

**TOWNSHIP OF ST. CLAIR**

**COUNCIL MINUTES**

**SESSION #16**

St. Clair Township Civic Centre  
August 21, 2017  
5:00 p.m.

A Regular Meeting of Council was held Monday, August 21, 2017 at the Council Chambers in Mooretown at 5:30 p.m. with the following people present:

S. Arnold	Mayor
P. Gilliland	Deputy Mayor
J. Agar	Councillor
J. De Gurse	“
D. Randell	“
T. Kingston	“
S. Miller	“

Staff:	J. Rodey	CAO
	C. DeSchutter	Acting Deputy Clerk

**AGENDA:**

**Declaration of Conflict of Interest:**

**Minutes:**

Regular Council Meeting – Session #15 – August 8, 2017  
Sombra Township Museum Board Committee Meeting – July 27, 2017

**Business Arising from the Minutes:**

**DEPUTATIONS AND APPOINTMENTS:**

6:00 p.m. – Kevin Smith – 50 Thomson St.

**CORRESPONDENCE:**

- 1) Property Standards – 3558 St. Clair Parkway
- 2) Mocha Shriners Magic Show – Advertising Opportunity
- 3) Property Standards – 156 King Street
- 4) Property Standards – 353 Astor Park
- 5) County Response – Idling Trucks in Brigden
- 6) MMA – Endorsement for Candidate Nomination

**INFORMATION:**

- a) NTCF – Heavy Haul Corridor Application
- b) St. Clair Emergency Golf Tournament Invitation
- c) July Building Permits
- d) Legion Br. 635 Brigden – Remembrance Day Service
- e) Sombra Township Child Care – 25<sup>th</sup> Anniversary
- f) Warden Picnic Invitation
- g) Bill 141 – Sewage Bypass Reporting Act

**DRAINS:**

**REPORTS OF COMMITTEES AND OFFICERS:**

**SENIOR PLANNER'S REPORTS:**

- Woodland Estates Subdivision, Wall Design
- Site Plan Agreement – J.W. Seward Enterprises – 497 Courtright Line

**DEPUTY TREASURER'S REPORT:**

- Tax Levies for the Multi-Residential, Commercial & Industrial Classes

**PROPERTY STANDARDS OFFICER'S REPORT:**

- Property Standards Update Report

**ACTING DEPUTY CLERK/COORDINATOR OF PLANNING'S REPORTS:**

- Request for Temporary Modular Buildings – NOVA Chemicals (Canada) Ltd., 510 Moore Line
- Municipality's Representation at OMB Hearings – Appeals to COA Decisions
- Merlink Communications Inc. – Approval of Site Plan Agreement & Lease Agreement – Installation of Telecommunications tower at Sombra Library Site, 3536 St. Clair Parkway

**CLERK'S REPORT:**

- Report - BL 33 of 2017 – Fine Value Determination

**CAO'S REPORT:**

**MOTIONS:**

**BY-LAWS:**

- By-law 33 of 2017 – Parking of Vehicles, Marine Vehicles & Trailers
- By-law 34 of 2017 – Delegate, ARB, Administrative Matters
- By-law 35 of 2017 – Site Plan Agreement with Merlink Communications Inc. for Tower at 3536 St. Clair Parkway
- By-law 36 of 2017 – Lease Agreement with Merlink Communications Inc.
- By-law 37 of 2017 – Temporary Use Agreement – 7 Mobile Storage Units – NOVA Moore, 510 Moore Line
- By-law 38 of 2017 – Seward Site Plan Agreement – 497 Courtright Line

**COUNCILLORS' REPORTS:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

- Regular Council – Tuesday, September 5, 2017 ~ 6:30 p.m.
- Committee of the Whole – Monday, September 11, 2017 ~ 3:00 p.m.
- Regular Council – Monday, September 18, 2017 ~ 6:30 p.m.
- Regular Council – Monday, October 2, 2017 ~ 6:30 p.m.
- Committee of the Whole – Tuesday, October 10, 2017 ~ 3:00 p.m.
- Regular Council – Monday, October 16, 2017 ~ 6:30 p.m.

**In Camera:**

- 239 (2) (c) possible land sale in Township industrial park
- 239 (2) (e) update on ongoing litigation files

**ADJOURNMENT:**

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At 5:30 p.m., Mayor Arnold called the meeting to order.

**Declaration of Conflict of Interest:**

None declared.

**MINUTES:**

Moved by D. Randell

Seconded by J. Agar

**Motion #1** That the Minutes from the Council meeting Session #15 held August 8, 2017 be received and accepted as printed.

**CARRIED**

Moved by J. Agar

Seconded by D. Randell

**Motion #2** That the Minutes from the Sombra Museum Board meeting held July 27, 2017 be received and accepted as printed.

