

MINUTES
LAMBTON COUNTY COUNCIL

March 7, 2012

Lambton County Council was in session in Council Chambers, Wyoming, Ontario, at 1:00 p.m. on the above date. Warden in the Chair; Roll called; All members present.

Disclosures of Pecuniary Interest: None.

In-Camera Committee Room #3:

#1: Foubister/Kirkland: That the Warden declare that County Council go in-camera to discuss personal matters about identifiable individuals (i.e. including employees), a matter concerning labour relations and employee negotiations, matters concerning litigation or potential litigation and a matter subject to solicitor-client privilege and a matter concerning the acquisition/disposition of land.

Carried.

Open Session

The Warden declared that County Council go back into open session. Council then reconvened at 1:15 p.m. in the Council Chambers.

Rise and Report Motions of the In-Camera Session dated March 7, 2012

#2: Napper/Bilton: That Council rise and report.

Carried.

The Deputy Chief Administrative Officer, Mr. Jim Kutya noted that there were (2) resolutions to report from the Closed Session meeting as follows:

(A) From Committee A.M. of January 18, 2012:

"CORPORATE SERVICES DIVISION

In-Camera Report dated January 18, 2012 Regarding Ontario Nurses' Association (ONA) Status - North Lambton Lodge/Lambton Meadowview Villa

#25: Bradley/Veen: That the collective agreement between the Ontario Nurses' Association Local 19 North Lambton Lodge/Lambton Meadowview Villa be ratified, for a term commencing on April 1, 2011 and terminating on March 31, 2014.

Carried."

(B) From Committee P.M. of January 18, 2012:

"CORPORATE SERVICES DIVISION

In-Camera Report dated January 18, 2012 Regarding Ontario Nurses' Association (ONA) Status - North Lambton Lodge/Lambton Meadowview Villa

**#16: Foubister/Napper: That the collective agreement between the Ontario Nurses' Association Local 19 North Lambton Lodge/Lambton Meadowview Vila be ratified, for a term commencing on April 1, 2011 and terminating on March 31, 2014.
Carried."**

**#3: Bilton/Napper: That Council adopt the report of the Closed Session meeting.
Carried.**

Delegations

**#4: McDougall/McCharles: That we invite the delegations within the Bar to speak to County Council.
Carried.**

Mr. Garry McDonald, President, Sarnia Lambton Chamber of Commerce, spoke to County Council as an interested community organization representing business across Lambton County, and presented some opinions, suggestions and views regarding County Council's draft 2012 Budget.

Mr. Jim Richards, President, Stones N' Bones Museum, Sarnia, addressed County Council regarding the funding need in 2012 for a proposed elevator to improve accessibility.

Ms. Cynthia Lockrey, Campaign Chair, Mr. Barry Hogan, Campaign Chairperson and Mr. Jim Janzen, CEO, YMCA, addressed County Council regarding the funding needs for 2012.

**#5: Napper/McGugan: That the grant requests from Stones N' Bones Museum and the YMCA be forwarded to the 2012 budget process.
Carried.**

Minutes

The Lambton County Council (Open Session) and (Closed Session) Minutes dated February 1, 2012 were presented.

#6: Foubister/Gillis: That the Lambton County Council (Open Session) and (Closed Session) Minutes dated February 1, 2012 be accepted as presented.

Carried.

Correspondence to Receive and File

3-6-12 Email correspondence received February 8, 2012 from Ms. Hazel Lambe, Clerk, Town of Bancroft, advising of the passing of a resolution by the Town of Bancroft on January 10, 2012 regarding climate change and requesting support:

"NOW THEREFORE BE IT RESOLVED that the Council for the Corporation of the Town of Bancroft, as recommended by "Sustainable Bancroft", hereby urge the Government of Canada to take a leadership role in combating global warming and climate change."

#7: Davis-Dagg/Veen: That correspondence 3-6-12 be received and filed.

Carried.

3-7-12 Email correspondence from The Honourable William Forward, Deputy Minister, Ministry of Municipal Affairs and Housing (MMAH), dated February 15, 2012, advising that nominations for this year's Long-Standing Service Program are now open. This program is the ministry's initiative to honour municipally-elected officials who have completed 25 years, and 50 years or more, of service to their communities. Completed forms are to be mailed or faxed to the Ministry's Municipal Services Office by March 31, 2012.

