

**ST. CLAIR TOWNSHIP  
COUNCIL MINUTES  
SESSION # 23**

St. Clair Civic Centre  
Council Chambers  
November 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
	P. Brown,	“
	D. Randell,	“
	S. Miller,	“
	J. Agar,	“
Staff:	J. Rodey,	CAO
	J. DeMars,	Director of Administration/Clerk/ Deputy CAO
Absent:	J. Baranek	Deputy Clerk/Coordinator of Planning

**AGENDA:**

**Declaration of Conflict of Interest:**

**Adopt Minutes:**

Moore Museum minutes of October 6, 2010  
Finance & Administration Committee meeting minutes of October 18, 2010  
Public Works & Operations Committee meeting minutes of October 18, 2010  
Council meeting minutes of October 18, 2010 Session #22

**Business Arising from the Minutes:**

**DEPUTATIONS AND APPOINTMENTS:**

7:15pm - Court of Revision for 10<sup>th</sup> Concession East Drain  
7:30pm - ~~Mayhead - Zoning by law amendment for St. Clair Mechanical~~ - Postponed  
7:45pm - Provident ~ Zoning by-law and Official Plan Amendment

**CORRESPONDENCE:**

- a) Peter and Angelique MacRae – temporary second dwelling
- b) C. Lemesurier – conditional building permit
- c) St. Clair Parkway – property standards complaint

**INFORMATION:**

- 1) Wallaceburg Legion – thank you
- 2) MOE – P.C.B. transfer
- 3) Warden Jim Burns – invitation
- 4) West Lambton Health – invitation
- 5) Enbridge Energy – St. Clair pipeline crossing
- 6) Karen Benoit – bus service
- 7) OGRA – nominations

**DRAINS:**

**REPORTS OF COMMITTEES AND OFFICERS:**

**PLANNING REPORT:**

Proposed Official Plan Amendment and Rezoning Part Lots 25 & 26, Con 11 and 12

**COORDINATOR OF OPERATIONS (ROADS/DRAINAGE) REPORT:**

Rokeby Line damage

**COORDINATOR OF OPERATIONS (WATER/WASTEWATER) REPORT:**

Rural water main installation

**COORDINATOR OF ENGINEERING REPORT:**

Booth Creek Bridge tender  
Reconstruction of Colborne Street

**DRAINAGE SUPERINTENDANT REPORT:**

10<sup>TH</sup> Concession Drain East  
North Courtright Drains

**DEPUTY CLERK/COORDINATOR OF PLANNING REPORT:**

By-law #21 of 2010 - reconsideration

**CLERK'S REPORT:**

**CAO'S REPORT:**

**MOTIONS:**

Tile loan approval

**BY-LAWS:**

By-law # 52 of 2010 – Scott rezoning - POSTPONED  
By-law #53 of 2010 – OPA #16 – Provident Energy  
By-law #54 of 2010 – Rezoning Provident Energy  
By-Law #55 of 2010 – Site plan amendment –Watson Timbr mart  
By-law # 68 of 2010 – North Courtright 3<sup>rd</sup> reading  
By-law #69 of 2010 – Thomson (5<sup>th</sup> and 6<sup>th</sup> Street) 3<sup>rd</sup> reading

**COUNCILLORS REPORTS:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

Committee of the Whole ~ Monday November 8, 2010 – 6:00 pm  
Regular meeting of Council ~ Monday November 22, 2010 – 7:00pm  
Inaugural meeting of Council ~ Monday December 6, 2010 – 7:00pm

**ADJOURNMENT:**

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Moved by D. Randell

Seconded by P. Brown

**Motion #1:** That this meeting of Council commence at 6:50 pm.

**CARRIED**

The Mayor called the meeting to order at 6:50 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 P. Carswell-Alexander

Seconded by S. Miller

**Motion #2:** That the minutes of the Moore Museum meeting held October 6, 2010 be adopted as printed and circulated

**CARRIED**

Moved by D. Randell

Seconded by J. Agar

**Motion #3:** That the minutes of the Finance and Administration meeting held October 18, 2010 be adopted as printed and circulated.

**CARRIED**

Moved by S. Miller

Seconded by P. Carswell-Alexander

**Motion #4:** That the minutes of the Public Works and Operations Meeting held October 18, 2010 be adopted as printed and circulated.

**CARRIED**

Moved by J. Agar

Seconded by D. Randell

**Motion #5:** That the minutes of the Council meeting held October 18, 2010 Session #22 be adopted as printed and circulated.

**CARRIED**

**CORRESPONDENCE:**

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

Moved by P. Carswell-Alexander

Seconded by D. Randell

**Motion #6:** That the request received from Peter and Angelique MacRae to allow the presence of a second dwelling on their property known as 2918 Courtright Line during dwelling renovations for a period of 18-24 months be approved.

