

# TOWNSHIP OF ST. CLAIR

## COUNCIL MINUTES

### SESSION #8

St. Clair Township Civic Centre  
April 16, 2018  
6:30 p.m.

A Regular Meeting of Council was held Monday, April 16, 2018 at the Council Chambers in Mooretown at 6:30 p.m. with the following people present:

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

|        |            |       |
|--------|------------|-------|
| Staff: | J. Rodey   | CAO   |
|        | J. Baranek | Clerk |

### **AGENDA:**

#### **Declaration of Conflict of Interest:**

#### **Minutes:**

Regular Council Meeting – Session #7 – April 2, 2018  
Finance & Administration Meeting – April 9, 2018  
Public Works & Operations Meeting – April 9, 2018  
Lambton Group Police Services Board Meeting - January 17, 2018  
Corunna Community Safety Committee Meeting - April 3, 2018  
Moore Museum Advisory Committee Meeting – April 4, 2018

#### **Business Arising from the Minutes:**

#### **DEPUTATIONS AND APPOINTMENTS:**

6:30 p.m. – Corunna Legion – Dan Watson – Cheque Presentation

#### **Public Rezoning Meetings:**

- 6:40 p.m. - ZBLA – Jesse Kraayenbrink - 364 Moore Line\*
  - 6:45 p.m. - ZBLA/OPA – David Swartz - 3461 St. Clair Parkway\*
- \*see separate agendas

#### **Fence Hearings:**

- 6:50 p.m. – Glover – 4667 Crescent St., Port Lambton
- 7:00 p.m. – Hargrove – 3453 St. Clair Parkway, Sombra

7:15 p.m. – Violet Towell – Wallaceburg Area Wind Farm Concerns

#### **CORRESPONDENCE:**

- 1) Corunna Community Safety Committee – Bicycle Rodeo Request
- 2) Lambton Public Health Unit – West Nile Virus Larvicide Authorization
- 3) County of Lambton – Integrity Commissioner Options

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- 4) Illegal Building Concerns – 403 Beresford St.
- 5) Possible Network Access for Wilkesport

**INFORMATION:**

- a) Lambton County Municipal Association – Annual Banquet Invitation
- b) Building Permits – March 2018
- c) AMO Conference – Delegation Requests
- d) Lincoln M. Alexander Award
- e) Shell – Turnaround Notice
- f) Sustainable Communities Conference – Post-Conference Resources
- g) Lake Huron Coastal Conservation Conference
- h) AMO Watchfile – April 2018
- i) Nextera Buy-out concern
- j) County Council Highlights – April 4, 2018
- k) Correspondence – Legalization of Cannabis
- l) MPAC Sales Listing Information
- m) 46<sup>th</sup> Annual Sydenham River Canoe & Kayak Race
- n) Erie St. Clair LHIN Opens New Clinic

**REPORTS OF COMMITTEES AND OFFICERS:**

**DEPUTY TREASURER’S REPORT:**

- Request to the Minister of Finance regarding high tonnage tax rates for railway right-of-way properties

**CLERK’S REPORTS:**

- Dock Request – 51 Charlton Street
- Outdoor Space Request – October 5-7, 2018 – Courtright Park

**CAO’S REPORT:**

- Port Lambton Athletic Association

**MOTIONS:**

- That the recommendations from the February 12, 2018 – Finance & Administration and Public Works & Operations Committee meetings be received and approved.
- That the recommendations from the April 9, 2018 – Finance & Administration and Public Works & Operations Committee meetings be received and approved.

**BY-LAWS:**

- 21 of 2018 – ZBLA – 364 Moore Line (Kraayenbrink)
- 22 of 2018 – ZBLA – 3461 St. Clair Parkway (Swartz)
- 23 of 2018 – Adopt Official Plan Amendment – 3461 St. Clair Parkway (Swartz)
- 24 of 2018 – Confirming By-law
- 25 of 2018 – Procurement By-law

**IN-CAMERA:**

- 239 (2) (e) – Potential litigation related to work by Township contractor
- 239 (2) (b) – Information related to a potential personnel issue
- 239 (2) (c) – Property matter

**COUNCILLORS’ REPORTS:**

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**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

- Regular Council – Monday, May 7, 2018 ~ 6:30 p.m.
- Committee of the Whole – Monday, May 14, 2018 ~ 3:00 p.m.
- Regular Council – Tuesday, May 22, 2018 ~ 6:30 p.m.
- Regular Council – Monday, June 4, 2018 ~ 6:30 p.m.
- Committee of the Whole – Monday, June 11, 2018 ~ 3:00 p.m.
- Regular Council – Monday, June 16, 2018 ~ 6:30 p.m.

