

**ST. CLAIR TOWNSHIP
COUNCIL MINUTES
SESSION #17**

St. Clair Civic Centre
Council Chambers
September 8, 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 August 18, 2008 Session #16
Moore Museum meeting of August 6, 2008

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

7:10 p.m. - Court of Revision – Parr-Magill Drain – Drainage By-law #9 of 2008
7:30 p.m. – Reconsideration zoning by-law – Great West Auctions
7:45 p.m. – Rezoning to Remove Holding symbol for Durco Subdivision
8:00 p.m. – Bryan Spiegelberg – appeal of decision
8:15 p.m. – Paul Beauchamp – dock encroachment

CORRESPONDENCE:

- a) John Courtney – lease extension
- b) Courtright Minor Baseball – permission
- c) London Health Sciences – raffle
- d) Courtright Friendship Club – rental fee
- e) Calvary United Church – refund request
- f) Child Abuse Prevention – proclamation
- g) Spiegelberg – deck/dock request

INFORMATION:

- 1) John Depooter – thank you
- 2) VON – grant request
- 3) Charlie Fisher – building Canada Fund
- 4) Wayne Kiffman – request
- 5) OGRA – infrastructure funding
- 6) St. John Ambulance – thank you
- 7) LGPSB – June 18 minutes
- 8) SCRT – July 23 minutes

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- 9) Thames-Sydenham Source Water – terms of reference
- 10) SCRCA – Tour 2008
- 11) SCRCA – Conservation update
- 12) County of Lambton – Council highlights August 20th and September 3rd
- 13) Bryan Spiegelberg – appeal decision of Council
- 14) Bev Byers – Support River Run rezoning
- 15) Allerion – Request for temporary trailer

DRAINS:

By-law #9 of 2008 – Parr Magill Drain 3rd reading

REPORTS OF COMMITTEES AND OFFICERS:

PLANNING REPORTS:

Barry Uitvlugt - Wind Turbines
Sandra Brennan – Site Plan Agreement – Terra (Envirofresh)
Jeff Baranek – Great West Auction House Rezoning

DIRECTOR OF PUBLIC WORKS AND OPERATIONS:

Stanley Line Bridge – RFP Results

CLERK'S REPORT:

Dock encroachment

CAO'S REPORT:

MOTIONS:

BY-LAWS:

By-law #57 of 2008 – Deeming By-law 115 Main Street Courtright
By-law #58 of 2008 – Authorize Harsh Kaila development agreement
By-law #59 of 2008 – Authorize Site Plan Agreement – Terra (Envirofresh)
By-law #60 of 2008 – Great West Auction House Rezoning

COUNCILLORS REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

Laurie Mason memo – Museum painting
Councillor Randell – Moore Foundation
October meeting schedule

UPCOMING MEETINGS:

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

IN-CAMERA:

Property issue

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 J. Agar

Seconded by D. Randell

Motion #1 That the minutes of the Council meeting of August 18, 2008 – Session #16 and Moore Museum of August 6, 2008 be adopted as printed and circulated:

CARRIED

Councillor Brown requested that staff contact the Property Standards Officer regarding the derelict cars on Beresford Street in Corunna.

CORRESPONDENCE:

Moved by S. Miller

Seconded by P. Brown

Motion #2: That the letter submitted by John Courtney requesting another land rental lease for Lot 27, Concession 6, Township of St. Clair be approved and the required documents be forwarded on for Mr. Courtney's signature.

CARRIED

A motion by Councillor Carswell-Alexander to circulate a request for proposal for the land lease failed to get a seconder and was defeated.

Moved by J. Agar

Seconded by D. Randell

Motion #3: That the letter from the Courtright Minor Baseball Association requesting permission to run the bar at the Courtright Community Hall on September 12, 13 and 14th be granted as per the Township's Alcohol policy.

CARRIED

Deputy Mayor Gilliland requested staff to contact the Minor Baseball Association to determine the recipient of the proceeds from the baseball tournament.

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #4: That the letter received from London Health Sciences Foundation asking permission to sell Millionaire Lottery tickets at the Corunna Shopper's Drug Mart be accepted and permission granted. Staff will forward a letter stating this decision.

CARRIED

Moved by J. Agar

Seconded by D. Randell

Motion #5: That the letter from the Courtright Friendship Club requesting that the fee imposed on them for the rental of the Cathcart Park be tabled for input from the Director of Community Services.