**CARRIED**

Moved by D. Randell

Seconded by J. Agar

**Motion #7:** That permission be granted for the issuance of a conditional building permit for property known as 2884 Kent Line to construct an addition to a barn prior to the completion of the nutrient management process.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by P. Brown

**Motion #8:** That the property standards complaint received on a St. Clair Parkway property be accepted and referred to the Property Standards Officer for investigation and report.

**CARRIED**

Mr. Steve Repurgal, representing Lambton Generating Station was present to present to Council a cheque in the amount of \$22, 500 as full donation to finance the installation of new time clocks at the Moore Sports Complex. Mr. Repurgal stated that the Township had applied for a grant in the amount of \$7500 annually over a three year period but OPG has generously agreed to provide the full funding of the grant upfront. Mayor Arnold thanked

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Mr. Repurgal and OPG for the generous contribution that is certainly welcomed by the Township and the users of the Moore Sports Complex. Mayor Arnold acknowledged the strong community citizenship demonstrated over the years and hopefully into the future by Lambton Generating.

Mr. Todd Sharpless, representing the Sombra Sports and Recreation Association was present to make a cheque presentation to Council in the amount of \$17, 332 as a 50% payment on the outstanding loan to the Township for the Sombra splash pad program. Mr. Sharpless pointed out that funds borrowed in the past from the Township for such things as washroom improvements and the splash pad have always been repaid prior to the agreed upon due date and it was hoped that the final payment for the splash pad funding can be made in 2011. On behalf of Council, the Mayor thanked Mr. Sharpless for his presentation and offered high praise for the efforts and enthusiasm of his volunteer colleagues and expressed that such volunteerism from other groups in other parts of the municipality have contributed greatly to the advancement of the quality of life in St. Clair Township.

Council continued to review the communications. In discussion of the Royal Canadian Legion November 11 ceremonies, it was advised that Councillor Randell will attend the Wallaceburg Legion wreath laying, Deputy Mayor Gilliland to attend the Brigden Legion wreath laying and Mayor Arnold to attend the same function at the Corunna Legion.

Enbridge energy has forwarded the information as to the prose to be used for the St. Clair River pipeline crossing project. Enbridge has been invited to attend a December 20<sup>th</sup> meeting of Council to explain this project in further detail.

Moved by S. Miller Seconded by P. Carswell-Alexander  
**Motion #9:** That the following correspondence be received and dealt with as per Council's instructions as noted:

- a. Peter and Angelique MacRae – temporary second dwelling  
**Inst.**
- b. C. Lemesurier – conditional building permit  
**Inst.**
- c. St. Clair Parkway – property standards complaint  
**Inst.**

**CARRIED**

At the appointed time, the Mayor called to order the Court of Revision called to consider assessment appeals on the 10<sup>th</sup> Concession East Drain. The Clerk advised that no written appeals had been received. Mr. Jim Stenton, a ratepayer on the drain was present and asked to address the court on behalf of his neighbors, Mr. and Mrs. Cole.

Moved by P. Gilliland Seconded by D. Randell  
**Motion #10:** That the court hears verbal appeals on the 10<sup>th</sup> Concession East Drain.

**CARRIED**

Mr. Stenton was duly sworn. Mr. Stenton advised that he is representing Bob and Betty Cole who in his opinion had a relatively high assessment based on the relatively small acreage benefiting from the drain. Mr. Stenton explained that he has received a satisfactory explanation from Mr. Mike Devos author of the report and is satisfied with the assessment method. The court was also directed to the fact that Mr. Devos is recommending an amendment to the schedule as detailed in the original August 3<sup>rd</sup> 2010 report. Hearing no further comments, it was;

Moved by D. Randell Seconded by J. Agar  
**Motion #11:** That the Engineer's assessment as per his report dated August 31, 2010 as amended on September 24, 2010 be accepted and confirmed and the that the Court of Revision on the 10th Concession East Drain be closed.

**CARRIED**

Meeting returned to order.

**REPORTS OF COMMITTEES AND OFFICERS:**

**COORDINATOR OF OPERATIONS (ROADS/DRAINAGE) REPORT:**

Moved by S. Miller

Seconded by P. Brown

**Motion #12:** That the report submitted by the Coordinator of Operations (Road/Drainage) dated October 26, 2010 regarding damage done to Rokeby Line be received as information.

**CARRIED**

**COORDINATOR OF OPERATIONS (WATER/WASTEWATER) REPORT:**

Moved by d. Randell

Seconded by S. Miller

**Motion #13:** That the normal tendering policy be waived and that BF Environmental be contracted to construct 1,200 meters of rural water main on Pointe Line from Buckingham Road to West River Road for the negotiated price of \$28,973 (excluding HST) and also 1,300 meters of rural water main on Lambton Line easterly from Brigden Road for the negotiated price of \$14,701 (excluding HST) and the Mayor and Clerk be authorized to sign the contract and other related documents.

