

**TOWNSHIP OF ST. CLAIR
COUNCIL MINUTES
SESSION #12**

St. Clair Township Civic Centre
June 15, 2015
5:00 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
	T. Kingston	Councillor
	D. Randell	“
	J. Agar	“
	J. DeGurse	“
	S. Miller	“
Staff:	J. Rodey	CAO
	J. Baranek	Clerk/ Deputy CAO

**TOWNSHIP OF ST. CLAIR
COUNCIL AGENDA**

Declaration of Conflict of Interest:

Minutes:

Regular Council – Session #11 – June 1, 2015
Emergency Services Committee Meeting Minutes – April 20, 2015
Sombra Museum Board Committee Meeting Minutes – May 21, 2015
Lambton County Historical Society Meeting Minutes – May 29, 2015

Business Arising from the Minutes:

PUBLIC MEETINGS FOR PLANNING ACT APPLICATIONS:

5:30 p.m. –1617 Courtright Line – Motocross School - Kevin & Lynn Thompson
(Agent: Justin Thompson)*

*See separate agenda

DEPUTATIONS AND APPOINTMENTS:

5:45 p.m. – OPG – Renewable Energy Proposal
6:15 p.m. – Uninhibited Choice of Public Washrooms

CORRESPONDENCE:

- a) Noise By-law Relief – Jim & Lisa Brady
- b) 508 Alderbury Crescent – Land Acquisition Request
- c) Lambton Mosaic Project – Raffle Tickets
- d) Bradshaw Cemetery – Al Hayward
- e) Outdoor Hockey Arena
- f) 250 Cameron St. – Extension Request

INFORMATION:

- 1) Prime Minister Volunteer Awards
- 2) ROMA – Rural Community Vitality Measurement Initiative

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- 3) Keep Hydro Public
- 4) LKDSB – Community Planning & Partnerships
- 5) Winter Maintenance Solutions
- 6) AMO – Delegation Requests
- 7) Wind Turbines Discussion
- 8) Rogers Wireless – Notice of Public Meeting

DRAINS:

REPORTS OF COMMITTEES AND OFFICERS:

- Barry Uitvlugt, Senior Planner
 - Proposed Zoning By-law & Official Plan Amendment – 1617 Courtright Line*
 - (*See separate agenda as above)
 - Eastern Power – 477 Oil Springs Line, Courtright
 - Site Plan Agreement - Union Gas: 457 Rokeby Line

PROPERTY STANDARDS OFFICER:

- Property Standards Update Report

CLERK'S REPORT:

- Industrial Wind Turbine – Road Use Agreements

CAO'S REPORT:

MOTIONS:

- Recommendations from June 15, 2015 – Finance & Administration and Public Works & Operations Committees

BY-LAWS:

- 31 of 2015 – By-Law to Adopt Amendment #5 – 1617 Courtright Line
- 32 of 2015 – Zoning By-Law Amendment – 1617 Courtright Line
- 33 of 2015 – Site Plan Amendment – Eastern Power: 477 Oil Springs Line
- 34 of 2015 – Site Plan Agreement - Union Gas: 457 Rokeby Line
- 35 of 2015 – Confirming
- 36 of 2015 – Amending By-law 24 of 2013 Prescribing Setbacks for Industrial Wind Turbines

COUNCILLORS' REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

UPCOMING MEETINGS:

- Committee of the Whole – Monday, July 20, 2015 ~ 3:00 p.m.
- Regular Council – Monday, July 20, 2015 ~ 5:00 p.m. after Committee of the Whole
- Committee of the Whole – Monday, August 10, 2015 ~3:00 p.m.
- Regular Council – Monday, August 10, 2015 ~ 5:00 p.m. after Committee of the Whole

In Camera

- Legal & Property

ADJOURNMENT:

The Mayor called the meeting to order at 5:00 p.m. and asked members of Council to declare any possible conflicts of interest at the appropriate time.
None declared.

ADOPT MINUTES:

Moved by D. Randell

Seconded by J. Agar

Motion #1 That the Minutes from the Council meeting Session #11 held June 1, 2015 be received and accepted as printed.

CARRIED

Moved by P. Gilliland

Seconded by D. Randell

Motion #2 That the Minutes from the Emergency Services Committee meeting held on April 20, 2015 be received and accepted as printed.

