

**ST. CLAIR TOWNSHIP
COUNCIL MINUTES
SESSION #3**

St. Clair Civic Centre
Council Chambers
February 1, 2010
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 |
| | D. Randell, | “ |
| | S. Miller, | “ |
| | J. Agar, | “ |
| Staff: | J. Rodey, | CAO |
| | J. DeMars, | Director of Administration/Clerk/ Deputy CAO |
| Absent: | P. Brown, | Councillor |

AGENDA:

Declaration of Conflict of Interest:

Adopt Minutes:

Council Meeting of
Moore Museum of

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

7:30 pm – Scott Rezoning ~ Brigden
7:45 pm – Scott Rezoning – Bickford Line

CORRESPONDENCE:

INFORMATION:

DRAINS:

REPORTS OF COMMITTEES AND OFFICERS:

CLERK'S REPORT:

CAO'S REPORT:

MOTIONS:

BY-LAWS:

COUNCILLORS REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

UPCOMING MEETINGS:

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.

Mayor Arnold called those in attendance to rise and observe one minute of silence in memory of Point Edward Firefighter Gary Kendall who succumbed to his injuries as a result of a training exercise.

MINUTES:

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

Moved by S. Miller
Motion #1 That the minutes of the Council meeting held January 18, 2010 – Session #2 be adopted as printed and circulated

Seconded by P. Carswell-Alexander

CARRIED

Moved by P. Gilliland
Motion #2: That the minutes of the Moore Museum meeting held January 6, 2010 be adopted as printed and circulated.

Seconded by J. Agar

CARRIED

In business arising out of the minutes, Deputy Mayor Gilliland advised that he has discussed the possible appointment as the Township representative to the Lambton County Farm Safety Association with Mr. Ralph Eyre who was willing to accept such an appointment. The Clerk pointed out that under the motions sections on the agenda that consideration for this appointment could be made.

CORRESPONDENCE:

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

Moved by P. Carswell-Alexander
Motion #3: That the request from the Lambton 4-H Association requesting financial assistance be referred to the 2010 Operating Budget deliberations for consideration.

Seconded by S. Miller

CARRIED

Moved by P. Gilliland
Motion #4: That the letter received from Ron Skreptak of the CCPC requesting financial assistance be referred to the 2010 Operating Budget deliberations for consideration.

Seconded by J. Agar

CARRIED

Moved by P. Gilliland
Motion #5: That permission be granted to the London Health Sciences Center to conduct their Dream Home Lottery with tickets available for sale at the local Shopper's Drug mart under the authority of the Provincial Lottery License.

Seconded by D. Randell

CARRIED

Council reviewed the information correspondence as listed on the agenda. Council discussed the letter received from Jane Marsh regarding the Community Health Center and the opportunity for a member of the Health Center to attend a future meeting of Council to discuss the Health Center's activities. It was suggested that such a meeting be scheduled to be held in May of this year.

DRAINS:

Moved by J. Agar

Seconded by P. Gilliland

Motion #6: That Drainage By-law #1 of 2010, being a by-law to raise the sum of \$30,138.51 being money expended out of the General Funds of the Township of St. Clair for the reconstruction and improvement to the Hoskins 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 J. Agar

Seconded by P. Gilliland

Motion #7: That Drainage By-law #2 of 2010, being a by-law to raise the sum of \$7,238.05 being money expended out of the General Funds of the Township of St. Clair for expenditures to the Austin 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 J. Agar

Seconded by P. Gilliland

Motion #8: That Drainage By-law #3 of 2010, being a by-law to raise the sum of \$2,666.91 being money expended out of the General Funds of the Township of St. Clair for maintenance repairs to the Bell-Maitland 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 S. Miller

Seconded by P. Carswell-Alexander

Motion #9: That Drainage By-law #4 of 2010, being a by-law to raise the sum of \$2,271.50 being money expended out of the General Funds of the Township of St. Clair for construction to the Allingham Drain be given the necessary readings and be signed by the Mayor and Clerk, and the Corporate Seal affixed thereto and finally passed.