CARRIED

Moved by P. Brown

Seconded by P. Carswell-Alexander

Motion #6: That the letter received from the Calvary United Church requesting that the fee imposed for a demolition permit be refunded.

CARRIED

Moved by D. Randell

Seconded by J. Agar

Motion #7: That the BOOST Child Abuse Prevention & Intervention request to proclaim October as Child Abuse & Neglect Prevention Month be granted.

CARRIED

At the appointed time, the Mayor called to order the Court of Revision called to consider any possible assessment appeals on the Parr-Magill Drain with Mayor Arnold as Chair.

Moved by D. Randell

Seconded by P. Gilliland

Motion #8: That the Court of Revision hear any verbal appeals that may be presented during this Court of Revision.

CARRIED

The Court was advised by the Clerk that no written appeals have been received relative to the assessment on the Parr-Magill Drain. No verbal appeals were offered.

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

Motion #9: That the Engineer's assessment on the Parr-Magill Drain be confirmed and the Court of Revision closed.

CARRIED

Council returned to order.

Moved by S. Miller

Seconded by P. Carswell-Alexander

Motion #10: That the following correspondence be received and dealt with as per Council's instructions as noted:

- a. John Courtney – lease extension
Inst. See Motion #2
- b. Courtright Minor Baseball - request
Inst. See Motion #3
- c. London Health Sciences - raffle
Inst. See Motion #4
- d. Courtright Friendship Club – rental fee
Inst. See Motion #5
- e. Calvary United Church – refund request
Inst. See Motion #6
- f. Child Abuse Prevention - proclamation
Inst. See Motion #7
- g. Spiegelberg – deck/dock request
Inst. See Motion #24

CARRIED

Moved by P. Brown

Seconded by D. Randell

Motion #11: That the request for grant funding submitted by the VON be referred to the 2009 Operating Budget deliberations.

CARRIED

Council reviewed the information received regarding the Building Canada Fund that would provide infrastructure funding to Municipalities. Council was advised that the applications would be available for the program on September 12th.

Moved by S. Miller

Seconded by P. Brown

Motion #12: That permission be granted for the issuance for a temporary trailer permit for Allerion, notwithstanding the provisions of the site plan agreement.

CARRIED

DRAINS:

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

Motion #13: That By-law #9 of 2008 being a by-law to authorize the construction and the financing of the Parr-Magill Drain be given the third reading and finally passed, signed and sealed.

CARRIED

REPORTS OF COMMITTEES AND OFFICERS:

PLANNING REPORTS:

Moved by J. Agar

Seconded by D. Randell

Motion #14: That the report submitted by the Planner, Barry Uitvlugt, dated September 2, 2008 requesting that Council direct staff to initiate an Official Plan Amendment and subsequent Zoning By-law Amendment to update the planning provisions concerning Wind Energy be received and that an options report be prepared to established regulations for development of a wind turbine facility.

CARRIED

Moved by P. Brown

Seconded by S. Miller

Motion #15: That the report submitted by the Coordinator of Planning, Sandra Brennan, dated September 5, 2008 authorizing the Mayor and Clerk to enter into a site plan agreement between the Municipality, Terra International Canada Inc. and Envirofresh Produce Inc. for a large scale greenhouse operation on Part of Lot 1, Concession 15, geographic Township of Sombra, Township of St. Clair and that the County of Lambton Building Inspector e authorized to issue the necessary building permits once the agreement had been properly executed, security for landscaping and paving is received and all plans have been signed and approved by the applicable municipal departments be approved.

CARRIED

Council considered Jeff Baranek's report on the proposed rezoning of the property referred to as the former Great West Auction facility. The Clerk advised Council that the requested rezoning was provided for in draft By-law #60 of 2008.

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #16: That By-law #60 of 2008 being a by-law to rezone property identified as 1188 Kimball Road be read the required number of times and be finally passed, signed and sealed.

A recorded vote was requested:

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

DEFEATED

The Mayor called to order the public hearing called to consider the removing of the holding zone for the Durco Subdivision.

Moved by P. Gilliland

Seconded by P. Brown

Motion #17: That By-law #61 of 2008 being a by-law to remove the holding symbol to allow the further the development of the Durco Subdivision, be read the first and second time and be provisionally adopted.

