

**ST. CLAIR TOWNSHIP
COUNCIL MINUTES
SESSION #16**

St. Clair Civic Centre
Council Chambers
August 18, 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:

Council meeting of Monday July 21, 2008
Sombra Museum meeting of June 13, 2008
Committee of the Whole meeting of Monday August 11, 2008
Drainage Committee meeting of Tuesday August 12, 2008

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

7:00 pm – Judy McLellan and John Dickson – Tourism Sarnia-Lambton
7:15 pm – PJ and Eva Johnston – fence exemption

CORRESPONDENCE:

- a) P.J. and Eva Johnston – Fence request
- b) John Pinto – Johnston fence request
- c) Greg Armstrong – Weeds
- d) Ron Pask – Weeds
- e) Ron Barnes – Weeds
- f) Sombra Sports & Recreation – Permission
- g) Earle Clysdale – OPA & zoning appeal – OMB
- h) Ken and Lauren VanEwyk – Refund request
- i) Sarnia & District Humane Society – tag days September 12 & 13, 2008
- j) Envirofresh Produce Ltd. – request for conditional permit

INFORMATION:

- 1) Lambton Sportsman Ltd. – Thank you
- 2) Tourism Sarnia-Lambton – Presentation
- 3) Shell Canada – Announcement
- 4) County of Lambton – OPA #10
- 5) AMO – One Funds invitation
- 6) AMO – Nominations

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- 7) AMO – Alert – infrastructure agreement
- 8) AMO – 2008 Conference – Minister’s forum
- 9) Vonda DenBoer – Fluoride
- 10) Town of Plympton-Wyoming – Invitation
- 11) Captain Kidd Days – Thank you
- 12) SCRCA – Tree growers tour
- 13) County of Lambton – Staffing announcement
- 14) Ann Bruder – Deck issue
- 15) Steve Arnold – Fluoridation Act
- 16) William & Evelyn Low – Fence by-law exemption
- 17) Notice of Intent – Holding symbol
- 18) Patton Cormier – Zoning appeal – Pt Lots 38 & 39

DRAINS:

By-law #9 of 2008 – Parr-Magill Drain 1st and 2nd reading

REPORTS OF COMMITTEES AND OFFICERS:

PLANNER’S REPORT:

- J. Baranek – VanEwyk refund request
- B. Uitvlugt – Viscount Subdivision

PROPERTY STANDARDS REPORT:

- Update of property standards issue

COORDINATOR OF PLANNING:

Conditional building permit – Envirofresh Produce

COORDINATOR OF OPERATIONS (WATER/WASTEWATER) REPORT:

- Nova Moore Wastewater Servicing

DIRECTOR OF EMERGENCY SERVICES & COORDINATOR OF PLANNING REPORT:

Bentinck/Balmoral numbering

DIRECTOR OF COMMUNITY SERVICES:

Parking lot tenders

CLERK'S REPORT:

3879 St. Clair Parkway – fence exemption

CAO’S REPORT:

In-camera – property issues

MOTIONS:

BY-LAWS:

- By-law #52 of 2008 – Emergency Services Building – contract
- By-law #53 of 2008 – Nova (Moore) Sanitary Sewer Agreement
- By-law #54 of 2008 – Confirming by-law
- By-law #55 of 2008 – Encroachment Agreement – 4314 St. Clair Parkway
- By-law #56 of 2008 – Remove holding symbol – Terra International

COUNCILLORS REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

Draft – “Clearing of Lands” by-law

UPCOMING MEETINGS:

Regular meeting of Council – Monday September 8, 2008 – 7pm
Committee of the Whole – Monday September 15, 2008 – 6pm
Regular meeting of Council – Monday September 22, 2008 – 7pm

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 and Councillor Brown declared conflicts of interest in discussion of the Coordinator of Operations (Water/Wastewater) report and the discussion of By-law #53 of 2008 as being an employee of Nova Chemicals or related to a Nova Chemical employee.

MINUTES:

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

Moved by J. Agar

Seconded by D. Randell

Motion #1 That the minutes of the Council meeting of July 21, 2008 – Session #15 and the Sombra Museum minutes of June 13, 2008 be adopted as printed and circulated:

CARRIED

Moved by D. Randell

Seconded by S. Miller

Motion #2: That the minutes of the August 11, 2008 Finance and Administration Committee be adopted as presented.

