

**TOWNSHIP OF ST. CLAIR**

**COUNCIL AGENDA**

**SESSION #17**

St. Clair Township Civic Centre  
September 19, 2016  
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
	J. DeGurse	“
	D. Randell	“
	S. Miller	“
	J. Agar	“
Staff:	J. Rodey	CAO
	J. Baranek	Clerk/ Deputy CAO

**Declaration of Conflict of Interest:**

**Minutes:**

Regular Council Meeting – Session #16 – September 6, 2016

**Business Arising from the Minutes:**

**DEPUTATIONS AND APPOINTMENTS:**

5:15 p.m. – Public Rezoning Meeting – Proposed Zoning By-law Amendment –  
389 Murray Street\*  
Applicant: 2199178 Ontario Inc.  
\*See separate agenda

5:45 p.m. – Dockside – John McEachran

6:00 p.m. – Beyond Air – Proposal for High Speed Internet Coverage

6:15 p.m. – Moore Foundation – Cheque Presentation

**CORRESPONDENCE:**

1) Children at Risk – Kimball Rd.

**INFORMATION:**

- a) Fawn Island Parking Concerns: Patti Richardson
- b) Address Confusion – Derek Drouin Drive
- c) OPP – Salary Rates
- d) Dr. Wakely Retirement Announcement - Welcome Dr. Clifford
- e) Shell Turnaround Information
- f) Sir John Moore - Crosswalk
- g) OGRA – Conference Information

**DRAINS:**

**REPORTS OF COMMITTEES AND OFFICERS:**

- Barry Uitvlugt, Senior Planner
  - 180 Bunker Avenue – Covered Parking Building – Site Plan Amendment
  - 785 Petrolia Line – Site Plan Amendment
  - Site Plan Control Amendment for Trillium Distribution Inc.

**PROPERTY STANDARDS OFFICER'S REPORT:**

- Property Standards Update

**DEPUTY CLERK/COORDINATOR OF PLANNING:**

**CLERK'S REPORT:**

- Barrier Request – Trespassing on Sixth Street
- Closure of lane at Elizabeth Street, Mooretown

**CAO'S REPORTS:**

**MOTIONS:**

**BY-LAWS:**

- 34 of 2016 – Zoning By-law Amendment – 389 Murray St.
- 35 of 2016 – Site Plan Amendment – Trillium Distribution - 2351 Greenfield Rd.
- 36 of 2016 – Site Plan Amendment – Wellings Development – 180 Bunker Ave.
- 37 of 2016 – Site Plan Amendment – Nova Chemicals Corunna – 785 Petrolia Line

**COUNCILLORS' REPORTS:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

- 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
- Regular Council – Monday, November 7, 2016 ~ 6:30 p.m.

**In Camera**

- Property, Personnel & Legal

**ADJOURNMENT:**

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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 J. Agar

Seconded by D. Randell

**Motion #1** That the Minutes from the Council meeting Session #16 held September 6, 2016 be received and accepted as corrected.

**CARRIED**

**DEPUTATIONS AND APPOINTMENTS:**

**Public Meeting – Rezoning for 389 Murray Street**

At the appointed time of 5:15 p.m., Mayor Arnold declared open a public meeting to consider a rezoning application for the property known as 389 Murray Street, Corunna.

Township Planner - Barry Uitvlugt advised that the application requests the re-zoning of a portion of the former school house to permit temporary use of the building for a medical marijuana grow operation for a three year period. If approved by Council, it could be reconsidered after the initial three year window and extended another three years.

The site is surrounded almost entirely by residential uses, with the exception of the Post Office to the east side. The existing zoning is Institutional but, was amended to extend permitted uses to include for-profit daycare and training programs (i.e. recently used for a dance studio). The Official Plan places the subject lands in two designations: Central Commercial and Residential.

The proponent, Mr. Peter Fortney, has secured a licence from Health Canada to produce medical marijuana with an annual maximum of 75 plants, with an additional 64 plants being authorized for production by Deanna Hendrie. The licence allows for a maximum of 6165 grams of dried marijuana to be stored on-site.

