



Township of St. Clair

Agenda

Regular Council Meeting

Monday, December 18, 2023 @ 6:00 PM

Council Chambers

1. **CALL TO ORDER**
2. **DECLARATION OF PECUNIARY INTEREST**
3. **ADOPTION OF MINUTES**
 - 3.1. Council Meeting - December 4, 2023 - Session #21
DRAFT - December 4, 2023- Minutes
 - 3.2. Capital Budget Meeting - November 30, 2023
DRAFT 2024 Capital Budget Minutes - November 30, 2023
 - 3.3. Minutes of Township Committees -
Committee of Adjustment - Minutes - October 23 2023
4. **DELEGATIONS/PRESENTATIONS**
 - 4.1. Public Meeting
6:10 p.m. - ZBLA - Lang Farms - 2504 Telfer Rd
Public Meeting Agenda - ZBLA - 2504 Telfer Road- Chris Lang Farms Inc
 - 4.2. Public Meeting
6:15 p.m. - ZBLA - Racher Ag Inc - 2879 Petrolia Line
Public Meeting Agenda -ZBLA -2879 Petrolia Line - Racher Ag Inc
 - 4.3. Public Meeting
6:20 p.m. - ZBLA - Southside Construction - Courtright Subdivision
Public Meeting Agenda - ZBLA - Sutherland Drive - Southside Construction Management Ltd
Community Comments for ZBLA - Sutherland Drive
5. **CORRESPONDENCE ITEMS**
 - 5.1. Heritage St. Clair - 2024 Membership Endorsement Request
Heritage St Clair - 2024 Membership Endorsement Request
 - 5.2. Sea-Can Extension Request - 1576 First St, Courtright
Application for Sea-can Extension - 1576 First St
6. **INFORMATION ITEMS**
 - 6.1. Chatham-Kent Motion - 2023 Ontario Works Rate
Chatham-Kent Motion - 2023 Ontario Works Rate
 - 6.2. County of Lambton Council Highlights - November 29, 2023

County of Lambton Council Highlights - November 29, 2023

- 6.3. Enbridge Natural Gas Line Project Update - Dawn-to-Corunna
Enbridge Natural Gas Line Project Update - Dawn-to-Corunna
- 6.4. Notice - Enbridge BESS Project Proposal - Dawn-Euphemia
Notice - Enbridge BESS Project Proposal - Dawn Euphemia
- 6.5. OFA - Concerns for Proposed Official Plan Policy
OFA - Official Plan Comments

7. REPORTS OF COMMITTEES AND STAFF

- 7.1. Clerks Report - Accountability and Transparency Policy
Clerk Report - Accountability and Transparency Policy
- 7.2. Clerks Report - St. Clair Region Conservation Authority - Memo of Understanding - Category 3 Services
Clerk Report - SCRCA MOU's for Category 3 Services
- 7.3. Treasurers Report - 2024 Capital Budget Approval
2024 Capital Budget Approval
- 7.4. Treasurers Report - Grant Approval Authority
Grant Approval Authority
- 7.5. Senior Tax Clerk Report - 2023 Tax Write Offs - Municipal Act - Sections 357 and 358
2023 Tax Write Offs Section 357 and 358
- 7.6. Director of Public Works Report - St. Clair Heights Assumption
Director Public Works - St. Clair Heights Assumption
- 7.7. Coordinator of Operations (Water/Wastewater) Report - October & November Water/Wastewater Operations
October and November Water Wastewater Operations Report
- 7.8. Drainage Superintendent Report - Monthly Report
Drainage Report - Monthly Report

8. BY-LAWS

- 8.1. By-Law 64 of 2023 - Noise By-law Enforcement Contract
DRAFT B-L 64 of 2023 Noise By-law Enforcement Contract
- 8.2. By-Law 65 of 2023 - ZBLA - 2504 Telfer Rd - Chris Lang
DRAFT B-L 65 of 2023 - ZBLA - Lang - 2504 Telfer
- 8.3. By-Law 66 of 2023 - ZBLA - 2879 Petrolia Line - Racher Ag. Inc
DRAFT B-L 66 of 2023 - ZBLA - Racher AG
- 8.4. By-Law 67 of 2023 - ZBLA - Southside Construction - Courtright
DRAFT B-L 67 of 2023 - ZBLA - Southside Construction
- 8.5. By-Law 68 of 2023 - Memorandum of Understanding - SCRCA - Category 3 Programs and Services
DRAFT B-L 68 of 2023 - Memorandum of Understanding - SCRCA - Category 3 Programs and Services
- 8.6. By-Law 69 of 2023 - Confirming
DRAFT B-L 69 of 2023 - Confirming Bylaw

