

MINUTES
LAMBTON COUNTY COUNCIL

February 3, 2010

Lambton County Council was in session in the Council Chambers, Wyoming, Ontario, at 9:00 a.m. on the above date. Warden in the Chair; Roll called; All members present except D. Kirkland.

Disclosures of Pecuniary Interest: None.

SPECIAL MEETING RE: TRUCK STUDY

Delegations

#1: McGugan/Foubister: That the following delegations be invited within the Bar to speak to Council regarding the restriction of trucks on County roads:

1. Margaret Archibald;
2. Ron Atyeo;
3. Bill Bilton & Ken Dunlop, County of Lambton Agricultural Advisory Committee;
4. Dean Burns (absent);
5. Ken Dunlop, Lambton Federation of Agriculture;
6. Raymond Fillion;
7. Bob & Carolyn Himes, Paradise Valley Resort (absent);
8. Garry McDonald, Sarnia Lambton Chamber of Commerce;
9. Robert Payne;
10. Dianne Soetemans, Van Bree Enterprises;
11. Jackie Spearman;
12. Norio Vanderheyden (also spoke on behalf of the Forest Business Improvement Area);
13. Nancy Venhuizen, Warner Transport (also presented correspondence from concerned residents);
14. Henry Wallace;
15. Wayne Wellington; and,
16. Robert Young.

Carried.

Correspondence to Receive and File

2-21-10 A letter from Steve Fatcher, received January 19, 2010, advising of his concerns with the increased truck traffic on Kimball Road. There are children waiting at the side of the road for the school bus, slow moving farm equipment travelling from farm to farm and there is a big concern for the potential for serious accidents. Mr. Fatcher states that the trucks treat Kimball Road as if it were a major highway.

They use engine breaking when approaching intersections at all hours of the day and night. Mr. Futchter is urging Council to do what it takes to remedy this situation possibly by lowering the speed limit to 80 km/hr as well as a load limit for heavy traffic that is not doing business in the area.

2-22-10 An email from Robert Nicol, dated January 21, 2010, expressing his concerns regarding the heavy truck traffic on Kimball Road. He believes the speed limit of 90 km/hr encourages truck use on this road rather than on Highway 40. Mr. Nicol also states that Kimball Road has numerous access points from such things as laneways, farm field access and the higher the speed the greater the potential for collisions. School buses stop frequently on Kimball Road and there is great concern for the children. Mr. Nicol is requesting Council to restrict truck traffic to Highway 40 only as the primary route to Wallaceburg and to reduce the speed limit on Kimball Road to 80 km/hr.

2-23-10 An email from Larry Swart, a resident of Lambton Shores, dated January 24, 2009, advising of his concerns with the truck traffic. Mr. Swart states that the heavy trucks have thrown stones against his car window and has been pushed off the side of the road in a snow storm. He feels that it would be safer if the heavy trucks would take the proper roads when travelling.

2-25-10 A petition regarding the truck study, received January 26, 2010, requesting that Council not restrict traffic in one area to the detriment of another area. Road safety is an issue for everyone and the petitioners suggest that the enforcement already in place can address any safety problems that arise.

2-26-10 A letter from H. Foster, dated January 25, 2010, advising that as a resident living on the corner of Lakeshore Road and Townsend Line, the noise of the trucks and the safety concern is minimal. H. Foster states that we need these trucks to deliver the goods and to deliver them in a timely manner. H. Foster is more concerned with speeding cars on Lakeshore Road.

2-27-10 A letter from Bruce Brogden, dated January 26, 2010, advising that he is a fireman that lives on Lakeshore Road and that he has been paged to a number of accidents on Lakeshore Road and none have involved a heavy truck. These accidents have been passenger vehicles, most have had injuries and some have been fatal. Cars often pass on the gravel shoulder without slowing down. Mr. Brogden advises that the best way of controlling heavy trucks on Lakeshore Road is by calling the trucking company as soon as possible with any complaint one may have. In Mr. Brogden's opinion, excluding heavy trucks will not stop drivers from speeding, tailgating and breaking the rules.