**ADJOURNMENT:**

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Mayor Arnold 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.

There was no representative from the Corunna Legion Br. 447 present therefore, there was no cheque presentation.

**ADOPT MINUTES:**

Moved by J. Agar

Seconded by D. Randell

**Motion #1** Be it resolved that the Minutes from Council Session #7 held April 2, 2018 be received and accepted as printed.

**CARRIED**

Moved by D. Randell

Seconded by J. Agar

**Motion #2** Be it resolved that the Minutes from the Finance & Administration and the Public Works & Operations meetings held April 9, 2018 be received and accepted as amended.

**CARRIED**

Moved by P. Gilliland

Seconded by T. Kingston

**Motion #3** Be it resolved that the Fire Chief and Deputy Chief appoint a replacement and notify the CAO when they are both going to be unavailable for an emergency response.

**CARRIED**

Moved by P. Gilliland

Seconded by D. Randell

**Motion #4** Be it resolved that the Minutes from the following committees of Council be accepted as printed:

- Lambton Group Police Services Board Meeting – January 17, 2018
- Corunna Community Safety Committee Meeting – April 3, 2018
- Moore Museum Advisory Committee Meeting – April 4, 2018

**CARRIED**

**DEPUTATIONS AND APPOINTMENTS:**

**6:30 p.m. – Corunna Legion – Dan Watson – Cheque Presentation**

This will be done at a later meeting.

**PUBLIC REZONING MEETINGS:**

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**6:40 p.m. – ZBLA – Jesse Kraayenbrink – 364 Moore Line**

At the appointed time of 6:40 p.m., Mayor Arnold welcomed everyone to a public meeting to consider a zoning by-law amendment for 364 Moore Line and invited Township Planner - Ezio Nadalin to present his report.

The rezoning application was a condition of consent from file B-01/18 which disposed of a surplus farm dwelling as a result of farm consolidation. The newly created parcel was 0.8 hectares and complied with policy for the A1-R Agricultural Non-Farm Rural Residential zone. The remnant parcel was 39 hectares in compliance with the minimum size for a lot in the A1-ND Agricultural No-Dwelling zone.

As is customary for severances in the agricultural designation, Minimum Distance Separation for setbacks from livestock facilities was confirmed to ensure there was no potential impact.

Mayor Arnold confirmed with Mr. Nadalin that the nearby industrial land use was considered in his report and was assured that there was no impact forecast by the application.

Mr. Nadalin recommended the application for approval. No member of the public wished to speak in support or in opposition to the application. Mayor Arnold declared the public meeting closed and asked if a motion was forthcoming.

Moved by J. Agar

Seconded by S. Miller

**Motion #5** Be it resolved that Zoning By-law Amendment proposed for 364 Moore Line to recognize a new lot created by Consent Application B01/18, and the retained parcel, be approved and that consideration be given to By-law 21 of 2018.

**CARRIED**

**6:45 p.m. – ZBLA/OPA – David Swartz – 3461 St. Clair Parkway**

At the appointed time of 6:45 p.m. Mayor Arnold welcomed everyone to a public meeting to consider a zoning by-law amendment for 3461 St. Clair Parkway and invited Township Planner - Barry Uitvlugt to present his report.

The subject land was home to the former CIBC Branch in the village of Sombra. The new owner has proposed that the property be rezoned and re-designated from Central Commercial to Residential to permit a single detached residential development.

Mr. Uitvlugt noted that e-commerce has reduced the need for many local commercial lots and that the population of Sombra has been increasing along with the need for local developable lots. The proposal would fit into the local land use fabric and the proposal would eliminate a parking lot that directly abuts a residential use.

A Brownfield study has been undertaken on the site and proposed lot layouts have been discussed but, nothing formal has been submitted.

Councillor Agar confirmed that the proposed zone would not permit high density residential as it would only permit single detached residential.

John Belanger, owner of 3455 St. Clair Parkway, inquired as to how many lots would be permitted and whether or not variances would be required. Mr. Uitvlugt advised that currently three lots are being considered and that the lots would be large enough to meet minimum requirements for the R1 Residential zone.

Donald Broad, owner of 3462 St. Clair Parkway, advised that he remembers the subject parcel as two separate lots and reported that, in his opinion, the lot was better suited to remain as commercial.

