

MINUTES
LAMBTON COUNTY COUNCIL

February 4, 2009

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

Disclosures of Pecuniary Interest: None.

In-Camera

#1: MacDougall/McCharles: That the Warden declare that County Council go in-camera to discuss a matter concerning labour relations and employee negotiations and matters subject to solicitor-client privilege.

Carried.

Open Session

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

Rise and Report Motions of the In-Camera Session dated February 4, 2009

#2: Perry/Boushy: That Council rise and report.

Carried.

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

#3: Perry/Boushy: That Council adopt the report of the Closed Session meeting.

Carried.

Delegations

#4: Jamieson/MacDougall: That the following delegations be invited within the Bar as follows:

- a) Mr. Mark Van Patter, Senior Planner, County of Wellington and Mr. Rob Johnson, Manager of the Green Legacy Tree Nursery, regarding the Green Legacy Project;
- b) Mr. George Mallay, General Manager, Sarnia Lambton Economic Partnership, regarding a grant request; and,
- c) Mr. John Dickson, Interim General Manager, Tourism Sarnia-Lambton, regarding a grant request.

Carried.

Minutes

The Lambton County Council (Open Session) and (Closed Session) minutes dated November 19, 2008, as well as the Inaugural Session of County Council dated December 3, 2008 were presented.

#5: MacDougall/Kirkland: That the Lambton County Council (Open Session) and (Closed Session) minutes dated November 19, 2008 and the Inaugural Session of County Council dated December 3, 2008 be accepted as presented.

Carried.

Correspondence to Receive and File

2-5-09 A copy of a letter from the Municipal Property Assessment Corporation (M.P.A.C.) to Councillor Mike Bradley, dated November 26, 2008, clarifying M.P.A.C.'s treatment of multi-residential units converted to residential condominiums in the year that the conversion occurs. Section 34 of the Assessment Act allows M.P.A.C. to alter the assessment or classification of a property under certain conditions.

#6: McGugan/Perry: **WHEREAS** application of Section 34 of the Assessment Act by the Municipal Property Assessment Corporation currently results in significant tax write-offs for Municipalities; and,

WHEREAS the new for 2009 “phase-in” provisions of the Assessment Act means that it will now take a minimum of four (4) years for Municipalities to regain the tax revenues lost from multi-residential to condominium conversions; and,

WHEREAS the Municipal Assessment Corporation in its November 26, 2008 letter to Mayor Bradley invited support from Municipalities to pursue changes to provincial legislation to address this issue;

BE IT THEREFORE RESOLVED THAT staff be directed to immediately write to the Minister of Revenue requesting that the Assessment Act be amended to exempt such conversions from these new phase-in provisions; and further,

THAT a copy of this resolution be forwarded to the Association of Municipalities of Ontario, the Western Ontario Wardens’ Caucus, the Minister of Finance, local M.P.s and M.P.P.s, as well as the Leader of the Opposition.

Carried.

2-1-09 A Member Communication from the Association of Municipalities of Ontario (A.M.O.), dated November 19, 2008, advising that Environment Canada has developed and recently updated a web-based inventory of Climate Observing Networks in Ontario (ICONO). The ICONO database will provide provincial climate station information and metadata to all Ontario climate monitoring agencies, information that can prove valuable for the purposes of climate and climate change related research and network monitoring and planning. As a metadatabase, ICONO does not include climatological or meteorological station data observations. Environment Canada has requested A.M.O. member Municipalities to support the project.

2-2-09 A Member Communication from the Association of Municipalities of Ontario (A.M.O.), dated November 19, 2008, advising that A.M.O. and Ontario today issued the first ever Joint Annual MOU Statement. First signed in 2001, the A.M.O.- Ontario Memorandum of Understanding (MOU) on consultation was a ground-breaking agreement between the Government of Ontario and A.M.O. committing to consultation - still the only one of its kind in Canada. The MOU was renewed in 2004 adding two important commitments. The Province would not claw back federal funding intended for Municipalities and that Municipalities would be consulted on any federal-provincial discussions or negotiations that might have an impact on Municipal Governments in Ontario. In 2005, the A.M.O.-MOU was enshrined in the Municipal Act through Bill 92, the Municipal Amendment Act and in 2007 the MOU was renewed again by A.M.O. and the Province with an additional commitment to release a public report on the MOU annually.

2-3-09 A memorandum from the Township of South Stormont, dated November 19, 2008, advising that Bill 50, the Provincial Animal Welfare Act, 2008, has now passed second reading in the legislature and the Township is concerned about the delegation of authority, accountability and transparency of OSPCA inspectors and its officers. The Township of South Stormont is requesting support of its resolution to ask the government to review and amend as required, the powers granted to inspectors through Bill 50.