CARRIED

DIRECTOR OF PUBLIC WORKS AND OPERATIONS:

Council reviewed Mr. Burnham's report on the recently received request for proposal for engineering services on the possible replacement of the Stanley Line Bridge east of the Kimball Road.

Moved by S. Miller

Seconded by P. Brown

Motion #18: That the report submitted by the Director of Operations and Engineering dates September 8, 2008 recommending that the RFP submitted by MIG in the amount of \$210,283 (plus GST) for the detailed engineering design of the Stanley Line Bridge east of Kimball Road be rejected and further that alterations be made to the RFP and re-issued with a closing date of Tuesday September 30, 2008 be tabled.

CARRIED

CHIEF ADMINISTRATIVE OFFICER'S REPORT:

Mr. Rodey advised of a need to discuss a property and legal matter at an in-camera session.

BY-LAWS:

Moved by P. Brown

Seconded by S. Miller

Motion #19: That By-law #57 of 2008 being a by-law to deem property known as 115 Main Street in Courtright be read the required number of times and be finally passed, signed and sealed.

CARRIED

Moved by S. Miller

Seconded by P. Carswell-Alexander

Motion #20: That By-law #58 of 2008 being a by-law to authorize a development agreement between the municipality and Harsh Kaila be read the required number of times and be finally passed, signed and sealed.

CARRIED

Moved by P. Gilliland

Seconded by D. Randell

Motion #21: That By-law #59 of 2008 being a by-law to authorize a site plan agreement with Terra/Envirofresh be read the required number of times and be finally passed, signed and sealed.

CARRIED

NEW BUSINESS:

Council reviewed the Director of Community Services report regarding the quote received for the painting of various buildings at the Moore Museum site. The report pointed out that attempts to secure more than one quote have been unsuccessful. The only tender received was from Four Star Painting in the total amount of \$10,425.50.

Moved by P. Carswell-Alexander

Seconded by D. Randell

Motion #22: That the quote of Four Star Painting in the amount of \$10,425.50 for the painting of various buildings at the Moore Museum facility be accepted.

CARRIED

Mr. Brian Spiegelberg was present to discuss with Council his request to appeal Council's decision at its last meeting which denied him permission to build a deck on property owned by the Municipality. It was pointed out that Council's permission was to build a dock on the property subject to an encroachment agreement. Mr. Spiegelberg advised that he has no interest in building a dock but would prefer to proceed with his original plans of a deck.

Moved by S. Miller

Seconded by P. Carswell-Alexander

Motion #23: That Council reconsider its decision as reflected in Motion #25 made at its August 18th, 2008 session.

CARRIED

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #24: That permission be granted to Mr. Bryan Spiegelberg to establish a deck on municipally owned property across from his residence known as 4314 St. Clair Parkway subject to an encroachment agreement and design approval by Council.

CARRIED

At the appointed time, Council welcomed Mr. Paul Beauchamp, a resident of Beresford Street in Corunna, present to discuss with Council its position relative to his request for the enforcement of a provision in the zoning by-law relative to a dock encroachment. Mr. Beauchamp advised that he was satisfied with the dock encroachment that existed when he purchased the property, but took certain offense to the fact the neighbor has aggravated the encroachment with construction carried out this year.

Moved by S. Miller

Seconded by P. Gilliland

Motion #25: That a letter be sent by the municipality, to the owner of the dock that seems to offend a provision of the zoning by-law requiring a distance separation from projected lot lines with the owner to be given 14 days to correct the encroachment.

CARRIED

Council reviewed the submission made by Councillor Randell relative to the Moore Foundation.

Moved by D. Randell

Seconded by S. Miller

Motion #26: That further discussion on the Constitution and Mandate of the Moore Foundation be tabled until the next meeting of the Finance and Administration Committee.

CARRIED

In discussion of the October meeting schedule, Council directed that the first regularly scheduled meeting of Council will be held Monday October 6, 2008 and that the regular meeting of the Committee of the Whole be scheduled for October 20th with a special meeting of Council to be scheduled and advertised to follow that meeting of the Committee of the Whole. If further meetings are required in October, they will be called as per established policy.