This application applies only to a portion of the building being, specifically, the gym and change room areas. The remainder of the building will remain in the same specific I1 Institutional zone. Mr. Uitvlugt stated that setbacks seen across the province for Medical Marijuana Operations are typically a minimum of 75 meters from a sensitive land use. He noted there are single detached residential units closer than this distance from the gym, and that any other uses within the remainder of the building shouldn't be permitted if this application is successful.

Among the many negative comments received, Mr. Uitvlugt identified the following concerns as being the most often cited: offensive odours, neglect of the site from the owner, lack of exterior lighting, lack of security, fire concerns and overall incompatibility with surrounding land uses. Mr. Uitvlugt recommended that Council deny the application.

Mayor Arnold opened the floor to anyone wishing to speak in opposition of the application.

Ken Ball of 211 Hill Street, insisted that the grow operation was not a compatible use within the neighbourhood. In his opinion, industrial locations are better suited for this type of operation. He admitted to experiencing offensive odours coming from the operation and asked that it be bulldozed to eliminate this type of proposal in the future.

Karen Ball of 390 Murray Street, expressed concern about the poor upkeep of the place for the past number of years. Weeds and grass are often a few feet in height. She is concerned that, since the owners do not maintain the building, they could not be trusted to ensure its security.

Paul Aubin of 405 Murray Street, advised that he had circulated a petition which was signed by 14 people in opposition to the application. The Clerk confirmed receipt of the petition which was included in Council packages for the meeting.

John Flesher of 199 Paget Street, a retired OPP Officer, advised that, historically, the only violence and crime within the neighbourhood has been drug related and he is concerned that this operation will invite similar activity. The trust with the developer has been lost as the grounds are continuously unkempt. Deer have been seen in the former school yard due to its pasture characteristics and ticks have become a real concern. Alarms used to sound endlessly but, have not been heard in some time, leading to security concerns.

Mayor Arnold welcomed Dave Hannam, a Planner representing Zelinka Priamo Ltd., to come forward on behalf of the proponent to speak in defence of the application.

Mr. Hannam emphasized the temporary nature of the application and identified that the grow operation will occur only in the portion of the building identified by Mr. Uitvlugt. The rest of the building will remain vacant, as per intentions of the owner. The proposed use is presently in operation on-site. The Planning Act permits temporary use by-laws however, the uses permitted by such by-laws do not retain legal, non-conforming status at the termination of the terms of the by-law.

Mr. Hannam reminded those in attendance that the operation is small in nature, in that it serves only two people, and that it has been an inconspicuous operation for some time without complaint. The crop is harvested every six months and no cash is kept on-site. The licensee was required to conform to many security measures which were currently all being complied with, therefore, security should not be an issue as a result of this operation.

Councillor Agar advised that he is not convinced that this will not lead to security or crime issues as the owner has operated without complying with municipal by-laws for a period of time.

Mr. Hannam advised that it was not until very recently that licensees were required to comply with municipal by-laws.

Mayor Arnold informed those in attendance that the Township has been trying for over a year to consult with the owner of this property and no response was received until lawyers became involved.

Moved by J. Agar

Seconded by J. Degurse

**Motion #2** That the proposed temporary Zoning By-law 34 of 2016 to permit the growing of medical marijuana in a specific portion of the building at 389 Murray Street for a period of three years be denied due to incompatible surrounding land uses and security/crime concerns associated with its operation on the subject lands; and that no portion of the site be permitted to grow or store medical marijuana.

**CARRIED**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #3** That staff be directed to take any and all action to immediately cease operation of the growing of medical marijuana on the subject lands known as 389 Murray Street.

**CARRIED**

**CORRESPONDENCE:**

Moved by J. Agar

Seconded by P. Gilliland

**Motion #4** That Council endorses the concern expressed by Ron Atyeo in his email dated September 7, 2016 related to the speed on Kimball Road and that it be forwarded to the County of Lambton Public Works Department for their review and consideration; and that Council supports the installation of 'children at play' or 'waiting for bus' signs.

**CARRIED**

Moved by D. Randell

Seconded by J. Agar

**Motion #5** That the following items of correspondence be accepted per Council's direction:

- 1) Children at Risk – Kimball Rd.

