

MINUTES
LAMBTON COUNTY COUNCIL

October 7, 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 J. Foubister and J. McCharles.

Disclosures of Pecuniary Interest: None.

In-Camera

#1: Gillis/Gilliland: That the Warden declare that County Council go in-camera to discuss a matter concerning labour relations and employee negotiations and a matter 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 October 7, 2009

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

Carried.

The Chief Administrative Officer noted that there were no resolutions to report from the Closed Session meeting.

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

Carried.

Delegations

#4: Boushy/Bilton: That we invite Norio Vanderheyden, within the Bar, to speak to County Council regarding truck traffic on Lambton County roads.

Carried.

#5: Boushy/Bilton: That we invite Garry McDonald, President of the Sarnia-Lambton Chamber of Commerce, within the Bar, to speak to County Council regarding the truck study.

Carried.

#6: McGugan/Gillis: That we reconsider motion #4 of the Lambton County Council (Open Session) minutes dated September 2, 2009 as follows:

"That Option 3 be implemented on Lakeshore Road and that the balance of the recommendations in the draft report be dealt with in due-course by Council."

A recorded vote, starting with Councillor Peter Gilliland, was requested by Councillor on motion #6 of this day's minutes.

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

Yeas - 15; Nays - 17.

Motion defeated.

Monthly Staff Presentations re: Activities and Issues

#7: Bilton/Boushy: That we invite Mr. George Mallay, General Manager, Sarnia Lambton Economic Partnership, within the Bar, to present an overview of the activities of the Sarnia-Lambton Economic Partnership.

Carried.

Minutes

The Lambton County Council (Open Session) and (Closed Session) minutes dated September 2, 2009 were presented.

#8: Bradley/Jamieson: That the Lambton County Council (Open Session) and (Closed Session) minutes dated September 2, 2009 be accepted as presented.

Carried.

Correspondence to Receive and File

10-5-09 A letter from True Sport, dated August 10, 2009, requesting that the County of Lambton pass a resolution to join the True Sport Movement and recognize the important role sport plays as a public asset and the difference that good sport can make. Sport has the potential to make a significant contribution to the development of youth, the well-being of individuals and the quality of life in our communities.

10-9-09 A letter from the Michigan Department of Environmental Quality (MDEQ), dated September 1, 2009, thanking the County of Lambton for its input on the proposed water withdrawal from Lake Huron by the Genesee County Drain Commission (GCDC). The MDEQ reviewed all of the submitted information and public comments received on the proposed withdrawal. The review of the information and comments led the MDEQ to determine that the proposed withdrawal would comply with applicable rules and regulations. Accordingly, the permit to withdraw 85 million gallons a day from Lake Huron was issued on August 28, 2009. The MDEQ attached conditions to the withdrawal authorization based upon comments received during the public comment process. The basis for the decision can be found at http://www.michigan.gov/deq/0,1607,7-135-3313_3684_45331_49260-2208911--,00.html.

10-10-09 A copy of a letter from Mr. Bruce Pearse, Chair of the Land Use Council, to the Honourable Donna Cansfield, Minister of Natural Resources, dated August 18, 2009, acknowledging the Ministry's letter regarding the Land Use Council's appeal to delay legislative approval of the proposed species habitat regulations pending wider public consultation. Mr. Pearse notes that details of the regulations were not unveiled until May 15, 2009 with a short time period for interim comment. Many expressed serious reservations about the direction of the regulations, the announcement that no further public meetings would be convened, the urban site chosen to introduce land use constraints directly impacting rural citizens and the inadequately advertised process by which the directives were being fast-tracked into legislation. The Land Use Council is presuming that the regulations in question have been approved and if so, they would like to be advised whether the approval included any recommended habitat protocols recorded on any ABBR Registry webster or in any public forum since 2007.

10-13-09 A letter from the Lupus Foundation of Ontario, dated September 2, 2009, requesting that County Council, during a Council meeting, read their Proclamation to inform everyone in the community that lupus is a serious illness. There are many Ontarians that have been diagnosed with lupus.

By reading the Proclamation during the meeting and by declaring October as Lupus Awareness Month, the County will be assisting the Lupus Foundation of Ontario in educating all citizens that the Foundation exists and that help is just a telephone call away.

