighbourhood. In his presentation Mr. Henderson was critical of Council in its role as vendors of the subject property. Deputy Mayor Gilliland and Councillor Agar questioned Mr. Henderson on the wording on some of the comments made in his letter to Council. At the conclusion of his presentation, Mayor Arnold thanked Mr. Henderson for his comments. They Mayor declared a five minute recess.

Council returned to order.

Mr. Doug Lasenby, representing Envirofresh Product Inc. asked permission to address Council to brief Council on attempts to mediate Mr. Greg Barr's concerns that have resulted in the appeal of the zoning to the Ontario Municipal Board. On behalf of Council, Mayor Arnold allowed Mr. Lasenby to make his presentation. Mr. Lasenby advised that representatives from Envirofresh and members of Township staff and Mr. Barr met late this afternoon in an attempt to resolve issues Mr. Barr may have relative to the proposed greenhouse development. It was pointed out that most of Mr. Barr's concerns could be addressed in the forthcoming site plan agreement between the Developer and the Municipality. Mr. Lasenby stated that the items agreed upon would form Minutes of Settlement that have not as yet been prepared but should be prepared and circulated on July 22nd. As a point of agreement Mr. Barr wants to satisfy himself that Council would agree to the terms contained in the draft Letters of Settlement, at least in principle, such remedial measures in the site plan agreement. Mr. Lasenby said that some of the areas of concern was berms and treed screening along the Stanley Line and the St. Clair Parkway to minimize visual impacts of the greenhouse development and agreement to create a truck route either north to the Bickford Line or south to the Stanley Line prior to the Phase 4 portion of the development and assurances that no light or odours will have any off site impacts. Also, the other concept agreed to was that the neighbours and Envirofresh may approach the Municipality in the future with a proposal to improve the visibility on the west side of the St. Clair Parkway along the River's bank. In response to Council's questions, Mr. Lasenby stated that this would be an agreement to approach the Municipality and Council's acceptance or denial of such a cleanup proposal would be completely at Council's discretion.

Moved by P. Gilliland

Seconded by P. Brown

Motion #22 That Council endorse in principle the concepts to be contained in the draft Minutes of Settlement between Envirofresh Produce Inc. and Mr. Greg Barr in an effort to

satisfy concerns raised by Mr. Barr and were subject to his appeal to the Ontario Municipal Board, as verbalized by Mr. Doug Lasenby.

CARRIED

Council also stated that they look forward to receiving the joint proposal from Mr. Barr and his neighbours and Envirofresh regarding the concept of the improvement of visibility west of the St. Clair Parkway and River bank cleanup.

CHIEF ADMINISTRATIVE OFFICER'S REPORT:

Mr. Rodey advised of items dealing with property, legal issues and personnel issues to be discussed in camera.

BY-LAWS:

Moved by P. Gilliland

Seconded by J. Agar

Motion #23 That By-law Number 46 of 2008, being a deeming by-law for Eric Allaer, Port Lambton be given the necessary three readings, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

CARRIED

Moved by D. Randell

Seconded by J. Agar

Motion #24 That By-law Number 47 of 2008, being a by-law to close and sell al portion of King Street, Sombra given the necessary three readings, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

CARRIED

Moved by P. Carswell-Alexander

Seconded by P. Brown

Motion #25 That By-law Number 50 of 2008, being a by-law to authorize an agreement for temporary use of a trailer while a new home is being build for Gainey Bouman and Mary Lynn Myers 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 advised Council that he would be unable to attend the August 11th meeting of the Committee of the Whole as well as the July meeting of the Committee of Adjustment.

Moved by D. Randell

Seconded by P. Brown

Motion #26 That Councillor Carswell-Alexander be appointed to the Committee of Adjustment as a substitute for Deputy Mayor Gilliland at the Committee's July 28th meeting.

CARRIED

Darrell Randell

Councillor Randell advised of attending the recent on site meeting with the Barnes Drain ratepayers and asked in the future that members of the Drainage Committee be circulated notices of such on site meetings to give Drainage Committee members an opportunity to attend such meetings if they are able to do so.

Pat Carswell-Alexander

Councillor Carswell-Alexander asked the Mayor and those delegates attending the AMO Convention to attempt to lobby for Provincial funding to upgrade the Rokeby Line that is currently receiving considerable additional traffic due to the Highway 40 re-construction

project. Councillor Carswell-Alexander also advised of a fund raiser for the task force on Health Care Recruitment to be held at the Brigden Fair Grounds on September 12th.

Pat Brown

Councillor Brown asked the appropriate Staff to investigate the boulevard damage at the intersection of Hill and Bentinck Street in Corunna. Councillor Brown also led Council in a discussion of a possible Township role as a broker in a meeting between Shell and Suncor for a possible joint venture to develop the heavy oil refinery proposed by Shell. Mayor Arnold advised that shortly after Shell made its announcement he received a contact from Suncor advising that Suncor had no interest in such a joint venture.

Steve Arnold

Mayor Arnold advised of a meeting with Pat Davidson to discuss the possible LAWSS watermain extension and as well as the Township's efforts to develop a regional sanitary sewage treatment facility and the Township's continuing role in its plans to do shoreline remediation at Guthrie Park. The Mayor also attended, with the Fire Chief, the presentation to several of the Township's volunteer Firefighters who received long service awards from the Ontario Fire Marshal at a ceremony that was held in Windsor. Also, attended with Councillor Agar the Sombra Days Parade and attended the meeting on July 10th at the Courtright Community Centre regarding the Shell project. Mayor Arnold also attended the Environfresh Open House and as well as the July 15th meeting of the Watch Committee in Wallaceburg. The Mayor also attended on behalf of the municipality and brought greetings to the July 18th funding announcement event held at the Suncor Ethanol Plant. Mayor Arnold also brought to Council's attention excavation activity being carried out on the Dow disposal site property adjacent to the Dow Wetlands. Council asked Staff to contact the Ministry of the Environment as well as Dow Chemical for an explanation as to the excavation on site.

Moved by P. Brown

Seconded by P. Carswell-Alexander

Motion #27 That the meeting enter an in camera session to discuss a property, legal and personnel issues.

CARRIED

The meeting returned to order.

Moved by D. Randell

Seconded by P. Carswell-Alexander

Motion #28 That By-law Number 48 of 2008, being a by-law to rezone Chinook Global Ltd. at 224 West Holt Line be given the necessary three readings, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

CARRIED

ADJOURNMENT:

Moved by D. Randell

Seconded by J. Agar

Motion #29 That the meeting do hereby adjourn.

CARRIED

The meeting adjourned at 9:30 p.m.

MAYOR

CLERK