CARRIED

Moved by J. Agar

Seconded by P. Carswell-Alexander

Motion #3: That the minutes of the November 11, 2008 Public Works and Operations Committee be adopted as presented.

CARRIED

Moved by D. Randell

Seconded by P. Brown

Motion #4: That the minutes of the August 12, 2008 meeting of the Drainage Committee, be adopted as printed.

CARRIED

At the appointed time, Mayor Arnold welcomed John Dickson, the interim General Manager of Tourism Sarnia Lambton present to discuss with Council, Tourism Sarnia-Lambton’s role in promoting local tourism and efforts that can be made to assist municipalities in promoting their tourism attractions. In his presentation, Mr. Dickson advised of advertising opportunities that are available for local festivals and his efforts to prepare the 2009 business plan as well as a draft strategic plan. During the discussion, Council discussed with Mr. Dickson, efforts that could be brought forward to assist the municipality such as TODS signage on Hwy #402 directing tourists to area attractions. At the conclusion of his presentation, Council thanked Mr. Dixon for his attendance.

At the appointed time, Mayor Arnold called to order the public meeting to consider the request for an exemption from the provisions of the Township's fencing by-law filed by PJ and Eva Johnston, owners of property known as 3879 St. Clair Parkway. The Clerk advised Council that there are two conflicting elements of the fencing by-law being the section that prohibits fences in the rear yards of properties located west of the St. Clair Parkway and another provision that requires fencing around a swimming pool. The Johnston's advised Council that their plans were to construct a swimming pool on the subject property. After the presentation by Mr. and Mrs. Johnston, the Clerk advised that in total, 5 letters of support have been received from neighboring property owners. At the conclusion of the Johnston presentation, Allan Krynicki identified himself as the owner of the property known as 3877 St. Clair Parkway, located immediately north of the Johnston property. Mr. Krynicki stated that he could see the benefit of the fence from a safety point of view, but felt that the fence should only be constructed once the property lined has been established. Mr. Johnston advised that he has a survey of the north property line completed in January of 2008. At the conclusion of the presentation, it was

Moved by P. Brown

Seconded by S. Miller

Motion #5: That permission be granted to PJ and Eva Johnson to a fence to surround a swimming pool located on the riverside of their property known as 3879 St. Clair Parkway.

CARRIED

CORRESPONDENCE:

Council proceed to review the list of communications as listed on the agenda. In reaction to the three complaints received for the weeds and mounds of earth in Paddock Green, it was

Moved by P. Gilliland

Seconded by J. Agar

Motion #6: That the owner of the vacant undeveloped, residential property in the Paddock Green subdivision be instructed to level or remove the mounds of earth material from the subject lands within a 30 day notification period.

CARRIED

Moved by S. Miller

Seconded by P. Carswell-Alexander

Motion #7: That permission be granted to the Sombra Sports and Recreation to hold a volleyball tournament with a licensed beer tent to be held September 20, 2008 subject to the provision of the appropriate policing and security as per Township policy.

CARRIED

Moved by P. Gilliland

Seconded by J. Agar

Motion #8: That the letter received from Sarnia and District Humane Society asking permission to sell animal identification tags on September 12 and 13, 2008. Staff will forward a letter stating this decision.

CARRIED

Council considered a letter of request received from Mr. John Depooter for Township participation in the Sea to Sea bicycle marathon crossing into Canada by way of the Blue water Ferry on August 20th, 2008.

Moved by D. Randell

Seconded by P. Brown

Motion #9: That 200 Township pins be donated to the Sea to Sea bicycle marathon being staged in Sombra on August 20th and further that appropriate traffic control measures be authorized.

CARRIED

Mayor Arnold led Council into discussion of the ongoing discussion regarding flouridization act and it s impact on the Lambton and Area Water Supply System.

Moved by D. Randell

Seconded by S. Miller

Motion #10: That St. Clair Township does not support the efforts to conduct a plebiscite vote relative to the water flouridization issue for the Lambton Area Water Supply System.

CARRIED

Council felt that the decision to continue the addition of fluoride in the Lambton Area Water Supply System should be a decision of the governance board based on the best available science on the issue.

