

TOWNSHIP OF ST. CLAIR

COUNCIL AGENDA

SESSION #16

St. Clair Township Civic Centre
September 6, 2016
6:30 p.m.

Declaration of Conflict of Interest:

Minutes:

Regular Council Meeting – Session #15 – August 8, 2016
Finance & Administration Meeting – August 8, 2016
Public Works & Operations Meeting – August 8, 2016
Sombra Township Museum Board Committee Meeting – August 18, 2016
Moore Museum Advisory Committee Meeting – August 10, 2016
Emergency Services Committee Meeting – August 8, 2016
Heritage St. Clair Committee Meeting – July 20, 2016
Drainage Committee Meeting – July 20, 2016
Township of St. Clair Accessibility Advisory Committee Meeting – June 21, 2016

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

6:45 p.m. – Public Rezoning Meeting – Proposed Zoning By-law Amendment –
3502 St. Clair Parkway*
Applicant: Tammy Humer
*See separate agenda

7:00 p.m. – Nick and Lindsay Mulyk - Concerns at 411 Beresford Street
7:15 p.m. – Merlink Communications
7:30 p.m. – Beyond Air – Proposal for High Speed Internet Coverage

CORRESPONDENCE:

- 1) OPG – Connection to Hawkins Drain
- 2) Great Lakes Public Forum - Invitation
- 3) Wilkesport Plaque - Presentation
- 4) Volleyball Tournament – Refreshment Area Request
- 5) Elizabeth St. Easement Purchase Request
- 6) Property Standards – 511 Belmont Ave.
- 7) Corunna Horticultural – Christmas Tree Lights
- 8) SCRT – Canada 150 Community Grant
- 9) CAP Park – Dust control

INFORMATION:

- a) Shell – Maintenance Turnaround
- b) Miller Family – Thank you
- c) Places to Grow Implementation Fund
- d) Merlink Communications
- e) Sombra Park Dock Proposal - Inquiry
- f) CK Health Alliance Report
- g) Young Heritage Leaders Awards
- h) Town of Lakeshore – Pan Am Debt
- i) County of Lambton – Construction Zone
- j) Red Cross – Fort McMurray - Thank You
- k) Permits- July 2016

- l) LKDSB – Capital Plan
- m) Beyond Air

DRAINS:

By-law #19 of 2016, being a by-law to raise the sum of \$43,252.00 being money expended out of the General Funds of the Township of St. Clair for the improvement and reassessment of the Burton Creek Drain be given first and second readings and be provisionally adopted.

By-law #20 of 2016, being a by-law to raise the sum of \$62,683.00 being money expended out of the General Funds of the Township of St. Clair for the improvement of the O’Leary Drain East be given first and second readings and be provisionally adopted.

By-law #21 of 2016, being a by-law to raise the sum of \$206,270.00 being money expended out of the General Funds of the Township of St. Clair for the improvement of the Wilson Drain be given first and second readings and be provisionally adopted.

REPORTS OF COMMITTEES AND OFFICERS:

TREASURER’S REPORTS:

- St. Clair Trust 2015 Financial Statement
- St. Clair River Trail 2015 Financial Statement
- 2015 Reserve and Deferred Revenue Transfers
- 2015 Operating Results for General, Water and Sanitary
- 2015 Year End Audit Schedules
- 2015 Draft Audit Financial Statements

COORDINATOR OF OPERATIONS:

- Lagoon Concrete Repairs

COORDINATOR OF ENGINEERING’S REPORTS:

- Moore Line Watermain Project
- Hand Drain Culvert Extension Project
- Pedestrian Crosswalk AODA Upgrades

DRAINAGE SUPERINTENDENT’S REPORTS:

- Wray Drain (Upper End)
- Burton Creek Drain (Miller Access)

WATER/WASTEWATER SPECIALIST/ORO:

- Drinking Water Quality Management System (QMS) – Management Review – Update

DEPUTY CLERK/COORDINATOR OF PLANNING:

- Follow up: Sombra Park Dock Proposal at 3441 St. Clair Parkway

CLERK'S REPORT:

CAO’S REPORT:

MOTIONS:

BY-LAWS:

- 32 of 2016 – Zoning By-law Amendment – 3502 St. Clair Parkway
- 33 of 2016 – Confirming By-law

COUNCILLORS' REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

UPCOMING MEETINGS:

- Committee of the Whole – Monday, September 19, 2016 ~ 3:00 p.m.
- Regular Council – Monday, September 19, 2016 ~ 5:00 p.m. after Committee of the Whole
- Regular Council – Monday, October 3, 2016 ~ 6:30 p.m.
- Committee of the Whole – Monday, October 17, 2016 ~ 3:00 p.m.
- Regular Council – Monday, October 17, 2016 ~ 5:00 p.m. after Committee of the Whole

In Camera

- Legal & Personnel

ADJOURNMENT:

The Mayor called the meeting to order at 6:30 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 #15 held August 8, 2016 be received and accepted as corrected.

CARRIED

Moved by J. Agar

Seconded by D. Randell

Motion #2 That the Minutes from the Finance and Administration meeting held August 8, 2016 be received and accepted as printed.

CARRIED

Moved by D. Randell

Seconded by J. Agar

Motion #3 That the Minutes from the Public Works and Operations meeting held August 8, 2016 be received and accepted as corrected.

CARRIED

Moved by J. Agar

Seconded by D. Randell

Motion #4 That the Minutes from the following meetings be received and accepted as printed:

- Sombra Township Museum Board Committee Meeting - August 18, 2016
- Moore Museum Advisory Committee Meeting – August 10, 2016
- Emergency Services Committee Meeting – August 8, 2016
- Heritage St. Clair Committee Meeting – July 20, 2016
- Drainage Committee Meeting – July 20, 2016

CARRIED

CORRESPONDENCE:

Moved by P. Gilliland

Seconded by J. Agar

Motion #5 That the Mayor and CAO be authorized to respond to a letter from Ontario Power Generation dated August 22, 2016 related to a connection to the Hawkins Drain.

CARRIED

Moved by J. Agar

Seconded by J. Degurse

Motion #6 That the request submitted by Wallaceburg Lacrosse Moms to host a Volleyball Tournament complete with a refreshment area to be held at the Sombra Splash Pad on September 17, 2016 from 11am – 8pm and that the event be considered a Community Festival.

CARRIED

Moved by D. Randell

Seconded by T. Kingston

Motion #7 That the request submitted by Josh and Sarah Roberts of 1211 Elizabeth Street in Mooretown to purchase the portion of an access lane behind their property be referred to staff for a report.

CARRIED

Moved by J. Agar

Seconded by P. Gilliland

Motion #8 That the Property Standards request submitted for property known as 511 Belmont Avenue in Corunna be referred to staff for investigation and that staff be authorized to provide 30 days for the owner to rectify any non-compliance.

CARRIED

Moved by J. Agar

Seconded by T. Kingston

Motion #9 That the request submitted by the Corunna Horticultural Society for the Fire Department to be authorized to install Christmas lights at the top of the tree at the Clock Tower in Corunna be approved.

CARRIED

Moved by P. Gilliland

Seconded by J. Agar

Motion #10 That the application submitted by the St. Clair River Trail to the Ontario 150 Community Capital Fund in the amount of \$250,000 for various maintenance projects be rescinded and that the application to the same fund submitted by the Moore Museum for lighthouse restoration in the amount of \$35,000 be endorsed.

CARRIED

Moved by D. Randell

Seconded by J. Agar

Motion #11 That the complaint about dust control at CAP Park from Case Buffinga be received and that staff be directed to produce a report to determine cost to pave the lot and identify any current maintenance that can be done.

CARRIED

Moved by J. Agar

Seconded by D. Randell

Motion #12 That the following items of correspondence be accepted per Council's direction:

- 1) OPG – Connection to Hawkins Drain
- 2) Great Lakes Public Forum - Invitation
- 3) Wilkesport Plaque - Presentation
- 4) Volleyball Tournament – Refreshment Area Request
- 5) Elizabeth St. Easement Purchase Request
- 6) Property Standards – 511 Belmont Ave.
- 7) Corunna Horticultural – Christmas Tree Lights
- 8) SCRT – Canada 150 Community Grant
- 9) CAP Park – Dust control

CARRIED

INFORMATION:

Moved by D. Randell

Seconded by J. Agar

Motion #13 That the following items of information be dealt with as per Council's instructions for items identified as agenda items a) thru m):

- a) Shell – Maintenance Turnaround
- b) Miller Family – Thank you
- c) Places to Grow Implementation Fund
- d) Merlink Communications
- e) Sombra Park Dock Proposal - Inquiry
- f) CK Health Alliance Report
- g) Young Heritage Leaders Awards
- h) Town of Lakeshore – Pan Am Debt
- i) County of Lambton – Construction Zone
- j) Red Cross – Fort McMurray - Thank You
- k) Permits- July 2016
- l) LKDSB – Capital Plan
- m) Beyond Air

CARRIED

DEPUTATIONS AND APPOINTMENTS:

Public Re-zoning – 3502 St. Clair Parkway

At the appointed time of 6:45 p.m., Mayor Arnold declared open the Public Meeting to consider a rezoning application that would change the zoning at 3502 St. Clair Parkway from C1 Central Commercial, to R1 Residential.

Township Planner - Barry Uitvlugt summarized his report dated August 16, 2016 and advised that the application complied with the intent of the Township Official Plan. The subject land appears as a single detached dwelling but, was rezoned to permit commercial uses. Now, the owners are attempting to sell the property and feel it would be more attractive if sold as a residential use.

Provincial Policy requires a Brownfield Study for any proposed conversion from a commercial to a residential use, which the proponents have already completed and submitted satisfying this condition without concerns.

The surrounding land uses are all single detached residential so the proposed use would blend well with the streetscape.

There were no members of the public who wished to speak for or against the application. Mayor Arnold inquired as to, if the lot was vacant, whether or not it would be permitted at the same distance from the front lot line. Mr. Uitvlugt advised that the Zoning By-law provides for new development to meet the general setbacks of the area and therefore, in his opinion, it would be permitted at the existing setback.

Moved by S. Miller

Seconded by D. Randell

Motion #14 That By-law 32 of 2016 being a zoning by-law amendment changing the zone for subject property 3502 St. Clair Parkway from C1 Commercial to R1 Residential be given all three readings, that the Mayor and Clerk be authorized to sign the by-law and that it be thereby passed.

CARRIED

411 Beresford Concerns:

At the appointed time of 7:00 p.m. Mayor Arnold welcomed Nick and Lindsay Mulyk, owners of 415 Beresford Street in Corunna, to come forward to present concerns about the condition of the property known as 411 Beresford Street.

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Nick and Lindsay had concerns about the weight of the fill at 411 Beresford Street accelerating the slip of their own dwelling. The condition at 411 has become a laughing stock for both vehicular traffic and boat traffic who stop to look.

Their home has been affected by the weight of the slope and they have continued to document the impact. Their concern is only for their own dwelling. If work is to be done at 411 Beresford, they want to ensure it is being done properly as per a qualified engineer's direction.

As per the engineer's report sanctioned by the Township, Stantec advised that the dirt should be removed but, the owner has spread it out evenly across his property. Clerk - Jeff Baranek advised that the St. Clair Region Conservation Authority required the owner to use some of the fill to repair the seawall and will need some to backfill the dwelling once rehabilitation work has been completed.

Mayor Arnold admitted that this file has gone on too long and that Council may have been too lenient when granting a number of extensions. He reminded Council and the Mulyks that a motion remains on the books to demolish the dwelling but, the owner continues to secure extensions with assurances that work will be undertaken. It continues to be neglected. He advised that a motion of Council required the dirt to be removed and that it cannot be done via bobcat.

Nick advised that work was being done in the dwelling over the past week and the silt fence that the Township had installed has been removed.

Deputy Mayor Gilliland advised that he is concerned the dirt was moved around on-site but, not removed as required and that the silt fence has been removed.

Moved by J. Agar

Seconded by J. Degurse

Motion #15 That staff be directed to tender out and proceed with demolition of the dwelling at 411 Beresford Street to the lowest tender submitted by a qualified contractor and that the silt fence be re-installed immediately to be maintained throughout the demolition process.

CARRIED

Merlink Communications:

At the appointed time of 7:15 p.m., Mayor Arnold welcomed Richard Marhue and Andrew Lockhart of Merlink Communication Internet Provider to make their presentation.

