

TOWNSHIP OF ST. CLAIR

COUNCIL AGENDA

SESSION #18

St. Clair Township Civic Centre
October 3, 2016
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
	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 #17 – September 19, 2016
Finance & Administration Meeting – September 19, 2016
Public Works & Operations Meeting – September 19, 2016
Heritage St. Clair Committee Meeting – August 17, 2016
Moore Museum Advisory Committee Meeting – September 7, 2016
Sombra Township Museum Board Committee Meeting – September 15, 2016
Lambton County Historical Society Meeting – September 22, 2016

Business Arising from the Minutes:

DEPUTATIONS AND APPOINTMENTS:

6:30 p.m. – Collins Barrow - Auditors
6:45 p.m. – Court of Revision - O’Leary Drain
7:00 p.m. – Court of Revision - Burton Creek Drain
7:15 p.m. - Merlink Communications - Richard Marhue
7:30 p.m. - Gary Baker - 713 St. Clair Parkway - Sewer Use Charge Concerns

CORRESPONDENCE:

- 1) Water Bill Relief – 4278 St. Clair Parkway
- 2) Property Standards Complaint – 2387 Boswell Street
- 3) 1st Corunna Scouts – Candle Vigil Request
- 4) Legion Branch 18 – New Furnace Request
- 5) Legion Branch 447 – Remembrance Day Activities

INFORMATION:

- a) Moore Agricultural Society – Thank you
- b) Let’s Talk Food
- c) RFHT – Thank you
- d) County of Lambton – Creative County Fund

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- e) CARST – Radon Gas Concerns
- f) Teeny Tiny Southwest Summit
- g) Physician Recruitment Taskforce – Recipe Book
- h) Port Lambton Community Hall – Donation Commitment
- i) Tony & Anne Stratton – Sombra Park Dock Concerns

DRAINS:

REPORTS OF COMMITTEES AND OFFICERS:

- Barry Uitvlugt, Senior Planner
 - Baby's Point Subdivision Agreement (38T-11004)
 - Site Plan Amendment – Modular Classroom Building – 274 St. Clair Boulevard

COORDINATOR OF ENGINEERING'S REPORTS:

- Ontario Community Infrastructure Fund (OCIF) - Top-up Funding
- Lapier & Bawden Drain Culvert Rehabilitation

DRAINAGE SUPERINTENDENT'S REPORT:

- Wilson Drain

TREASURER'S REPORTS:

- 2015 Audit Financial Statement
- Moore Township Community & Recreational Foundation
- By-law for the OCIF – Formula-Based Funding for 2017 to 2019

DEPUTY CLERK/COORDINATOR OF PLANNING:

- Deeming By-law Request – 1220 Sophia Street, Mooretown

CLERK'S REPORT:

CAO'S REPORTS:

MOTIONS:

BY-LAWS:

- 38 of 2016 – OCIF Formula-Based Component Funding 2017-2019
- 39 of 2016 – Baby's Point Subdivision Agreement (38T-11004)
- 40 of 2016 – Deeming By-law – 1220 Sophia Street
- 41 of 2016 – Tile Loan – Ken Cook
- 42 of 2016 – Site Plan Amendment – 274 St. Clair Blvd. – Modular Classroom Building

COUNCILLORS' REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

UPCOMING MEETINGS:

- 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.
- Committee of the Whole – Monday, November 21, 2016 ~ 3:00 p.m.

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- Regular Council – Monday, November 21, 2016 ~ 5:00 p.m. after Committee of the Whole

In Camera

- Property & 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 S. Miller Seconded by T. Kingston
Motion #1 That the Minutes from the Council meeting Session #17 held September 19, 2016 be received and accepted as printed.

CARRIED

Moved by T. Kingston Seconded by S. Miller
Motion #2 That the Minutes from the Finance and Administration meeting held September 19, 2016 be received and accepted as printed.

CARRIED

Moved by S. Miller Seconded by T. Kingston
Motion #3 That the Minutes from the Public Works meeting held September 19, 2016 be received and accepted as printed.

CARRIED

Moved by J. DeGurse Seconded by S. Miller
Motion #4 That the Minutes from the following meetings be received and accepted as printed:

- Heritage St. Clair Committee Meeting – August 17, 2016
- Moore Museum Advisory Committee Meeting – September 7, 2016
- Sombra Township Museum Board Committee Meeting - September 15, 2016
- Lambton County Historical Society Meeting – September 22, 2016

CARRIED

DEPUTATIONS AND APPOINTMENTS:

Collins Barrow - Auditors

At the appointed time of 6:30 p.m., Mayor Arnold welcomed Ben Goes of Collins Barrow to present the audited financial statements.