Moved by P. Gilliland

Seconded by D. Randell

Motion #11: That the following correspondence be received and dealt with as per Council's instructions as noted:

- a. PJ & Eva Johnston – fence request
Inst. See Motion #5
- b. John Pinto – Johnston fence request
Inst. See Motion #5
- c. Greg Armstrong - weeds
Inst. See Motion #6
- d. Ron Pask - weeds
Inst. See Motion #6
- e. Ron Barnes - weeds
Inst. See Motion #6
- f. Sombra Sports & Rec - permission
Inst. See Motion #7
- g. Earle Clysdale – OPA & zoning appeal - OMB
Inst. Received for information
- h. Ken & Lauren VanEwyk – refund request
Inst. See Motion #13
- i. Sarnia & District Humane Society – tag days September 12 & 13
Inst. See Motion #8
- j. Envirofresh Produce Ltd. –request for conditional permit
Inst. See Motion #16

CARRIED

DRAINS:

Moved by S. Miller

Seconded by P. Carswell-Alexander

Motion #12: That Drainage By-law #9 of 2008 being a by-law to provide drainage works on the Parr-Magill Drain be given the first and second readings, be provincially adopted and by signed by the Mayor and Clerk.

CARRIED

PLANNER'S REPORT:

Council reviewed Mr. Jeff Baranek's report on the issue of the request received from Mr. and Mrs. Van Ewyk for a refund of the fee paid to the Committee of Adjustment for a minor variance. Based on the information provided by Mr. Baranek and Deputy Mayor Gilliland, who attended the hearing, it was felt that there was some confusion as to the need for a minor variance.

Moved by P. Gilliland

Seconded by J. Agar

Motion #13: That the report submitted by the County of Lambton Planner, Jeff Baranek be received and Council grant the request for the refund of \$400 for an application for a minor variance from Ken and Lauren Van Ewyk at 3028 Kimball Road.

CARRIED

Council reviewed Mr. Barry Uitvlugt's report on the possible provisions of the draft plan of the subdivision for the Viscount development.

Moved by D. Randell

Seconded by S. Miller

Motion #14: That the report submitted by Barry Uitvlugt, County of Lambton Planner, concerning the draft plan of subdivision – T-Mag (Viscount) be received and Council accept the recommendations with the addition of a provision to maintain weed control until the residential development is completed.

CARRIED

PROPERTY STANDARDS REPORT:

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

Motion #15: That the report submitted by the Property Standards Officer concerning certain property standard issues be accepted.

CARRIED

Council asked the Clerk to investigate the status of the Property Standards issue relative to the former Colborne Street School.

REPORTS OF COMMITTEES AND OFFICERS:

COORDINATOR OF PLANNING:

Council reviewed the report prepared by the Coordinator of Planning relative to the Envirofresh Produce Inc. development on the Terra International property. Mr. Mark Huzveka and Mr. Art Carron, representing Envirofresh were present to answer any questions Council may have relative to the outstanding issues relative to the development. Mr. Huzveka stated that he had attended a meeting earlier today with staff to discuss the preliminary site plan agreement. At that meeting it was determined that changes to the berm would be required as well as site specific servicing issues. On behalf of Envirofresh, Mr. Huzveka requested that a conditional building permit be issued to allow the commencement of the greenhouse foundation work. It was pointed out that it was a staff recommendation to approve the conditional building permit subject to financial security to assure the site provisions will be met. After considerable discussion, it was;

Moved by D. Randell

Seconded by P. Gilliland

Motion #16: That Council amend zoning By-law #39 of 2008 to remove the holding symbol to permit greenhouse use for Phase One on the above noted property as shown on Schedule "A-7-2 of By-law #56 of 2008.

That Council approve a conditional building permit to allow the commencement of work including; the digging and setting of greenhouse posts, the installation of footings and foundations for the service building area and the construction of the entrance and parking lot area. Approval should require the owner to enter into a conditional building permit agreement and provide security in the amount of \$25,000.00 for the removal of all work completed that does not meet site plan requirements.

That Council authorize the Building Inspector to enter into the conditional building permit agreement and issue the permit with a separate fee for the service building as specified in the Building Inspector's report dated August 18, 2008.

CARRIED

COORDINATOR OF OPERATIONS (WATER/WASTEWATER) REPORT:

Prior to the discussion of Mr. VanHyfte's report on the connection of the Nova Moore plant into the Township's sanitary sewer system, Mayor Arnold identified himself as Nova employee and left his chair. Councillor Brown identified himself as being related to a Nova employee and left the Council chambers as well.