9. COUNCILLORS' REPORTS

10. UPCOMING MEETINGS

- 10.1. Regular Meeting - Session 1 - January 15, 2024, 3:00 p.m.
- 10.2. Regular Meeting - Session 2 - February 5, 2024, 3:00 p.m.
- 10.3. Regular Meeting - Session 3 - February 20, 2024, 6:00 p.m.
- 10.4. Operating Budget - March 7, 2024, 5:00 p.m.

11. IN CAMERA SESSION

- 11.1. Section 239(2)(e) to discuss potential litigation over improper licensing
- 11.2. Section 239(2)(a) to discuss security of a Township alley
- 11.3. Section 239(2)(d) to discuss labour relations with a Township contractor

12. ADJOURNMENT



MINUTES

Regular Council Meeting

6:00 PM - Monday, December 18, 2023

Council Chambers

The Regular Council of the Township of St. Clair was called to order on Monday, December 18, 2023, at 6:00 PM, in the Council Chambers, with the following members present:

PRESENT: Councillor Bill Myers, Councillor Brad Langstaff, Councillor Cathy Langis, Councillor Holly Foster, Mayor Jeff Agar, Councillor Pat Brown, Deputy Mayor Steve Miller, Clerk Jeff Baranek and CAO John Rodey

EXCUSED:

1 CALL TO ORDER

This meeting is being streamed live through the St. Clair Township Website. By attending a public meeting of Council you are consenting to your image, voice and comments being recorded and published to the Township website.

Anyone who is invited to speak will be recorded and their voice, image and comments will form part of the live stream and public record.

2 DECLARATION OF PECUNIARY INTEREST

Councillor Langstaff declares a conflict of interest for item 7.8

3 ADOPTION OF MINUTES

3.1- Council Meeting - December 4, 2023 - Session #21

3.2- Capital Budget Meeting - November 30, 2023

MOTION 1

Bill Myers made a motion - Be it resolved that the minutes of the regular council meeting held on December 4, 2023 and the capital budget meeting held on November 30, 2023 be received and approved.

Cathy Langis seconded the motion. CARRIED.

3.3- Minutes of Township Committees -

MOTION 2

Holly Foster made a motion - Be it resolved that the minutes of the Committee of Adjustment held on October 23, 2023 be accepted and approved.

Steve Miller seconded the motion. CARRIED.

4 DELEGATIONS/PRESENTATIONS

4.1- Public Meeting

6:10 p.m. - ZBLA - Lang Farms - 2504 Telfer Rd

At the appointed time of 6:10 p.m., Mayor Agar declared open the public meeting to consider a Zoning By-law Amendment Application for the property known as 2504 Telfer Road.

Application R13-23 seeks to satisfy a condition of consent imposed by the Committee of Adjustment on application B03/23 which created a new two-acre lot to dispose of a dwelling surplus to the needs of a farm.

Township Planner Ian MacDougall summarized his report confirming the application meets the intent of the Township Official Plan and recommended the application for approval.

Seeing nobody in attendance who wished to speak in favour or in opposition to the application, Mayor Agar declared the meeting closed and asked for any forthcoming motions.

MOTION 3

Steve Miller made a motion - Be it resolved that Zoning By-law Amendment application R13-23 for the property known as 2504 Telfer Road be approved, and that corresponding By-law 65 of 2023 be considered for approval. Brad Langstaff seconded the motion. CARRIED.

4.2- Public Meeting

6:15 p.m. - ZBLA - Racher Ag Inc - 2879 Petrolia Line

At the appointed time of 6:15 p.m., Mayor Agar declared open the public meeting to consider a Zoning By-law Amendment Application for the property known as 2879 Petrolia Line.