Ben advised that there were no changes from the draft statements and that, in the findings of the audit, the financial statements accurately reflected the current financial position for the Township. Supporting documentation was provided in all instances without incident. Mr. Goes acknowledged the efforts of Township staff and thanked them for their assistance and cooperation throughout the audit process.

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Moved by P. Gilliland

Seconded by J. Agar

Motion #5 That the report by Charles Quenneville – Director of Finance dated September 28, 2016 with regard to the 2015 Audit Financial Statement be received and:

1. That the 2015 Final Audit Consolidated Financial Statements for St. Clair Township be received and approved and authorize the Mayor to sign on behalf of Council.
2. That the 2015 Letter of Engagement and Audit Finding letter for the Consolidated Financial Statement be received and approved and authorize the Mayor to sign on behalf of Council.

CARRIED

Moved by J. Agar

Seconded by P. Gilliland

Motion #6 That the report by Charles Quenneville – Director of Finance dated September 28, 2016 with regard to the 2015 Audit Financial Statement be received and:

1. That the 2015 Final Audit for The Moore Township Community & Recreational Foundation Financial Statements be received and approved and authorize the Mayor to sign on behalf of Council.
2. That the 2015 Letter of Engagement for The Moore Township Community & Recreational Foundation be received and approved and authorize the Mayor to sign on behalf of Council.
3. That the 2015 Audit finding letter for The Moore Township Community & Recreational Foundation Financial Statements for St. Clair Township be received.

CARRIED

COURT OF REVISION:

O’Leary Drain

At the appointed time of 6:45 p.m., Mayor Arnold convened the Court of Revision to hear any appeals on assessment for all ratepayers on the O’Leary Drain.

Engineer - Ray Dobbin summarized his report dated July 5, 2016 and advised that he has received no written or verbal appeals for assessments on the O’Leary Drain. Clerk - Jeff Baranek confirmed same from the Township’s perspective.

Joe Kerr of 762 Brigden Road asked Mr. Dobbin why the grant was not shown on the notice for this hearing and was informed that it cannot be shown on the schedule of assessment but, remains in the report and all grants in it are still in place.

Seeing no other appellants in attendance, Mayor Arnold declared the Court of Revision closed.

Moved by P. Gilliland

Seconded by J. Degurse

Motion #7 That the Engineer’s assessment on the O’Leary Drain in accordance with the Engineer’s report dated July 5, 2016 be accepted and confirmed and that the Court of Revision on the O’Leary Drain be closed.

CARRIED

Burton Creek Drain

At the appointed time of 7:00 p.m., Mayor Arnold convened the Court of Revision to hear any appeals on assessment for all ratepayers on the Burton Creek Drain.

Engineer - Ray Dobbin summarized his report dated June 14, 2016 and advised that he has not received any written or verbal appeals for assessments on the Burton Creek Drain. Clerk - Jeff Baranek confirmed same from the Township’s perspective.

Mr. Dobbin advised he had telephone conversations with both Russell Eyre and Brian Stewart who questioned benefit assessment and acreage compared to outlet. Mr. Dobbin

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acknowledged four calculation errors and recommended reductions for four parcels acreage/outlet assessments as per his email dated October 3, 2016. Both Mr. Eyre and Brian Stewart were in attendance and both were satisfied with that solution. Mr. Dobbin advised that notice does not need to be given to affected landowners as those identified in his email were affected favorably, with no impact to other ratepayers on the drain.

Gord Brock of 1563 Rokeby Line sought clarification as to why his assessment was the highest compared to other local parcels similarly sized. Mr. Dobbin explained that the other parcels in the area have had a severance which removed frontage onto the drain. Each 100 acre parcel with similar frontage on the drain is identically assessed \$852.

Seeing no other appellant in the audience, Mayor Arnold declared the Court closed.

Moved by D. Randell

Seconded by T. Kingston

Motion #8 That the Engineer's assessment on the Burton Creek Drain in accordance with the Engineer's report dated June 14, 2016 be accepted and confirmed subject to the changes noted in Ray Dobbin's email titled Burton Creek Drain and dated October 3, 2016, and that the Court of Revision on the Burton Creek Drain be closed.

CARRIED

Merlink Communications:

At the appointed time of 7:15 p.m., Mayor Arnold welcomed Richard Marhue and Andrew Bongard to make their presentation related to prospective high speed internet service for Township residents.