Stephen Towell, owner of 294 East River Road, asked about design options for homes within the proposed development. Mr. Uitvlugt advised that the zone will have the same

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limitations as any R1 zone within the Township according to Table A of By-law 17 of 2003.

The proponent, David Swartz, advised that he plans to subdivide into three lots that would be of similar size to the existing residential lots in the area. He felt that the development of new homes in this location would add to the attractiveness of a nice suburban hamlet.

Seeing no other questions, Mayor Arnold declared the meeting closed and asked if a motion was forthcoming.

Moved by P. Gilliland

Seconded by T. Kingston

**Motion #6** Be it resolved that both the proposed Official Plan Amendment and Zoning By-law Amendment proposed for 3461 St. Clair Parkway to rezone and re-designate central commercial land to residential to permit single detached residential developments, be approved and that consideration be given to By-laws 22 and 23 of 2018 accordingly.

**CARRIED**

**FENCE HEARINGS:**

**6:50 p.m. – Glover – 4667 Crescent St., Port Lambton**

At the appointed time of 6:50 p.m. Mayor Arnold welcomed everyone to a public meeting to consider a variance to Fence By-law 36 of 2010 to permit a three foot picket fence in the rear yard of 4667 Crescent Drive.

Mayor Arnold asked if the proponent was in attendance and, when it was discovered that they were not, he asked if anyone wished to speak in favour of or in opposition to the proposed variance and nobody came forward.

Councillor Miller reported that, as the proposed fence would be only three feet high and of a construction that allows visibility between the boards, he supported the application.

Moved by S. Miller

Seconded by D. Randell

**Motion #7** Be it resolved that the variance to By-law 36 of 2010 submitted by the owners of 4667 Crescent Drive to install a picket fence three feet in height in the rear yard of the subject property be approved.

**CARRIED**

**7:00 p.m. – Hargrove – 3453 St. Clair Parkway, Sombra**

At the appointed time of 7:00 p.m. Mayor Arnold welcomed everyone to a public meeting to consider a variance to Fence By-law 36 of 2010 to permit a five foot high vinyl picket fence within three metres of the municipal sidewalk at 3453 St. Clair Parkway.

Mayor Arnold welcomed proponents Ruth and Alan Hargrove to come forward. Mr. Hargrove referred to his detailed letter dated March 29, 2018 and reaffirmed all the points identified within it.

The Hargroves felt that the present fence was not of new construction as it replaced a previously existing fence in an effort to beautify the former, which had deteriorated. The replacement fence measured 5 feet in height, 12 inches taller than the original fence.

Councillor Miller confirmed with the Clerk that the only violation with the existing 5 foot fence was its proximity to the sidewalk and not the height itself.

Gilles Ouellet, owner of 3452 St. Clair Parkway, reported that the former fence was picket which allowed site lines and that it was much shorter than the replacement. He advised that the new fence had a gate that enclosed the Hargrove's driveway, thus, eliminating the view of the river from his own property.

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Moved by D. Randell

Seconded by J. Agar

**Motion #8** Be it resolved that the variance to By-law 36 of 2010 submitted by the owners of 3453 St. Clair Parkway to permit a five foot high vinyl fence within 18 inches of the sidewalk along St. Clair Parkway be approved.

**CARRIED**

**7:15 p.m. – Violet Towell – Wallaceburg Area Wind Farm Concerns**

At the appointed time of 7:15 p.m. Mayor Arnold welcomed Violet Towell to make her presentation on behalf of the Wallaceburg Area Wind Farm Concerns group.

The concerns stemmed from the expected location of some turbines as part of the Otter Creek Wind Project and their proximity to a vulnerable aquifer that provides water to rural residents. The group presented the same facts to the Lower Thames Valley Conservation Authority where a major concern related to the possibility of contamination of the aquifer which serves many private wells in the area was identified. Many of these affected private wells serve local Township residents.

The thrust of the presentation to the Lower Thames Valley Conservation Authority was to ensure the conservation and protection of the vulnerable aquifer that lies beneath the project area. That presentation resulted in a letter of support from the CA to the MOECC to consider these impacts when adopting and amending source water protection plans across the province.

Moved by D. Randell

Seconded by J. Agar

**Motion #9** Be it resolved that St. Clair Township Council recognize the Otter Creek Wind Farm just south of our border as a threat to private well water systems. As such, we request the Thames Sydenham Source Water Protection Committee and the Ministry of Environment and Climate Change to elevate status of the private wells in the 4 most southerly concessions of the Township as a cluster and include them in the next round of the Assessment Report.