Merlink proposed wireless high speed internet coverage for residents of the Township via 5G towers on point to point access. The towers can be as far as 75 km apart and can serve homes and businesses up to 3 km from each tower, using line of sight. The service would have a capable speed of up to 100Mbps for both download and uploads. For a monthly fee of \$50, a speed of 20Mbps can be made available.

The cost to the municipality would be donation of land for towers to be erected. The footprint for each tower would be 20 feet by 20 feet which would accommodate both the tower and accessory building. Each customer would require a dish to be installed at their location and an installation charge would apply.

Mr. Lockhart has been in the internet provider business since 1994 and currently operates systems in the Toronto area and will soon be available for Bright's Grove, Lakeshore, Enniskillen and Petrolia.

Deputy Mayor questioned the ability to reach all homes within the Township and whether or not the ability exists to provide the level of service that is being assured. Mr. Lockhart had full confidence in the product as it is the latest 5G point to point technology. He cautioned that reaching 100% of homes is not possible due to line of sight restrictions but, full coverage remains their goal.

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Mayor Arnold thanked them for their presentation and asked them to provide the Clerk with some contacts of existing clients for reference.

Beyond Air Proposal:

At the appointed time of 7:30 p.m. Mayor Arnold welcomed Brandon Elliott, Rodger Griffith and Gerrit Deuzeman to make their presentation on behalf of Beyond Air.

Beyond Air proposed to bring high speed internet to the Township at affordable rates by way of 5G tower installation. The cost to the Township would be zero but, they would lease land to install towers on Township land. Currently, Beyond Air has an agreement with Cogeco to connect to their fibre optic line which would have the ability to serve up to 100 homes within 90 days.

This service would offer 5Mbps download speed and 1Mbps upload speed for \$55 and up to 30Mbps download and 10Mbps upload speed for \$100 per month. The primary tower is proposed for the Sombra Library where other towers would be located within 13 km to ensure adequate coverage for the entire municipality.

Councillor Kingston questioned, if coverage was this easy, then why are none of the big companies (Bell, Cogeco, etc.) providing the service. Mr. Elliott opined there are costs of infrastructure involved for what they see as limited customer base. They provide towers and then sell space to other large providers for big profits.

Mayor Arnold advised that the Township has approached Cogeco on numerous occasions to provide fibre optic or other equivalent high speed service to residents of the Township and have been repetitively told that it was not possible – how is it that Beyond Air is now advising that it is possible? Mr. Elliott suggested that the Cogeco service line may not have the capacity to individually serve numerous residents but, they have agreed to sell capacity for 100 homes to Beyond Air. They would have to install additional expensive hardware to provide service to more homes.

Mayor Arnold advised that he would like to hear from a representative from Cogeco who can confirm that the service is available at the speed being suggested and to clarify why it was not available when the Township approached them directly. He asked them to have a representative accompany them to a subsequent meeting of Council and thanked them for their time.

Dick Vandendool - Lot 2, Concession 11

Mayor Arnold welcomed Dick Vandendool to address Council despite not being on the agenda.

Mr. Vandendool advised that he has not yet received anything in writing related to compensation for damaged crops as a result of sprayed Garlon in the Meyers Drain in July of this year.

Mayor Arnold informed Mr. Vandendool that staff has been directed to work towards a fair solution to the damage caused by spraying of weeds in municipal ditches and to produce a handout outlining the procedure undertaken in such circumstances.

Mr. Vandendool's concerns are not only the compensation for the damaged crops but, whether or not the yield in this section can be used and whether or not the soil in these areas can be used to grow healthy crops in the future.

Mayor Arnold encouraged Mr. Vandendool to provide a list of questions to which he would get prompt responses and thanked him for his time.

DRAINS:

Moved by J. Agar

Seconded by D. Randell

Motion #16 That Drainage By-law No.19 of 2016, being a by-law to raise the sum of \$43,252.00 being money expended out of the General Funds of the Township of St. Clair for the improvement and reassessment of the Burton Creek Drain be given first and second readings and be provisionally adopted.

