

**ST. CLAIR TOWNSHIP
COUNCIL MINUTES
SESSION # 16**

St. Clair Civic Centre
Council Chambers
September 9, 2013
6:30 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
	J. DeGurse,	“
	D. Randell,	“
	S. Miller,	“
	J. Agar,	“
Staff:	J. Rodey,	CAO
	J. DeMars,	Director of Administration/Clerk/ Deputy CAO
	J. Baranek	Deputy Clerk/Coordinator of Planning
	C. Quenneville	Treasurer

AGENDA:

Declaration of Conflict of Interest:

Adopt Minutes:

Finance and Administration – August 12, 2013
Public Works and Operation – August 12, 2013
Regular Council – August 12 - Session #15
Moore Museum – July 31, 2013

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

6:30 pm - Auditors-2012 reporting
6:45 pm - Enbridge- rezoning 3595 Tecumseh Road
7:00 pm - Bruce Stratton Drain – C.O.R.
7:10 pm - Mike Jardine - fence height exemption request
7:15 pm - Moore Foundation – donation presentation
7:30 pm - S.C.R.C.A. – St. Clair Remedial Action Plan
7:45 pm – Optimist Fred Strickland – Operation Christmas tree

CORRESPONDENCE:

- a) Property Standards – 2387 Boswell St.
- b) LAWSS – 24” Flow meter
- c) Allan and Barb Hayward - C.O.R. appeal
- d) Fawn Island Owners – Parking lease
- e) William Holmes – parking prohibition
- f) Moore Optimist – Operation Christmas tree

INFORMATION:

- 1) Bryan Warwick – Tom and Cooper Streets
- 2) Notice of Public Meeting – rezoning
- 3) Spill Centre – Aug 6th spill
- 4) Min of Rural Affairs – RED program
- 5) Lambton Farm safety – June 17 minutes
- 6) Office of the County Warden – press release
- 7) Office of the County Warden – press release
- 8) Royal Canadian Legion – “Legion Week”
- 9) County of Lambton Wardens Picnic invitation
- 10) AMO – Ontario West Municipal Conference – Nov 15, 2013
- 11) Union Gas – rates
- 12) Heritage St. Clair – June 19th minutes
- 13) West Lambton Community Health Centre – invitation
- 14) Canadian Property rights conference 2013
- 15) AMO - Protecting OMERS pension plan

REPORTS OF COMMITTEES AND OFFICERS:

DEPUTY CLERK/COORDINATOR OF PLANNING:

- In Camera – legal and Property

PLANNERS REPORT:

- Barry Uitvlugt-report

TREASURER’S REPORT:

- Accounting for the OPG Supplementary billing
- Auditors Financial Statements
- In Camera-legal

DIRECTOR OF COMMUNITY SERVICES REPORT:

- The Work Out Room – Linda Kennedy
- Phase 3 Cathcart Park
- In camera – fixture purchases

DIRECTOR OF PUBLIC WORKS REPORT:

- St. Clair River Trail – tenders
- Hill St. Petrolia line paved shoulders

CLERK'S REPORT:

CAO’S REPORT:

- In Camera Legal and Property

MOTIONS:

BY-LAWS:

- By-law 43 of 2013 – Memo of understanding – St. Clair, OPG, and MPAC
- By-law 44 of 2013 – Enbridge Rezoning

COUNCILLORS REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

UPCOMING MEETINGS:

Committee of the Whole Monday – Sept 23, 2013 – 3:00 pm
Regular Council Monday Sept 23, 2013 ~ 4:30 pm (after committee)
Regular Council Monday October 7, 2013 – 6:30pm
Committee of the Whole Monday – October 21, 2013 – 3:00 pm
Regular Council Monday October 21, 2013 ~ 4:30 pm (after committee)

IN CAMERA:

-Legal and property

ADJOURNMENT:

Moved by P. Gilliland
Motion #1 That this regular meeting of Council do hereby commence at 6:25pm.

Seconded by D. Randell

CARRIED

The Mayor called the meeting to order at 6:25 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.

ADOPT MINUTES:

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

Moved by D. Randell
Motion #2 That the Minutes from the Council meeting held Aug 12, 2013 – Session #15 be received and accepted as printed.