CARRIED

At the appointed time, Council welcomed Mr. Dick Vandendool, a resident on Smith Line present to discuss with Council his concerns and questions regarding the proposed First Solar Development project in an area south of the Bentpath Line and east of the Baseline Road. Mr. Vandendool advised that he is well aware of the Provincial Legislation known as the Green Energy Act and its affect on normal, municipal planning processes. Mr. Vandendool stated that information received at a recent open house revealed that the project will produce approximately 20 mega watts of power at the Sombra facility covering approximately 350 acres. Mr. Vandendool also determined that one of the chemicals used in the manufacturing of the type of panels proposed has a known carcinogenic in it. Mr. Vandendool reviewed with Council information he obtained on line regarding First Solar's activities such as the traffic study which based on the information on the traffic study advised that St. Clair Township was consulted in December of 2008 and offered no concerns about changes to traffic patterns or unusually heavy traffic during construction. Mr. Vandendool questioned several items of misinformation and contradictions in the various reports including the drainage and soils report, traffic report and the lack of information on community impacts. Mr. Vandendool does not think that First Solar needs to access their site by way of the Baseline Road or the Smith Line but rather access to the site could be off the Bentpath Line with internal private roads. At the conclusion of his presentation, Mr. Vandendool suggested that perhaps the Township could a strike an ad-hoc committee including members of Council, the public and staff to review the First Solar proposal. At the conclusion of the discussion, Mayor Arnold presented Mr. Vandendool with the information received by the Township late last week regarding the First Solar project and asked Mr. Vandendool's assistance in reviewing the material with a report by way of executive summary to be filed with the Township by early March. Mr. Vandendool accepted the challenge and offered his service to review the material as requested by Council. Council thanked Mr. Vandendool for his concern and attendance at this meeting.

Moved by S. Miller

Seconded by D. Randell

Motion #10: That the communications received from the Lakeshore Group regarding the First Solar information and municipal response questionnaire be tabled.

CARRIED

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Moved by S. Miller

Seconded by P. Carswell-Alexander

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

- a. Lambton 4-H – grant request
Inst. See motion #3
- b. CCPC – grant request
Inst. See motion #4
- c. Lakeshore Group – First solar questionnaire
Inst. See motion #10

At the appointed time, Mayor Arnold called to order the public meeting called to consider the application for re-zoning submitted by Larry and Becky Ramsey for property known as north Part of Lot 26, Concession 15, geographic Township of Sombra, Township of St. Clair, known municipally as 2507 Bickford Line. The Mayor then called upon Mr. Jeff Baranek who presented his planning report on the application dated January 20th 2010. Mr. Baranek explained that the current designation of the property is Agricultural and Environmental Protection and the site is the location for a single family detached dwelling which is legal non conforming. The Ramsay's plan to construct a new residence on the subject property and remove the existing dwelling for which a rezoning would be necessary to obtain a building permit. In the conclusion of his report, Mr. Baranek is recommending to Council that the appropriate zoning by-law authorizing that the rezoning be passed. In response to the Mayor's questions, Mr. Baranek advised that the draft zoning by-law does not legitimize the existence of the two accessory buildings located on site but an argument could be that they are legal, non-conforming and could be repaired or replaced but additions to the existing buildings may not be possible without a further rezoning. Council was advised that the draft by-law could be amended to incorporate the existing accessory buildings but there would be a delay of approximately one month before Council could consider the amended by-law. Mr. and Mrs. Ramsey considered the delay and chose to request that Council proceed with the draft by-law before it this evening. No one was present to speak in opposition to the application or in support of the application, no written submissions were received. Hearing no further comments, the Mayor declared the public hearing closed.