Moved by S. Miller

Seconded by D. Randell

Motion #17: That the report submitted by the Coordinator of Operations Water/Wastewater dated August 13, 2008 concerning Nova-Moore wastewater servicing be accepted.

CARRIED

Mayor Arnold and Councillor Brown rejoined the meeting.

DIRECTOR OF EMERGENCY SERVICES AND COORDINATOR OF PLANNING REPORT:

Council reviewed the two reports received relative to the renaming of Balmoral Drive in Paddock Green to Bentinck Drive. It was pointed out by the Clerk that it is provided for in Township policy notification of a public meeting must be sent to all affected property owners whose addresses are subject to change.

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

Motion #18: That the issue of the potential renaming of Balmoral Drive to Bentinck Drive be lifted from the table.

CARRIED

Moved by P. Gilliland

Seconded by D. Randell

Motion #19: That the report submitted by the Fire Chief dated August 6, 2008 regarding the continuation of Bentinck Drive to Albert Boulevard be accepted and appropriate public meeting be scheduled.

CARRIED

DIRECTOR OF COMMUNITY SERVICES:

Council reviewed Mr. Hackett's report on the tender results for the expansion of the parking lot at the Civic Center. The tenders were as follows:

Sevcon Paving	\$52,247.20
Cope Construction	\$55,626.00
Harris Bros. Ltd	\$64,568.38

Moved by P. Carswell-Alexander

Seconded by P. Gilliland

Motion #20: That the report submitted by the Director of Community Services dated August 18, 2008 for the Civic Center parking lot expansion be received and that the tender of Sevcon Paving in the amount of \$52,247.20 be accepted and the corresponding contract documents be signed by the Mayor and Clerk with the cost of overrun to be financed from the Development Charges Reserve fund.

CARRIED

CLERK'S REPORT:

The Clerk's report on the issue of the fence exemption for property known as 3879 St. Clair Parkway was dealt with earlier in the meeting. The Clerk also advised of the need for a motion of Council to accept the addition of Macdonald Street in Mooretown to the Township's official inventory of street and road names.

Moved by P. Brown

Seconded by S. Miller

Motion #21: That council accepts the addition of Macdonald Street in Mooretown on the Township's official road and street naming directory.

CARRIED

CHIEF ADMINISTRATIVE OFFICER'S REPORT:

Mr. Rodey advised of the need to discuss property issues in an in-camera session.

BY-LAWS:

Moved by D. Randell

Seconded by J. Agar

Motion #22: That By-law Number 52 of 2008, the By-law for the Township of St. Clair to authorize the execution of an agreement for the renovation of the Township Emergency Services building and the Mayor and Clerk or their designates be authorized to sign on behalf of the Municipality, the construction contract or any other related documents.

CARRIED

Prior to the discussion of by-law #53 Mayor Arnold and Councilor Pat Brown declared a conflict of interest due to their employment relationship with Nova Chemicals and left the Council chambers.

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #23: That By-law #53 of 2008 being a by-law to authorize a sanitary sewer agreement with Nova(Moore) having been given the necessary three readings, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

Mayor Arnold and Councilor Brown rejoined the meeting.

Moved by P. Carswell-Alexander

Seconded by P. Brown

Motion #24: That By-law Number 54 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 July 21, 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

Council discussed in detail, the draft by-law to provide for an encroachment agreement with the owner of the property known as 4314 St. Clair Parkway, to allow the establishment of a deck on Township owned property. Council reviewed the plans received from the applicant. Council did not approve of the propose roof or awning to be incorporated as part of the deck and questioned part of the integrity and stability of the footings.

Moved by D. Randell

Seconded by J. Agar

Motion #25: That the owner of property known as 4314 St. Clair Parkway be advised that the Township is prepared to enter into an encroachment agreement to allow the establishment of a dock on property owned by the Municipality subject to the entering into an encroachment agreement and final design approval.

CARRIED

Moved by P. Carswell-Alexander

Seconded by J. Agar

Motion #26: That the Township establish a one time fee of \$2000 for the encroachment of a dock on municipal property adjacent to 4314 St. Clair Parkway.

DEFEATED

Moved by D. Randell

Seconded by P. Carswell-Alexander

Motion #27: A one time fee of \$1000 be established as a fee for the encroachment of a dock on Township property adjacent to 4314 St. Clair Parkway.