Application R16-23 seeks to satisfy a condition of consent imposed by the Committee of Adjustment on application B01/23 which created a new two-acre lot to dispose of a dwelling surplus to the needs of a farm.

Township Planner Ian MacDougall summarized his report confirming the application meets the intent of the Township Official Plan and recommended the application for approval.

Seeing nobody in attendance who wished to speak in favour or in opposition to the application, Mayor Agar declared the meeting closed and asked for any forthcoming motions.

MOTION 4

Brad Langstaff made a motion - Be it resolved that Zoning By-law Amendment application R16-23 for the property known as 2879 Petrolia Line be approved, and that corresponding By-law 66 of 2023 be considered for approval. Bill Myers seconded the motion. CARRIED.

4.3- Public Meeting

6:20 p.m. - ZBLA - Southside Construction - Courtright Subdivision

At the appointed time of 6:20 p.m., Mayor Agar declared open a public meeting to consider Zoning Bylaw Amendment Application R15-23 for the 61-lot subdivision in Courtright.

The application proposes to increase the lot coverage for all 61 lots from 35% to 40% to accommodate single detached residential units with 1600 square feet of living space with double garages, while preserving all the prescribed setbacks.

Township Planner Ian MacDougall summarized his report reminding Council that a similar lot coverage increase was considered by a previous application which would have permitted stand-alone second units on each lot - and that application was denied. This application is intended to provide design flexibility for a modest 1600 square foot bungalow with an attached garage and covered porch - which has become a desired feature. This application does *not* seek the ability to have a detached stand-alone second unit in the rear yard.

Mr. MacDougall noted the increased lot coverage would include the calculation for accessory units including garden sheds. Given this application does not

propose to reduce any prescribed setbacks, Mr. MacDougall supported the application for approval.

Clerk Jeff Baranek noted the Township had received four letters of opposition to the proposal and that they had been published with the agenda for this meeting. The owners of the following addresses submitted comments in opposition to the application: 118 Emi Street, 115 Main Street, 74 Milton Street, 116 Emi Street, 100 Emi Ave.

Greg Agar, of 110 Emi Ave, submitted his frustrations with the lack of maintenance while Sutherland Drive was being installed. He claims the developer continuously allowed the grass and weeds to grow in excess of acceptable lengths. Mr. Agar closed his submissions by stating in his opinion if 35% lot coverage is adequate for the balance of Courtright, it should be imposed on these lots as well.

Lori and Mark Crone, of 116 Emi Ave, submitted their opposition to the increased building envelope noting a recent local fire destroyed a neighbouring house due to its close proximity. They submitted their existing lot will see three new lots introduced across their north property line so they feel the increased building envelope would impose into the privacy of their own lot.

Bonnie VanGrimberghe, of 154 Emi Ave, submitted her opposition of the proposal stating her fear is the increased coverage encourages larger detached structures which are attractive for secondary dwelling units.

John Quinn, of 105 Main Street, submitted his opposition highlighting a lack of maintenance on the existing storm water management pond.

John Dobson, of 79 Courtright Line, submitted his support for the application noting it is important for Courtright to have flexible lots for development. He submitted that there are currently no opportunities for any development in the town and the larger footprint would provide for flexibility in development options. He closed his submissions by reminding those in attendance that the prescribed rear yard setbacks are not being reduced, so any potential imposition is not compromised or increased by this application.

Seeing no other comments forthcoming from those in attendance, Mayor Agar welcomed Aliyah Richards, of Zelinka Priamo Ltd. to make her presentation on behalf of the applicant.

Mrs. Richards submitted that they are seeking flexibility for all the included lots so that they can build a bungalow consisting of three bedrooms, a modest 1600 square feet, and a double car garage. She submitted that most potential buyers seek amenities such as a covered porch or deck, which are included in calculations for lot coverage. Mrs. Richards highlighted that the application would create a precedent for other local developers looking to add flexibility to their own projects, and noted there is no proposed decrease in setbacks, and stand-alone second units are not included as a part of this application.

Councillors engaged in many questions including confirming the size of the lots, and confirming that a developer is in place to build these units and that they had applied originally for permits before realizing the standard spec home exceeded the allowable lot coverage.