2-4-09 A message from Minister Jim Watson, Ministry of Municipal Affairs and Housing, dated December 13, 2008, providing an update regarding National Housing Day, the Municipal Internship Program, a new initiative which supports Off-Reserve Communities and Municipal Officials who were honoured with long service standing awards.

2-6-09 A letter from Nestle Waters, dated December 3, 2008, requesting participation in any future discussions related to the continued sale of bottled water in County facilities. Bottled water is proving to be particularly helpful at a time when the incidence of obesity and diabetes are on a significant increase amongst Canadians. Any possible ban of this product is troubling to Nestle. The company has also entered into a three year agreement with the Government of Quebec and Municipalities across that Province to collect and recycle plastic beverage containers and other recyclable materials in public spaces, should there be any concerns about plastic beverage container recycling and litter.

2-7-09 A letter from the Township of Bonfield and the Township of East Ferris, received December 18, 2008, advising that on August 5th, 2008, a severe rainstorm caused localized flooding in the Townships of East Ferris and Bonfield and numerous homeowners, farmers and small businesses have lost essential property. The Ministry of Municipal Affairs and Housing has declared the Townships a "Disaster Area". A joint volunteer Committee has been appointed by the Townships and they have set a tentative fundraising minimum target of \$25,000.00 to provide assistance for homeowners, farmers and small businesses. The Disaster Relief Committee is seeking financial assistance from every Municipality in the Province.

2-10-09 A letter from the Association of Municipalities of Ontario (A.M.O.), dated December 23, 2008, confirming that A.M.O., the Government of Ontario, the Government of Canada and the City of Toronto, have successfully completed negotiation of the extension of the Federal Gas Tax Fund schedule of payments to March 31, 2014. This secures four (4) more years of predictable, long-term funding for Ontario Municipalities that will help to address pressing infrastructure needs.

2-13-09 A Member Communication from the Association of Municipalities of Ontario (A.M.O.), dated January 12, 2009, advising that A.M.O. put forward its Pre-Budget Submission to the Standing Committee on Finance and Economic Affairs and Finance Minister Dwight Duncan. Highlights of the 2009 A.M.O. submission include:

- a) Predictable Municipal Funding and Stable Revenue;
- b) Improve Economic Development through Infrastructure Investment; and,
- c) Green Jobs Leading to a Greener Economy.

2-14-09 A letter from Mr. Don Seymour, Executive Director, Lambton County Developmental Services, dated January 18, 2009, expressing their sincere gratitude for the donation of \$250.00 from the County of Lambton made at the request of Jane Joris, as a recipient of the County of Lambton Achievement Award.

2-15-09 A letter from Wendy MacQueen, Owner, Mormac Brand Re-engineering, dated January 19, 2009, inquiring as to why the Sarnia Lambton Economic Partnership is using a marketing firm outside of Lambton County and feels that it is appropriate to require all departments and agencies funded by the County's tax dollars to tender RFPs to local businesses before tendering to external resources.

#7: Bradley/Foubister: That the above correspondence items be received and filed.

Carried.

Items Not Requiring a Motion

The following items were presented to County Council for its information:

- a) Land Division Committee Minutes dated November 12, 2008, December 10, 2008 and January 13, 2009; and,
- b) General Managers' Updates - Minutes dated October 22, November 26, and December 2, 2008.

Reports Requiring a Motion

CORPORATE SERVICES DIVISION

Report dated February 4, 2009 Regarding an Update on Matters Affecting Property Taxation

#8: MacDougall/Jamieson: That Council authorize the County's financial support of Municipal Tax Equity's efforts to gain intervener status in the appeal of the "Bank Towers" decision, subject to an upset limit of \$20,000.00.

Carried.

Committee Minutes

Mr. Wm. Bilton presented the Woodlot Committee minutes dated December 10, 2008.

#9: Bilton/Jamieson: That the Woodlot Committee minutes dated December 10, 2008 be adopted as presented.

Carried.

Mrs. B. MacDougall presented the Committee A.M. minutes dated January 21, 2009.

#10: MacDougall/Bradley: That the Committee A.M. minutes dated January 21, 2009 be adopted as presented.

Carried.

Ms. C. Jamieson presented the Committee P.M. minutes dated January 21, 2009.

Re: Motion #9 – Report Regarding the Sale of Property (730 Cathcart Boulevard)

#11: Napper/McGugan: That County Council reconsider motion #9 of the Committee P.M. minutes dated January 21, 2009 as follows:

“That a Request for Proposal (RFP) for Real Estate Services be issued, for the sale of 730 Cathcart Boulevard, in accordance with By-Law No. 26 of 2006 and the County’s purchasing procedures.”

Defeated.

Re: Motion #12 – Information Reports Items (h) - 10cm Orthophotography Capture Motion and (i) - Lambton County Broadband Gaps

#12: Jamieson/Gilliland: That we amend motion #12 of the Committee P.M. minutes dated January 21, 2009, so that items (h) and (i) can be voted on separately.