Moved by J. Agar

Seconded by D. Randell

Motion #12: That By-law #9 of 2010 being a by-law to amend By-law #17 of 2003 for property known as north Part of Lot 26, Concession 15, geographic township of Sombra, Township of St. Clair known municipally as 2507 Bickford Line 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 called to order the public hearing called to consider an application for rezoning submitted by Mr. Ken Van Dellen owner of property known as south half of Lot 17, Concession 8 geographic township of Sombra, Township of St. Clair known municipally as 1658 Kerr Line. The Mayor then called upon Mr. Baranek to present his planner's report on the subject application dated January 27, 2010. Mr. Baranek stated that the rezoning application before Council was a result of a recent decision of the Committee of Adjustment granting a severance on the condition that a rezoning is obtained that would prevent the construction of a residential unit on the remnant parcel. In the conclusion of his report, Mr. Baranek is recommending that Council accept the application and pass the appropriate rezoning by-law. No one was present to speak in either opposition or in support of the application. Hearing no comments, the Mayor declared the public hearing closed.

Moved by P. Gilliland

Seconded by S. Miller

Motion #13: That By-law #10 of 2010 being a by law to amend By-law #17 of 2003 for property known as south half of Lot 17, Concession 8 geographic township of Sombra, Township of St. Clair known municipally as 1658 Kerr Line having been given the necessary three readings, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

DEPUTATIONS AND APPOINTMENTS:

REPORTS OF COMMITTEES AND OFFICERS:

Moved by D. Randell

Seconded by J. Agar

Motion #14: That decision A1, A2, A3 and A4/10 submitted by the Coordinator of Planning be received as information.

CARRIED

Moved by J. Agar

Seconded by D. Randell

Motion #15: That application A5/10 submitted by the Coordinator of Planning be received as information.

CARRIED

COORDINATOR OF PLANNING REPORT:

Moved by D. Randell

Seconded by P. Gilliland

Motion #16: That the report submitted by the Coordinator of Planning dated January 28, 2010 recommending that the Council of the Township of St. Clair support the draft plan of subdivision for the former Colborne Street School property created by consent Application B17/06, provided the owner enters into a subdivision agreement with the Township of St. Clair. It is also recommended that the subdivision agreement include the following:

The Director of Community Services be satisfied with the fencing adjacent to the Corunna Athletic Park

The Township Public Works Department be satisfied with servicing, curbing, urban design, grade, signage and any other relevant matters prior to the development of lands.

Be received and accepted.

CARRIED

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #17: That the report submitted by the Coordinator of Planning dated January 28, 2010 recommending that the Council of the Township of St. Clair support the draft plan of condominium which provides for the development of 60 dwelling units in a phased timeframe, provided the applicant enters into a condominium agreement with the Township of St. Clair. It is also recommended that the condominium agreement include the following:

St. Clair Township by-law 38 of 2009 be rescinded authorizing a Townhouse site plan control agreement for rental units and replaced with a condominium agreement

The development be registered as one Condominium Corporation requiring a new agreement for each phase

Prior to final approval of any phase, the applicant's professional engineer is to provide certification to the Director of Public Works that all of the hard facilities and services, including grading and landscaping have been installed or provided to ensure the independent operation of the corporation if no subsequent phases are created

The names of the private roads on the plan be approved by the Township of St. Clair and are compatible with the County 911 system

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The municipal addresses are to be displayed on the exterior of each unit in the entire development to the satisfaction of the Township of St. Clair

One wheelchair parking space provided for each building within the entire plan

The Township Public Works Department be satisfied with the servicing, curbing, landscaping, grade, signage and any other relevant matters prior to the development of the lands, including the width of the interior road and its intersection structural design in terms of fire protection vehicles

The applicant obtain reserve sewage capacity from the Township of St. Clair

A maintenance policy be included in the condominium agreement for fire hydrant inspections and the maintenance of internal works, road, fences, landscaping and facilities required to be provided

Potential old foundations and services installed at the time the adjacent Queensgate Condominium was developed be removed to the satisfaction of the Director of Public Works

Provision for one water meter off Queen Street with individual meters on the units

All financial requirements are addressed including the 5% in lieu of cash land

Be received and accepted.