Seconded by S. Miller

CARRIED

Moved by J. DeGurse
Motion #3 That the Minutes of the Finance and Administration Committee meeting held on August 12, 2013 be received and accepted as printed.

Seconded by J. Agar

CARRIED

Moved by S. Miller
Motion #4 That the Minutes of the Public Works and Operations Committee meeting held on Aug 12, 2013 be received and accepted as printed.

Seconded by D. Randell

CARRIED

Moved by J. Agar
Motion #5 That the Minutes from the Moore Museum Advisory Committee meeting held July 31, 2013 be received and accepted as printed.

Seconded by P. Gilliland

CARRIED

Council Meeting
September 9, 2013

In discussion of the Moore Museum Minutes Mayor Arnold suggested that a copy of the Sampler publication be sent to all the industrial sponsors of museum projects.

DEPUTATIONS AND APPOINTMENTS:

Ms. Melissa West of Collins and Barrow was present to present to Council the results of the 2012 Financial Audit. Ms. West highlighted several features of the financials statements including reserve funds and the accounts year end status. After response to several of Councils questions it was

Moved by S. Miller

Seconded by D. Randell

Motion #6 That the 2012 Final Audit Consolidation Financial Statements for St. Clair Township be received and approved.

That the 2012 Final Audit Trust fund Financial Statement for St. Clair Township be received and approved.

That the 2012 Final Audit Financial Statements for St. Clair River Trail be received and approved.

That the 2012 Final Audit Financial Statements for The Moore Township Community and recreation Foundation be received and approved.

That the Mayor and Treasurer be authorized to sign Audit finding letters for Consolidated, Trust, St Clair River Trail and Moore Township Community and Recreational Foundation.

CARRIED

At this stage of the meeting the Mayor and Council excused staff including the Clerk to allow Council an opportunity to discuss with the auditor any issues that may have been determined during the audit process. The Clerk advised that a Clerk must be in attendance at all meetings of Council.

The meeting returned to order and the Mayor declared the public meeting called to consider a proposed rezoning by Enbridge Gas for property located at 3595 Tecumseh Road to be in session. The Mayor explained to those in attendance the procedure that would be followed during this public meeting so that anyone wishing to speak either in support or in opposition of the rezoning proposal would be given an opportunity to do so. The Clerk advised that no written submissions had been received regarding the rezoning proposal. The Mayor then called upon Mr. Barry Uitvlugt of the Lambton County Planning Department who presented his merit report on the application. In general terms the amendment proposes to rezone property that is currently zoned as agricultural to M5-4 to allow the development of an office and work shop area as an accessory use to the compressor facility. At the conclusion of the presentation of the report Mr. Uitvlugt is recommending approval of the rezoning proposal. No one was present to speak either in support of in opposition of the proposal. Following the response to several questions posed by Council the Mayor declared the public meeting closed.

Moved by J. Agar

Seconded by D. Randell

Motion #7 That By-law Number 44 of 2013, being a By-law to amend the Comprehensive Zoning By-law to permit uses accessory to a compressor station at 3595 Tecumseh Line be given the necessary three readings, be signed by the Mayor and Clerk, the corporate seal affixed thereto and finally passed.

CARRIED

CORRESPONDENCE:

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

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #8 That property standards complaint received for property known as 2387 Boswell St., Brigden be referred to the Property Standards Officer for investigation and report.

CARRIED

Council reviewed the communication received from the Lambton Area Water Supply System regarding a change in the 24" flow meter protocol.

Moved by P. Gilliland

Seconded by D. Randell

Motion #9 That St. Clair Township request that the current metering protocol of the 24" water line remain the same for an additional year with a status report to be provided to the Township at the end of the one year extension.