CARRIED

Moved by D. Randell

Seconded by J. Agar

Motion #17 That Drainage By-law #20 of 2016, being a by-law to raise the sum of \$62,683.00 being money expended out of the General Funds of the Township of St. Clair for the improvement of the O'Leary Drain East be given first and second readings and be provisionally adopted.

CARRIED

Moved by J. Agar

Seconded by P. Gilliland

Motion #18 That Drainage By-law #21 of 2016, being a by-law to raise the sum of \$206,270.00 being money expended out of the General Funds of the Township of St. Clair for the improvement of the Wilson Drain be given first and second readings and be provisionally adopted.

CARRIED

REPORTS OF COMMITTEES AND OFFICERS:

TREASURER'S REPORTS:

Moved by D. Randell

Seconded by P. Gilliland

Motion #19 That the following reports by Charles Quenneville – Director of Finance be carried over to the next meeting to permit adequate time to review them:

- St. Clair Trust 2015 Financial Statement
- St. Clair River Trail 2015 Financial Statement
- 2015 Reserve and Deferred Revenue Transfers
- 2015 Operating Results for General, Water and Sanitary
- 2015 Year End Audit Schedules
- 2015 Draft Audit Financial Statements

TABLED

COORDINATOR OF OPERATIONS:

Moved by J. DeGurse

Seconded by S. Miller

Motion #20 That the report of Gary DePooter – Coordinator of Operations dated August 25, 2016 with regard to the Lagoon Concrete Repairs be received with the following recommendation:

- that the quote from Triad Contracting in the amount of \$8,850 plus taxes is approved to complete concrete repair work at the Sombra Lagoon.

CARRIED

COORDINATOR OF ENGINEERING'S REPORTS:

Moved by T. Kingston

Seconded by J. DeGurse

Motion #21 That the report of Paul daSilva – Coordinator of Engineering dated August 31, 2016 with regard to the Moore Line Watermain Project be received with the following recommendations:

1. That the tender submitted by Wicks Construction & General Contracting Ltd. in the amount of \$511,160.83 net HST for the Moore Line Watermain project be accepted and the Mayor and Clerk be authorized to sign the contract and other related documents.
2. That an additional \$50,000.00 be allocated to the project being funds from water reserves.

CARRIED

Moved by J. DeGurse

Seconded by T. Kingston

Motion #22 That the report of Paul daSilva – Coordinator of Engineering dated August 31, 2016 with regard to the Hand Drain Culvert Extension Project be received with the following recommendation:

- That the tender submitted by Triad Contracting in the amount of \$37,600.32 net HST for the Hand Drain Culvert Extension project be accepted and the Mayor and Clerk be authorized to sign the contract and other related documents.

CARRIED

Moved by T. Kingston

Seconded by S. Miller

Motion #23 That the report of Paul daSilva – Coordinator of Engineering dated August 31, 2016 with regard to the Pedestrian Crosswalk AODA Upgrades be received with the following recommendation:

- That the tender submitted by Cope Construction in the amount of \$47,661.33 net HST for the Pedestrian Crosswalk AODA Upgrades project be accepted and the Mayor and Clerk be authorized to sign the contract and other related documents.

CARRIED

DRAINAGE SUPERINTENDENT'S REPORTS:

Moved by S. Miller

Seconded by T. Kingston

Motion #24 That the report of David Neely – Drainage Superintendent dated August 24, 2016 with regard to the Wray Drain (Upper End) be received with the following recommendation:

- That the quotation submitted by JLH Excavating Inc. in the amount of \$24,780.47 (including net HST) for the Wray Drain (Upper End) construction be accepted and awarded.

CARRIED

Moved by J. DeGurse

Seconded by S. Miller

Motion #25 That the report of David Neely – Drainage Superintendent dated August 24, 2016 with regard to the Burton Creek Drain (Miller Access) be received with the following recommendation:

- That the quotation submitted by JLH Excavating Inc. in the amount of \$11,949.17 (including net HST) for the Burton Creek Drain (Miller Access) construction be accepted and awarded.

CARRIED

WATER/WASTEWATER SPECIALIST/ORO:

Moved by S. Miller

Seconded by T. Kingston

Motion #26 That the report of Nova Vanderslagt – Water/Wastewater Specialist dated August 24, 2016 with regard to the Drinking Water Quality Management System (QMS) - Management Review - Upgrade be received as information.