2-28-10 A letter from Ken Graham, Director, Sarnia Heavy Construction Association, dated January 26, 2010, advising that roads, sewers and watermains, bridges and culverts and municipal drains need maintenance, repair, rehabilitation, reconstruction and/or replacement and this requires heavy equipment and materials which need trucks to move them. County roads are vital to the efficient movement of these materials. County roads are designed and built for mobility throughout the County and are also designed to accommodate the weight of truck traffic. The Sarnia Heavy Construction Association prefers Option 1 (exemption for any truck picking up or delivering within the County), but would support Option 2 for Lakeshore Road if considered. The Association is also requesting that the definition of "local delivery" be expanded to include provisions for the short term construction needs for projects that could only realistically be accessed via the restricted County road(s).

#2: Jamieson/Arnold: That the above correspondence items concerning the truck study be received and filed.

Carried.

Reports Requiring a Motion

Report dated June 17, 2009 Regarding the Restriction of Trucks on County Roads

Re: Reconsideration of Motion #4, Lambton County Council (Open Session) Minutes dated September 2, 2009 - Implementation of Option 3 on Lakeshore Road

#3: Napper/Gillis: That motion #4 of the Lambton County Council (Open Session) minutes dated September 2, 2009 be reconsidered and that Lakeshore Road be designated as Option 2 as follows:

"Option 2 (or Prohibited Highway 2) restricts trucks that have a GVRW in excess of 28,600 kg (63,052 lb.) from using County Road #7 (Lakeshore Road) between County Road #26 (Mandaumin Road) and King's Highway 21 unless they have a pick-up or delivery within the municipal boundaries of Sarnia, Plympton-Wyoming or Lambton Shores."

A recorded vote, starting with Councillor John McCharles, was requested by Councillor Lonny Napper on motion #3 of this day's minutes.

S. Arnold Yes (3)
Wm. Bilton No (1)
D. Boushy Yes (3)
M. Bradley Yes (3)
J. Burns Yes (1)
T. Case No (2)

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

Yeas - 25; Nays - 11.

Motion carried.

Items Tabled from Previous Meeting(s)

#4: Arnold/Gillis: That we lift from the table motion #8 of the Committee A.M. minutes dated November 18, 2009 regarding the truck study report recommendations as presented by the Truck Study Sub-Committee.

Carried.

Councillor John McCharles spoke regarding County Road #4 (Petrolia Line) from County Road #26 (Mandaumin Road) to County Road #21 (Oil Heritage Road) and would consider Option 1 with an amendment.

^{*}, ^{**} #5: McCharles/McGugan: That the wording in Option 1 be amended to "heavy truck ^{***} picking up **and** delivering to an address within Lambton County; and further,

That the amended Option 1 (amended Prohibited Highway 1) only be applied to County Road #4 (Petrolia Line) between County Road #26 (Mandaumin Road) and County Road #21 (Oil Heritage Road)".

Carried.

Re: Motion #13 of the Lambton County Council (Open Session) Minutes dated December 2, 2009 - County Roads #11 (Arberarder Line), #12 (Townsend Line), #26 (Mandaumin Road) and #30 (Oil Heritage Road) as Option 1

#6: Arnold/Gillis: That motion #8 of the Committee A.M. minutes dated November 18, 2009 be amended so that item A) i) - County Road 11 (Aberarder Line) from County Road 7 (Lakeshore Road) to County Road 30 (Oil Heritage Road) and Item A) iv) - County Road 30 (Oil Heritage Road) from County Road 7 (Lakeshore Road) to County Road 11 (Aberarder Line), become Option 1, and further, that the balance of motion #8 be accepted as presented.

Defeated.

#7: Jamieson/MacDougall: That the balance of the recommendations in motion #8 of the Committee A.M. minutes dated November 18, 2009 be referred back to the Committee for further consideration.

Carried.

Notice of Motion

Councillor Steve Arnold presented Notices of Motion which were received February 2nd, 2010 concerning County Road #31 (Kimball Road).

#8: Arnold/Foubister: That County Road #31 (Kimball Road) from the Lambton/Chatham-Kent border to County Road #20 (Plank Road) be designated a restricted heavy truck road under Option 1 (Prohibited Highway 1).

Carried.

#9: Arnold/MacDougall: That the speed limit on County Road #31 (Kimball Road) be reduced to 80 km/hr from the southern Lambton boundary with Chatham-Kent to County Road #20 (Plank Road).

