

**ST. CLAIR TOWNSHIP
COUNCIL MINUTES
SESSION #9**

St. Clair Civic Centre
Council Chambers
May 4, 2009
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 April 20 and April 27, 2009
Moore Museum of April 8, 2009
Sombra Museum of April 16, 2009

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

7:10pm Marie Taylor – Fence request

CORRESPONDENCE:

- a) Marie Taylor – Fence request
- b) Vic O’Leary – Road closing request
- c) Irene Biscaro – Road closing request
- d) Duthill Cemetery Board – Flag pole request
- e) Ron Skreptak – Request ~Operation Christmas Tree
- f) Fawn Island – Parking request
- g) Bouma Builders – Conditional permit request

INFORMATION:

- 1) Tom Sullivan – Property Standards
- 2) County of Lambton – E.M.S. “Save a Life Day”
- 3) AMO Alert – Used tire program
- 4) City of Woodstock – May 21 Clean Air Summit
- 5) St. Clair River Trail – Minutes of April 22nd meeting

Council Meeting Minutes
May 4, 2009

DRAINS:

Drainage By-law #10 of 2009 – various drains to be placed on the tax roll
Drainage By-law #11 of 2009 – Botting Drain
Drainage By-law #12 of 2009 – Henry Drain
Drainage By-law #13 of 2009 – Towns Drain

REPORTS OF COMMITTEES AND OFFICERS:

PLANNER'S REPORT:

Durco Subdivision agreement
Viscount Subdivision agreement
Official Plan Amendment
Merger of 4180 and 4148 St. Clair Parkway

TREASURER'S REPORT:

Grant applications for 2009

COORDINATOR OF OPERATIONS (WORKS) REPORT:

Equipment tender results
Dust control tender results
Sidewalk replacement/repair tenders

DIRECTOR OF PUBLIC WORKS REPORT:

St. Clair Parkway sanitary sewer connections

DIRECTOR OF COMMUNITY SERVICES REPORT:

Corunna splash pad tender results

CLERK'S REPORT:

Property sale – in camera

CAO'S REPORT:

Emergency Services Building

MOTIONS:

BY-LAWS:

By-law #22 of 2009 – Confirming By-law
By-law #23 of 2009 – Sale of property at 135 St. Clair Ave, Sombra Village
By-law #24 of 2009 – Pipeline agreement ~ Union Gas

COUNCILLORS REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

In-camera - Legal

UPCOMING MEETINGS:

Committee of the Whole – Monday May 11, 2009 ~ 6:00pm
Regular Council – Tuesday May 19, 2009 ~ 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:

Councillor Miller declared a conflict of interest prior to the discussion of Mr. Baranek's report relative to merging of properties at 4180 and 4148 St. Clair Parkway as being related to the property owners.

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 held April 20th, Session #7 and April 27th, 2009 Session #8 be adopted as printed and circulated

CARRIED

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #2: That the minutes of the Moore Museum meeting held April 8, 2009 be adopted as printed and circulated.

CARRIED

Moved by D. Randell

Seconded by J. Agar

Motion #3: That the minutes of the Sombra Museum meeting held April 16, 2009 be adopted as printed and circulated.

CARRIED

CORRESPONDENCE:

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

Moved by D. Randell

Seconded by J. Agar

Motion #4: That permission be granted to the Sombra Optimist Club to close Brander Park Road from Old River Road to the St. Clair Parkway on June 20, 2009 from 7:00 am to 6:00 pm to allow the Club to conduct a Soap Box Derby.

CARRIED

Council suggested that the procedure established last year which included a notice being sent to all area residents advising of the one day road closure be continued for this year's event.

Moved by P. Carswell-Alexander

Seconded by P. Gilliland

Motion #5: That the request of the Girl Guides of Canada Club to close Water street from King Street to Smith Street on September 26, 2009 from 8:30am to 5:00pm to allow the River Crossing event be tabled pending notification to the property owners.

CARRIED

Moved by D. Randell

Seconded by J. Agar

Motion #6: That the Township donate and install a flag pole at the Duthill Cemetery as requested at an estimated cost of approximately \$1200 plus installation.