Merlink proposed two starting locations to erect towers approximately 96 feet in height which would be used to provide high speed internet service to customers within St. Clair Township – at the Courtright waste water plant and in the Township industrial park, respectively. Once these are in place, they can use existing infrastructure such as grain bins, water towers, etc. as long as line-of-sight exists. End users will need to install receivers on their homes and may require antennas to gain extra height if foliage or other interference prevents line-of-site access.

To avoid diluting their service, Merlink plans to service areas within 5 kilometers from any tower. A point to point contact is available up to 75 km between towers with their technology but, much shorter distances are preferred. If approved for location at the Waste Water Treatment Plant in Courtright, they plan to service that area emphasizing residents to the south.

Mayor Arnold advised when considering a tower in the industrial park, notice should be provided to local industry to ensure no interference will be caused to their communications infrastructure.

Moved by T. Kingston

Seconded by J. Agar

Motion #9 That the two proposed telecommunication tower locations at the Courtright waste Water Treatment Plant and within the Township Industrial Park be approved in principle and that Marhue be authorized to coordinate public meetings for the proposed locations according to the Township Telecommunications Tower Policy after which final approval will be considered.

CARRIED

Gary Baker – Sewer Use Charge Concerns:

At the appointed time of 7:30 p.m., Mayor Arnold welcomed Gary Baker to come forward to make his presentation to Council.

Mr. Baker advised that his most recent water bill was \$522 for consumption between June 15 and September 15, 2016. This was an unusually high bill and 145% of this was for the sanitary sewer portion. Mr. Baker questioned the fairness of that considering a high percentage of water used in the summer months never makes to the sewer and is instead used for things such as topping up swimming pools, washing cars, watering lawns and gardens. Mr. Baker advised that he is seeking fairness and that, in his opinion, the Township should reduce the sewer fee to 100% of the water consumption charge.

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Mayor Arnold advised Mr. Baker of the inability to meter sewers, leaving the only way to determine such bills being by reading the water meter. The reason the sewer charge is higher than the water delivery and consumption charge being that it costs the municipality considerably more to treat waste water than it does to deliver water. The Township has run deficits for the past two years which has resulted in increased rates and further increases are likely coming that could rise as high as 175%.

Deputy Mayor Gilliland clarified that any money collected for sewer use is legislated for use exclusively for corresponding infrastructure. The money collected from this cannot be used for any other project not related to waste water or sewers.

Mayor Arnold thanked Mr. Baker for his time and advised that Council attempts to keep these increases low noting that bills are a struggle for everyone, especially with out of control increases for the cost of power.

Moved by S. Miller

Seconded by J. Agar

Motion #10 That staff be directed to produce a draft report to educate residents on the reason for the escalated waste water rates and that it be submitted to Council for review before being circulated to the ratepayers.

CARRIED

CORRESPONDENCE:

Moved by J. Agar

Seconded by S. Miller

Motion #11 That the water bill inquiry submitted by the owners of 4278 St. Clair Parkway be referred to staff for a report.

CARRIED

Moved by P. Gilliland

Seconded by D. Randell

Motion #12 That all water bill inquiries be referred to staff for a report prior to being sent to Council in an effort to reduce processing time.

CARRIED

Moved by S. Miller

Seconded by T. Kingston

Motion #13 That staff be directed to investigate the Property Standards complaint against the property known as 2387 Boswell Street and initiate the process to bring any non-compliance into compliance.

CARRIED

Moved by T. Kingston

Seconded by J. Degurse

Motion #14 That the request submitted by the 1st Scout Troop to host a candle vigil at the clock tower in Corunna on November 10, 2016 between 3:00 pm – 10:00 pm in association with the Legion Branch 447 be approved subject to written confirmation of support from the Legion.

CARRIED

Moved by P. Gilliland

Seconded by J. Agar

Motion #15 That the request submitted by Legion Branch 18 for donations towards a new furnace for their building at 52 Margaret Avenue, Wallaceburg, be received as information and that a donation in the amount of \$2500 being funded from the Environment and Education Fund be approved.

CARRIED

Moved by T. Kingston

Seconded by S. Miller

Motion #16 That support and approval be given to Remembrance Week including all its activities as provided for by the Legion Branch 447 in Corunna including the Remembrance Day Ceremony.