**CARRIED**

**INFORMATION:**

Moved by J. Agar

Seconded by D. Randell

**Motion #6** That the following items of information be dealt with as per Council's instructions for items identified as agenda items a) thru g):

- a) Fawn Island Parking Concerns: Patti Richardson
- b) Address Confusion – Derek Drouin Drive
- c) OPP – Salary Rates
- d) Dr. Wakely Retirement Announcement - Welcome Dr. Clifford
- e) Shell Turnaround Information
- f) Sir John Moore - Crosswalk
- g) OGRA – Conference Information

**CARRIED**

**DEPUTATIONS AND APPOINTMENTS:**

**Dockside – Jon and Ross McEachran:**

At the appointed time of 5:45 p.m. Mayor Arnold welcomed Jon and Ross McEachran to make their presentation to Council.

Currently, the site at the former Ethyl Canada lands employs 7 full time workers but, has had as many as 16 during busier times. Among the many services they can provide, they most often perform rail switching, loading and storage for the local petro chemical refineries.

They placed emphasis on being a good neighbour and have visited with local folks and invited them to company social events.

Since the inception of the site, they have installed rail lines for the purposes of increasing the capacity for the site. Jon advised that he consulted with Township staff and the Mayor when they purchased the site from Ethyl and were under the impression that approvals or consultations with the municipality were not necessary for installation of rail lines. At one time they submitted drawings noting the rail lines as “future development” and were told by staff to remove them from the drawings if they were not being installed at the current time. Mr. McEachran admitted that he misunderstood this to mean that a site plan was not required for this type of development and, therefore, began installation and extensions without notifying the Township.

Since they received a notice from the Township advising them to cease work on the site until a site plan is submitted and approved, Dockside has begun to comply. An application for site plan has been submitted but, drawings are currently held up at TW Gray.

Mayor Arnold advised that he told Dockside during the initial meeting, and many times subsequently, that a site plan was not necessary for renovations to the office building but, any other site alterations would trigger a site plan. The proponents were well aware a site plan was required. The concerns for rail in general are spill containment plans and noise mitigation through berms or other measures. In this specific location, they dissect a sensitive area to source water which adds another layer of complications and further emphasizes the need for site plan approval.

Mayor Arnold expressed his disappointment in the lack of communication and lack of notice to the Township for site proceedings and thanked Ross and Jon for their time.

**Beyond Air – Proposal for High Speed Internet Coverage:**

At the appointed time of 6:00 p.m., Mayor Arnold welcomed Beyond Air to come forward to make their presentation.

Rodger Griffiths of Beyond Air thanked Council for meeting with them again further to their initial deputation at the September 6, 2016 meeting. They were unable to convince a Cogeco representative to attend the meeting to confirm the proposed speeds but, had emails from the Manager who verified the capacity.

The Teksavvy report discussed a fibre line which would be split up to 32 times to end users no more than 1.5 kilometers from the splitter. The reason Cogeco was not interested in providing service to the entire subject area south of Stanley Line was that they did not have the infrastructure in place to accommodate that large of a potential client base and it was too cost prohibitive to extend the fibre optic cable.

The service being proposed by Beyond Air would be wireless so it would come with limitations including inability to provide speeds that compare to fibre connections, and possible service interruptions caused by severe weather. Among the many pros were the ability to service rural areas, acceptable speeds, low latency, comparable rates and ability to use voice over IP.

Within 120 days, Beyond Air would be able to serve up to 80 consumers with the connection to the Cogeco fibre cable. If Council would consider a 120 foot tall tower to be erected at the Sombra Library, then all interested Sombra residents would have access to the service within 240 days. Port Lambton could be serviced within 1 year and rural St. Clair within two years, if appropriate towers were erected.

Councillor Randell sought and received confirmation that they could provide the speeds they were proposing and that such speeds would be suitable for both personal and business use. Mr. Rodgers emphasized that, despite the Teksavvy report servicing settlement areas with fibre optic cable, it would be split up to 32 times which would reduce the operating speed. Further, Mr. Randall confirmed that the only commitment being sought from the Township was the use of small land parcels to erect towers – approximately 20 feet by 20 feet.

Councillor Degurse expressed his concern about the installation of towers 120 feet in height within settlement areas, such as Sombra.

Mayor Arnold thanked Mr. Rodgers for his presentation and, seeing no motions being introduced, suggested Council would continue to consider this proposal.

**Moore Foundation – Cheque Presentation:**

At the appointed time of 6:15 p.m. Mayor Arnold welcomed Mary Jane Marsh of the Moore Foundation to come forward to recognize the grant recipients for the 2016 program.