CARRIED

At the appointed time the Mayor called to order the Court of Revision called to hear any assessment appeals on the Bruce Stratton Drain. The Clerk advised the Court that written appeals had been received from Mr. Len Fontaine and Mr. Al Hayward. Mr. Wayne Wilbur appointed agent for Mr. Fontaine was duly sworn. On behalf of Mr. Fontaine, Mr. Wilbur stated that during the bridge construction project in the 80's the Township changed the reconfiguration of the Bruce Stratton Drain outlet in such a fashion as to remove the need for a road crossing culvert but that an access culvert was required for the Fontaine property in the newly rerouted drain. Mr. Wilbur was of the opinion that this was unfair and since the Township paid the full cost of the original culvert installation to service the Fontaine property that the practice should be continued with the Township paying the full cost of the current replacement needs. Mr. Dobbin author of the report stated that he has revisited the issue of the Fontaine access culvert relative to the appeal and feels that Mr. Fontaine's assessment could be reduced by 50% with the reduction to be imposed on the Brigden Road assessment and with the assessment reduced to 50% Mr. Fontaine would basically be responsible for the cost of an 18" diameter entrance that would be required even if the drain had not been reconfigured back in the 1980's. Mr. Wilbur stated that in his opinion this was unfair and the Township should be responsible for the full cost.

Moved by P. Gilliland

Seconded by J. DeGurse

Motion #10 That the assessment for the Len Fontaine property known as Part of the South half of Lot 25 Concession 14 be reduced by 50% with the 50% reduction to be applied as an additional assessment on the Brigden Road.

DEAFEATED

Moved by D. Randell

Seconded by J. Agar

Motion #11 That the assessment on the Len Fontaine property known as Part of the South half of Lot 25 Concession 15 roll number 60-200-02 be reduced by 100% with the equivalent amount of the reduction to be applied to the Brigden Road assessment and that the maintenance provision as prescribed in the engineers report dated June 12, 2013 prevail for all future maintenance costs.

CARRIED

Mr. Allan Hayward appellant was duly sworn. Mr. Hayward was of the opinion that his drainage assessment is excessive considering the amount of property draining into the Bruce Stratton Drain. Mr. Dobbin explained that when he revisited the water shed for the drain it was determined that Mr. Hayward's assessment was based on a larger water shed and that the assessment of the Hayward's property should be reduced. Mr. Dobbin recommended to the Court of Revision that the assessment on the Hayward property relative to the outlet assessment be reduced from \$503.00 to \$100.00 but with the benefit assessment to remain as prescribed in the engineer's report.

Moved by D. Randell

Seconded by P. Gilliland

Motion #12 That the drainage assessment for the Allan Hayward property known Part of Lot 26 Concession 15 roll number 60-203-01 have the outlet assessment reduced by \$403.00 to a total of \$100.00 with a total net assessment for the Hayward property to be \$229.00

CARRIED

Moved by D. Randell

Seconded by J. DeGurse

Motion #13 That the Court of Revision on the Bruce Stratton Drain be closed.

CARRIED

At the appointed time Mayor Arnold welcomed Jane Marsh chair of the Moore Foundation present to present to the Brander Park Splash Pad Committee, The Moore Museum and The Bridgen Decorating Committee grants toward the three groups continuing community improvement projects. Both Ms. Marsh and Mayor Arnold congratulated and thanked the groups for their volunteer spirit and the betterment of St. Clair Township Communities.

Mr. Mike Jardine owner of property known as 3368 St. Clair Parkway was present to discuss with Council his request for a fence height exemption under the Township's current fencing By-law. Mr. Jardine explained to Council that he hopes to construct an engineered fence that total 6' (72") in height but that due to the structural nature of the fence the posts are raised approximately 4" higher. Mr. Jardine had photos of the proposed fence and a plot plan location of the fence, which is proposed to be constructed in compliance with the Township fencing By-law. Mr. Jim King owner of the neighbouring property at 3370 St. Clair Parkway stated that he was in opposition to the fence proposal and felt the increase height of the post to 76" would impair his visibility.

Moved by D. Randell

Seconded by J. Agar

Motion #14 That the request received from Mr. Mike Jardine owner of property known as 3368 St. Clair Parkway for an exemption of the fence height requirements that would allow the construction of a 6' (72") fence with posts constructed at a maximum height of 76" be granted with the further provision that the fence otherwise be constructed in accordance with the provisions of the Townships fencing By-law.