CARRIED

Moved by T. Kingston

Seconded by S. Miller

Motion #17 That the following items of correspondence be accepted per Council's direction:

- 1) Water Bill Relief – 4278 St. Clair Parkway
- 2) Property Standards Complaint – 2387 Boswell Street
- 3) 1st Corunna Scouts – Candle Vigil Request
- 4) Legion Branch 18 – New Furnace Request
- 5) Legion Branch 447 – Remembrance Day Activities

CARRIED

INFORMATION:

Moved by D. Randell

Seconded by P. Gilliland

Motion #18 That staff be directed to produce a report regarding the implications of Radon Gas and how it is being managed by the Ontario Building Code.

CARRIED

Moved by S. Miller

Seconded by T. Kingston

Motion #19 That the following items of information be dealt with as per Council's instructions for items identified as agenda items a) thru i):

- a) Moore Agricultural Society – Thank you
- b) Let's Talk Food
- c) RFHT – Thank you
- d) County of Lambton – Creative County Fund
- e) CARST – Radon Gas Concerns
- f) Teeny Tiny Southwest Summit
- g) Physician Recruitment Taskforce – Recipe Book
- h) Port Lambton Community Hall – Donation Commitment
- i) Tony & Anne Stratton – Sombra Park Dock Concerns

CARRIED

DRAINS:

REPORTS OF COMMITTEES AND OFFICERS:

Moved by T. Kingston

Seconded by J. DeGurse

Motion #20 That the report of Barry Uitvlugt – Senior Planner dated September 26, 2016 be received and that Council gives approval in principle to the subdivision agreement for the (Baby's Point) Subdivision, provided all municipal concerns are addressed financially and otherwise.

CARRIED

Moved by J. DeGurse

Seconded by T. Kingston

Motion #21 That the report of Barry Uitvlugt – Senior Planner dated September 28, 2016 with regard to a Site Plan Amendment at 274 St. Clair Boulevard be received and that Council gives approval to the site plan agreement; and that Council pass the executing by-law pertaining to this agreement.

CARRIED

COORDINATOR OF ENGINEERING'S REPORTS:

Moved by J. Agar

Seconded by P. Gilliland

Motion #22 That it be recommended to Council that the report of Paul DaSilva – Coordinator of Engineering dated September 28, 2016 with regard to the Ontario Community Infrastructure Fund (OCIF) – Top-up Funding be received and that Council supports the application for the OCIF top-up funding component for the re-alignment of St. Clair Parkway due to slope instability.

CARRIED

Moved by P. Gilliland

Seconded by J. Agar

Motion #23 That it be recommended to Council that the report of Paul DaSilva – Coordinator of Engineering dated September 28, 2016 be received and that the tender submitted by Finnbilt General Contracting Limited in the amount of \$159,023.41 net HST for the Lapier & Bawden Drain Culvert Rehabilitation (Lapier Drain Only) project

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be accepted and the Mayor and Clerk be authorized to sign the contract and other related documents.

CARRIED

DRAINAGE SUPERINTENDENT'S REPORT:

Moved by P. Gilliland

Seconded by J. Agar

Motion #24 That it be recommended to Council that the report of David Neely – Drainage Superintendent dated September 26, 2016 with regard to the Wilson Drain be received with the following recommendations:

- That the Engineer's report for the Wilson Drain, dated July 5, 2016 be referred back to R. Dobbin Engineering for modifications and the first and second readings given to Drainage By-law 21 of 2016 on September 6, 2016 be retracted and will be reconsidered after the next consideration meeting.

CARRIED

TREASURER'S REPORTS:

[First two reports on agenda received and approved under Collins Barrow Audit Deputation]

Moved by D. Randell

Seconded by J. Agar

Motion #25 That the report by Charles Quenneville – Director of Finance dated September 27, 2016 with regard to the By-law for the OCIF – Formula Based Funding for 2017 to 2019 be received and that Council approve By-law 38 of 2016 and authorize the Mayor and Clerk/Deputy CAO to sign the contribution agreement with the Government of Ontario for Ontario Community Infrastructure Formula-Based Component Funding.

CARRIED

DEPUTY CLERK/DIRECTOR OF PLANNING:

Moved by J. Agar

Seconded by D. Randell

Motion #26 That the report by Carlie McClemens – Deputy Clerk/Coordinator of Planning dated September 28, 2016 with regard to a Deeming By-law Request at 1220 Sophia Street, Mooretown be received and that By-law 40 of 2016, being a by-law to deem Lots 103 & 104, Plan 7, be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign the said by-law accordingly.