**CARRIED**

**COORDINATOR OF ENGINEERING REPORT:**

Moved by D. Randell

Seconded by J. Agar

**Motion #14:** That the report submitted by the Coordinator of Engineering dated October 27, 2010 regarding the Booth Creek Bridge Replacement on McCallum Line recommending that the tender submitted by Henderson Builders Limited in the amount of \$329,058.00 (excluding HST) for the replacement of the Booth Creek Bridge replacement on McCallum Line be accepted and the Mayor and Clerk be authorized to sign the contract and other related documents be received.

**CARRIED**

Moved by P. Brown

Seconded by S. Miller

**Motion #15:** That the report submitted by the Coordinator of Engineering dated October 27, 2010 regarding the reconstruction of Colborne Street be received for information.

**CARRIED**

**DRAINAGE SUPERINTENDANT REPORT:**

Moved by J. Agar

Seconded by D. Randell

**Motion #16:** That the report received from the Drainage Superintendent dated October 27, 2010 recommending that the tender submitted by VanBree Drainage and Bulldozing Limited in the amount of \$101,315.00 (excluding taxes) for the North Courtright Drains construction be accepted and that the Mayor and Clerk be authorized to sign the contract and other related documents.

**CARRIED**

Moved by P. Brown

Seconded by P. Carswell-Alexander

**Motion #17:** That the report received from the Drainage Superintendent dated October 27, 2010 recommending that the tender submitted by Iacobelli Construction Limited in the amount of \$140,300.00 (excluding taxes) for the 10<sup>th</sup> Concession Drain East construction be accepted and that the Mayor and Clerk be authorized to sign the contract and other related documents.

**CARRIED**

The Deputy Clerk/Coordinator of Planning report on the Scott rezoning issue in Brigden was tabled until the public hearing can be rescheduled.

**CHIEF ADMINISTRATIVE OFFICER'S REPORT:**

The CAO advised that he had a property item to be discussed in camera.

**MOTIONS:**

Moved by J. Agar

Seconded by D. Randell

**Motion #18:** That the following application for loan under the Tile Drainage Act be approved subject to Provincial funding:

Terrance & Kelly Smalls      E. Pt>Lot 27, Con 4      amount \$20,400.00

**CARRIED**

**BY-LAWS:**

**COUNCILLORS REPORTS:**

**Pete Gilliland**

Deputy Mayor Gilliland advised that the water main reconstruction project on Parkdale is nearing completion.

**Pat Carswell-Alexander**

Councillor Carswell-Alexander advised Council that the Brigden Christmas tree lighting will be conducted on November 28<sup>th</sup> at 7:00 pm.

**Steve Arnold**

Mayor Arnold advised of attendance at a meeting of the Lambton Historical Society hosted by St. Clair Township that was very well attended. The Mayor also declared a special meeting of Council to be held Thursday November 4<sup>th</sup> commencing at 5:00 pm to discuss environmental issues with the Ministry of the Environment, Clean Harbors and the Township's Environmental solicitor.

At the appointed time, Mayor Arnold called to order, the public hearing called to consider applications to amend the Township's Official Plan and Zoning by-law submitted by Provident Energy for property owned by Provident described as Part Lots 25 & 26, Con 11 & 12 site of the former Dow Chemical plant. The Mayor explained the purpose of the meeting and the format that would be followed which provides every interested rate payer wishing to address the meeting the opportunity to do so. Mayor Arnold then turned the meeting over to County Planner, Barry Uitvlugt who presented his report dated October 22<sup>nd</sup> 2010. In his report, Mr. Uitvlugt explained that Provident Energy hoped to develop a propane storage and rail loading facility on the subject land north of Hill Street and west of Highway #40. Also included in the proposal is the establishment of a railcar marshalling yard capable of holding 480 cars that would typically be empty. The Provident Energy proposal also calls for a truck loading facility that will be located on company owned property on the east side of Highway #40. It was pointed out that the operation needs proximity to a rail line and the existing underground storage caverns. Mr. Uitvlugt explained the Official Plan implications and set backs prescribed by Provincial policy and organizations such as the TSSA. Mr. Uitvlugt pointed out that the proposed separation of the above ground storage tanks in the residential area is 740 meters and the separation between the rail marshalling yard and residential use is 467 meters. In his report, Mr. Uitvlugt stated his opinion as to the need of an engineer's report addressing the potential risks and safety mitigations for the proposal. At the conclusion of Mr. Uitvlugt's presentation, the Mayor offered an opportunity for anyone wishing to speak in opposition.