CARRIED

Council reviewed the request received from Mr. Ron Skreptak on behalf of the Moore Optimist Club regarding the possibility of using a portion of the space in the Township's Emergency Services Building for the 2009 Operation Christmas Tree project. Council discussed the fact that it was always its intention to try to attract additional tenants to the building to help pay the overhead costs and in this effort, since the Municipality could not

guarantee that the required space will be available for the Operation Christmas Tree project, it was;

Moved by D. Randell

Seconded by S. Miller

Motion #7: That in view of the efforts to attract additional tenants to the Emergency Services Building, that the request received from the Moore Optimist Club to use the facility for the 2009 Operation Christmas Tree project be denied and further that the Municipality would assist the Optimist Club in any possible lobbying efforts to secure a suitable facility.

CARRIED

DEPUTATIONS AND APPOINTMENTS:

At the appointed time, Marie Taylor was present to present to Council her request for Municipal assistance for constructing a fence along her property bordering the service road to the current Courtright Sewage Treatment Plant. Ms. Taylor explained to Council her concern once the construction of the new regional plant is underway, the road will be subject to heavy vehicle traffic and dust control on the road will be a problem. Ms. Taylor is hopeful that the fence would provide some sort of protection to her backyard and swimming pool area. Comments were also made at the dust being generated at the nearby Lafarge stone dock, part of the problem in this area is that the operators of the stone dock apply water to the gravel surface that the trucks then track out onto the Parkway. After this water dries, the parkway becomes a source of dust. Council advised of information received from staff that dust control on the subject road has been incorporated in the tender documents for this project. After considerable discussion, it was:

Moved by S. Miller

Seconded by P. Gilliland

Motion #8: That the request from Marie Taylor regarding financial assistance for a fence to surround their backyard due to the upcoming construction of the treatment plant be denied.

CARRIED

Council reviewed the request received from the Fawn Island Owners Association regarding use of an additional Township property for resident parking.

Moved by S. Miller

Seconded by P. Carswell-Alexander

Motion #9: That the request from the Fawn Island Owners Association be forwarded to the appropriate staff for a report.

CARRIED

Moved by D. Randell

Seconded by J. Agar

Motion #10: That the request from Bouma Builders Inc. regarding a conditional building permit be granted for construction to begin before the appeal period lapses.

CARRIED

An additional item of Correspondence was added to the agenda.

Moved by P. Carswell-Alexander

Seconded by P. Gilliland

Motion #11: That the annual Corunna Volunteer Firefighters Field Days to be held June 12th and 13th 2009 be declared a community festival and that municipal permission be granted for the issuing of the appropriate refreshment license subject to the Township's Alcohol Management Policy.

CARRIED

Council reviewed the correspondence received from Mr. Tom Sullivan regarding property standards.

Moved by P. Carswell-Alexander

Seconded by P. Brown

Motion #12: That staff be instructed to contact Mr. Tom Sullivan with the request to more narrowly focus and identify the property addresses of the properties he feels offends the Township's property standards by-law.

CARRIED

Staff was also asked to contact other area Municipalities regarding their policies as to temporary garage facilities.

Moved by S. Miller

Seconded by P. Brown

Motion #13: That the following correspondence be received and dealt with as per Council's instructions as noted:

- a. Marie Taylor – fence request
Inst. See motion #7
- b. Vic O'Leary – road closure request
Inst. See motion #4
- c. Irene Biscaro – road closure request
Inst. See motion #5
- d. Duthill Cemetery Board – flag pole request
Inst. See motion #6
- e. Ron Skreptak – request regarding Operation Christmas Tree
Inst. See motion #7
- f. Fawn Island – parking request
Inst. See motion #9
- g. Bouma Builders – conditional permit request
Inst. See motion #10
- h. Corunna Firefighters Field Days
Inst. See motion #11

CARRIED

DRAINS:

Moved by P. Carswell-Alexander

Seconded by P. Brown

Motion #14: That Drainage By-law #10 of 2009, being a by-law to raise the sum of \$6,521.59 being money expended out of the General Funds of the Township of St. Clair for the maintenance to various drains in the Township be given the necessary readings and be signed by the Mayor and Clerk, and the Corporate Seal affixed thereto and finally passed.