3-8-12 A letter from Ms. Bernice Rade addressed to the Warden and Members of County Council (received January 26, 2012) advising that she had read in an article in the Sarnia Observer that a \$4 million sign is being considered to alleviate the problems with the snowfall, slippery roads and drifting experienced this past week, resulting in the death of two people in the horrendous pile-up on Highway 402. Ms. Rade believes that if the money was spent on snow fences erected in areas prone to drifting, it could make driving conditions safer until the trees planted are large enough to be of benefit. Ms. Rade requests that this suggestion is given serious consideration.

3-9-12 Email correspondence received January 3, 2012, from Ms. Jane Heydon, Deputy Clerk, Town of New Tecumseth, advising of a resolution, passed by the Nottawasaga Police Services Board on November 24, 2011, regarding Traffic Enforcement - Use of Photo Radar as follows:

"NOW THEREFORE BE IT RESOLVED THAT the Premier of Ontario be requested to reinstitute the photo radar program for the provincially regulated Police Services Boards to manager and use at their discretion."

3-10-12 Email correspondence received February 7, 2012 from the Town of Halton Hills, advising of the passing of resolution No. 2012-0025: **Ontario M.P.P. Introduces Private Members Bill to Pave Highway Shoulders.** Also attached is a letter addressed to Mr. Norm Miller, M.P.P. in support of his Private Member's Bill and copied to Ontario Municipalities, outlining the resolution as follows:

"NOW THEREFORE BE IT RESOLVED that the Town of Halton Hills supports the Private Members Bill to pave highway shoulders."

3-11-12 Email correspondence received February 14, 2012 from the Ontario Urban Forest Council (OUFC) advising that the OUFC is trying to raise awareness of the Emerald Ash Borer as it continues to kill ash trees unabated, with the exception of Blue Ash, in the Province of Ontario. A letter from Tom Ellis, President, Ontario Urban Forest Council is attached with a request for Council to consider endorsement of the draft resolution supplied, calling for a federal and provincial role in urban forestry:

"THEREFORE BE IT RESOLVED that the County of Lambton calls on the Federal and Provincial Governments to take leadership roles in recognizing the need to support urban forestry, by establishing urban forestry mandates and programs which includes fund assistance to municipalities for the control and management of the Emerald Ash Borer and any future significant imported diseases and insects as well as the creation and funding of programs designed to support the ongoing sustainable management of urban forests."

3-12-12 Email correspondence dated February 10, 2012, from the Town of Halton Hills, advising of the passing of resolution No. 2012-0046: **Provincial Regulations Regarding Commercial Fill Operations.** Attached also is a letter dated February 9, 2012, addressed to Mr. Ted Arnott, M.P.P. , copied to The Honourable Jim Bradley, Minister of the Environment, Association of Municipalities of Ontario (AMO) and Ontario Municipalities outlining the resolution as follows:

"NOW THEREFORE BE IT RESOLVED THAT the Town of Halton Hills requests that the Province, through the Ministry of the Environment, establish guidelines, regulations and a Provincially regulated approval process to govern the quality of fill imported to a receiving site other than for the purpose of Brownfield redevelopment."

#8: Bradley/Bilton: That correspondence 3-7-12 to 3-12-12 inclusive be received and filed.

Carried.

Items Not Requiring a Motion

- a) Tourism Sarnia-Lambton minutes dated January 17, 2012.

Reports Requiring a Motion

CAO

Report dated March 7, 2012 Regarding Appointment of County Clerk

#9: MacDougall/Marriott: That David Cribbs be appointed Clerk of The Corporation of the County of Lambton and that the appropriate By-Law be presented to County Council for its consideration.

Carried.

Report dated March 7, 2012 Regarding Strategic Planning Committee

#10: Napper/Boushy: That the plan which had previously been approved in principle be formally approved and implemented by the Corporation.

Carried.

CORPORATE SERVICES DIVISION

Report dated March 7, 2012 Regarding Lambtonian Apartments No-Build Agreement

#11: Boushy/McCharles:

- a) That the No-build Agreement to allow for the building addition at the Lambtonian Apartments be accepted as presented.
- b) That the Warden and Clerk be directed to enter into the No-Build Agreement with the owners of the Lambtonian Apartments.

Carried.

Committee Minutes

Mr. B. Weber presented the Committee A.M. minutes dated February 15, 2012.

