

**ST. CLAIR TOWNSHIP  
COUNCIL MINUTES  
SESSION # 4**

St. Clair Civic Centre  
Council Chambers  
February 14, 2011  
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. Carswell-Alexander,	Councillor
	J. DeGurse,	“
	D. Randell,	“
	S. Miller,	“
	J. Agar,	“
Staff:	J. Rodey,	CAO
	J. DeMars,	Director of Administration/Clerk/ Deputy CAO
Absent:	P. Gilliland,	Deputy Mayor
	J. Baranek	Deputy Clerk/Coordinator of Planning

**AGENDA:**

**Declaration of Conflict of Interest:**

**Adopt Minutes:**

Finance and Administration minutes of January 10, 2011  
Public Works and Operations minutes of January 10, 2011  
Council Meeting minutes of January 20, 2011 ~ Session #3  
Moore Museum minutes of January 5, 2011  
Sombra Museum minutes of January 20, 2011  
Drainage Committee minutes of January 25, 2011

**Business Arising from the Minutes:**

**DEPUTATIONS AND APPOINTMENTS:**

7:10 pm ~ Kristine Zimmer – Shell building issues  
7:30 pm ~ Phil Johnson – Rezoning  
7:40 pm ~ Randy Alwood and Rod Egert – Provident Energy site plan

**CORRESPONDENCE:**

- a) Task force – Healthcare grant request
- b) Peter and Angie McRae – Building permit
- c) Dream Lottery – Permission
- d) Lambton Historical Society – 2011 membership
- e) OMB – March 8, 2011 hearing

**INFORMATION:**

- 1) SCRT – November 25, 2010 minutes
- 2) Energy Registry – First Solar comments
- 3) Drinking water Source Protection – assessment report
- 4) County of Lambton – Council highlights
- 5) Clean Harbors – September 2010 site fire
- 6) LGPSB – November 18, 2010 minutes

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- 7) CCPC – February 1, 2011 minutes
- 8) AMO – alert
- 9) Lars Bouman – Sunday gun hunting
- 10) Jeff Coleman – Denial of access
- 11) Sombra Township Child Care – Thank you
- 12) RLSN – controlled burn
- 13) **SCRCA – Annual meeting invitation**

**REPORTS OF COMMITTEES AND OFFICERS:**

**Committee of Adjustments Applications:**

A1/11, A2/11, A3/11 and B1/11

**PLANNER'S REPORT:**

Jeff Baranek – Provident Site Plan  
Jeff Baranek – Shell Site Plan  
Jeff Baranek – OMB ~ Grant vs. Grant  
Barry Uitvlugt – response re First Solar  
Ezio Nadalin – Johnson rezoning

**CAO'S REPORT:**

Paddock Green walkway

**MOTIONS:**

Approve recommendations from Finance & Administration and Public Works & Operations Committees

**BY-LAWS:**

By-law #1 of 2011 Turnbull Drain  
By-law #8 of 2011 – Interim Tax Levy  
By-law #9 of 2011 – Site plan agreement ~ Shell

**COUNCILLORS REPORTS:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

Finance Committee Budget – Thursday February 24, 2011 ~ 9:00 am  
Council – Tuesday February 22, 2011 ~ 7:00 pm  
Council – Monday March 7, 2011 ~ 7:00 pm  
Drainage Committee – Tuesday March 8, 2011 ~ 7:00 pm

**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.

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**MINUTES:**

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

Moved by J. Agar

Seconded by P. Carswell-Alexander

**Motion #1** That the minutes of the Finance and Administration meeting held January 10, 2011 be adopted as printed and circulated

**CARRIED**

Moved by S. Miller

Seconded by D. Randell

**Motion #2:** That the minutes of the Public Works and Operations Meeting held January 10, 2011 be adopted as printed and circulated.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by J. DeGurse

**Motion #3:** That the minutes of the Council meetings held January 20, 2011, Session #3 be adopted as printed and circulated.

**CARRIED**

Moved by D. Randell

Seconded by S. Miller

**Motion #4:** That the minutes of the Moore Museum meeting held January 5, 2011 be adopted as printed and circulated.

**CARRIED**

Moved by J. Agar

Seconded by P. Carswell-Alexander

**Motion #5:** That the minutes of the Sombra Museum meeting held January 20, 2011 be adopted as printed and circulated.

**CARRIED**

Councillor DeGurse advised that he would be unable to attend the February 17, 2011 Museum Board meeting.