CARRIED

CLERK'S REPORTS:

MOTIONS:

BY-LAWS:

Moved by T. Kingston

Seconded by S. Miller

Motion #27 That By-laws 38, 39, 40, 41 and 42 receive all three readings and that the Mayor and Clerk are authorized to execute appurtenant agreements and be thereby passed:

- 38 of 2016 – OCIF Formula-Based Component Funding 2017-2019
- 39 of 2016 – Baby's Point Subdivision Agreement (38T-11004)
- 40 of 2016 – Deeming By-law – 1220 Sophia Street
- 41 of 2016 – Tile Loan – Ken Cook
- 42 of 2016 – Site Plan Amendment – 274 St. Clair Blvd. – Modular Classroom Building

CARRIED

COUNCILLORS' REPORTS:

Deputy Mayor Gilliland:

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Deputy Mayor Gilliland attended the Clean Harbors Open House and the Hall of Fame Dinner in Camlachie, representing the Township at both good events. He continued by questioning a better setup for Courts of Revision where the Engineer does not have to turn his back on either Council or the attendees.

Councillor Agar:

Councillor Agar noted the quality of a recently released marketing video to attract tourism to Point Edward noting it may be something for St. Clair to consider in the future.

Councillor Miller:

Councillor Miller attended the recent Police Services Board meeting where a new Inspector for the area was announced as Inspector Avery. He is a local officer and will begin his new assignment in November 2016.

Councillor Kingston:

Councillor Kingston attended the Clean Harbors Open House as well as the Township staff appreciation lunch on September 29. She continued by advising she will be attending the Corunna Community Safety Community meeting this week where the future of the committee will be considered as attendance and enthusiasm has faded in recent months.

Councillor Degurse:

Councillor Degurse has kept busy in recent weeks attending the Township staff lunch, brunch at St. Joseph's and St. Vincent De Paul appreciation day, and has continued to assist with preparation for the Brigden Fair.

Mayor Arnold:

Mayor Arnold has represented the Township at many events and functions since the last meeting including woodlot committee meeting, CF Industries 50th Anniversary, dropped the puck at the Flags Home Opener, and attended a LAWSS meeting, which forced him to miss the Township staff recognition luncheon.

Mayor Arnold reminded everyone the Brigden Fair opens Friday, October 7 with the parade being held on Saturday, October 8 and asked those on the Fair Committee to provide Council with an update on the status of the generator. Status for all generators in buildings that could potentially be used for warming centers with the upcoming winter weather should be provided to Council in a report by Fire Chief Anderson.

With the latest Olympic Champion plaque now fastened to the clock tower, Mayor Arnold noticed there is no reference to the tower being owned by the municipality.

Moved by S. Miller

Seconded by J. Agar

Motion #28 That Mayor Arnold be authorized to purchase a plaque approximately 24 x 18 inches denoting Township ownership of the clock tower and that it be mounted on the east side.

CARRIED

Mayor Arnold concluded by advising Council that he spoke with representatives from Nova about their incomplete site plan submission for the proposed 20/20 expansion at the Corunna site. Township staff has provided Nova with a detailed list of outstanding items that have yet to be submitted and advised that they will not see additional submissions until November 17, 2016. The expectation being that the Township have everything reviewed and ready for completion by the new year, which is not a realistic timetable and leaves no time for revisions. Mayor Arnold advised Nova that this was not acceptable and asked for the submission of all outstanding documents as soon as possible.

UNFINISHED BUSINESS:

NEW BUSINESS:

Moved by J. Agar

Seconded by S. Miller

Motion #29 That the amended draft site plan agreement submitted by Tom Thompson via email dated October 3, 2016 for a rail expansion at Nova Moore be received as information and that the security deposit for a noise mitigation berm be reduced from \$554,137 to \$5000 subject to its installation prior to the inauguration of the rail yard.

CARRIED

Moved by S. Miller

Seconded by J. Agar

Motion #30 That the wording on page 8 of the Draft Site Plan Amendment for rail expansion at Nova Moore under heading *Spills Protocol* be replaced by the following:

“Emergency Management

The Owner has provided the Environmental Release Decision Flowchart attached as Schedule J hereto to the Municipality’s Fire Department and the Municipality’s Deputy Clerk and agrees to promptly provide the Fire Department with any future amendments thereto.”

CARRIED

UPCOMING MEETINGS:

- 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.
- Committee of the Whole – Monday, November 21, 2016 ~ 3:00 p.m.
- Regular Council – Monday, November 21, 2016 ~ 5:00 p.m. after Committee of the Whole

IN-CAMERA:

Moved by

Seconded by J. DeGurse

Motion #31 That the meeting enters into an in-camera session to discuss 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 #32 That the meeting of Council hereby adjourned.

CARRIED

The meeting adjourned at 8:45 p.m.

MAYOR

CLERK