CARRIED

Moved by J. Agar

Seconded by D. Randell

Motion #15: That Drainage By-law #11 of 2009, being a by-law to raise the sum of \$3,400.90 being money expended out of the General Funds of the Township of St. Clair for the expenditures to the Botting Drain be given the necessary readings and be signed by the Mayor and Clerk, and the Corporate Seal affixed thereto and finally passed.

CARRIED

Moved by P. Brown

Seconded by S. Miller

Motion #16: That Drainage By-law #12 of 2009, being a by-law to raise the sum of \$1,246.95 being money expended out of the General Funds of the Township of St. Clair for the maintenance to the Henry Drain be given the necessary readings and be signed by the Mayor and Clerk, and the Corporate Seal affixed thereto and finally passed.

CARRIED

Moved by P. Gilliland

Seconded by D. Randell

Motion #17: That Drainage By-law #13 of 2009, being a by-law to raise the sum of \$2,846.13 being money expended out of the General Funds of the Township of St. Clair for the expenditures to the Towns Drain be given the necessary readings and be signed by the Mayor and Clerk, and the Corporate Seal affixed thereto and finally passed.

CARRIED

REPORTS OF COMMITTEES AND OFFICERS:

PLANNER'S REPORT:

Council reviewed Mr. Uitvlugt's report dated April 24, 2009 on the Durco Subdivision agreement.

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

Motion #18: That Council gives its approval in principle to the Durco Subdivision Agreement provided that a walkway is established between lots 31 and 32 and further that the sidewalk on Hill Street be extended east from Brooktree to the walkway to be established between lots 31 and 32.

CARRIED

Moved by D. Randell

Seconded by S. Miller

Motion #19: that approval in principle be given to the Durco Subdivision Agreement provided that a provision is included to require a sidewalk on the west side of Bayhill Crescent from the northerly boundary of the street to the walkway to be provided between lots 31 and 32.

CARRIED

Moved by J. Agar

Seconded by P. Brown

Motion #20: That approval in principle be given to the Durco Subdivision Agreement provided that a security fence is established on the entire east limit of the property.

CARRIED

Moved by P. Gilliland

Seconded by J. Agar

Motion #21: That the report submitted by Barry Uitvlugt, Planner dated April 24, 2009 regarding the Durco Subdivision recommending that Council give approval in principle to the subdivision agreement provided all municipal concerns are addressed financially and otherwise as amended.

CARRIED

Moved by P. Gilliland

Seconded by D. Randell

Motion #22: That the report submitted by Barry Uitvlugt, Planner dated April 27, 2009 regarding the Viscount Subdivision recommending that Council give approval in principle to the subdivision agreement, provided all municipal concerns are addressed financially and otherwise.

CARRIED

Moved by S. Miller

Seconded by P. Carswell-Alexander

Motion #23: That the report submitted by Barry Uitvlugt, Planner dated April 29, 2009 regarding the Updating of Natural Heritage Features recommending that Council direct staff to proceed with a Council Initiated Official Plan Amendment to update the Official Plan mapping of the Natural Heritage features in light of the most recent Ministry of Natural Resources data circa 2009 be received and accepted.

CARRIED

Council reviewed Mr. Baranek's report on the procedure that could be followed for the merging of lots identified as 4180 and 4148 St. Clair Parkway. Councillor Miller declared a conflict of interest as being related to the owners of the subject property and left the Council chambers. Mr. Rodey explained to Council the two methods that could be employed to merge the two lots, the method outlined by Mr. Baranek in his report or by judge's order which would be far more costly and time consuming.

Moved by P. Carswell-Alexander

Seconded by D. Randell

Motion #24: That Council endorse in principle the procedures identified in the Planner's report dated April 30th, 2009 regarding the merging of properties known as 4180 and 4148 St. Clair Parkway.