CARRIED

At the appointed time Mayor Arnold welcomed Donna Strang and Mr. Claude Lafrance of the St. Clair Region Conservation Authority in attendance to present to Council details on the status of the St. Clair River Remedial Action Plan. In her presentation Ms. Strang highlighted achievements made in the remediation of the St. Clair river through efforts taken by St. Clair Township with its shore line remediation at both Guthrie and Cathcart parks and the development of the Regional Waste Water Treatment Plant in Courtright. In her presentation Ms. Strang also highlighted continuing efforts being made for the improvement of the quality of the St. Clair river. At the conclusion of the presentation the Mayor thanked Ms. Strang and Mr. Lafrance on behalf of Council.

Mr. Fred Strickland chair of the Moore Optimist's Operation Christmas Tree Project was present to discuss his request on behalf of the Operation Christmas Tree Committee for the use of two vacant rooms on second floor of the Township's Emergency Services Building in Corunna to facilitate the storage of items donated and the assembly of Christmas baskets. It was pointed out the use of these two rooms would be required from a period from approximately mid November to December 21 for these activities. Mr. Strickland is requesting the use of these two rooms at no cost to his committee. Council pointed out to Mr. Strickland that his request to use the two small office type areas was denied due to a potential rental opportunity by the Township.

Moved by J. Agar

Seconded by P. Carswell-Alexander

Motion #15 That the two large vacant rooms on the second floor of the Township Emergency Building in Corunna be offered at no charge to the Moore Optimist Club in support of its Operation Christmas Tree efforts for a period from approximately the middle of November to December 21st 2013.

CARRIED

Council reviewed the communication received from the Fawn Island Owners Association about the renewal of the area owned by the Township that has been traditionally leased to the Fawn Island Association for resident parking purposes.

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #16 That the issue of a possible lease renewal to accommodate Fawn Island resident parking be Tabled pending further information from Staff.

CARRIED

Moved by P. Gilliland

Seconded by P. Carswell-Alexander

Motion #17 That the request for parking restriction on the St. Clair Parkway received from Mr. William Holmes be received as information.

CARRIED

Moved by P. Gilliland

Seconded by D. Randell

Motion #18 That permission be granted to S. Vansevenant to use the CAP Park ball diamond on Oct 4th 5th and 6th at no charge for the facilitation of a charity ball tournament at that facility.

CARRIED

Moved by P. Gilliland

Seconded by D. Randell

Motion #19 That the following items of correspondence be dealt with as per Councils instructions.

- a) Property Standards – 2387 Boswell St.- Motion # 8
- b) LAWSS – 24” Flow meter – Motion # - 9
- c) Allan and Barb Hayward – C.O.R. appeal – Motion # 12
- d) Fawn Island Owners – Parking lease - Motion # 16
- e) William Holmes – parking prohibition – Motion # 17
- f) Moore Optimist – Operation Christmas Tree – Motion # 15
- g) CAP Park – Motion # 18

CARRIED

INFORMATION:

Council reviewed the information and invitation received from the Brigden Legion regarding Legion week and Mayor Arnold will attend on behalf of the Municipality. Also Council received the information on the annual Wardens Charity Picnic and any member of Council or staff interested in attending should RSVP to the County.

Council reviewed the communication received regarding the Canadian Property Rights Conference to be held in Ottawa Sept 13th to 15th the Mayor asked the Deputy Clerk to determine if anyone from the County Planning Department is attending and to attempt to obtain information as to the content of the conference for an information package for Council.

Moved by J. Agar

Seconded by J. DeGurse

Motion #20 That the items of information be dealt with as per Councils instructions.

CARRIED

REPORTS OF COMMITTEES AND OFFICERS:

DEPUTY CLERK/COORDINATOR OF PLANNING REPORT:

The Deputy Clerk advised of a need to discuss a legal and property matter in camera.

TREASURER’S REPORT:

Moved by J. DeGurse

Seconded by J. Agar

Motion #21 That the accounting treatment for OPG Supplementary billing be received.

CARRIED

DIRECTOR OF COMMUNITY SERVICES REPORT:

Moved by Jim DeGurse

Seconded by S. Miller

Motion #22 That the report from Program Coordinator Linda Kennedy be received.

