

MINUTES
LAMBTON COUNTY COUNCIL

May 7, 2008

Lambton County Council was in session in the Council Chambers, Wyoming, Ontario, at 12:30 p.m. on the above date. Warden in the Chair; Roll called; All members present except J. Foubister.

Disclosures of Pecuniary Interest: None.

Special Joint Meeting of St. Clair Township and Lambton County Councils

A special joint meeting of the Municipal Councils for St. Clair Township and the County of Lambton was held. Mr. Amrik Ahluwalia and Ms. Heather Cooper, Shell Canada, were present to provide a general update regarding the status of the proposed refinery. An opportunity was then provided for questions and answers.

Warden Jim Burns and Mayor Steve Arnold thanked Mr. Ahluwalia and Ms. Cooper for their presentation.

Adjournment

The Warden declared the joint meeting adjourned.

Time: 1:15 p.m.

Regular Meeting of Lambton County Council

The regular meeting of Lambton County Council was called to order at 1:20 p.m.

Monthly Staff Presentations re: Activities and Issues

#1: Napper/MacDougall: That we invite Ms. Corrine Nauta, Manager, Building Services, within the Bar, to present an overview of the Building Services Department's operations.

Carried.

In-Camera

#2: Gillis/McGugan: That the Warden declare that County Council go in-camera to discuss matters concerning labour relations and employee negotiations, and personal matters about identifiable individuals.

Carried.

Open Session

The Warden declared that County Council go back into open session.

Rise and Report Motions of the In-Camera Session dated May 7, 2008

#3: Napper/Jamieson: That Council rise and report.

Carried.

The County Clerk noted that there were no resolutions to report from the Closed Session meeting.

#4: Napper/Jamieson: That Council adopt the report of the Closed Session meeting.

Carried.

Minutes

The Lambton County Council (Open Session) and (Closed Session) minutes dated April 16, 2008 were presented.

#5: Bradley/Jamieson: That the Lambton County Council (Open Session) and (Closed Session) minutes dated April 16, 2008 be accepted as presented.

Carried.

Correspondence

5-12-08 A letter from the City of Sarnia Police Services Board, dated April 14, 2008, requesting the County of Lambton for additional funding to cover the costs of providing Courtroom Security.

#6: Bradley/Boushy: That correspondence 5-12-08 be referred to staff to meet with the City of Sarnia to discuss the additional funding to cover the costs of providing Courtroom Security and that staff prepare a report concerning the same.

Carried.

Re: Correspondence Concerning Funding Received

Councillor Arnold inquired if it is the County's practice to send letters of thanks when in receipt of funding from both levels of government.

#7: Arnold/Gillis: That staff review the Recognition Policy and prepare a report concerning the same.

Carried.

5-11-08 A resolution from the City of Kingston, dated April 2, 2008, concerning ZENN Automobiles on Ontario Roads and requesting the Province of Ontario to give approval for the ZENN car and other electric automobiles to be used on Ontario roads. The City is also requesting that every Province and Territory in Canada give approval for the ZENN car and other electric automobiles to be sold and used across Canada as soon as possible.

#8: Gillis/Arnold: That we support the resolution from the City of Kingston, to request the Province of Ontario to give approval for the ZENN car and other electric automobiles to be used on Ontario roads.

Carried.

5-13-08 A resolution from the Township of Tiny, dated April 16, 2008, requesting support of the resolution from Garfield Dunlop, MPP of Simcoe North, to recognize that the year 2015 will mark the 400th anniversary of the coming of the French explorer, founder and Father of Canada, Samuel de Champlain to Ontario. The site of de Champlaine's arrival on August 1, 1615 at the Huron Village of Toanche in what is today the Township of Tiny, near the Town of Penetanguishene, was marked by a cross and that site still exists to this day.

#9: Gillis/Perry: That we support the resolution from the Township of Tiny, to recognize that the year 2015 will mark the 400th anniversary of the coming of the French explorer, founder and Father of Canada, Samuel de Champlain to Ontario.

Carried.

Correspondence to Receive and File

5-1-08 A letter from the Ministry of Finance, dated March 31, 2008, advising that the Ontario Government introduced Bill 35, the proposed Investing in Ontario Act, 2008 and that the County of Lambton would receive a capital grant from the Province if the Bill is enacted and the Provinces' 2007-08 surplus exceeds \$800 million. The County of Lambton would have flexibility and discretion to spend any grant provided on its capital priorities. The accountability provisions associated with these grants would require reporting back to the Province on how the funds were used, allowing for independent audit, and providing for recovery of the funds should they not be used for capital purposes. Also attached are details on how any 2007-08 surpluses would be allocated to Municipalities throughout Ontario to help address capital needs.