**Mr. Jack Piggott:** a resident of Brooktree stated his opinion that the proposed energy development is too close to existing residential areas. The mayor called upon Mr. Randy Alwood and Mr. Francis DeSena representing Provident Energy to be prepared to respond to questions raised by those in attendance. Mr. Alwood started his presentation as giving a background on Provident, which is the largest propane provider and shipper in North

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America. Provident has had a twelve year presence in Lambton County but its main area of business is in Alberta. Provident proposes to invest \$28 million dollars locally in the project with a potential of over \$200 million dollars in capital improvements. Provident held an open house to explain the proposal to the public and the comments received were very positive. Mr. Alwood response to Mr. Piggott's question advised that the proposed development could not be moved north because of the difficulty with the alignment of the required CN rail spur.

Tessa Mair: Ms. Mair question how far the proposed development will be from existing residential uses and wondered if the public would be in jeopardy while using the newly established trail through the Dow Wetlands if an upset occurred at the facility.

Shirley Warner: Ms. Warner advised that in her opinion, the development was too close and would be too dangerous and noisy for the residential community.

George Carr: Mr. Carr questioned the location of the marshalling yard because of noise and vibration issues.

Randy Mair: Mr. Mair questioned whether or not there would be any additional above ground propane storage facilities and if Provident has developed a worst case scenario concept with an explosion map? Provident representatives advised that no such mapping and study has been done but that the proposed development would be subject to regulations imposed by TSSA. Mr. DeSena on behalf of Provident stated that Provident disagreed with Mr. Uitvlugt's opinion that the application is premature pending the development and peer review of the appropriate risk and safety report. Mr. Alwood pointed out that the nearest comparable Provident facility is located in Redwood, Alberta.

In response to questions, Mr. Uitvlugt advised in his opinion that the County has the approval authority of the Official Plan would probably require the development and review of the safety and risk report.

Ruth Piggott: Mrs. Piggott advised that in the case of a petro chemical upset in the area there is only one escape route out of Corunna and that would be way of the St. Clair Parkway. Mrs. Piggott is also concerned about train vibration and noise.

Barry White: Mr. White questioned whether or not residents would be compensated by Provident if their development leads to depressed property values in the future?

In response to questions from Council, Provident Energy advised that the risk and safety report could be prepared in about a two week time frame. Several of the ratepayers wanted to be notified as to the availability of any further information regarding this proposal. Hearing no further comments, the public hearing was closed.

Moved by S. Miller

Seconded by J. Agar

**Motion #19:** That the report received from Barry Uitvlugt October 22, 2010 regarding the proposed Official Plan Amendment and Rezoning Part Lots 25 & 26, Con 11 and 12 be received and accepted as information.

**CARRIED**

Moved by D. Randell

Seconded by J. Agar

**Motion #20:** That the recommendation in the Planner's report dated October 22, 2010 to consider the planning process approval premature prior to the filing and the review of the risk and safety report be accepted.

**CARRIED**

**BY-LAWS:**

Moved by P. Carswell-Alexander

Seconded by P. Brown

**Motion #21:** That By-law #51 of 2010, being a by-law imposing special annual rates upon lands subject to the Tile Drainage Act be given the necessary three reading, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

**CARRIED**

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Moved by P. Gilliland

Seconded by P. Brown

**Motion #22:** That By-law #55 of 2010, being a by-law to adopt a site plan amendment agreement between the Municipality and Watson Timbr Mart be given the necessary three reading, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

**CARRIED**

Moved by D. Randell

Seconded by J. Agar

**Motion #23:** That By-law #68 of 2010 being a by-law to authorize the financing and construction of the North Courtright Drain be read the third and final time, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

**CARRIED**

Moved by D. Randell

Seconded by P. Gilliland

**Motion #24:** That By-law #69 of 2010 being a by-law to authorize the construction and financing of the Thomson Street, 5<sup>th</sup> and 6<sup>th</sup> Street Drain be read the third and final time, signed by the Mayor and Clerk, the Corporate Seal affixed thereto and finally passed.

**CARRIED**

In review of the upcoming meetings of Council, it was pointed out that the meeting of Council set for April 18<sup>th</sup> at 9am to review the first draft of the 2011 capital budget had been omitted.

Moved by P. Gilliland

Seconded by D. Randell

**Motion #25:** That the meeting enter an in-camera session to discuss property issues.

**CARRIED**

Meeting returned to order.

Moved by P. Gilliland

Seconded by S. Miller

**Motion #26:** That staff be authorized to enter into an agreement for purchase and sale of 2 acres of property in the Township's Industrial Park.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by J. Agar

**Motion #27:** That staff be authorized to sign the lease for a portion of the vacant space in the Township's Emergency Services building for a short term renewable lease.

**CARRIED**

Hearing no further business, it was;

**ADJOURNMENT:**

Moved by S. Miller

Seconded by D. Randell

That the meeting do hereby adjourn.

**CARRIED**

The meeting adjourned at 9:35 p.m.

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MAYOR

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CLERK