CARRIED

TREASURER'S REPORT:

Moved by J. Agar

Seconded by P. Gilliland

Motion #25: That the report submitted by the Treasurer dated April 30, 2009 regarding the 2009 Grant Applications for the Canada Building Fund and three Infrastructure Stimulus Fund applications be received.

CARRIED

COORDINATOR OF OPERATIONS (WORKS) REPORT:

Council discussed Mr. DePooter's report regarding the tender results for the possible purchase of a tractor with accessory snow plow, rear mounted mower and side mounted mower. In his report, Mr. DePooter stated that in an effort to meet the established budgeted amount the side mounted mower has been deleted from the tender and would be considered as a 2010 capital item. Mayor Arnold questioned the need for the new tractor if the side mounted mower is not going to be purchased.

Moved by S. Miller

Seconded by P. Brown

Motion #26: That the report of the Coordinator of Operations (Works) regarding the purchase of grass cutting equipment be tabled for further discussion at the next meeting of the Public Works & Operations Committee.

CARRIED

Moved by D. Randell

Seconded by J. Agar

Motion #27: That the report submitted by the Coordinator of Operations (Works) dated April 30, 2009 regarding Dust Suppressant recommending that the tender submitted by Pollard Highway Products Ltd. in the amount of \$90,405 (including GST) for "supply and apply dust suppressant in the form of Chloride Based Liquids for Dust Control" be accepted and the Mayor and Clerk be authorized to sign the contract and other related documents.

CARRIED

In discussion of Mr. DePooter's report, Council questioned the wisdom of accepting a sidewalk maintenance tender of over \$80,000 being mindful that the budgeted amount for this project was approximately \$57,900. Mr. Rodey pointed out that the tender called for the provision of the work at a unit price and it was the intention of the Public Works staff to use the unit price to spend up to the original budgeted amount.

Moved by P. Gilliland

Seconded by P. Brown

Motion #28: That the report submitted by the Coordinator of Operations (Works) dated April 30, 2009 recommending that the tender submitted by Pro Concrete Ltd. of Sarnia in the amount of \$80,830.89 (including GST) for miscellaneous sidewalk replacement, catch basin & curb repair be accepted with expenditures be authorized to the original budgeted amount and the Mayor and Clerk be authorized to sign the contract and other related documents.

CARRIED

DIRECTOR OF PUBLIC WORKS REPORT:

Moved by D. Randell

Seconded by J. Agar

Motion #29: That the report submitted by the Director of Public Works and Operations dated May 1, 2009 recommending that the deadline date for connection to the St. Clair Parkway Sanitary Sewer – Courtright Line to Frog Point be established as October 26, 2009 and that a letter be sent to each affected property owner advising of the same.

CARRIED

DIRECTOR OF COMMUNITY SERVICES REPORT:

In his report dated May 1, 2009, Mr. Hackett identified that one tender was received for the construction of the Corunna splash pad. The tender in the amount of \$150,000 was received from ABC Recreation. Mr. Hackett predicts an additional \$10,000 will be required to be spent for water supply upgrades and drain outlet.

Moved by P. Gilliland

Seconded by P. Brown

Motion #30: That the proposal received from ABC Recreation in the amount of \$150,000 plus \$10,000 water supply and drainage upgrade for the construction of the Corunna splash pad be accepted.

CARRIED

CLERK'S REPORT:

The Clerk advised Council of a property matter to be discussed in camera.

CHIEF ADMINISTRATIVE OFFICER'S REPORT:

The CAO advised of a legal matter to be discussed in camera.

BY-LAWS:

Moved by P. Brown

Seconded by P. Carswell-Alexander

Motion #31: That By-law #22 of 2009, the By-law for the Township of St. Clair to confirm the resolutions and motions of ST. Clair Township whichever were adopted up to and including the April 27, 2009 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 S. Miller

Seconded by

Motion #32: That By-law Number 24 of 2009, being a by-law to authorize the execution of a pipeline crossing with St. Clair Pipelines L.P. and St. Clair Pipelines Management Inc .for crossing certain roads and drains in St. Clair Township 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 of receiving a concern regarding the current practice of vehicles parking across the sidewalk on Hill Street adjacent to the chip truck and the ice cream store. This practice could be a safety hazard for pedestrians using the sidewalk.