5-3-08 A Member Communication from the Association of Municipalities of Ontario (A.M.O.), dated April 16, 2008, providing an update to Members on the March 2008 Board Meeting. Highlights of the meeting were as follows:

- a) A.M.O. Response to Proposed Changes to the Ontario Building Code;
- b) Proposed A.M.O. Economic Development Task Force;
- c) Federal and Provincial Infrastructure Funding;
- d) Provincial Budget; and,
- e) Waste Electronics and Electrical Equipment Plan.

5-5-08 A letter from the Ministry of Public Infrastructure Renewal, dated March 28, 2008, informing that as part of the government's strategy commitment to supporting municipal infrastructure priorities announced in the 2007 Ontario Economic Outlook and Fiscal Review, the Ministry is advising that the County of Lambton has been authorized to receive a one-time grant of \$1,500,000.00, to be used for the London Line Rehabilitation Project.

5-6-08 An email from Mr. Tom Hamilton, dated February 15, 2008, advising that he, along with other Lambton residents, are concerned with the idea of the west bound portion of Highway 402 within the City Sarnia becoming four lanes, with two of those designated so that at heavy/slow bridge-crossing times, trucks can creep forward spewing unwelcome exhausts into the Sarnia atmosphere. Several individuals and groups have advocated for a holding area to the east of Sarnia where trucks could be held until proceeding at a reasonable speed to the bridge. Mr. Hamilton is hoping that local Councils will reconsider their support for an increase from two (2) to four (4) lanes along the westerly portion of Highway 402.

5-7-08 An article from Solid Waste & Recycling, dated February 23, 2008, titled "Ontario Approves Diversion Plan for HHW". The article states that Ontario Environment Minister John Gerretsen has approved a new program that aims to double the amount of household hazardous waste (HHW) and special waste that Ontario diverts from landfills and the environment over the next five (5) years. The government's news release states that the program, developed under the auspices of Waste Diversion Ontario (WDO), will help Ontarians reduce, reuse, recycle and responsibly dispose of common household products such as paints, solvents, batteries and oil filters that can often end up being poured down the drain or thrown out with regular garbage.

5-8-08 A Media Release from Clean Harbors Environmental Services, dated March 3, 2008, advising that they have launched a user-friendly website dedicated to providing factual, up-to-date information about its Lambton hazardous waste management facility. The new website (www.cleanharbors.com/lambton) will help visitors better understand Clean Harbors' activities and management at the Lambton facility, and underscores the company's commitment to maintaining transparent, effective and balanced communications with all of its interest groups.

5-9-08 An email from Barbara Burgess, Economic Development Consultant, Ministry of Agriculture Food and Rural Affairs, dated April 16, 2008, advising that Ontario is helping Municipalities "green" their buildings through a grant process designed to cut both energy costs and environmental impacts. Premier Dalton McGuinty announced that Municipalities can apply for the grant to cover up to twenty-five percent (25%) of retrofit costs, up to a maximum of \$100,000.00. The application deadline is May 23, 2008.

#10: Gilliland/McCharles: That correspondence 5-1-08, 5-3-08, 5-5-08, 5-6-08, 5-7-08, 5-8-08 and 5-9-08 be received and filed.

Carried.

Correspondence - Resolutions

5-2-08 A memorandum from the Association of Municipalities of Ontario (A.M.O.) dated April 18, 2008, requesting nominations to the 2008-2009 A.M.O. Board of Directors. If the County wishes to nominate a person for election to the Board of Directors, a Council resolution of support along with the nomination form indicating the full name of the nominee, his or her municipal title, and the Caucus for which the person is being nominated must be submitted. Nominations must be received no later than 4:00 p.m., Friday, June 20, 2008.

#11: Bilton/Kirkland: That Carolyn Jamieson be nominated to sit on the 2008-2009 A.M.O. Board of Directors for the County Caucus.

Carried.

Information Reports

CORPORATE SERVICES DIVISION

#12: Minielly/Jamieson: That the following information reports be received and filed:

- a) Information Report dated May 7, 2008 Regarding the County Telephone System Update;
- b) Information Report dated May 7, 2008 Regarding the Health and Safety Update;
- c) Information Report dated May 7, 2008 Regarding the Provincial Offences Administration - 1st Quarter 2008 Statistics; and,
- d) Information Report dated May 7, 2008 Regarding 700 Cathcart Boulevard - Proposed Jubilee Gardens Development, Neighbouring Property Issues.

Carried.