CARRIED

DEPUTY CLERK/DIRECTOR OF PLANNING:

Moved by T. Kingston

Seconded by S. Miller

Motion #27 That the report by Carlie McClemens – Deputy Clerk/Coordinator of Planning dated August 16, 2016 with regard to the Sombra Dock Proposal at 3441 St. Clair Parkway be received as information.

CARRIED

CLERK'S REPORTS:

MOTIONS:

BY-LAWS:

Moved by S. Miller

Seconded by T. Kingston

Motion #28 That By-laws 32 and 33 receive all three readings and that the Mayor and Clerk be authorized to execute appurtenant agreements and be thereby passed:

- 32 of 2016 – Zoning By-law Amendment – 3502 St. Clair Parkway
- 33 of 2016 – Confirming By-law

CARRIED

COUNCILLORS' REPORTS:

Deputy Mayor Gilliland:

Deputy Mayor Gilliland advised that he attended The Great Waterfront Trail Ride at the Sombra Ferry where he brought greetings to other Ontario Mayors among other riders. He also attended the 40th Anniversary of Kay's Petals and Plants and the Labour Day Parade. Finally, he noted that the residents of Thompson Gardens were delighted with the opportunity to meet Derek Drouin prior to the parade to celebrate his Olympic Gold Medal in men's high jump.

Councillor Agar:

Councillor Agar advised that he attended the Labour Day Parade and reminded Council of the Wilkesport Plaque unveiling scheduled for September 17, 2016. Councillor Agar also noted that the weeds were very long along the CSX Tracks at Beckwith Street.

Councillor Kingston:

Councillor Kingston congratulated Mayor Arnold for winning the flower arrangement competition at Kay's Petals and Plants 40th Anniversary celebration. Councillor Kingston also attended the information session held by MP Marilyn Gladu related to election reform which was an interesting session.

Councillor Degurse:

Councillor Degurse advised that the busses that were formerly parking at Watson's Timbr-Mart in Courtright have begun parking at the Silverdome.

Mayor Arnold:

Mayor Arnold attended a number of events representing Council and the Township since the last meeting including a meeting with representatives from CF Industries who agreed to donate \$5000 to the Emergency Services Golf Tournament and send three foursomes to the tournament. They are considering donating to the Canada 150 celebration in 2017 and suggested a Mayor's Breakfast be held with representatives from local industry in an effort to raise funds for this cause.

Mayor Arnold thanked all the volunteers who contributed to the very successful parade held to honour Derek Drouin for his recent Gold Medal at the Rio Olympics for Men's High Jump. There were a number of volunteers, staff members and Bonnie Stevenson who worked tirelessly to ensure the success of the event. Derek was very gracious and receptive to all ideas.

Mayor Arnold has asked Gary Hackett to come up with some preliminary designs for a potential sign to be installed at CAP Park in Corunna which will be available for review at the next meeting.

To conclude, Mayor Arnold asked Council to consider amending the meeting times for Council and Committee meetings and consider going back to three separate meetings per month in an attempt to shorten some lengthy meetings.

Council Meeting
September 6, 2016

UNFINISHED BUSINESS:

NEW BUSINESS:

UPCOMING MEETINGS:

- Committee of the Whole – Monday, September 19, 2016 ~ 3:00 p.m.
- Regular Council – Monday, September 19, 2016 ~ 5:00 p.m. after Committee of the Whole
- Regular Council – Monday, October 3, 2016 ~ 6:30 p.m.
- Committee of the Whole – Monday, October 17, 2016 ~ 3:00 p.m.
- Regular Council – Monday, October 17, 2016 ~ 5:00 p.m. after Committee of the Whole

IN-CAMERA:

Moved by S. Miller

Seconded by T. Kingston

Motion #29 That the meeting enter into an in-camera session to discuss legal, property and personnel issues.

CARRIED

Mayor Arnold declared the meeting back into open session and advised that there was nothing to rise and report.

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

Moved by D. Randell

Seconded by S. Miller

Motion #30 That the meeting of Council hereby adjourn.

CARRIED

The meeting adjourned at 9:30 p.m.

MAYOR

CLERK