CARRIED

Moved by D. Randell

Seconded by J. Agar

Motion #3 That the Minutes from the Sombra Museum Board Committee meeting held May 21, 2015 be received as printed.

CARRIED

Moved by J. Agar

Seconded by D. Randell

Motion #4 That the Minutes from the Lambton County Historical Society meeting held May 29, 2015 be received as printed.

CARRIED

CORRESPONDENCE:

Moved by D. Randell

Seconded by J. Degurse

Motion #5 That the request submitted by Jim and Lisa Brady to grant an exemption to the noise by-law for a wedding reception on June 27, 2015 to be held at 3831 St. Clair Parkway be accepted as information.

CARRIED

Moved by P. Gilliland

Seconded by J. Agar

Motion #6 That the land acquisition request submitted by Heather McGregor Charbonneau related to abutting land to their home on 508 Alderbury Court be forwarded to staff for a subsequent report.

CARRIED

Moved by J. Agar

Seconded by D. Randell

Motion #7 That the request submitted by the Organization for Literacy in Lambton to allow the sale of lottery tickets in the Township for a draw to be held on November 30, 2015 benefitting the Lambton Mosaic Project be approved.

CARRIED

Moved by S. Miller

Seconded by D. Randell

Motion #8 That the request submitted by Al Hayward for perpetual maintenance protocol for the Bradshaw Cemetery be forwarded to staff for a report.

CARRIED

Moved by S. Miller

Seconded by D. Randell

Motion #9 That the author of a request to consider an outdoor hockey arena to be located within a park in Corunna be encouraged to approach local volunteer groups for support on such a project.

CARRIED

Moved by D. Randell

Seconded by J. Degurse

Motion #10 That the extension request submitted by Owen Hagan related to a property standards deadline be granted and that the new deadline to have the property known as 250 Cameron Street brought into compliance with the Township's Property Standards By-law is July 17, 2015. The extension becomes void if the condition of the property worsens during the extended period and the original deadline becomes reinstated.

CARRIED

Moved by P. Gilliland

Seconded by J. Agar

Motion #11 That all granted extensions to Property Standard deadlines become void if the condition of the property worsens then, the original deadline is reinstated.

CARRIED

Moved by P. Gilliland

Seconded by J. Agar

Motion #12 That Council accept the following items of correspondence as per Council's direction:

- a) Noise By-law Relief – Jim & Lisa Brady
- b) 508 Alderbury Crescent – Land Acquisition Request
- c) Lambton Mosaic Project – Raffle Tickets
- d) Bradshaw Cemetery – Al Hayward
- e) Outdoor Hockey Arena
- f) 250 Cameron St. – Extension Request

CARRIED

INFORMATION:

Moved by J. Agar

Seconded by D. Randell

Motion #13 That the Rogers telecommunications tower for 359 Moore Line be moved as far south on the lot as possible in order to not disrupt operations of the works yard and allow for future expansion.

CARRIED

Moved by D. Randell

Seconded by P. Gilliland

Motion #14 That the following items of information be dealt with as per Council's instructions for items identified as agenda items #1 thru 8:

- 1) Prime Minister Volunteer Awards
- 2) ROMA – Rural Community Vitality Measurement Initiative
- 3) Keep Hydro Public
- 4) LKDSB – Community Planning & Partnerships
- 5) Winter Maintenance Solutions
- 6) AMO – Delegation Requests
- 7) Wind Turbines Discussion
- 8) Rogers Wireless – Notice of Public Meeting

CARRIED

DRAINS:

PUBLIC MEETINGS FOR PLANNING ACT APPLICATIONS:

At the appointed time of 5:30 p.m., Mayor Arnold welcomed those in attendance at a public meeting to consider an official plan amendment and corresponding zoning by-law amendment for the property known as 1617 Courtright Line. The application proposes amending the permitted uses to accommodate a motocross training facility (MX) complete with lodging accommodations for students.

Barry Uitvlugt, planner for the Township, presented his report and concluded by stating it generally complies with the Official Plan and that both applications have general planning merit with his concerns relying mainly on obtaining comments from Union Gas related to a pipeline in the area and an updated noise study.