**CARRIED**

**CORRESPONDENCE:**

Moved by J. Agar

Seconded by P. Gilliland

**Motion #10** Be it resolved that Council accept the following items of correspondence as per Council's direction:

- 1) Corunna Community Safety Committee – Bicycle Rodeo Request
- 2) Lambton Public Health Unit – West Nile Virus Larvicide Authorization
- 3) County of Lambton – Integrity Commissioner Options
- 4) Illegal Building Concerns – 403 Beresford St.
- 5) Possible Network Access for Wilkesport

**CARRIED**

Moved by D. Randell

Seconded by J. Agar

**Motion #11** Be it resolved that the request submitted by the Corunna Community Safety Committee to occupy the parking lot at the Emergency Services Building in Corunna on June 16, 2018 for a Bike Rodeo from 10:00 a.m. through 2:00 p.m. be approved and that the Township Public Works Department be authorized to support the event with any available signs as requested.

**CARRIED**

Moved by T. Kingston

Seconded by S. Miller

**Motion #12** Be it resolved that Lambton Public Health be authorized to use larvicide in the Township of St. Clair to help control the mosquito population for the 2018 season.

**CARRIED**

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Moved by P. Gilliland

Seconded by S. Miller

**Motion #13** Be it resolved that the Township of St. Clair advise the County of Lambton that the Township would be interested in the possibility of a joint Integrity Commissioner between all municipalities within Lambton.

**CARRIED**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #14** Be it resolved that staff be directed to investigate the complaint against the property known as 403 Beresford Street for buildings and overhangs that do not comply with the Ontario Building Code and Township Zoning Bylaw 17 of 2003.

**CARRIED**

Moved by D. Randell

Seconded by J. Agar

**Motion #15** Be it resolved that staff work with the County of Lambton and investigate the possibility of bringing high speed network access to Wilkesport.

**CARRIED**

**INFORMATION:**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #16** Be it resolved that the following items of information be dealt with as per Council's instructions for agenda items identified a) to n):

- a) Lambton County Municipal Association – Annual Banquet Invitation
- b) Building Permits – March 2018
- c) AMO Conference – Delegation Requests
- d) Lincoln M. Alexander Award
- e) Shell – Turnaround Notice
- f) Sustainable Communities Conference – Post-Conference Resources
- g) Lake Huron Coastal Conservation Conference
- h) AMO Watchfile – April 2018
- i) Nextera Buy-out concern
- j) County Council Highlights – April 4, 2018
- k) Correspondence – Legalization of Cannabis
- l) MPAC Sales Listing Information
- m) 46<sup>th</sup> Annual Sydenham River Canoe & Kayak Race
- n) Erie St. Clair LHIN Opens New Clinic

**CARRIED**

**REPORTS OF COMMITTEES AND OFFICERS:**

**DEPUTY TREASURER'S REPORT:**

Moved by J. Agar

Seconded by P. Gilliland

**Motion #17** Be it resolved that the report dated April 5, 2018 submitted by George Lozon – Deputy Treasurer be received and that Council formally request that the Minister consider the high-tonnage rate for individual railway right-of-way properties in the Township of St. Clair that meet the high-tonnage threshold.

**CARRIED**

**CLERK'S REPORTS:**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #18** Be it resolved that the report *Dock Request – 51 Charlton Street* submitted by Jeff Baranek – Clerk be received and that Council approve the request submitted by George Brown to put a dock adjacent to 51 Charlton Street subject to entering into a hold harmless agreement and naming the Township as additionally insured prior to construction.

**CARRIED**

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Moved by J. Agar

Seconded by P. Gilliland

**Motion #19** Be it resolved that the report *Outdoor Space Request – October 5-7, 2018 – Courtright Park* submitted by Jeff Baranek – Clerk be received and that Council approve the use of outdoor space east of the Courtright Silverdome as requested for use by a family reunion, subject to compliance with the Township Alcohol Management Policy and the terms of a liquor licence issued by AGCO.

**CARRIED**

**CAO'S REPORT:**

Moved by P. Gilliland

Seconded by J. Agar

**Motion #20** Be it resolved that the report *Port Lambton Athletic Association* submitted by John Rodey – CAO be received and that Council appoint a member to the Port Lambton Parks Board and that the Board be advised of the member appointed and their contact information so that they can begin to participate in the meetings of the newly established Committee.