The following three organizations earned grants from the Moore Foundation for their continued efforts towards programs and services to benefit the community:

The first recipient of a \$1000 grant was the Moore Museum. The Museum used the funds to restore their antique vehicles. Jim Townsend was on hand and thanked the foundation for their generous grant.

The second recipient of a \$1000 grant was the Brigden Decorating Team. Darlene Pepper and Elizabeth McCormick were on hand to thank the foundation for their continued support. The money was used to purchase new planters.

The final \$1000 grant was issued to the Corunna Horticultural Group. Diane Fletcher was on hand to thank the Foundation and advised that the money was used for flowers throughout Corunna and to supply treats to kids at the Santa Claus Parade. She thanked

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Township staff for their tireless watering efforts which have resulted in beautiful flowers in all locations.

**DRAINS:**

**REPORTS OF COMMITTEES AND OFFICERS:**

Moved by D. Randell

Seconded by J. Agar

**Motion #7** That the report of Barry Uitvlugt – Senior Planner dated August 30, 2016 with regard to a Proposed Zoning By-law Amendment for 389 Murray Street to permit the operation of a medical marijuana grow operation be received as information.

**CARRIED**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #8** That the report of Barry Uitvlugt – Senior Planner dated September 13, 2016 be received and that Council gives approval to the Site Plan Agreement for a covered parking building at 180 Bunker Ave.; and, that Council pass the executing by-law pertaining to this agreement.

**CARRIED**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #9** That the report of Barry Uitvlugt – Senior Planner dated September 14, 2016 be received and that Council gives approval to the Site Plan Agreement at 785 Petrolia Line; and that Council pass the executing by-law pertaining to this agreement.

**CARRIED**

Moved by T. Kingston

Seconded by J. DeGurse

**Motion #10** That the report of Barry Uitvlugt – Senior Planner dated September 15, 2016 be received and that Council pass the draft by-law to execute an agreement for site plan control on lands described as CON FRONT PT LOT 5 RP; 25R8615 PARTS 13 16 19 20 29 AND 30, Geographic Township of Moore, Township of St. Clair, County of Lambton.

**CARRIED**

Moved by D. Randell

Seconded by J. Agar

**Motion #11** That staff be directed to initiate an amendment to Zoning Bylaw 17 of 2003 to increase the maximum permitted height in M3 Zones to something more suitable to offset regular height variance requests.

**CARRIED**

**PROPERTY STANDARDS OFFICER'S REPORT:**

Moved by J. DeGurse

Seconded by T. Kingston

**Motion #12** That the Property Standards Update report by Kelly Bedard – Property Standards/By-Law Enforcement Officer dated September 13, 2016 is received.

**CARRIED**

Moved by J. Agar

Seconded by J. Degurse

**Motion #13** That the Property Standards Officer be directed to provide an extension to November 19, 2016 for an Order Prohibiting Occupancy for the dwelling at 415 Beresford Street, Corunna.

**CARRIED**

Moved by J. Agar

Seconded by T. Kingston

**Motion #14** That the Property Standards Officer be directed to award the demolition contract for the dwelling at 411 Beresford Street to the lowest tender submitted by Budget Environmental Disposal in the amount of \$70,997.90 including HST and that all property owners within 60 meters be given 10 days notice prior to the commencement.

**CARRIED**

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Moved by P. Gilliland

Seconded by J. Agar

**Motion #15** That the Property Standards Officer is directed to perform a site inspection at 357 Murray Street and report results to both the Township and the mortgage holder for the property.

**CARRIED**

Moved by J. Agar

Seconded by S. Miller

**Motion #16** That staff be directed to issue a letter advising the owners of 2417 and 2421 Courtright Line that the one year extension has expired and the process will be re-initiated.

**CARRIED**

**DEPUTY CLERK/DIRECTOR OF PLANNING:**

**CLERK'S REPORTS:**

Moved by T. Kingston

Seconded by S. Miller

**Motion #17** That it be recommended to Council that the report of Jeff Baranek – Clerk with regard to the Barrier request – Trespassing on Sixth Street dated September 14, 2016 be received; and that Council deny the request submitted by Tony Moscardelli for the Township to install barriers to prevent trespassing on his property west of Sixth Street in Courtright.