Re: Report dated February 15, 2012 Regarding Smoke-Free Outdoor Spaces - Public Consultation Report

#12: Bradley/Gillis: That motion #6 of the Committee A.M. minutes dated February 15, 2012 regarding the report dated February 15, 2012 "Smoke-Free Outdoor Spaces - Public Consultation Report", be deleted.

A recorded vote, starting with Councillor Boushy, was requested by Councillor Bradley regarding Motion #12 of this day's minutes.

S. Arnold	Yes	(3)
B. Bilton	Yes	(1)
D. Boushy	Yes	(3)
M. Bradley	Yes	(3)
T. Case	Yes	(2)
E. Davis-Dagg	Yes	(2)
J. Foubister	Yes	(3)
P. Gilliland	Yes	(2)
A.M. Gillis	Yes	(3)
D. Kirkland	No	(1)
B. MacDougall	No	(3)
K. Marriott	Yes	(1)
J. McCharles	Yes	(2)
D. McGugan	No	(1)
L. Napper	Yes	(3)
I. Veen	Yes	(1)
B. Weber	Yes	(3)

Yeas - 32; Nays - 5.

Motion carried.

#13: Bradley/Boushy: That item b) the report dated February 15, 2012 regarding Smoke-Free Outdoor Spaces - Public Consultation be amended, by deleting the reference to "60 days" and replacing with "70 days" as follows:

"a) That staff be directed to draft a By-Law to regulate smoking at municipally owned or operated outdoor public spaces for Council's consideration based on the summary findings of the Public Consultation Report dated February 15, 2012.

b) That the draft By-Law be brought back to Council for consideration within 70 days.

c) That the County follow the "process for approval" described immediately above under the heading entitled "Process" that being:

Under the Ontario Municipal Act, in order for lower tier municipalities to assign responsibility to an upper tier municipality for a By-Law, the By-Law is subject to a "triple majority" test - in which the following three conditions must be met.

- 1. The By-Law must be passed by the upper tier, then sent to the lower tier municipalities for their consideration.**
- 2. The By-Law must be passed by a majority of the municipalities (6).**
- 3. The municipalities in favour must collectively represent more than one half of the total population of the upper tier municipalities."**

d) That the province be requested to accept its responsibilities to regulate smoking and that it exercises its responsibilities on a consistent, province-wide basis."

A recorded vote, starting with Councillor Bradley, was requested by Councillor Bradley regarding Motion #13 of this day's minutes.

S. Arnold	Yes	(3)
B. Bilton	No	(1)
D. Boushy	No	(3)
M. Bradley	Yes	(3)
T. Case	No	(2)
E. Davis-Dagg	No	(2)
J. Foubister	Yes	(3)
P. Gilliland	No	(2)
A.M. Gillis	No	(3)
D. Kirkland	No	(1)
B. MacDougall	No	(3)
K. Marriott	No	(1)
J. McCharles	Yes	(2)
D. McGugan	No	(1)
L. Napper	Yes	(3)
I. Veen	No	(1)
B. Weber	No	(3)

Yeas - 14: Nays - 23

Motion Defeated.

#14: Weber/Napper: That the Committee A.M. minutes dated February 15, 2012 be accepted as amended.

Carried.

Deputy Warden Napper presented the Joint Meeting of the Standing Committees minutes dated February 15, 2012.

#15: Napper/Gillis: That the Joint Meeting of the Standing Committees minutes dated February 15, 2012 be accepted as presented.

Carried.

Mr. J. McCharles presented the Committee P.M. minutes dated February 15, 2012.

Re: Motion # 4 - Information Report dated February 15, 2012 Regarding the Ontario Municipal Partnership Fund (OMPF) Allocation Notices and the Court Security and Prisoner (CSPT) Program - Correspondence FIN 3-4-12

#16: MacDougall/Veen: That staff prepare a report regarding the Court Security and Prisoner (CSPT) policing costs, and whether the allocations for the period 2013/2014 include any provision for prisoner transportation costs.

Carried.

#17: McCharles/Gillis: That the Committee P.M. minutes dated February 15, 2012 minutes be accepted as amended.

Carried.