**CARRIED**

**DEPUTATIONS:**

Kevin Smith, 50 Thomson St., did not attend the meeting as scheduled.

**CORRESPONDENCE:**

Moved by T. Kingston

Seconded by J. De Gurse

**Motion #3** That the property standards complaint received against the property known as 3558 St. Clair Parkway be referred to staff for investigation and that staff be directed to begin the process to remedy any non-compliance with appurtenant bylaws.

**CARRIED**

Staff was asked to confirm the accuracy of the address that had been provided by the complainant.

Moved by P. Gilliland

Seconded by S. Miller

**Motion #4** That the request submitted by the Shriners to support the Mocha Shriners' Magic Show be received as information.

**CARRIED**

Moved by P. Gilliland

Seconded by S. Miller

**Motion #5** That the property standards complaint received against the property known as 156 King Street be referred to staff for investigation and that staff be directed to begin the process to remedy any non-compliance with appurtenant bylaws.

**CARRIED**

Moved by S. Miller

Seconded by T. Kingston

**Motion #6** That the property standards complaint received against the property known as 353 Astor Park be referred to staff for investigation and that staff be directed to begin the process to remedy any non-compliance with appurtenant bylaws.

**CARRIED**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #7** In response to the County of Lambton letter dated July 26, 2017 regarding Idling Trucks, staff be directed to draft a No-Idling by-law for Council's consideration and discussion.

**CARRIED**

Moved by P. Gilliland

Seconded by S. Miller

**Motion #8** In response to the MMA letter regarding Changes to the Municipal Elections Act, that staff be directed to reply with a recommendation that potential candidates be required to

have their nomination endorsed by 10 electors, not the 25 electors currently in the new legislation.

**CARRIED**

Moved by J. Agar

Seconded by D. Randell

**Motion #9** That Council accept the following items of correspondence as per Council's direction:

- 1) Property Standards – 3558 St. Clair Parkway
- 2) Mocha Shriners Magic Show – Advertising Opportunity
- 3) Property Standards – 156 King Street
- 4) Property Standards – 353 Astor Park
- 5) County Response – Idling Trucks in Brigden
- 6) MMA – Endorsement for Candidate Nomination

**CARRIED**

**INFORMATION:**

Moved by J. Agar

Seconded by D. Randell

**Motion #10** That the following items of information be dealt with as per Council's instructions for items identified as agenda items a) through g):

- a) NTCF – Heavy Haul Corridor Application
- b) St. Clair Emergency Golf Tournament Invitation
- c) July Building Permits
- d) Legion Br. 635 Brigden – Remembrance Day Service
- e) Sombra Township Child Care – 25<sup>th</sup> Anniversary
- f) Warden Picnic Invitation
- g) Bill 141 – Sewage Bypass Reporting Act

**CARRIED**

**SENIOR PLANNER'S REPORTS:**

Moved by D. Randell

Seconded by J. Agar

**Motion #11** That the Planning report for subdivision wall design submitted by Barry Uitvlugt – Senior Planner dated August 15, 2017 be received and that the proposed wall design contained within the report be approved for Phase II of Woodland Estates.

**CARRIED**

In response to inquiries presented by Council, staff confirmed that the length of the fence would reflect the length of the fence across the street at the Paddock Green subdivision. It was also confirmed that the subject fence would be built on private property.

Moved by D. Randell

Seconded by P. Gilliland

**Motion #12** That the Planning report related to a site plan at 497 Courtright Line submitted by Barry Uitvlugt – Senior Planner dated August 14, 2017 be received and that the approval be given to the site plan agreement with J.W. Seward for non-processing uses; and, the executing bylaw pertaining to this agreement be considered for all three readings.

**CARRIED**

An inquiry was presented by individuals present at the meeting who wondered if they could ask questions of Council at this time.

In response to acknowledgement from the Mayor, Steve Seward, resident of 541 Courtright Line, asked for clarification of the Seward development plans. The Mayor confirmed that the approval was solely for those lands north of the Hydro corridor, being Phase 1, and made reference to the Planner's Report which stated that this phase involved redevelopment of the site in terms of a new industrial building tied to the storage of metal mats and pipes. In response to Mr. Seward's expression of concern regarding the ongoing generation of dust at the 497 Courtright Line site, the Mayor directed Mr. Seward to contact the municipality's CAO for direction of the said concerns to the Ministry of Environment & Climate Change. It was also confirmed that a recent letter delivered to Steve Seward regarding J. W. Seward Enterprises' notice of ECA application had not been distributed by the municipality.