CARRIED

DIRECTOR OF PUBLIC WORKS AND OPERATIONS REPORT:

Moved by P. Gilliland

Seconded by J. Agar

Motion #18: That the report submitted by the Director of Public Works dated January 27, 2010 recommending that an adjustment to Laura Kennedy in the amount of \$557.30 with regard to charges from the Township for excess water consumption be received and accepted . The cause of the apparent high consumption was a faulty water meter.

CARRIED

Moved by D. Randell

Seconded by J. Agar

Motion #19: That the report submitted by the Director of Public Works dated January 27, 2010 regarding the Private Members Bill would Transform Municipal Water and Waste Water Services be received for information.

CARRIED

In discussion of Mr. Burnham's report relative to the Private Member's Bill which would affect a municipality's process in delivering water and waste water services. Council suggested that a question be posed in the open forum in the upcoming OGRA/ROMA conference to the Minister of the Environment. It was suggested that perhaps Deputy Mayor Gilliland would lead the Township's efforts in this endeavor.

Moved by P. Gilliland

Seconded by J. Agar

Motion #20: That the report submitted by the Director of Public Works dated January 27, 2010 recommending that the normal tendering policy be waived and the quotation submitted by Burgess Engineering Inc. in the amount of \$23,000 plus GST for detailed re-inspection of our bridges and culverts greater than 3.0 meters in span (60 structures for 2010), as recommended in the last bridge inspection report, be accepted and that the Mayor and Clerk be authorized to sign the contract and other related documents.

CARRIED

DIRECTOR OF COMMUNITY SERVICES REPORT:

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #21: That the report submitted by the Director of Community Services dated January 29, 2010 recommending that authorization of the completion of an external feasibility study for the construction of the new Sombra Museum Building is granted. The study will include the feasibility of offering year round Tourist Information.

CARRIED

CAO'S REPORT:

The CAO advised of a need for an in-camera session to discuss legal and property issues.

MOTIONS:

Moved by P. Gilliland

Seconded by D. Randell

Motion #22: That an appointment as the Township representative be offered to Mr. Ralph Eyre to the Lambton Farm Safety Association with the appropriate honorariums equaling \$25 per meeting plus the appropriate mileage allowance.

CARRIED

The Clerk is to contact Mr. Eyre to confirm his willingness to accept such appointment.

BY-LAWS:

Moved by P. Gilliland

Seconded by D. Randell

Motion #23: That By-law Number 6 of 2010, being a By-law to provide for interim tax levies for the year 2010 for the Township of St. Clair, 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 P. Carswell-Alexander

Motion #24: That By-law Number 8 of 2010, being a By-law to assume municipal services for the North Hill Subdivision/Ellis Drive Subdivision, Phase 2A and 2B Lots 232, 233 and 235 and Part Of Lot 234, Plan 413, now Lots 1-26 inclusive, Plan 747 Township of St. Clair, having been given the necessary three readings, be signed by the Mayor and Clerk, the Corporate seal affixed thereto and finally passed.

CARRIED

COUNCILLORS REPORTS:

Pete Gilliland

Deputy Mayor Gilliland asked staff to investigate a complaint received relative to detour signage recently placed that blocks vision to the north for vehicles exiting the Froomfield area. He also received a complaint regarding hunters hunting from various Township parks. The Clerk advised that the Township's parks usage by-law prohibits the discharge of firearms in a public park but however according to the Ministry of Natural Resources, hunting in the water in front of public parks is permitted under Provincial legislation. The Deputy Mayor advised Council that the annual Optimist Youth Appreciation dinner will be hosted on March 3rd and shared with Council the fact that Moore Optimist volunteered at the April 2009 Clean Harbors Hazardous Material Days and the donation promised by Clean Harbors has not be forthcoming to the Optimist Club. Also in response to the Deputy Mayor's question, the Clerk advised that a report from a property standards officer relative to the Curran Avenue complaints will be available at the next meeting of Council.