COUNCILLORS REPORTS:

Pete Gilliland

Deputy Mayor Gilliland advised of attending the Sarnia Labor Day parade on behalf of the Mayor. Also Deputy Mayor Gilliland brought to Council's attention concerns received from citizens regarding the crosswalk on Lyndoch Street near the Thompson Garden residence. It was pointed out that in several instances, motorists are not observing the crosswalk signal and it was suggested that perhaps improved signage could be installed and that the matter should be brought to the attention of the local O.P.P.

Moved by P. Gilliland

Seconded by P. brown

Motion #27: That the issue of traffic not observing the crosswalk restrictions on Lyndoch Street be referred to the O.P.P with the request for improved enforcement.

CARRIED

Also Deputy Mayor Gilliland pointed out a row of pine trees that are blocking visibility at the intersection of Manitou and Bentinck Streets in Corunna. Staff was asked to investigate. Deputy Mayor Gilliland also brought to Council's attention, the relatively poor condition of Rokeby Line. It was pointed out that the condition of Rokeby Line will be reassessed by the appropriate representatives including those from the M.T.O. once highway #40 is re-opened hopefully next week.

Jeff Agar

Councillor Agar advised of his attendance at the recent Brigden Fair Ambassador Competition and as well a request from a Mr. Terry Little regarding the ownership of the

right of way leading to the cemetery through the Little property. Council was advised by the Clerk of his conversation with the Coordinator of Works, that his investigation has found no evidence of Township ownership of the right of way. It was suggested that this information be conveyed to Mr. Little. Councillor Agar also brought to Council's attention, several issues of long grass. The Staff advised that proceedings to have the weeds cut has already been initiated. Councillor Agar also requested the status of the property standards order relative to the Colborne Street School and in response to this questions, the CAO advised that there is a building permit and a site plan for the newly constructed garage at the Becker's store location. Councillor Agar also asked for Official Township recognition of Mr. Nick McKinley who is currently in a film being shown at the Toronto Film Festival.

Darrell Randell

Councillor Randell advised of his recent attendance at the AMO conference and offered his suggestion that a meeting should be hosted with the Sarnia Lambton Economic Partnership appropriate Township and County Officials and representatives from Shell to discuss why Shell has chosen at this time not to proceed with the development of a refinery in this area. Also Councillor Randell offered to staff information he received at AMO relative to the requirement for Municipalities to develop an energy management plan. Councillor Randell was also concerned about the lack of public notification during a recent ammonia leak at Terra. The CAO advised Council that Fire Chief Dewhirst also expressed the same disappointment at the lack of notification.

Steve Miller

Councillor Miller requested staff to provide a status report at the next meeting of Public Works and Operations Committee as to the parking prohibitions authorized by Council in Port Lambton. Also Councillor Miller advised of a request for a "deaf child at play" sign at 443 Broadway Street in Port Lambton.

Pat Carswell-Alexander

Councillor Carswell-Alexander asked staff to investigate trees overhanging the driveway entrance to the Civic Center and requested staff to provide costing information as to the possible flashing stop signs at the intersection of Brigden and Petrolia Line.

Pat Brown

Councillor Brown offered the question as to the management and public use of the Bickford Oak Woods. Councillor Brown also advised that he also attended the recent AMO conference.

Steve Arnold

Mayor Arnold advised of his activities during the recent AMO conference at which time he had a meeting with Infrastructure Minister George Smitherman and a representative from the federal infrastructure department regarding the Township's efforts to develop a regional wastewater treatment facility. The Mayor also advised of his appointment of Chair to an ADHOC Committee established by County Council to review the County's management system.

Moved by P. Carswell-Alexander

Seconded by D. Randell

Motion #28: That Council entertain a verbal presentation from the audience.

CARRIED

Mr. Errol Clark was present to discuss with Council a drainage concern he has with his property at the corner of Milton and Sixth Street in Courtright. Mr. Clarke pointed out that the road has been recently resurfaced and a new grader ditch installed. However Mr. Clark pointed out that the current drainage is inadequate resulting in flooding issues on his property. Staff was asked to meet with Mr. Clark to discuss his drainage issues.

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Moved by P. Carswell-Alexander

Seconded by S. Miller

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

CARRIED

The Meeting returned to order.

ADJOURNMENT:

Moved by S. Miller

Seconded by J. Agar

That the meeting do hereby adjourn.

CARRIED

The meeting adjourned at 9:45 p.m.

MAYOR

CLERK