Moved by D. Randell

Seconded by S. Miller

**Motion #6:** That the minutes of the Drainage Committee meeting held January 25, 2011 be adopted as printed and circulated with the exception of the recommendation relative to the Gray Drain which was tabled.

**CARRIED**

**CORRESPONDENCE:**

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

Moved by P. Carswell-Alexander

Seconded by D. Randell

**Motion #7:** that the funding request for the year 2010 received from the Sarnia-Lambton Task Force on health care be tabled to the 2011 budget discussion.

**CARRIED**

Council reviewed the correspondence received from Peter and Angie McRae regarding the possible relocation of a single family residence to their property known as 2918 Courtright Line. Mr. McRae was present to address any of Council's concerns. Mr. McRae pointed out that as requested at the last meeting of Council, he has provided a written commitment to repair the roof of the building proposed to be relocated as well as provided a site plan.

Moved by D. Randell

Seconded by P. Carswell-Alexander

**Motion #8:** That Council accept the request to relocate a single family dwelling to property known as 2918 Courtright Line and that the Building Inspector issue the appropriate building permit.

**CARRIED**

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Moved by S. Miller

Seconded by J. Agar

**Motion #9:** That permission be granted to the Dream Lottery Committee for the sale of raffle tickets in support of the London Health Sciences Center under the benefit of a Provincial license be approved.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by S. Miller

**Motion #10:** That the membership fees to the Lambton Historical Society for the Township's two representatives on the Society be accepted and approved for payment.

**CARRIED**

Council reviewed the invitation received from the SCRCA for Township representatives to attend the 50<sup>th</sup> anniversary and the annual general meeting on Thursday February 18<sup>th</sup>.

Moved by P. Carswell-Alexander

Seconded by J. DeGurse

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

- a. Task Force – Healthcare grant request  
**Inst.** See motion #7
- b. Peter and Angie McRae – Building permit  
**Inst.** See motion #8
- c. Dream Lottery – Permission  
**Inst.** See motion #9
- d. Lambton Historical Society – 2011 membership  
**Inst.** See motion #10
- e. OMB – March 8, 2011 hearing  
**Inst.** See motion #20
- f. SCRCA – invitation  
**Inst.** Received as information

**CARRIED**

**DEPUTATIONS AND APPOINTMENTS:**

At the appointed time, Mayor Arnold welcomed on behalf of Council, Kristina Zimmer and two other representatives from Shell Canada, present to discuss with Council the planning process needed to facilitate a site plan agreement between Shell and the Municipality that would enable the issuance of a building permit for the buildings to be used by staff and contractors doing the 2011 shutdown. Representatives from Shell advised that they have reviewed the draft prepared by staff and it seems that the only outstanding issues are the paving of the 400 car parking lot and posing of security by way of a letter of credit or certified cheque to ensure that the parking will be done within the prescribed amount of time. Council was advised that the estimated cost of the paving would be \$750,000 which has not been provided for in the Shell turn around budget may be extreme due to the fact that the buildings in questions will only be occupied for a relatively short time. Also one of the issues to be addressed was the proposed sanitary sewer disposal by way of temporary holding tanks. Its no sanitary sewer system is readily available. The Clerk advised the representatives from Shell and Council the information received from the County holding tank approval authority that a holding tank permit would be withdrawn in accordance with the provision of the Ontario Building Code once a sanitary sewer system is available. It was pointed out that if a municipal system is constructed for the community of Froomfield, the subject Shell property would connect into that system at that time or connect to the private system at the Shell refinery. Also while present, representatives from Shell advised that Shell would be willing to convey to the municipality the appropriate easements that would be required if the Froomfield sewer progresses. After considerable discussion, a motion by Councillor Carswell-Alexander to

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establish a four year time frame to pave the parking lot and provide \$250,000 as security for this work failed to get a seconder and was lost.

Moved by J. DeGurse

Seconded by D. Randell

**Motion #12:** That the site plan control agreement between the municipality and Shell Canada be drafted to provide that the required parking lot be paved within 3 years from February 14<sup>th</sup> 2011 and further that Council waive the requirement for security to ensure that the paving is accomplished provided that site specific rezoning application is filed within the 3 year period to relieve the requirement for such parking lot paving.