INFRASTRUCTURE AND DEVELOPMENT SERVICES DIVISION

#13: Bilton/Kirkland: That the following information reports be received and filed:

- a) Information Report dated May 7, 2008 Regarding Warwick Landfill - CR 79/Hwy 402 Project;

- b) Information Report dated May 7, 2008 Regarding Petrolia Landfill - Fill Rate/Service Area Amendment;
- c) Information Report dated May 7, 2008 Regarding 1st Quarter Statistics - Building Services;
- d) Information Report dated May 7, 2008 Regarding 1st Quarter Statistics - Planning and Development;
- e) Information Report dated May 7, 2008 Regarding Approval Authority Activity;
- f) Information Report dated May 7, 2008 Regarding the Emergency Management Monthly Report;
- g) Information Report Dated May 7, 2008 Regarding the County Fire Coordinator Activity Report; and,
- h) Information Report dated May 7, 2008 Regarding Work in Progress - Planning and Development.

Carried.

Items Not Requiring a Motion

The following items were presented for County Council's information:

- a) Land Division Committee Minutes dated April 8, 2008;
- b) General Managers' Updates - Minutes dated April 2, 2008; and,
- c) Tourism Sarnia-Lambton Board of Directors Minutes dated February 14, 2008 and the Manager's Reports dated February and March 2008.

Reports Requiring a Motion

CORPORATE SERVICES DIVISION

Report dated May 7, 2008 Regarding the Community Workplace Health and Safety Charter

#14: Jamieson/McGugan: **WHEREAS** the County of Lambton recognizes the principle that engaging senior community leadership in all sectors is fundamental to ensuring real change occurs in eliminating workplace injuries in the community;

AND WHEREAS the County of Lambton accepts that effectively managing workplace health, safety and wellness is essential for the community's continued social welfare and economic success;

AND WHEREAS the County of Lambton recognizes that the involvement of all sectors of the community at every level in the workplace is a prerequisite to eliminating workplace injuries in Lambton County;

AND WHEREAS supporting the Community Workplace Health and Safety Charter is consistent with the County's strategic plan of fostering a community that is caring, growing and innovative;

THEREFORE BE IT RESOLVED THAT Lambton County Council support the Workplace Safety and Insurance Board's Community Workplace Health and Safety Charter; and further,

THAT Lambton County Council is committed to continuing to actively participate within a learning community that provides and receives best practices for the enhancement of employee physical, social and mental well-being in all employment sectors within the community.

Carried.

Report dated May 7, 2008 Regarding the 2008 - 1st Quarter Budget to Actual Variance Analysis

#15: MacDougall/Napper: That the 2008 - 1st Quarter Budget to Actual Variance Analysis be accepted as presented.

Carried.

Report dated May 7, 2008 Regarding the Lending Agreement with the University of Western Ontario Research Park, Sarnia-Lambton Campus

#16: Case/Jamieson: That the Warden and Treasurer be authorized to sign the "Amendment to the Business Credit Agreement dated August 14, 2007" with the Canadian Imperial Bank of Commerce and that the Treasurer be authorized to sign the Amended Lending Agreement with the University of Western Ontario Research Park, Sarnia-Lambton Campus for the provision of an additional \$15,000,000 to be used to build a new building on the Modeland Road property.

Carried.

INFRASTRUCTURE AND DEVELOPMENT SERVICES DIVISION

Report dated May 7, 2008 Regarding Correspondence 5-4-08

#17: MacDougall/Case: That the Council of Lambton County support the resolution of Tay Valley Township with respect to encouraging the Province to establish a sustainable, formula-based funding program for infrastructure needs rather than the current hit-and-miss competitive process utilized.

Carried.

Report dated May 7, 2008 Regarding Correspondence 5-10-08 Rutherford Intersection

#18: Jamieson/Bilton: That a letter be sent to Maria Van Bommel, M.P.P., thanking her for her letter dated April 1, 2008 with respect to the Rutherford curve on C.R. #21 (Oil Heritage Road);

That staff be directed to prepare a further report for County Council on the options available to improve geometry and sight lines at the intersection of Dawn Mills Road and Lambton Line with the Rutherford curve; and further,

That Dawn-Euphemia Council be consulted and that their input be included in the report to County Council.

Carried.

Report dated May 7, 2008 Regarding Conquest Seismic Services, Inc.

#19: Gillis/McGugan: That the Public Works Department negotiate the terms of a suitable Seismic Exploration Agreement with Conquest Seismic Services, Inc. and that the Warden and Clerk be authorized to execute the same; and further,

That the authority to grant approval for seismic exploration within the County's Road Allowances be delegated to the Manager, Public Works, subject to a written agreement, between the County and the Applicant, executed by the Warden and the Clerk.

Carried.

Report dated May 7, 2008 Regarding the MTO Request - Posted Speed Reduction for Construction

#20: Arnold/Gilliland: That the posted speed limit for Courtright Line (County Road #80), be extended to the Kent Line (from the Kent Line to 225 metres south of County Road No. 20 (Plank Road)).

Carried.

#21: Napper/Minielly: That the recommendation in the report dated May 7, 2008 regarding the MTO Request - Posted Speed Reduction for Construction, be accepted as amended.

Carried.