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Councillor Agar inquired as to any limit being placed on amount of bikes being operated at one time and Mr. Uitvlugt confirmed the proposed by-law has a maximum of 15 riders at any one time. The hours of operation of the MX facility are from 9:00 am – 4:00 pm Monday to Thursday, and Fridays from 9:00 am to 12:00 pm. There are no other races on the property and no other property is subject to this application.

Mr. Uitvlugt noted that the sound study provided by the proponent did not consider the house on Kimball Road which is approximately 800 meters away. Proponent Justin Thompson advised that the sound study undertook a complete circle of the operation and that he would provide a copy to Township staff.

Doug Babcock of 1548 Oil Springs Line advised Council of his concern that if this is permitted, how can they prevent others in the future. The proponents own an abutting parcel of land that also contains a track. Mr. Babcock continued by stating that he and the owners had discussed this back in 2003 when the original applications were made and he had raised concerns about dust, mud on roads, future expansion onto adjacent lands, safety of lodge, septic concerns and impacts on wildlife. Mr. Babcock has no concern with recreational riding on weekends as that is expected in the rural areas instead, his concern is a growing training facility operating around the clock.

Proponent Justin Thompson advised Council and those in attendance that the original application in 2003 proposed a summer long season operating all eight weeks. This application would see a maximum of four weeks of operation in the summer months.

Scott Babcock of 1548 Oil Springs Line is an avid hunter and is concerned about the impact the constant noise has on the local deer habitat. He advised Council that since this facility has been in operation, there have been little to no deer in the bush between their properties.

Mr. Thompson inquired that if they can't have this type of operation in a rural area, where else can it be located? He grew up in the area riding locally and managed to produce a pro career out of the sport, and has since started his own business centred out of Mississippi. This facility provides youth in the area an opportunity to learn how to ride safely, provides an opportunity for them to learn responsibility and develop as young people as well as riders.

Cora Babcock, of 1548 Oil Springs Line, inquired as to whether or not the proponents use the track located on the property on Oil Springs Line. Mr. Thompson advised Council that the use of that track is their own personal use and will never be used for the facility being proposed by these applications.

Don McKellar, of 1608 Courtright Line, spoke in support of the application calling it a great opportunity for youth of the area and advised he is a shift worker who works nights and sleeps during the day, and he has no problem sleeping when the school is in operation.

Councillor Randell advised Council that he continues to see more and more youth of the Township on these bikes and they do not have a specific location for them to learn how to ride properly and learn responsibility. He advised that in his opinion the application has merit.

Moved by D. Randell

Seconded by T. Kingston

Motion #15 That staff be advised to collect comments from Union Gas and consider the comments resulting from the public meeting and produce a subsequent staff report for the next meeting of Council.

CARRIED

DEPUTATIONS AND APPOINTMENTS:

Due to a previous meeting running long, at 6:10 p.m. Mayor Arnold welcomed Anthony Zhlatc and Jeff Hansen of Ontario Power Generation and asked them to come forward to make their presentation.

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This presentation is a follow-up to a presentation made at the last meeting of Council where they were asked to report back on a public meeting advising the public of a solar energy proposal for the former Lambton Generating Station.

Anthony advised Council that over 30 members of the public attended and their main concerns were related to visual impact and construction phase. OPG will establish a communication plan and provide local neighbours with a hotline number where they can voice their concerns at any time.

The Renewable Energy Approval (REA) will regulate construction activities and times, and will require a maximum of 40dB from the nearest noise receptor. OPG will also deflect any visual impacts by erecting berms or planting landscaping features.

In terms of location on site, due to the past practices on the site, a high percentage of the site is unbuildable. The remaining acreage will be maintained for a future use with the existing power house to remain and acreage adjacent to the dock will be left unchanged by this proposal. Mr. Zhltic advised that this proposal would have no impact on the ability to convert the former plant to natural gas.

OPG sees value in the dock and would not be in the position to negatively affect the ability to use the dock for future uses and, therefore, it will be protected by this proposal. OPG would be willing to enter into a Community Vibrancy Fund for the life of the operation of the solar farm – which is generally 20 years.

Mayor Arnold asked how access will be granted to the small portion of prime agricultural land that will be protected by this proposal and OPG advised access will be ensured not only once developed but, also throughout construction.

The action items being sought by OPG at this time are to establish a Committee to negotiate a Community Vibrancy Fund agreement and for Council to pass a motion to endorse and support the project.