**CARRIED**

At the appointed time Mayor Arnold called to order the public hearing called to consider the application to rezone property known as 149 Mandaumin Road known as North ½ Lot 30, Con 5 geographic township of Sombra, Township of St. Clair. Mayor Arnold advised those in attendance that everyone wishing to do so would be allowed to speak in favor or in opposition of the proposed rezoning. He then turned the meeting over to Ezio Nadalin who provided his planning report on the issue. Mr. Nadalin stated that the purpose of the rezoning is to meet a condition of the consent granted in June 2010 by the Township's Committee of Adjustment that required the remnant parcel did not support a single family dwelling and that the 2 acre severed parcel could not be used in a livestock operation. At the conclusion of the presentation, the Clerk advised that there were no written submissions received relative to this application. No one spoke in opposition or support of the rezoning proposal.

The meeting returned to order.

Moved by S. Miller

Seconded by D. Randell

**Motion #13:** That the report submitted by the Planner Ezio Nadalin dated February 9, 2011 regarding the rezoning of lands described as Concession 5, North ½ Lot 30 (149 Mandaumin Road) recommending that Council accept and pass the draft by-law.

**CARRIED**

Moved by J. Agar

Seconded by J. DeGurse

**Motion #14:** That by-law #11 of 2011 being a by-law to amend By-law #17 of 2003 relative to property known as North ½ Lot 30 Con 5 geographic township of Sombra, 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**

Mr. Randy Alwood and Rod Egert of Provident Energy were present to discuss with Council the site plan requirements for their development east of the CN right of way north of Hill Street in Corunna. Discussion centered around the zoning by-law provision requiring a 4.7 meter high berm to shield the visible impacts of the proposed rail marshalling yard that was identified as a permitted use in By-law #54 of 2010. Mr. Alwood and Mr. Egert advised that Provident has changed its plans and at this time does not plan to develop the marshalling yard, notwithstanding it is permitted in the current zoning. Mr. Alwood is requesting Council to interpret By-law #54 of 2010 in such a fashion that the berm requirements could be reduced to a total of 3 meters. It was proposed to construct a 3 meter high berm with a vegetation planting on top. It was pointed out that if plans change in the future and a rail yard is proceeded with, a further planning process by way of a site plan amendment would be required. In his report on the issue dated February 7<sup>th</sup>, 2011, Deputy Clerk and Coordinator of Planning Jeff Baranek, advised that the by-law could be interpreted as requested by the representatives of Provident Energy as the proposed marshalling has been deleted for this time. After considerable discussion, it was;

Moved by J. Agar

Seconded by S. Miller

**Motion #15:** That Council consider the requirement for a berm with the height of 4.7 meters pertains only in the case of rail marshalling yard as permitted by By-law #54 of 2010 and that otherwise the berm height would be to a minimum of 3 meters in height and that this interpretation be incorporated into the draft site plan agreement between the Municipality and Provident Energy.

**CARRIED**

Council continued to review the correspondence as listed on the agenda. In the minutes of the St. Clair River Trail Committee it was noticed that Bill Stockal is retiring from his involvement with the Committee and Council suggested that a letter of congratulations be sent to Mr. Stockal. Council reviewed the letter received from Clean Harbors regarding its September 2010 fire.

Moved by S. Miller

Seconded by D. Randell

**Motion #16:** That the information received from Clean Harbors regarding its September 2010 be tabled pending a report from the Fire Chief as to the Municipal response to the fire.

**CARRIED**

Council reviewed the communication received from Mr. Lars Bouman regarding Sunday gun hunting. Mr. Bouman was present to respond to Council's questions regarding his concerns. Mr. Bouman's position was that Sunday gun hunting should be prohibited in St. Clair Township along the St. Clair River to allow the public's enjoyment of the River Trail and the river itself. After the conclusion of the discussion, it was suggested that perhaps a meeting could be convened with the appropriate parties and the local MNR representatives to discuss the issue in further details.

**REPORTS OF COMMITTEES AND OFFICERS:**

**PLANNER'S REPORT:**

Moved by S. Miller

Seconded by D. Randell

**Motion #17:** Those applications A1, A2, A3/11 and B1/11 submitted by the Coordinator of Planning for the month of February be received and accepted as information.

**CARRIED**

Moved by P. Carswell-Alexander

Seconded by J. Agar

**Motion #18:** That the reports of the Deputy Clerk/Coordinator of Planning dated February 7<sup>th</sup> regarding Shell Canada site plan and Provident Energy site plan respectively be received as information.

**CARRIED**

Moved by J. Agar

Seconded by P. Carswell-Alexander

**Motion #19:** That the Township retain legal counsel to defend the position of the Committee of the Adjustment relative to the Charles Grant severance.