Mayor Agar asked the developer to ensure the development is maintained throughout continued construction echoing frustrations observed by the neighbours in last season's lack of lawn maintenance.

Councillor Langstaff confirmed with staff that a six-foot-tall privacy fence is required by the developer as part of the subdivision agreement and will act as a buffer.

Councillor Brown confirmed with staff that typical lot coverage in a residential zone is 35% and reminded those in attendance that any future owner could

apply for an increase to lot coverage on a case-by-case basis regardless of the outcome of this application.

Seeing no the comments or questions forthcoming, Mayor Agar declared the public meeting closed and asked for any forthcoming motions.

MOTION 5

Holly Foster made a motion - Be it resolved that Re-zoning Application R15-23 proposing to increase lot coverage from 35% to 40% for the development of 61 residential lots along Sutherland Drive in Courtright be denied as it is not considered desirable for the proper development of the subdivision; and that corresponding By-law 67 of 2023 not be considered for approval.
Cathy Langis seconded the motion. CARRIED.

5 CORRESPONDENCE ITEMS

5.1- Heritage St. Clair - 2024 Membership Endorsement Request

5.2- Sea-Can Extension Request - 1576 First St, Courtright

MOTION 6

Holly Foster made a motion - Be it resolved that Council accept the following items of correspondence as per Council's direction.

5.1 - Heritage St. Clair - 2024 Membership Endorsement Request

5.2 - Sea-can Extension Request - 1576 First St, Courtright

Brad Langstaff seconded the motion. CARRIED.

MOTION 7

Steve Miller made a motion - Be it resolved that 2024 Heritage St. Clair Membership and New Chairperson be accepted and endorsed.
Bill Myers seconded the motion. CARRIED.

MOTION 8

Holly Foster made a motion - Be it resolved that the Sea-can extension request at 1576 First St, Courtright to have two sea-cans remain in the laneway, while entirely on the subject property, be approved until May 31, 2024.
Pat Brown seconded the motion. CARRIED.

6 INFORMATION ITEMS

6.1- Chatham-Kent Motion - 2023 Ontario Works Rate

6.2- County of Lambton Council Highlights - November 29, 2023

6.3- Enbridge Natural Gas Line Project Update - Dawn-to-Corunna

6.4- Notice - Enbridge BESS Project Proposal - Dawn-Euphemia

6.5- OFA - Concerns for Proposed Official Plan Policy

MOTION 9

Pat Brown made a motion - Be it resolved the following items be received as information:

6.1 - Chatham-Kent Motion - 2023 Ontario Works Rate

6.2 - County of Lambton Council Highlights - November 29, 2023

6.3 - Enbridge Natural Gas Line Project Update - Dawn- to - Corunna

6.4 - Notice - Enbridge BESS Project Proposal - Dawn-Euphemia

6.5 - OFA - Concerns for Proposed Official Plan Policy

Brad Langstaff seconded the motion. CARRIED.

7 REPORTS OF COMMITTEES AND STAFF

7.1- Clerks Report - Accountability and Transparency Policy

MOTION 10

Steve Miller made a motion - Be it resolved that the *Accountability and Transparency Policy* report submitted by Clerk Jeff Baranek be received as information and that the policy be thereby approved.

Holly Foster seconded the motion. CARRIED.

7.2- Clerks Report - St. Clair Region Conservation Authority - Memo of Understanding - Category 3 Services

MOTION 11

Holly Foster made a motion - Be it resolved that the *Memo of Understanding – SCRCA –Category 3 Services* report submitted by Clerk Jeff Baranek be received as information and that the Cost Apportionment Agreement and corresponding Bylaw 68 of 2023 be considered for approval.

Cathy Langis seconded the motion. CARRIED.

7.3- Treasurers Report - 2024 Capital Budget Approval

MOTION 12

Bill Myers made a motion Be it resolved that the *2024 Capital Budget Financial Package* report dated December 12, 2023, with a general fund taxation levy of \$1,573,241, water of \$1,320,000, sanitary of \$1,030,000 be preliminarily approved subject to approval of the operating budget in 2024.