CARRIED

Moved by D. Randell

Seconded by P. Gilliland

Motion #28: That by-law #56 of 2008 being a by-law to remove the holding symbol on property known as Part of Lot 1, Concession 15 owned by Terra International be read the required number of times and finally passed, signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

COUNCILLORS REPORTS:

Jeff Agar

Councillor Agar advised Council that he attended the recent volunteer firefighter's family field days and as well brought to Council's attention the existence of stairs leading to the water at Seagar Park. Staff was asked to investigate the safety of these stairs. He also received a drainage concern from Mr. Little as well as a question to the ownership of the property leading to the Sutherland Cemetery through the Little property. The drainage issue has been referred to the Drainage Superintendent.

Darrell Randell

Councillor Randell advised that the Source Water Protection Group has finalized its terms of reference and public input is to be sought during the period of September 3rd to the 8th. A public meeting be held during that time period, at the County buildings in Wyoming. Councillor Randell also presented for future Council discussion a discussion paper on the Moore Foundation.

Steve Miller

Councillor Miller questioned if the Township had any regulation that would regulate the hours of operation at the Southwest Sales dock near Sombra. Council was advised that the Township has no such regulations but historically, Southwest has been asked to start their daily operations after 6am. Councillor Miller also asked staff to erect a “no camping” sign at Dedecker Park in Port Lambton. Also Councillor Miller made a comment regarding a future Committee of Adjustment application for a dock roof north of Port Lambton.

Pat Carswell-Alexander

Councillor Carswell-Alexander directed a question regarding reserved funds relative to the new accounting protocol required starting in 2009. Councillor Carswell-Alexander questioned if the reserved funds are blended into the general fund if such reserves would need to be spent for the specific purpose for which they were raised. Mayor Arnold reminded Councillor Carswell-Alexander that at the Finance and Administration Committee, Mr. Quenneville advised that although the reserves would be blended into the general fund, he would keep the accounting of the individual reserves separate for Council’s information. Councillor Carswell-Alexander also reminded that she has tickets for the September 12th fundraising event being held at the Brigden Fairgrounds in support of the task force on physician/worker recruitment.

Pat Brown

Councillor Brown shared with Council the August 8th newspaper articles featuring the two Township Museums.

Steve Arnold

Mayor Arnold advised Council of the various events that he has attended since the last meeting of Council and questioned staff as to the filling of the roadside ditch adjacent to 3831 St. Clair Parkway, south of Sombra. Also the Mayor asked staff to prepare a street reconstruction plan for the community of Wilkesport after the sanitary sewer project is completed. Mayor Arnold also led Council into discussion of the need from time to time to appoint additional members of Council to the Committee of Adjustment. Mayor Arnold hoped that members receiving such a temporary appointment would determine if they have a conflict of interest on the applications to be heard by the Committee in an effort to make their service on the Committee more productive.

Mayor Arnold acknowledged Mr. Bev Byers, Betty Alderson and Doug Henderson present to discuss with Council the correspondence on this meetings agenda relative to the appeals to the Ontario Municipal Board for the official plan amendment in the rezoning of the property north of the Civic Center referred to as Parts of Lot 38 and 39, Front Concession. Council explained that one appeal to the OMB was made relative to the official plan amendment redesignating the property as residential and one appeal has been filed with the Board relative to the suburban residential zoning. In response to the questions raised, Mr. Rodey advised in his opinion that since both Mr. Byers and Mr. Henderson were party to the two public hearings in the zoning process, that they could seek to have participant status with the Board. Mr. Rodey also advised that since they were not the objectors they wouldn’t ordinarily get notice of the OMB hearing. It was suggested that parties wishing to get a notification once the hearing date has been established by the OMB, that those people should make their interests known to the Municipality to be included on the circulation list.

NEW BUSINESS:

The Clerk explained to Council the draft clearing of lands by-law offered by the Lambton County Building Services Department. It was pointed out that the goal of the County is to have a consistent clearing of the lands by-law for all municipalities which they provide by-law enforcement services. Council was asked to review the by-law and offer their comments at the next meeting of the Finance and Administration Committee.

Moved by S. Miller

Seconded by D. Randell

Motion #29: That the meeting enter an in-camera session to discuss a property and legal matter.

CARRIED

Meeting returned to order.

ADJOURNMENT:

Moved by S. Miller

Seconded by D. Randell

That the meeting do hereby adjourn.

CARRIED

The meeting adjourned at 10:25pm

MAYOR

CLERK