Moved by D. Randell

Seconded by S. Miller

Motion #16 That Council create a committee to negotiate a Community Vibrancy Fund agreement.

CARRIED

At 6:45 pm, Mayor Arnold welcomed Curtis Pryce and asked him to come forward to make his presentation about uninhibited choice of public washrooms.

Mr. Pryce advised Council of the evolving concern related to the ability of an individual to use whichever washroom one chooses, regardless of their sex. This is the result of potential legislation that could require public buildings to provide washrooms for transgender individuals. Mr. Pryce cautioned of the risk involved in this type of choice as young women could be subjected to grown men entering their washrooms and, in extreme cases, possibly shower facilities. Mr. Pryce encouraged Council to get in front of potential liability and safety concerns and address this issue.

Among his suggestions was installing single use or handicapped washrooms in every facility with emphasis being placed on staff training so they know how to react to a situation should one present itself. He continued by stating that women should never feel like, at any point, a man could enter their washroom or change room. He advised that the Township can pass protocol by-laws and rely on section 20.1 of the Human Rights Code for authority. The challenge is to draft by-laws that don't offend anyone in their wording while treating everyone fairly.

Moved by D. Randell

Seconded by S. Miller

Motion #17 That staff be directed to investigate the uninhibited use of public washrooms and see what protective measures other municipalities have taken to protecting themselves and their residents.

CARRIED

REPORTS OF COMMITTEES AND OFFICERS:

Moved by T. Kingston

Seconded by S. Miller

Motion #18 That the report of Barry Uitvlugt – Senior Planner dated June 8, 2015 with regard to the Proposed Zoning By-law Amendment & Official Plan Amendment #5 at 1617 Courtright Line be accepted and received.

CARRIED

Moved by J. DeGurse

Seconded by T. Kingston

Motion #19 That the report of Barry Uitvlugt – Senior Planner dated June 8, 2015 with regard to Eastern Power, 477 Oil Springs Line, Courtright be accepted and received and that Council give approval in principle to the site plan agreement, provided all municipal concerns are addressed financially and otherwise; and that Council pass the executing by-law pertaining to this agreement.

CARRIED

Moved by T. Kingston

Seconded by J. DeGurse

Motion #20 That the report of Barry Uitvlugt – Senior Planner dated May 11, 2015 with regard to Union Gas, 457 Rokeby Line, Corunna be accepted and received and that Council give approval in principle to the site plan agreement, provided all municipal concerns are addressed financially and otherwise; and that Council pass the executing by-law pertaining to this agreement.

CARRIED

PROPERTY STANDARDS/BY-LAW ENFORCEMENT OFFICER:

Moved by T. Kingston

Seconded by J. DeGurse

Motion #21 That the report of Kelly Bedard – Property Standards/By-law Enforcement Officer dated June 10, 2015 be accepted as received.

CARRIED

Moved by S. Miller

Seconded by T. Kingston

Motion #22 That the Property Standards Officer be directed to provide a further 30 days extension to July 20, 2015, in writing and further, the Property Standards Officer be directed to issue the Order Respecting Occupancy in the event the work is not completed by the new deadline at 357 Murray Street.

CARRIED

Moved by T. Kingston

Seconded by S. Miller

Motion #23 That the Property Standards Officer be directed to pass on the information to the Building Inspector for follow up with Building permits before issuing the Clearing of Land Order as previously directed at 1204 White Line.

CARRIED

CLERK'S REPORT:

Jeff Baranek provided Council with a brief explanation of By-law 36 of 2015 being a by-law to amend By-law 24 of 2013 which prescribes Industrial Wind Turbine setbacks. The purpose of the amendments is to introduce requirements for potential developers to enter into development, road use, and decommissioning and insurance agreements. Furthermore, the amendment imposes an absolute minimum setback of 550 meters from the nearest property line.

CAO'S REPORT:

MOTIONS:

Moved by S. Miller

Seconded by T. Kingston

Motion #24 That the recommendations from the June 15, 2015 - Finance & Administration and Public Works and Operations Committees be received.