**CARRIED**

Moved by T. Kingston

Seconded by S. Miller

**Motion #18** That it be recommended to Council that the report of Jeff Baranek – Clerk with regard to the closure of lane at Elizabeth Street, Mooretown dated September 15, 2016 be received; and that staff are directed to contact abutting land owners to determine their interest in acquiring their half of the lane for survey and legal costs.

**CARRIED**

**MOTIONS:**

Moved by S. Miller

Seconded by T. Kingston

**Motion #19** That the recommendations from the September 19, 2016 – Finance & Administration and Public Works & Operations Committees be received and approved.

**CARRIED**

**BY-LAWS:**

Moved by T. Kingston

Seconded by S. Miller

**Motion #20** That By-laws 35, 36 and 37 receive all three readings and that the Mayor and Clerk are authorized to execute appurtenant agreements and be thereby passed:

- 35 of 2016 – Site Plan Amendment – Trillium Distribution - 2351 Greenfield Rd.
- 36 of 2016 – Site Plan Amendment – Wellings Development – 180 Bunker Ave.
- 37 of 2016 – Site Plan Amendment – Nova Chemicals Corunna – 785 Petrolia Line

**CARRIED**

**COUNCILLORS' REPORTS:**

**Deputy Mayor Gilliland:**

Deputy Mayor Gilliland advised that he played in the Emergency Services Golf Tournament on September 15, 2016 which was a tremendous event and thanked Enbridge, CF Industries and all other sponsors. He continued by advising that he cannot attend the next meeting of the Committee of Adjustment on September 26, 2016. Councillor Miller agreed to attend in his absence.



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**Councillor Randell:**

Councillor Randell advised that he met with a number of Journalism students from the University of Michigan at Guthrie Park in Corunna where he detailed clean-up efforts within the river. The Friends of the St. Clair River will be applying for grant money, with the assistance of the St. Clair Region Conservation Authority for shoreline erosion control upgrades at Courtright Park.

**Councillor Miller:**

Councillor Miller attended the St. Clair Region Conservation Authority meeting which forced him to miss the Emergency Services Golf Tournament. Councillor Miller also attended the Wilkesport Plaque unveiling ceremony and the Craft Show at the Moore Museum held on September 18, 2016.

**Councillor Kingston:**

Councillor Kingston attended the Wilkesport plaque unveiling and the craft sale at the Moore Museum where she had her own display. She participated in the Open House for the County Official Plan and will attend the Open House being held on September 24, 2016 at CF Industries.

Councillor Kingston concluded by advising that the Accessibility Committee undertook an accessibility audit of the Moore Sports Complex and results will be circulated soon.

**Councillor Degurse:**

Councillor Degurse received confirmation that the new pedestrian crossing north of Beckwith on Lyndock Street will be complete with audible warning for people with sight impediments.

**Mayor Arnold:**

Mayor Arnold attended many events on behalf of Council and the Township including meetings with CF Industries; the Emergency Services Golf Tournament, the Battle of Britain, the Wilkesport Plaque unveiling and the Children's Safety Village Meeting. He also had the pleasure of speaking at the McKenzie Blundy Tree Memorial Service held at Wawanosh Wetlands.

Mayor Arnold spoke with Chief Joanne Rogers of Aamjiwnaang First Nations who has agreed to participate in the Canada 150 Commemorative Garden by providing a brief history which will be etched onto a plaque displayed at the garden at the Civic Centre in Mooretown.

**UNFINISHED BUSINESS:**

Moved by T. Kingston

Seconded by S. Miller

**Motion #21** That the schedule for Council meetings continue being the first Monday of each month beginning at 6:30 p.m. and the third Monday beginning at 5:00 p.m. immediately following the Committee of the Whole meetings.

**CARRIED**

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

- 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
- Regular Council – Monday, November 7, 2016 ~ 6:30 p.m.

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**IN-CAMERA:**

Moved by T. Kingston

Seconded by J. DeGurse

**Motion #22** That

the meeting enters into an in-camera session to discuss legal issues a property issue and a personnel issue.

**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 #23** That the meeting of Council hereby adjourned.

**CARRIED**

The meeting adjourned at 8:45 p.m.

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MAYOR

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CLERK