Jeff Agar

Councillor Agar requested staff to arrange for the placement of deer crossing warning signs on the Kimball Road. It was suggested that staff contact the Ministry of Natural Resources or the OPP to determine the area of highest concentration for deer/vehicle

collisions. Councillor Agar also questioned the status of the re-instatement of the Corunna fire hall siren.

Darrell Randell

Councillor Randell attended a recent meeting in Wallaceburg at which time 60-100 manufacturing jobs were announced. Also, Councillor Randell has been chosen as a corporate member of the Sydenham District Hospital Board and will have an opportunity at the annual meeting to vote for board membership. Staff was reminded of an earlier council request to invite interested residents on the St. Clair Parkway at the south end of Port Lambton to a meeting to discuss their shoulder improvement request. Also, Council was advised that the landscaper has agreed to replace the damaged evergreen trees at the Wilkesport Community Center. Councillor Randell also discussed with Council his activities relative to the earlier request from Mr. Joe Kerr and Mr. Doug McGee regarding the possible establishment of protocol to compensate farmers for leaving a planted buffer strip along open drains. This topic will be further discussed at the February 2nd meeting of the Drainage Committee.

Steve Miller

Councillor Miller advised of attending a recent meeting of the Lambton Group Police Services Board and advised that Mr. Arnold Seyer has been elected as Chairman of the Board and that board meetings will now commence at 1 pm instead of 330 pm. The OPP have also agreed to the request to increase patrols in the area of Highway #40 and County Road 80. Also, the request for full OPP statistics for the entire Township has been denied.

Pat Carswell-Alexander

Councillor Carswell-Alexander felt St. Clair Township should provide and appropriate tribute in honor of Point Edward firefighter Gary Kendall.

Moved by P. Carswell-Alexander

Seconded by J. Agar

Motion #25: That a \$100 donation be made to the Canadian Diabetes Society and or the Make a Wish Foundation in memory of firefighter Gary Kendall.

CARRIED

Councillor Carswell-Alexander also suggested that a larger refrigerator should be obtained for use by Council and staff.

Steve Arnold

Mayor Arnold advised of a property issue to be discussed later in the meeting during an in-camera session. The Mayor also attended a recent LAWSS meeting at which time Susan MacFarlane has been chosen as the new LAWSS general manager. Also, the Mayor had a meeting with Union Gas to discuss several areas of common interest and a request has been made by the Mayor to Union Gas for a Union Gas contribution to the Township's Education and Environmental Fund. A final meeting of the Olympic Torch Run Committee was held and as well as a meeting was held with the new OPG site Manager. Mayor Arnold met with Chatham-Kent Mayor Randy Hope to discuss the water by-pass on Highway #40, truck traffic on the Kimball Road and the possibility of a Highway #40 by-pass of the Town of Wallaceburg. The Mayor also attended a meeting with the site manager of Shell Refinery as to the possibility of establishing a second drainage outfall to the St. Clair River. Councillor Randell suggested staff contact Shell to see if once this second outfall is established, if the refinery site would have capacity in its sewage treatment facility for the community of Froomfield. The Mayor also attended a meeting with MP Pat Davidson regarding possible museum funding and a meeting with Tim Bechard of Clean Harbors to discuss the possibility of renegotiating the current landfill royalty paid by Clean Harbors to the Township. Mayor Arnold also attended with the Deputy Mayor, the Envirofresh Greenhouse facilities near Terra International and was quite impressed with the magnitude of the facility. The Mayor also advised of receiving complaints regarding recently installed advertising signs for a local business. It was

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suggested that if these signs are contrary to existing by-laws, the owners should be asked to remove the signs.

Moved by D. Randell

Seconded by S. Miller

Motion #26: That the meeting enter an in-camera session to discuss legal and property issues.

CARRIED

The meeting returned to order.

ADJOURNMENT:

Moved by S. Miller

Seconded by D. Randell

That the meeting do hereby adjourn.

CARRIED

The meeting adjourned at 9:30 p.m.

MAYOR

CLERK