Carried.

In-Camera

#10: Jamieson/Gilliland: That we amend today's agenda to allow the in-camera portion of the meeting to proceed out of order.

Carried.

#11: Gilliland/Jamieson: That the Warden declare that County Council go in-camera to discuss a matter subject to solicitor-client privilege, a matter concerning labour relations and employee negotiations and a personal matter about an identifiable individual.

Carried.

Open Session

The Warden declared that County Council go back into Open Session.

Recess

The Warden declared that Council recess for lunch to reconvene at 1:15 p.m.

Reconvene

Council reconvened at 1:15 p.m. All members present except M. Bradley and T. Case.

Rise and Report Motions of the In-Camera Session dated December 2, 2009

#12: McCharles/Boushy: That Council rise and report.

Carried.

The County Clerk noted that there was one resolution to report from the Closed Session meeting of December 2, 2009 as follows:

"CORPORATE SERVICES DIVISION

In-Camera Report dated November 18, 2009 Regarding the County of Lambton (CHSD) and Ontario Nurses Association Tentative Agreement

#11: Kirkland/Burns: That County Council ratify the tentative collective agreement reached with Ontario Nurses Association representing Registered Nurses at Community Health Services Department.

Carried."

#13: McCharles/Boushy: That Council adopt the report of the Closed Session meeting.
Carried.

Delegations

2010 Grant Requests

#14: Gillis/Jamieson: That we invite Mr. George Mallay, General Manager, Sarnia-Lambton Economic Partnership, Mr. John Dickson, General Manager and Ms. Dena Kent, Chair of the Board, Tourism Sarnia-Lambton and Ms. Anne Stirling and Mr. Walter Petryschuk, Lawrence House Centre for the Arts, within the Bar, to speak to County Council regarding grant requests.

Carried.

#15: MacDougall/Gillis: That the grant requests be forwarded to the 2010 Budget process.

Carried.

Minutes

The Lambton County Council (Open Session) and (Closed Session) minutes dated December 2, 2009 and the Special Meeting of Council dated January 20, 2010 were presented.

#16: Perry/McCharles: That the Lambton County Council (Open Session) and (Closed Session) minutes dated December 2, 2009 and the Special Meeting of Council dated January 20, 2010, be accepted as presented.

Carried.

Correspondence to Receive and File

2-4-10 A letter from Neil Stewart, Chairperson of the McNabb/Braeside Relief Committee, dated November 24, 2009, advising that on July 24, 2009, a torrential rainstorm in the Township of McNabb/Braeside caused such localized flooding that the Ministry of Municipal Affairs and Housing declared the affected area a "Disaster Area". The Committee is requesting financial support for the community.

2-5-10 A Member Communication from the Association of Municipalities of Ontario (AMO), dated December 1, 2009, advising that it recognizes the need for affordable access to recreation for Ontarians and the Board of Directors has supported the recommendations of the Policy Framework for Affordable Access to Recreation for Ontarians. AMO will now seek commitment from the Provincial and Federal Governments to move this important policy ahead.

2-6-10 A letter from Bluewater Power, dated November 30, 2009, expressing its sincere appreciation to Lambton County for their assistance and patience in its recent Ministry of Environment issues at the Blackwell Landfill Site.

2-7-10 A memorandum from the Regional Municipality of Durham, received December 2, 2009, requesting support of its resolution to petition the Premier of Ontario to take the necessary steps in a timely manner, to amend the Ombudsman Act to include hospitals under the jurisdiction of the Ombudsman, and that in the event the Premier responds negatively, that it request a full and complete explanation as to why the Province will not amend the Act.

2-8-10 A memorandum from the County of Grey, dated November 26, 2009, advising that it has expressed concern over Bill 150 being the Green Energy and Green Economy Act which is now in force and effect and requesting support of its resolution to ask the Federal and Provincial Government agencies responsible for public health, energy creation and energy management to complete the following:

1. Dedicate resources to the necessary scientific research to consider the impact of low frequency noise and electromagnetic disturbances in areas of industrial wind turbines with the intent to confirm/deny public health implications and technology and infrastructure being used.