CARRIED

Moved by J. DeGurse

Seconded by P. Carswell-Alexander

Motion #23 That Council of the Township of St. Clair approve the request for \$160,000.00 financed by the Parkway Endowment Fund as requested from the St. Clair Conservation Authority for the completion of the Phase III shoreline remediation project at Cathcart Park.

CARRIED

DIRECTOR OF PUBLIC WORKS REPORT:

Moved by J. Agar

Seconded by D. Randell

Motion #24 That the tender submitted by 1197245 Ontario Ltd. (Sevcon) in the amount of \$306,418.29 (including a \$20,000 contingency allowance but excluding HST) for the St. Clair River Trail from Brander Park to Whitebread Line be accepted and the Mayor and Clerk be authorized to sign the contract and other related documents.

CARRIED

Moved by P. Gilliland

Seconded by D. Randell

Motion #25 That the report from the Director of Public Works, Larry Burnham on Hill St./Petrolia Line bicycle path be received and the amount invoiced by the County be reduced by \$25,000.00 from the original invoice and the reduced amount be approved for payment.

CARRIED

BY-LAWS:

Moved by D. Randell

Seconded by S. Miller

Motion #26 That By-law Number 43 of 2013, being a by-law to authorize the execution of a memorandum of agreement be tabled.

CARRIED

COUNCILLORS REPORTS:

Steve Miller

Councillor Miller advised of being contacted by the Port Lambton Athletic and Recreation Association for the donation of approximately 15 blue boxes that could be stored in Port Lambton for the use at various community festivals and outdoor events in Port Lambton, Sombra and Wilkesport and possibly Brander Park.

Moved by S. Miller

Seconded by D. Randell

Motion #27 That 15 blue boxes be donated to the Port Lambton Athletic and Recreation Association for use at various outdoor events in the Township.

CARRIED

Councillor Miller also got a request for hydrant painting that he will forward on to the Coordinator of Public Works.

Darrell Randell

Councillor Randell advised of receiving a request that was forwarded to the Director of Community Services for an educational activity at Branton Cundick Park known as Nature Way training.

Pat Carswell-Alexander

Councillor Carswell-Alexander raised issues regarding parent parking issues at Sir John Moore School. In response to the Councilors questions she was advised that Council approved a By-law as per the recommendation of the Sir John Moore School principal regulating parking in the afternoon hours only.

Jim DeGurse

Councillor DeGurse asked if the Parks Advisory Committee is still in place. The Councilor was advised that the committee is still in place but it has been inactive for the last several years.

Steve Arnold

Mayor Arnold advised of attending the recent Eastern Power neighbourhood open house and advised that he has arranged for a meeting with the Minister of Finance on Tuesday September 17th in Toronto.

Council discussed the need for an in camera discussion to discuss property, legal and personnel issues.

Moved by S. Miller

Seconded by D. Randell

Motion #28 That the meeting enter an in camera session to discuss legal, property and personnel issues.

CARRIED

Moved by D. Randell

Seconded by P. Carswell-Alexander

Motion #29 That the offer received from the owner of the Workout Room for the Township to purchase all of the used fitness equipment at a sale price of \$55,000.00 plus the Township honouring the unexpired portions of the memberships be declined.

CARRIED

Moved by J. Agar

Seconded by P. Carswell-Alexander

Motion #30 That staff be authorize to purchase up to twelve (12) spin bikes to facilitate the establishment of a program at the Moore Sports Complex with the purchase price to be a maximum of the appraised fair market value of the used equipment.

CARRIED

Moved by P. Carswell-Alexander

Seconded by S. Miller

Motion #31 That staff be authorized to investigate with a report to Council the possible purchase of used fitness equipment from the Workout Room to replace with the existing footprint of various pieces of older fitness equipment currently in use at the Moore Sports Complex.

CARRIED

The Meeting returned to order.

ADJOURNMENT:

Hearing no further business it was

Moved by S. Miller

Seconded by D. Randell

Motion #32 That the meeting do hereby adjourn.

CARRIED

The meeting adjourned at 10:15 p.m.

MAYOR

CLERK