10-15-09 An email from Michael Ignatieff, M.P., Leader of the Opposition and Leader of the Liberal Party of Canada, dated September 28, 2009, advising that this week, Mr. Ignatieff announced a firm commitment that a Liberal Government would permanently increase the gas tax transfer to flow money to Canada's Municipalities. By transferring fiscal capacity to our cities and towns, urban and rural, a Liberal Government would be a strong partner, helping Municipalities tackle the challenges faced in balancing budget, keeping property taxes low, providing services for communities and making the critical investments in transit, water and road infrastructure.

10-16-09 A Member Communication from the Association of Municipalities of Ontario (AMO), dated September 28, 2009, advising that regulations and other recent decisions related to the Green Energy and Green Economy Act, 2009, continue to fundamentally transform environment governing energy conservation, generation and planning. The Province has recently finalized announcing the Ten Steps to Green Energy, five of which are pertinent to Municipalities as follows:

1. Transmission Expansion;
2. Feed-in Tariff Program (FIT);
3. Renewable Energy Approval;
4. Renewable Energy Facilitation Office (REFO); and,
5. Municipal Renewable Energy Program.

#9: Bradley/Napper: That the above correspondence items be received and filed.

Carried.

Correspondence

10-11-09 A Member Communication from the Association of Municipalities of Ontario (AMO), dated September 21, 2009, advising that it has released a draft paper seeking Joint and Several Liability Reform. Under the Negligence Act, joint and several liability dictates that damages may be recovered from any of the defendants regardless of their individual share of the liability. For Municipalities, as a public organization with taxation power, this means even a finding of slight or minimal liability can result in responsibility for millions of dollars in damage awards. AMO has established the Municipal Liability Reform Working Group and this group presents a draft paper for municipal comment and feedback by Friday, October 16, 2009. The AMO Board will consider a final version of the paper to be sent to the Attorney General.

#10: McGugan/Bradley: That we support correspondence 10-11-09 from the Association of Municipalities of Ontario concerning its draft paper regarding seeking Joint and Several Liability Reform.

Carried.

10-12-09 An AMO Economic Development Task Force Update, dated September 22, 2009, advising that the Provincial Government will be hosting sessions on Broadband Funding. In January 2009, Industry Canada announced a \$225 million program to extend broadband coverage called Broadband Canada: Connecting Rural Canadians and the Provincial Government announced funding of up to \$32.75 million to support projects approved under the federal program. Eligible applicants include the private sector or consortiums of companies, not-for-profit organizations and provincial entities that build and operate broadband infrastructure. Municipalities are invited to participate in the sessions and to contact Heidi Steffen-Petri at (519) 826-6616 to confirm attendance. Deadline is October 23, 2009.

#11: McGugan/Bradley: That we support correspondence 10-12-09.

Carried.

Items Not Requiring a Motion

The following item was presented to County Council for its information:

- a) General Managers' Updates - Minutes dated August 11, 25 and September 1, 2009.

Reports Requiring a Motion

SOCIAL SERVICES DIVISION

Report dated October 7, 2009 Regarding Enhanced Employment Services for Vulnerable Persons - Funding Announcement - Correspondence 10-14-09

#12: Minielly/Perry:

- a) That County Council authorize staff to implement the Enhanced Employment Services Plan for the 100% Provincial funding allocation provided to March 31, 2011.
- b) That County Council authorize the immediate recruitment of three (3) FTE Caseworkers on a time-limited basis to March 31, 2011.

Carried.

CULTURAL SERVICES DIVISION

Report dated October 7, 2009 Regarding the Fundraising Campaign (New Gallery Lambton)

#13: Jamieson/Gillis:

- a) That the proposal from Ketchum Canada (2002) Inc. in the amount of \$234,000.00 plus GST be accepted.
- b) That staff be directed to negotiate a suitable agreement and commence the fundraising campaign as soon as possible.

Carried.

Report dated October 7, 2009 Regarding a Building Committee (New Gallery Lambton)

#14: Bradley/Napper: That a Building Committee not be established for the project and that the full County Council be responsible for the decision moving process.

A recorded vote, starting with Councillor Dave Boushy, was requested by Councillor on motion #14 of this day's minutes.

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

Yeas - 17; Nays - 15.

Motion carried.

FINANCIAL SERVICES DIVISION

Report dated October 7, 2009 Regarding the Financing of the Art Gallery Relocation and Redevelopment

#15: Jamieson/MacDougall:

- a) That staff be authorized to negotiate construction financing to a maximum of \$8,000,000 for a term of two years.
- b) That this financing shall be used to fund all costs associated with the construction of the County's new Gallery Lambton.