Carried.

Report dated January 21, 2009 Regarding the 10cm Orthophotography Capture

#13: Minielly/MacDougall: That the previously approved schedule for 10 cm orthophotography capture be delayed to the Spring of 2010.

Carried.

Report dated January 21, 2009 Regarding the Lambton County Broadband Gaps

#14: Arnold/Napper:

- a) That staff continue to seek public input to more accurately determine where high-speed internet connectivity gaps exist by providing a means of collecting the information.
- b) That staff communicate with the public requesting their assistance in determining where high-speed internet connectivity does not exist.
- c) That staff return with a report to Council identifying potential options to provide high-speed internet connectivity where it currently does not exist.

Carried.

#15: Jamieson/Boushy: That the Committee P.M. minutes dated January 21, 2009 be adopted as amended.

Carried.

Items Tabled from Previous Meetings

Re: Tabled Motion #13 of the Lambton County Council (Open Session) Minutes dated September 3, 2008 regarding County Tree Cover

#16: MacDougall/McGugan: That the Woodlot Committee along with other interested parties be directed to work on a report to bring back to County Council regarding the issues raised by Wellington County and that Terms of Reference be developed by the Committee for Council’s consideration regarding the Committee’s mandate.

Carried.

Notice of Motion

#17: Bradley/Foubister: That all grants be frozen at the 2008 level and that if Council wishes to lower them, they may do so.

A recorded vote, starting with Councillor Anne Marie Gillis, was requested by Councillor Mike Bradley on motion #17 of this day's minutes.

S. Arnold Yes (3)
Wm. Bilton Yes (1)
D. Boushy Yes (3)
M. Bradley Yes (3)
J. Burns No (1)
T. Case Absent
J. Foubister Yes (3)
P. Gilliland No (2)
A. Gillis No (3)
C. Jamieson No (2)
D. Kirkland No (1)
B. MacDougall Yes (3)
J. McCharles No (2)
D. McGugan No (1)
G. Minielly No (3)
L. Napper No (3)
G. Perry No (1)

Yeas - 16; Nays - 19.

Motion defeated.

#18: Bradley/Foubister: That all Out-of-Province Convention travel be on a case by case basis, require a formal motion of Council and that funding for convention hospitality suites be removed from the budget.

A recorded vote, starting with Councillor William Bilton, was requested by Councillor Mike Bradley on motion #18 of this day's minutes.

S. Arnold Yes (3)
Wm. Bilton No (1)
D. Boushy Yes (3)
M. Bradley Yes (3)
J. Burns No (1)
T. Case Absent
J. Foubister Yes (3)

P. Gilliland..... No (2)
A. Gillis..... No (3)
C. Jamieson No (2)
D. Kirkland No (1)
B. MacDougall Yes (3)
J. McCharles No (2)
D. McGugan No (1)
G. Minielly No (3)
L. Napper..... No (3)
G. Perry No (1)

Yeas - 15; Nays - 20.

Motion defeated.

#19: Bradley/McGugan: That Lambton County Council request staff to investigate funding from the Federal and Provincial Governments to fund treatment places for a Detox Centre and include any other relevant issues such as possible partnerships, facilities, et cetera, and report back to County Council.

Carried.

OTHER BUSINESS

Councillor Carolyn Jamieson noted the extremely generous donation from the estate of Mr. Frank Wright to the Lambton Heritage Museum. Mr. Wright was a long time resident of Bosanquet Township and was very involved in the Arkona Historical Society.

Councillor Jamieson also noted there has been an increase in attendance numbers at Gallery Lambton functions and this is the result of the extremely dynamic management of programming put in place by the County's Curator, Lisa Daniels.

Councillor Bev MacDougall spoke to County Council regarding Council's interest in looking at the value, cost and logistics of a permanent display of this community's Group of Seven collection. Over the next six weeks Stage 1 of the display for community discussion of the Group of Seven collection is going to be unveiled.

Councillor Gord Perry spoke to County Council regarding nominating a Chair for the Adult Day Program Advisory Committee. Councillor Perry expressed an interest in continuing being the Chair of the Committee.

#20: McGugan/Perry: That Gord Perry be appointed to the Adult Day Program Advisory Committee as Chair.

Carried.

By-Laws

#21: Kirkland/Jamieson: That By-Laws #3 to #10 of 2009, as circulated, be taken as read a first and second time.

Carried.

#22: McCharles/MacDougall: That By-Laws #3 to #10 of 2009, as circulated, be taken as read a third time and finally passed.

Carried.

Adjournment

The Warden declared the meeting adjourned.

Time: 3:30 p.m.

Jim Burns
Warden

Linda Creaghe
County Clerk
General Manager, Corporate Services