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A second individual, Larry Munday, resident of 650 Oil Springs Line explained his initial concerns expressed to Township staff prior to the meeting and made reference to OMB direction given in 2015 that he is to be notified when the Township eventually receives application from J. Seward for the recycling facility at the subject property, which was acknowledged by the Mayor.

**DEPUTY TREASURER'S REPORT:**

Moved by P. Gilliland

Seconded by D. Randell

**Motion #13** That the report titled Tax Levies for Multi- Residential, Commercial and Industrial classes submitted by George Lozon be received and be it resolved that the tax levy for the Multi-Residential, Commercial, and Industrial related tax classes shall become due and payable in two installments as follows: the 2<sup>nd</sup> day of August 2017 and the 4<sup>th</sup> day of October 2017; and, non-payment of the amount on the dates stated in accordance with this resolution shall constitute default (The installments shall be calculated as follows: fifty percent of the levy rounded downwards to the next whole dollar shall become due and payable on the 2<sup>nd</sup> day of August with the balance due on the 4<sup>th</sup> day of October.)

**CARRIED**

**PROPERTY STANDARDS OFFICER'S REPORT:**

Moved by J. Agar

Seconded by P. Gilliland

**Motion #14** That the report titled Property Standards Update submitted by Kelly Bedard and dated August 14, 2017 be received as information and that the PSO be directed to close the file at 574 Albert Boulevard.

**CARRIED**

**COORDINATOR OF PLANNING REPORTS:**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #15** That the Report by Caroline DeSchutter - Acting Deputy Clerk/ Coordinator of Planning dated August 16, 2017 be received and that By-law No. 37 2017, being a By-law to Authorize Execution of an Agreement with NOVA Chemicals (Canada) Ltd. for Temporary Use of Seven (7) Modular Mobile Storage Units, located at 510 Moore Line, 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**

Moved by J. De Gurse

Seconded by T. Kingston

**Motion #16** That the Report by Caroline DeSchutter - Acting Deputy Clerk/ Coordinator of Planning dated August 16, 2017 be received, and that Council endorse a request for legal representation to defend the St. Clair Township Committee of Adjustment's decisions given for COA Application File #A14/17 and B3/17 at both the upcoming respective Ontario Municipal Board hearings.

Mayor Arnold requested a Recorded Vote for Motion #17, which was duly recorded as follows: D. Randell – yes; J. Agar – yes; P. Gilliland – no; S. Miller – no; T. Kingston – yes, J. De Gurse – no, S. Arnold – no.

**DEFEATED**

Moved by T. Kingston

Seconded by J. De Gurse

**Motion #17** That the report titled Merlink Communications Inc. submitted by Acting Deputy Clerk - Caroline DeSchutter dated August 16, 2017 be received and the following recommendations be approved:

- a) By-law Number 35 of 2017, being a By-law to Authorize a Site Plan Agreement with Merlink Communications Inc. for the installation of a telecommunications tower at 3536 St. Clair Parkway (Sombra Library Site) 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.
- b) By-law Number 36 of 2017, being a By-law to authorize a Lease Agreement with Merlink Communications Inc. be taken as having been read three times and finally

passed, and the Mayor and Clerk be authorized to sign the by-law and appurtenant agreements accordingly, subject to approval of the municipal solicitor.

**CARRIED**

**CLERK'S REPORT:**

Moved by S. Miller

Seconded by J. De Gurse

**Motion #18** That the report titled BL 33 of 2017 – Fine Value Determination submitted by Clerk - Jeff Baranek be received and that By-law 33 of 2017 being a by-law to restrict parking of vehicles, marine vehicles and recreational trailers be amended to make initial fines for all offenses \$25 increasing to \$35 if not paid within 14 days of issuance and that the amended by-law receive three readings and be thereby passed and the Mayor and Clerk be authorized to sign the by-law accordingly.

**CARRIED**

**MOTIONS:**

Moved by T. Kingston

Seconded by J. De Gurse

**Motion #19** That the recommendations from August 21, 2017 – Finance & Administration and Public Works & Operations Committees be received and approved.

**CARRIED**

**BY-LAWS:**

Moved by J. De Gurse

Seconded by S. Miller

**Motion #20** That By-law 33 of 2017 being a By-law for parking of all vehicles, boats and trailers receive all three readings and be thereby passed and the Mayor and Clerk be authorized to execute the by-law and any appurtenant agreements.

**CARRIED**

Moved by S. Arnold

Seconded by T. Kingston

**Motion #21** That By-law 34 of 2017 being a By-law to delegate Assessment Review Board administrative matters be tabled to the next meeting of Council to facilitate revisions by staff.