Pat Brown seconded the motion. CARRIED.

7.4- Treasurers Report - Grant Approval Authority

MOTION 13

Steve Miller made a motion Be it resolved that the *Grant Approval Authority* report be received and that George Lozon, Treasurer, is hereby granted authority to apply for, receive, and manage grant funding on behalf of the Corporation of the Township of St. Clair.

Holly Foster seconded the motion. CARRIED.

7.5- Senior Tax Clerk Report - 2023 Tax Write Offs - Municipal Act - Sections 357 and 358

MOTION 14

Pat Brown made a motion Be it resolved that the *2023 Tax Write Offs Report* submitted by Senior Tax Clerk, Debbie Churchill be received and that the Treasurer, in accordance with the provisions of Sections 357 and 358 of the Municipal Act, be authorized to write off property taxes totaling \$19,024.17 for the years 2021, 2022 and 2023 as identified in "Appendix A".

Cathy Langis seconded the motion. CARRIED.

7.6- Director of Public Works Report - St. Clair Heights Assumption

MOTION 15

Steve Miller made a motion Be it resolved that the *St. Clair Heights (Durco) Phase 5 - Assumption* report submitted by

Director of Public Works, Brian Black, be received as information and that the following recommendations be approved:

1. That St. Clair Heights Phase 5 subdivision in the former Township of Moore be hereby assumed.
2. That the \$409,822.13 in Letters of Credit currently being held as security be released
3. That the Clerk prepare an assumption by-law for the public roadways and municipal services

Cathy Langis seconded the motion. CARRIED.

- 7.7- Coordinator of Operations (Water/Wastewater) Report - October & November Water/Wastewater Operations

MOTION 16

Pat Brown made a motion - Be it resolved that the *October and November Water/Wastewater Operations* report submitted by Coordinator of Operation, Chris Westbrook be received as information.

Cathy Langis seconded the motion. CARRIED.

- 7.8- Drainage Superintendent Report - Monthly Report

MOTION 17

Bill Myers made a motion - Be it resolved that the *Monthly Drainage* report submitted by Drainage Superintendent, Jason Brunt be accepted as information, that the bid from JLH Excavating Inc. in the amount of \$4,855.00 be accepted for the maintenance of the Rowden Drain, and further, that Staff be authorized to award the work.

Cathy Langis seconded the motion. CARRIED.

8

BY-LAWS

- 8.1- By-Law 64 of 2023 - Noise By-law Enforcement Contract
- 8.2- By-Law 65 of 2023 - ZBLA - 2504 Telfer Rd - Chris Lang
- 8.3- By-Law 66 of 2023 - ZBLA - 2879 Petrolia Line - Racher Ag. Inc
- 8.4- By-Law 67 of 2023 - ZBLA - Southside Construction - Courtright
- 8.5- By-Law 68 of 2023 - Memorandum of Understanding - SCRCA - Category 3 Programs and Services
- 8.6- By-Law 69 of 2023 - Confirming

MOTION 18

Cathy Langis made a motion - Be it resolved that the following by-laws receive all three readings and be thereby passed; and that the Mayor and Clerk be authorized to execute the by-laws and any agreements thereto:

- 8.1 - By-Law 64 of 2023 - Noise By-Law Enforcement Contract
- 8.2 - By-Law 65 of 2023 - ZBLA - 2504 Telfer Rd - Chris Lang
- 8.3 - By-Law 66 of 2023 - ZBLA - 2879 Petrolia Line - Racher Ag
- 8.5 - By-Law 68 of 2023 - Memorandum of Understanding- SCRCA - Category 3 Programs and Services
- 8.6 - By-Law 69 of 2023 - Confirming

Bill Myers seconded the motion. CARRIED.

9

COUNCILLORS' REPORTS

Councillor Brown

Councillor Brown attended the SCRCA meeting; the Conservation Ontario virtual meeting; and the LGPSB meeting.

Councillor Brown extended a sincere THANK-YOU to the Moore Optimists for another very successful Operation Christmas Tree campaign as they made celebrating Christmas a reality for 125 local families. Councillor Brown closed his report by wishing everyone a Safe and Merry Christmas and a Happy New Year!