**CARRIED**

Moved by J. De Gurse

Seconded by J. Agar

**Motion #21** Be it resolved that Councillor Miller be appointed to the Port Lambton Parks Board.

**CARRIED**

**MOTIONS:**

Moved by J. De Gurse

Seconded by T. Kingston

**Motion #22** Be it resolved that the recommendations from the February 12 and April 9, 2018 – Finance & Administration and Public Works & Operations Committee meetings be received and approved.

**CARRIED**

**BY-LAWS:**

Moved by T. Kingston

Seconded by J. De Gurse

**Motion #23** Be it resolved that By-law 21 of 2018 being a by-law to rezone the property known as 364 Moore Line as per the committee of adjustment application B-01/18 be given all three readings and the Mayor and Clerk be authorized to execute the by-law and any appurtenant documents.

**CARRIED**

Moved by S. Miller

Seconded by T. Kingston

**Motion #24** Be it resolved that By-law 22 of 2018 being a by-law to rezone the property known as 3461 St. Clair Parkway from central commercial to residential be given all three readings and be thereby passed authorizing the Mayor and Clerk to execute the by-law and any appurtenant documents.

**CARRIED**

Moved by T. Kingston

Seconded by S. Miller

**Motion #25** Be it resolved that By-law 23 of 2018 being a by-law to re-designate the property known as 3461 St. Clair Parkway in the Township Official Plan from central commercial to residential be given all three readings and be thereby passed authorizing the Mayor and Clerk to execute the by-law and any appurtenant documents.

**CARRIED**

Moved by S. Miller

Seconded by T. Kingston

**Motion #26** Be it resolved that By-law 24 of 2018 being a by-law to confirm all recommendations and resolutions passed by the Committee of the Whole during their meetings up to and including April 9, 2018.

**CARRIED**



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Moved by T. Kingston

Seconded by S. Miller

**Motion #27** Be it resolved that By-law 25 of 2018 being an updated procurement by-law, to incorporate policies for e-tenders receive all three readings and be thereby passed and that the Mayor and Clerk to execute the by-law.

**CARRIED**

**COUNCILLORS' REPORTS:**

**Deputy Mayor Gilliland:**

Deputy Mayor Gilliland recently attended the Rural Game Dinner, Clare Horley's Birthday party and the Dig Safe Flag Raising event.

**Councillor Agar:**

Councillor Agar received a call from someone wishing to locate a business inside Thompson Gardens in Corunna.

Moved by J. Agar

Seconded by T. Kingston

**Motion #28** Be it resolved that staff work with the prospective business owner to determine options that will allow the operation to locate within Thompson Gardens.

**CARRIED**

**Councillor Randell:**

Councillor Randell advised he attended a Court of Revision for the Woods Drain in Sarnia.

**Councillor Kingston:**

Councillor Kingston recently attended the Rural Game Banquet and Candidate Information Night.

She also reported that she was unable to attend the upcoming Committee of Adjustment meeting.

**Mayor Arnold:**

Mayor Arnold attended the Conservation Ontario meeting April 16 in Toronto and advised that he was not going to attend Queen's Park with the St. Clair Region Conservation Authority on April 17.

Mayor Arnold also attended the Rural Game Banquet, the Mooretown Flags Fundraiser dinner and the Dig Safe Flag Raising where he credited MPP Bob Bailey for bringing awareness to this important safety initiative.

The Mayor advised that he will be attending the upcoming meeting at LAWSS.

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**UPCOMING MEETINGS:**

- Regular Council – Monday, May 7, 2018 ~ 6:30 p.m.
- Committee of the Whole – Monday, May 14, 2018 ~ 3:00 p.m.
- Regular Council – Tuesday, May 22, 2018 ~ 6:30 p.m.
- Regular Council – Monday, June 4, 2018 ~ 6:30 p.m.
- Committee of the Whole – Monday, June 11, 2018 ~ 3:00 p.m.
- Regular Council – Monday, June 16, 2018 ~ 6:30 p.m.

**IN-CAMERA:**

Moved by T. Kingston

Seconded by J. De Gurse

**Motion #29** Be it resolved that the meeting enter an in-camera session to discuss the following:

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- 239 (2) (e) – Potential litigation related to work by Township contractor
- 239 (2) (b) – Information related to a potential personnel issue
- 239 (2) (c) – Potential sale of Township property

**CARRIED**

Mayor Arnold declared the meeting back into open session and asked for any forthcoming motions.

**ADJOURNMENT:**

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

Moved by S. Miller

Seconded by D. Randell

**Motion #30** That the meeting of Council hereby adjourned.

**CARRIED**

The meeting adjourned at 8:40 p.m.

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MAYOR - Steve Arnold

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CLERK - Jeff Baranek