**TABLED**

Moved by J. De Gurse

Seconded by S. Miller

**Motion #22** That By-law 35 of 2017 being a By-law for Site Plan for a telecommunications tower to be erected at 3536 St. Clair Parkway receive all three readings and be thereby passed and the Mayor and Clerk be authorized to execute the by-law and any appurtenant agreements.

**CARRIED**

Moved by J. De Gurse

Seconded by S. Miller

**Motion #23** That By-law 36 of 2017 being a Lease with Merlink Communications for a portion of property at 3536 St. Clair Parkway receive all three readings and be thereby passed and the Mayor and Clerk be authorized to execute the by-law and any appurtenant agreements, subject to approval of the municipal solicitor.

**CARRIED**

Moved by J. De Gurse

Seconded by S. Miller

**Motion #24** That By-law 37 of 2017 being a Temporary Use Agreement for seven mobile storage units receive all three readings and be thereby passed and the Mayor and Clerk be authorized to execute the by-law and any appurtenant agreements.

**CARRIED**

Moved by J. De Gurse

Seconded by S. Miller

**Motion #25** That By-law 38 of 2017 being a Site Plan Agreement for the property at 497 Courtright Line receive all three readings and be thereby passed and the Mayor and Clerk be authorized to execute the by-law and any appurtenant agreements.

**CARRIED**

**COUNCILLOR'S REPORTS:**

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**Deputy Mayor Gilliland**

Deputy Mayor Gilliland reported that he had attended the Moore Museum Volunteer Recognition Dinner as well as the St. Clair Heritage Committee Awards function.

He drew Council's attention to the recent graffiti at the Murray Street school property.

**Councillor Agar**

Councillor Agar confirmed that he had attended the AMO Conference in Ottawa, as well as the St. Clair Heritage Committee function at which MP Marilyn Gladu had presented recognition awards to the volunteer committee members.

**Councillor Randell**

Councillor Randell reported that he had attended the AMO Conference in Ottawa, noting the discussions/presentations held at the conference with the emphasis on Recycling, the upcoming implementation of five-year Waste Diversion Plans in municipalities and the conversion of organic waste to natural gas.

**Councillor Miller**

Councillor Miller reported that he also had attended the AMO Conference, the local St. Clair Heritage Committee awards ceremony and also an emergency Pt. Lambton Community Hall Committee meeting this past week.

**Councillor Kingston**

Councillor Kingston reported that she had attended the Moore Museum Volunteer Recognition Dinner as well as the St. Clair Heritage Committee Awards function.

She advised Council that the local Bike Rodeo, traditionally hosted by the Optimist Club, had not taken place this summer.

**Councillor De Gurse**

Councillor De Gurse confirmed that he had attended the AMO Conference, as well as the St. Clair Heritage Committee Awards function.

**Mayor Arnold**

Mayor Arnold reported that during his attendance at AMO, he had met with MP Marilyn Gladu and staff to discuss funding for numerous St. Clair infrastructure projects as well as local projects, including the Safety Village. He added that he had relayed information to Public Works staff regarding continued possible funding opportunities, following a chance meeting with an FCM affiliate who was currently associated with funding of the Township's Asset Management program. He expressed concern with the discussion at AMO regarding possible continued election changes and representation by population, and its eventual effects locally.

Mayor Arnold noted that he had attended numerous functions, including a County Committee meeting and a Dieppe presentation at the Chatham-Kent Branch 18 Legion.

He advised Council of several upcoming functions that they may be interested in attending.

**UNFINISHED BUSINESS:**

None at this time.

**NEW BUSINESS:**

None at this time.

**UPCOMING MEETINGS:**

- Regular Council – Tuesday, September 5, 2017 ~ 6:30 p.m.
- Committee of the Whole – Monday, September 11, 2017 ~ 3:00 p.m.
- Regular Council – Monday, September 18, 2017 ~ 6:30 p.m.
- Regular Council – Monday, October 2, 2017 ~ 6:30 p.m.
- Committee of the Whole – Tuesday, October 10, 2017 ~ 3:00 p.m.
- Regular Council – Monday, October 16, 2017 ~ 6:30 p.m.

**IN-CAMERA:**

Moved by T. Kingston

Seconded by D. Randell

**Motion #26** That the meeting enter an in-camera session to discuss the following:

- Municipal Act Section 239 (2) (c) possible land sale in Township industrial park
- Municipal Act Section 239 (2) (e) update on ongoing litigation files

**CARRIED**

Mayor Arnold declared the meeting back into an open session and noted nothing to rise and report.

**ADJOURNMENT:**

Seeing no other business to conduct, be it resolved that:

Moved by D. Randell

Seconded by S. Arnold

**Motion #27** That the meeting do hereby adjourn.

**CARRIED**

The meeting was adjourned at 6:45 p.m.

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MAYOR

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CLERK