CARRIED

BY-LAWS:

Moved by P. Gilliland

Seconded by J. Agar

Motion #25 That By-laws 33 - 36 receive all three readings and be thereby passed and that the Mayor and Clerk be authorized to execute any appurtenant agreements:

- 33 of 2015 – Site Plan Amendment – Eastern Power: 477 Oil Springs Line
- 34 of 2015 – Site Plan Agreement - Union Gas: 457 Rokeby Line
- 35 of 2015 – Confirming
- 36 of 2015 – Amending By-law 24 of 2013 Prescribing Setbacks for Industrial Wind Turbines

CARRIED

UNFINISHED BUSINESS:

Moved by S. Miller

Seconded by D. Randell

Motion #26 That Council appoint CAO John Rodey, Mayor Steve Arnold and alternate Deputy Mayor Pete Gilliland to a committee to negotiate with OPG for a Community Vibrancy Fund Agreement.

CARRIED

Moved by J. Agar

Seconded by P. Gilliland

Motion #27 That Council supports the Lambton Solar Project in principle subject to a satisfactory Community Vibrancy Fund Agreement being entered into and the dock being protected for potential future developments on the site, including the conversion of the former Lambton Generating Station to natural gas.

Councillor Randell requested a recorded vote:

Councillor Randell	Nay
Councillor Agar	Aye
Deputy Mayor Gilliland	Aye
Councillor Miller	Aye
Councillor Kingston	Aye
Councillor Degurse	Nay
Mayor Arnold	Aye

CARRIED

NEW BUSINESS:

Moved by S. Miller

Seconded by D. Randell

Motion #28 That Council partners with the Port Lambton Parks Board to purchase a new scoreboard for VanDamme Park at the approximate cost of \$25,000, with each party agreeing to pay 50% of the cost of purchase and installation.

CARRIED

UPCOMING MEETINGS:

- Committee of the Whole – Monday, July 20, 2015 ~ 3:00 p.m.
- Regular Council – Monday, July 20, 2015 ~ 5:00 p.m. after Committee of the Whole
- Committee of the Whole – Monday, August 10, 2015 ~3:00 p.m.
- Regular Council – Monday, August 10, 2015 ~ 5:00 p.m. after Committee of the Whole

COUNCILLOR'S REPORTS:

Councillor Randell:

Councillor Randell attended Declaration Day at Riverview Cemetery in Wallaceburg and brought greetings on behalf of Council and also attended a Sourcewater Protection meeting advising that the plan is scheduled to be complete in September. He has

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informed the Board that he would be willing to sit for one more two year term as he is in year five of his original two year term.

Tracy Kingston:

Councillor Kingston reported that Corunna Horticultural Society was pleased with their meeting with staff related to watering plants in the town. She advised Council that she attended the 40th Anniversary of the Moore Museum where many deserving people were recognized.

Jim Degurse:

Councillor Degurse attended the Bike Rodeo presented by the Moore Optimist Club on Sunday June 14, 2015. It was a huge success and educated many of the area's youth on bicycle safety.

Mayor Steve Arnold:

Mayor Arnold attended many events on behalf of Council including a LAWSS meeting, the book ceremony for Bonnie Stevenson, many church dinners, a retirement ceremony for former Administrator of Warwick, Don Bruder, the Lambton College graduation ceremony, spoke at the 40th Anniversary of the Moore Museum, and the graduation of the Best Start children from Sacred Heart School.

Mayor Arnold advised that Wallaceburg High School will be dropping programs such as Senior French and Calculus as there has not been enough enrollment to continue offering the courses. He continued by informing Council that Premier Wynne will be in the Township on June 18, 2015 to make an announcement at CF Industries and then, to be a keynote speaker at the Great Lakes Mayors conference, both of which he will attend.

Finally, Mayor Arnold reminded Council of Don's Journey of Hope where Don Wells will begin his 163km walk from Port Lambton to Windsor on June 22, 2015 at Brander Park in support of cancer research and also, of the annual SCRCA bus tour which is to be held on June 25, 2015.

IN-CAMERA:

Moved by J. Degurse

Seconded by T. Kingston

Motion #29 That the meeting enter an in-camera session to discuss legal and property matters.

CARRIED

Deputy Mayor Gilliland declared the meeting back into open session at 7:40 p.m. and noted there was nothing to rise and report from the in-camera session.

Seeing no further business to discuss, it was thereby moved:

Moved by S. Miller

Seconded by D. Randell

Motion #30 That the meeting do hereby adjourn.

CARRIED

The meeting adjourned at 7:40 p.m.

Mayor - Steve Arnold

Clerk - Jeff Baranek