Report dated May 7, 2008 Regarding the Oil and Gas/Storage Lease - 50 Acres - Marthaville Habitat

#22: Bilton/Arnold: That the Warden and Clerk be authorized to execute a 5 year term Petroleum and Natural Gas lease (at \$20/acre annually) as well as a 10 year Natural Gas Storage lease (at \$10/acre annually) for the 50 acre Marthaville Habitat lands (Part Lot 9, Concession 13, Enniskillen Township) with ELS and Company Inc.; and further,

That the appropriate By-Law be presented to County Council for its consideration.

Carried.

Report dated May 7, 2008 Regarding Provincial Funding - Road and Bridge Investment Proposed Projects

#23: Gillis/Boushy: That the Provincial Road and Bridge Investment funding in the amount of \$3,032,820 be applied to the following road and bridge capital projects:

- Project C-RDS-147 for the widening and rehabilitation of the section of County Road 22 (London Line) from Modeland Road east through Blackwell Sideroad be expanded to include additional curb and gutter, boulevard, and storm sewer repairs at an estimated cost of \$370,000;
- A new project be created as part of the 2008 Capital Program to rehabilitate that section of County Road 4 (Petrolia Line) from County Road 21 (Oil Heritage Road) to County Road 8 (Forest Road) at an estimated cost of \$1,450,000, and that the work be awarded to the successful tenderers from the Cold In-Place and Hot Mix Paving Tenders that closed on March 18th, 2008.
- A new project be created as part of the 2008 Capital Program to reconstruct that section of County Road 12 (Townsend Line) from County Road 7 (Lakeshore Road) to the west limits of the Town of Forest at an estimated cost of \$1,320,000.

Carried.

Report dated May 7, 2008 Regarding the Corporate Clean Air Plan

#24: McGugan/McCharles: That the Corporate Clean Air Plan for the County be approved and adopted as submitted by the Going Green Committee;

That the Corporate Clean Air Plan be implemented, monitored, and evaluated on an ongoing basis; and further,

That the County of Lambton educate and encourage other organizations and businesses throughout the County to adopt similar Clean Air Plans to improve air quality.

Carried.

Report dated May 7, 2008 Regarding the Lease Extension for Bryan Boyle's Office

#25: Perry/Jamieson: That the Warden and Clerk be authorized to execute the 5 year extension (May 1, 2008 – April 30, 2013) lease with Ontario Realty Corporation for space (220 s.f.) utilized by the Ministry of Agriculture and Food at the County Administration Building, 789 Broadway Street, Wyoming.

Carried.

Report dated May 7, 2008 Regarding Building Services By-Law Updates

#26: Case/Kirkland: That By-Laws #25, #26 and #27 of 2008, as attached, be accepted and approved as presented.

Carried.

Report dated May 7, 2008 Regarding the Oil Heritage District Project Approach

#27: Perry/Gillis: That we support the overall approach to the preservation of the Oil Springs Oil Heritage District as set out in this report;

That the administration of the project rest within the Planning and Development Services Department, with the Oil Springs Heritage Conservation District Steering Committee reporting to County Council through the Manager of Planning and Development Services;

That staff be directed to request that the Village of Oil Springs and the Township of Enniskillen pass the appropriate By-Laws under Section 46 of the Ontario Heritage Act to delegate their authority to designate a Heritage Conservation District to the County of Lambton; and further,

That staff be directed to prepare the appropriate By-Law under Section 46 of the Ontario Heritage Act for the County of Lambton to assume that municipal authority, for consideration at a future meeting.

Carried.

COMMITTEE MINUTES

Ms. B. MacDougall presented the Woodlot Committee minutes dated April 8, 2008.

#28: MacDougall/Gillis: That the Woodlot Committee minutes dated April 8, 2008 be adopted as presented (motion #1).

Carried.

OTHER BUSINESS

Councillor Dave Boushy requested an update on the status of the court decision concerning Marshall Gowland Manor.

Motion of Support - Shell Canada Proposed Refinery

#29: Boushy/Minielly: That the County of Lambton reaffirm its strong support for the Shell Canada proposed refinery and that the Warden and C.A.O. be directed to prepare and execute the letter of support.

Carried.

By-Laws

#30: Jamieson/Kirkland: That By-Laws #25 to #30 and #32 to #34 of 2008, as circulated, as well as By-Law #31 of 2008, as amended, be taken as read a first and second time.

Carried.

#31: McCharles/MacDougall: That By-Laws #25 to #30 and #32 to #34 of 2008, as circulated, as well as By-Law #31 of 2008, as amended, be taken as read a third time and finally passed.

Carried.

Adjournment

The Warden declared the meeting adjourned.

Time: 2:25 p.m.

Jim Burns
Warden

Linda Creaghe
County Clerk
General Manager, Corporate Services