Moved by P. Gilliland

Seconded by J. Agar

Motion #33: That staff be instructed to install the appropriate "No Parking on Sidewalks" signs on the north side of Hill Street adjacent to the present chip truck and ice cream store.

CARRIED

Deputy Mayor Gilliland advised Council of a discussion at a recent St. Clair River Trail Committee meeting at which time a venue for the Committee's annual appreciation day barbeque was discussed. It was felt that perhaps this annual appreciation day could be held in conjunction with the grand opening of the Mooretown boat launch.

Jeff Agar

Councillor Agar advised of attending a recent Sombra Community Hall board meeting at which time the condition of the kitchen was brought to his attention. It was felt that due to the deteriorated condition of the kitchen, the funds are not available from the recent Trillium Grant application, consideration should be made for the Township to proceed without grant funding.

Darrell Randell

Councillor Randell advised of a discussion with Mr. Brian McDougall of the SCRCA regarding monitoring for fish habitat both before and after shoreline remediation projects to establish base line data. Councillor Randell also advised that he was invited to

accompany SCRCA officials and MOE officials for site monitoring of e-coli bacteria to determine possible sources of e-coli contamination into the St. Clair River basin. Monitoring was suggested at Marshy Creek, downstream of the Port Lambton sanitary sewer lagoon.

Pat Brown

Councillor Brown advised of attending the recent Clean Harbors open house and reminded Council that “Shred It” day will be sponsored this Saturday by the CCPC at the Emergency Services building in Corunna.

Steve Arnold

Mayor Arnold briefed Council on the activities he has attended since the last meeting of Council such as the CARE meeting, the Day of Mourning, physician recruitment and a meeting with Pat Davidson and LAWSS representatives regarding possible lobbying efforts for the large diameter LAWSS water main extension. The Mayor also had a discussion with the Shell Canada Site Manager regarding possible Shell interest in sponsoring the paving of the southerly Guthrie Park parking lot once the shoreline remediation has been completed. Staff was asked to contact Shell Canada to further discuss this concept. Staff was also requested to provide information as to when the Polymore Drive project carried out in 2008 will be completed and when the Boswell Street reconstruction will be completed. The Mayor also voiced his opinion that representatives from Dow Chemical should be invited to a future meeting of Council to explain to Council their activities relative to the decommissioning of the Dow plant including tree cutting, removal of residential properties and increased landfill activities.

Moved by P. Gilliland

Seconded by D. Randell

Motion #34: That representatives of Dow Chemical be invited to attend a future meeting of Council or Committee to discuss with Council, township’s concerns relative to the ongoing Dow facility decommissioning.

CARRIED

Moved by D. Randell

Seconded by S. Miller

Motion #35: That the meeting enter an in-camera session to discuss a property and legal matter.

CARRIED

Meeting returned to order.

Moved by P. Brown

Seconded by P. Gilliland

Motion #36: That the meeting rise and report.

CARRIED

Moved by P. Brown

Seconded by P. Carswell-Alexander

Motion #37: That the Clerk be authorized to accept and endorse the agreement of purchase and sale in the amount of \$12,000.00 for the sale of surplus vacant land known as 135 St. Clair Ave., Sombra village and further that the Clerk be authorized to sign on behalf of the municipality the deed and any other related document related to the sale.

CARRIED

Moved by J. Agar

Seconded by D. Randell

Motion #38: That By-law number 23 of 2009, being a by-law to authorize the sale of municipally owned property known as 135 St. Clair Ave. Sombra village be given the necessary three readings, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

CARRIED

Council discussed the upcoming meetings as listed on the agenda and asked staff to investigate scheduling amendments that could be implemented to cancel one meeting of Council in the month of June.

Council Meeting Minutes
May 4, 2009

ADJOURNMENT:

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

Seconded by D. Randell

CARRIED

The meeting adjourned at 9:05 p.m.

MAYOR

CLERK