**DEFEATED**

Moved by J. Agar

Seconded by P. Carswell-Alexander

**Motion #20:** That the report submitted by the Coordinator of Planning dated February 4, 2011 with regards to the Grant OMB hearing be accepted as information and that Council choose not to be represented as the decision of the Committee of Adjustment went against recommendations of staff be accepted.

**CARRIED**

Moved by D. Randell

Seconded by S. Miller

**Motion #21:** That the report submitted by the Planner Barry Uitvlugt dated February 9, 2011 recommending that Council direct staff to provide a response to the Ministry of the Environment (approval agent for the REA (renewable energy approval) EBR Registry No. 011-2386) regarding First solar sites in St. Clair Township be accepted.

**CARRIED**

**CHIEF ADMINISTRATIVE OFFICER'S REPORT:**

Moved by S. Miller

Seconded by D. Randell

**Motion #22:** That the report received from the CAO regarding the Paddock Green walkway dated January 24, 2011 be received and accepted as information.

**CARRIED**

**MOTIONS:**

Moved by s. Miller

Seconded by D. Randell

**Motion #23:** That the recommendations from the February 14<sup>th</sup>, 2011 Finance and Administration Committee and Public Works and Operations Committee meetings be approved and adopted.

**CARRIED**

**BY-LAWS:**

Moved by P. Carswell-Alexander

Seconded by D. Randell

**Motion #24:** That Drainage By-law #1 of 2011 being a by-law to authorize the reassessment of the Turnbull Drain be read the first and second times and be provisionally adopted.

**CARRIED**

Moved by S. Miller

Seconded by J. Agar

**Motion #25:** That By-law #8 of 2011 being a by-law to establish the 2011 interim tax levy 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 D. Randell

**Motion #26:** That By-law #9 of 2011 being a by-law to authorize the execution of a development agreement between the Township of St. Clair and Shell Products Canada providing for paving of the parking lot be extended to 3 years, the requirement for security for the paving be waived and that a provision be established that a mandatory connection into a future municipal sanitary sewer will be achieved within 3 years of the availability of that service 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 J. DeGurse

Seconded by J. Agar

**Motion #27:** That Council enters into a site plan agreement with Shell for a proposed shutdown facility lunchroom and offices, council increases the previously directed one year time period with the time frame of 3 years be established for Shell to connect to the sanitary sewers after a sewer extension is completed to Froomfield subject to an application for site specific rezoning to address the paving issue.

**CARRIED**

**COUNCILLORS REPORTS:**

**Steve Miller**

Councillor Miller advised of attending a recent meeting of the Lambton Group Police Services Board at which time Mr. Murray Jackson was elected to the new chair. Mayor Arnold asked Councillor Miller to provide a contact list for future reference to members of the LGPSB.

**Darrell Randell**

Councillor Randell advised of being recently appointed to the Sombra Museum Vision Committee and that he attended an informative session on the Trillium Grant Funding together with Deputy Mayor Gilliland and the curators of the Moore and Sombra Museums.

**Jeff Agar**

Councillor Agar asked Councillor DeGurse to bring forward to the next meeting of the CCPC concerns regarding loitering behind Food land store in Corunna.

**Pat Carswell-Alexander**

Councillor Carswell-Alexander advised Council of her frustration with the timing of the light at the intersection of Petrolia Line and Highway #40. It seems to be limited for east to west traffic on the Petrolia Line. Council also offered a suggestion that the traffic light at the intersection of LaSalle Line and Highway #40 could merit similar attention. The Mayor advised that a County employee has been tasked with contacting MTO in this regard.

Moved by P. Carswell-Alexander

Seconded by J. Agar

**Motion #28:** That a letter of support be sent to the County of Lambton in its efforts to improve its traffic signals at the intersections of LaSalle Line and the Petrolia Line and Highway #40.

**CARRIED**

**Jim DeGurse**

Councillor DeGurse advised that he would be unable to attend the meeting of the task force on health care worker recruitment. Also on behalf of the CCCPC , he is asking for the donation of 6 Township hats as door prizes in the 2011 Children's Bike Rodeo.

**Steve Arnold**

Mayor Arnold advised of his attendance at a community sustainability conference in Victoria BC last week and that information from that conference would be forthcoming for Council's information.

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

Moved by D. Randell

Seconded by S. Miller

**Motion #29:** That the meeting enter an in-camera session to consider a legal issue.

**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 9:05 p.m.

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MAYOR

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CLERK