Carried.

Committee Minutes

Mr. S. Arnold presented the Committee A.M. minutes dated September 16, 2009.

Re: Motions #12, #13 and #14 Concerning the Road Designation Study

#16: Gilliland/Arnold: That motions #12, #13 and #14 of the Committee A.M. minutes dated September 16, 2009, be tabled and referred back to the Committee.

A recorded vote, starting with Councillor Todd Case, was requested by Councillor Steve Arnold on motion #16 of this day's minutes.

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

Yeas - 9; Nays - 23.

Motion defeated.

#17: Arnold/Perry: That the Committee A.M. minutes dated September 16, 2009 be accepted as presented.

Carried.

Ms. C. Jamieson presented the Committee P.M. minutes dated September 16, 2009.

#18: Jamieson/Napper: That the Committee P.M. minutes dated September 16, 2009 be accepted as presented.

Carried.

Items Tabled from Previous Meetings

Re: Tabled motion #6 of the Committee P.M. Minutes dated August 20, 2009, as well as By-Law #39 of 2009 being "A By-Law to Appoint a County Clerk" (this item was tabled to allow for an independent review of the proposed draft By-Law).

#19: Bradley/Case: That we lift from the table motion #6 of the Committee P.M. minutes dated August 20, 2009 and that the report dated August 20, 2009 regarding the Appointment of a County Clerk be approved as presented, appointing Stéphane Thiffeault as Clerk of The Corporation of the County of Lambton.

Carried.

OTHER BUSINESS

Councillor Gord Perry spoke to County Council advising that Scott Miller, founder of the Circles Model of Poverty Reduction, will be in Sarnia on Tuesday, October 27, 2009 at the Lambton Inn for a breakfast event at 7:30 a.m. Mr. Miller will also be providing a presentation open to the public from 7:00 - 9:00 p.m. at the Sarnia Library Auditorium, 124 North Christina Street, Sarnia, ON. All are invited to attend.

Councillor Bev MacDougall spoke regarding the Art Gallery announcement. Staff and Council were thanked for their support.

Councillor Carolyn Jamieson reminded Councillors of the Annual North Lambton Fall Colour and Craft Festival to be held on October 17 and 18 at the Lambton Heritage Museum. All are invited to attend.

Councillor Mike Bradley suggested that the County of Lambton formally thank Patricia Davidson, M.P. Sarnia-Lambton Riding, for her support in obtaining funding for the new Art Gallery.

#20: Bradley/Boushy: That the County of Lambton formally thank Patricia Davidson, M.P. Sarnia-Lambton Riding, for her support in obtaining funding for the new Art Gallery.

Carried.

Re: Delegation for the November 4, 2009 County Council Meeting

#21: Boushy/McGugan: That Council suspend the Rules of Procedure in order to allow representatives from the Best Start Committee to do a presentation to Council regarding the Children's Charter of Rights at the beginning of the meeting.

Carried.

By-Laws

Re: By-Law #39 of 2009 being "A By-Law to Prohibit Heavy Trucks on Certain County Roads"

#22: Arnold/McGugan: That By-Law #39 of 2009 being "A By-Law to Prohibit Heavy Trucks on Certain County Roads" be voted on separately.

Carried.

#23: Jamieson/Kirkland: That By-Laws #33, #36 to #38 and #40 to #42 of 2009, as circulated, be taken as read a first and second time.

Carried.

#24: Gillis/Bradley: That By-Laws #33, #36 to #38 and #40 to #42 of 2009, as circulated, be taken as read a third time and finally passed.

Carried.

#25: Jamieson/Kirkland: That By-Law #39 of 2009, as circulated, be taken as read a first and second time.

Carried.

#26: Arnold/McGugan: That By-Law #39 of 2009 be referred to Committee A.M. for their consideration.

Defeated.

#27: Jamieson/Kirkland: That By-Law #39 of 2009, as circulated, be taken as read a third time and finally passed.

Carried.

Adjournment

#28: Bilton/Case:

- a) That the Warden declare the meeting adjourned.
- b) That the next meeting of County Council be held on Wednesday, November 4, 2009 with the In-Camera Session to commence at 1:00 p.m.

Time: 3:10 p.m.

Jim Burns
Warden

Ronald G. Van Horne
Chief Administrative Officer