2. Create and provide authoritative regulations and guidelines for the locating of wind turbines to Municipalities and wind energy developers.

2-12-10 A memorandum from the City of Kawartha Lakes, dated November 16, 2009, requesting support of its resolution concerning wind turbines and its concerns regarding health, safety and economic impacts for those living close to developed sites. The City of Kawartha Lakes requests in advance of the issuance of any permits and the commencement or continuance of any projects that the appropriate Provincial Health Officials conduct a study of the adverse health effects now being experienced where windmill projects are fully operational to determine the possible adverse health effects; a full environmental study be done to determine the possible impact on the conservation areas and the Oak Ridges Moraine and that an independent economic impact study be done to determine all related potential costs that will be incurred by the Municipality and the effect on property values in the affected areas.

2-13-10 A memorandum from the Township of Mapleton, dated December 16, 2009, advising of its resolution requesting that the Government of Ontario through the Ministry of Environment, issue a moratorium on wind energy projects until a health study has been completed by an independent third party.

2-14-10 A memorandum from The Corporation of the City of Kingston, dated December 16, 2009, requesting support of its resolution to ask the Province of Ontario to exempt electricity sales from the Provincial portion of the single harmonized sales tax.

2-16-10 A letter from the Town of Petrolia, dated November 25, 2009, advising of its resolution that the County of Lambton be requested to update the Official Plan and Comprehensive Zoning By-Law in 2010.

2-20-10 The Day Programs' Annual Reconciliation Report, Section V is attached for Council's review. These programs are 100% funded by the Ministry and the unspent funds are recovered by the Province.

2-24-10 A letter from Peter Hume, President of the Association of Municipalities of Ontario (AMO), dated January 11, 2010, reflecting on the progress that has been made as an order of government and what lies ahead. Mr. Hume thanked Council for its leadership and support. There has been unprecedented investment in infrastructure across Ontario, the extension of the federal gas tax, and for many of the Ontario's northern and rural Municipalities AMO was successful in preserving some of the "mitigation" component of the Ontario Municipal Partnership Fund for 2010.

#17: Jamieson/Napper: 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 December 1, 2009 and January 5, 2010;
- b) Tourism Sarnia-Lambton Minutes of the Board of Directors dated November 12, 2009.

Committee Minutes

Mr. S. Arnold presented the Committee A.M. minutes dated December 2, 2009 and January 20, 2010.

#18: Arnold/Foubister: That the Committee A.M. minutes dated December 2, 2009 and January 20, 2010 be accepted as presented.

Carried.

Ms. C. Jamieson presented the Committee P.M. minutes dated January 20, 2010.

#19: Jamieson/Napper: That the Committee P.M. minutes dated January 20, 2010 be accepted as presented.

Carried.

OTHER BUSINESS

Report dated February 3, 2010 Regarding Affordable Housing Program - Project Funding Request

#20: Jamieson/Perry: That the County of Lambton approve the New Rental Housing funding request to the Ministry of Municipal Affairs and Housing for Patrick Coutu/Jim Pumple in the amount of \$981,000.00.

Carried.

By-Laws

#21: Arnold/Boushy: That By-Laws #2 to #10 of 2010, as circulated, be taken as read a first and second time.

Carried.

#22: Boushy/Arnold: That By-Laws #2 to #10 of 2010, as circulated, be taken as read a third time and finally passed.

Carried.

Adjournment

#23: Boushy/Bilton: That the Warden declare the meeting adjourned with the next regular meeting of County Council to be held on Wednesday, March 3rd, 2010 with the In-Camera Session to commence at 1:00 p.m.

Carried.

Time: 2:30 p.m.

Jim Burns
Warden

Stéphane Thiffeault
County Clerk
General Manager, Corporate Services

- * Reconsider motion #5 of the Lambton County Council (Open Session) minutes dated February 3, 2010 - see Council March 3, 2010, mot. #12.
- ** That Rule 26.1 of the Rules of Procedure be suspended to allow the reconsideration of motion #5 of the Lambton County Council (Open Session) minutes dated February 3, 2010, - see Council March 3, 2010, mot. #13.
- *** Rescind motion #5 of the Lambton County Council (Open Session) minutes dated February 3, 2010, - see Council March 3, 2010, mot. #14.