Notice of Motion

Councillor Bradley requested (email dated February 10, 2012), that Council reconsider motion #11 of the Lambton County Council (Open Session) Minutes dated February 2, 2011, with respect to correspondence 2-14-11 regarding Live Webcast Streaming of Lambton County Council Meetings, in which he put forward the following recommendation:

"THAT Lambton County Council ask County Staff to investigate the feasibility and cost of live streaming the County Council Meetings and report to Council within 45 days".

#18: Davis-Dagg/Gilliland: That motion #11 of the Lambton County Council (Open Session) Minutes dated February 2, 2011, to receive and file Mayor Bradley's correspondence (2-14-11) regarding Live Webcast Streaming of Lambton County Council Meetings be reconsidered and that County Council debate the same at today's meeting.

Carried.

#19: Bradley/Case: That we accept the recommendation as outlined in correspondence 2-14-11 as amended to include Standing Committee meetings so that the motion now reads as follows:

"THAT Lambton County Council ask County Staff to investigate the feasibility and cost of live streaming the County Council and Standing Committee Meetings and report to Council within 45 days".

Carried.

Other Business

- a) Councillor Boushy requested that a further motion regarding Smoke-Free Outdoor Spaces be considered:

#20: Boushy/Gillis:

- a) That County Council support the protection of outdoor spaces used by children, and direct staff to develop a By-Law to regulate smoking at municipally owned or operated playgrounds and active playing fields.
- b) That the appropriate By-Law be brought back to County Council for its consideration.

The Chair ruled the motion out of order for consideration this day. It will be considered as a Notice of Motion at the next regular meeting of County Council on May 2, 2012.

- b) County Council reviewed a copy of a letter (subsequently numbered 3-13-12) dated March 1, 2012 addressed to the Honourable Laurel Broten, Minister of Education, from the Town of Petrolia advising that the Town is genuinely concerned with the pending impacts to local bus companies and smaller municipalities if the Moratorium of the School Bus RFP process is lifted. The letter also advises that at a meeting of the Council of the Town of Petrolia held Monday, February 21, 2012, the following resolution was passed:

"THAT a letter be sent to the Minister of Education, Sarnia-Lambton MP Pat Davidson and MPP Bob Bailey and the County of Lambton showing that the Town of Petrolia supports the need and impact that school bus companies have on smaller municipalities".

#21: McCharles/Napper: That the County of Lambton support the correspondence dated March 1, 2012 from the Town of Petrolia regarding the Town's concerns about the pending impacts to companies and smaller municipalities if the Moratorium of the School Bus RFP process is lifted.

Carried.

- c) Councillor McGugan advised that Alvinston's Maple Syrup Festival will be held at the A.W. Campbell Conservation area, 8477 Shiloh Line, on two weekends this year, March 10 & March 11 and March 17 and March 18 from 9 a.m. to 4 p.m. Alvinston firefighters will also be providing their traditional pancake and sausage meals at the Alvinston Community Centre. All are welcome.
- d) Councillor Bradley presented a Notice of Motion to be considered at the next regular County Council meeting on May 2, 2012:

"THAT staff consider preparing the annual budget for approval in the late fall of each year".

- e) Report dated March 7, 2012 Regarding Funding of Tourism Sarnia-Lambton and 2012 Draft Budget

#22: Gillis/McGugan:

- a) That Council affirm that the intent behind Motion #7 from its Budget meeting on March 16, 2011 was to provide Tourism Sarnia-Lambton with a permanent increase in its base funding of \$150,000 per annum.
- b) That the additional \$112,000 in funding for Tourism Sarnia-Lambton for the period April 1, 2012 to December 31, 2012 only be provided from the Opportunities and Contingency Reserve.

#23: Bradley/Foubister: That we amend motion #22 of this day's minutes to delete item b).

Carried.

#24: Gillis/McGugan: That motion #22 of this day's minutes be approved as amended.

Carried.

By-Laws

#25: Veen/Weber: That By-Laws #6 to #8 of 2012, as circulated, be taken as read a first and second time.

Carried.

#26: Weber/Veen: That By-Laws #6 to #8 of 2012, as circulated, be taken as read a third time and finally passed.

Carried.

Adjournment

#27: Kirkland/Foubister: That the Warden declare the meeting adjourned with the next meeting of County Council be to held on Wednesday, March 21, 2012 at 9:00 a.m. for Budget deliberations.

Carried.

Time: 2:45 p.m.

Steve Arnold
Warden

Ronald G. Van Horne
Deputy County Clerk
Chief Administrative Officer