Councillor Foster

Councillor Foster wished everyone a Safe and Merry Christmas and a Happy New Year!

Councillor Langis

Councillor Langis attended the Township Rec Club Christmas dinner and wished everyone a Safe and Merry Christmas and a Happy New Year!

Councillor Langstaff

Councillor Langstaff attended the Lambton soil and crop improvement association of Ontario committee meeting; the Moore Museum Committee meeting; the Township Rec Club Christmas dinner; the local Lambton OFA meeting - where a motion was passed to send a donation to all food banks located in St. Clair Township; and represented the Lambton Grain Farmers of Ontario at the County of Lambton Agricultural Advisory Committee in place of Julie Maw.

Councillor Langstaff closed his report by stating he feels the Township needs an increased and more centralized online social media platform.

MOTION 19

Brad Langstaff made a motion - Be it resolved that Councillor Langstaff be directed to solicit a proposal from Deeply Creative to improve and centralize the Township's social media presence.

Bill Myers seconded the motion. CARRIED.

Councillor Myers

Councillor Myers congratulated David Derkatz for his beautiful mural on the side of Blue Willow Restaurant in Sombra; attended the Port Lambton Fire Hall Christmas Party; and congratulated the Port Lambton Food Bank for their efforts throughout the holiday season.

Councillor Myers closed his report by wishing everyone a Safe and Merry Christmas and a Happy New Year!

Deputy Mayor Miller

Deputy Mayor Miller also congratulated David Derkatz for his beautiful mural on the side of Blue Willow Restaurant in Sombra and participated in the annual emergency simulation exercise at the Township EOC.

Deputy Mayor Miller closed his report by wishing everyone a Safe and Merry Christmas and a Happy New Year!

Mayor Agar

Mayor Agar congratulated David Derkatz for his beautiful mural on the side of Blue Willow Restaurant in Sombra; attended the Rec Club Christmas Party; the Grand Opening of Nook in Corunna; the 10 Year Anniversary Event for the Workout Room in Corunna; the 90th birthday party for past Councillor Shirley Warner; the unveiling of the rings for the Port Lambton Pirates OBA Championship teams; the annual emergency simulation exercise at the Township EOC; participated in the Santa Claus Parade; and attended several meetings in Wyoming.

Mayor Agar closed his report by wishing everyone a Safe and Merry Christmas and a Happy New Year and thanked Council and staff for all their accomplishments throughout the year.

10 UPCOMING MEETINGS

10.1- Regular Meeting - Session 1 - January 15, 2024, 3:00 p.m.

10.2- Regular Meeting - Session 2 - February 5, 2024, 3:00 p.m.

10.3- Regular Meeting - Session 3 - February 20, 2024, 6:00 p.m.

10.4- Operating Budget - March 7, 2024, 5:00 p.m.

11 IN CAMERA SESSION

- 11.1- Section 239(2)(e) to discuss potential litigation over improper licensing
- 11.2- Section 239(2)(a) to discuss security of a Township alley
- 11.3- Section 239(2)(d) to discuss labour relations with a Township contractor

MOTION 20

Pat Brown made a motion - Be it resolved he meeting enter into an in-camera meeting to discuss the following:

- 11.1 - Section 239 (2)(e) - to discuss potential litigation over improper licensing
- 11.2 - Section 239 (2)(a) - to discuss security of a Township alley
- 11.3 - Section 239 (2)(d) - to discuss labour relations with a Township contractor

Steve Miller seconded the motion. CARRIED.

12 RISE AND REPORT

MOTION 21

Holly Foster made a motion - Be it resolved that staff be directed to provide the owner of a vehicle in the Township alley behind 1232 St. Clair Parkway with 72 hours to relocate the vehicle off the alley; and that if it remains beyond that deadline, that staff be directed to have the vehicle towed to an impound lot.

Steve Miller seconded the motion. CARRIED.

13 ADJOURNMENT

MOTION 22

Steve Miller made a motion - Be it resolved that the meeting do hereby adjourn. Bill Myers seconded the motion. CARRIED.

The Meeting was adjourned at 7:30 p.m.

Mayor – Jeff Agar

Clerk – Jeff Baranek

