

# The Corporation of the Town of Lakeshore

## Regular Council Meeting Agenda



Tuesday, January 28, 2020, 6:00 PM  
Council Chambers, 419 Notre Dame Street

Pages

1. Call to Order
2. Moment of Reflection
3. Disclosures of Pecuniary Interest
4. Recognitions
5. Public Meetings under the Planning Act
6. Public Presentations
7. Delegations
8. Completion of Unfinished Business

- a. Acquisition of Lands Required for the Lanoue Street Extension and Amy Croft Storm Water Expansion - Negotiation and Expropriation

4

Recommendation:

1. Council, as the expropriating authority, directs the Director of Engineering and Infrastructure Services, on behalf of the Expropriating Authority, to make application to Council, as the approving authority, by submitting an Application to Expropriate Land to the Clerk; and
2. The Clerk issue notice of the application to expropriate the Required Lands pursuant to the *Expropriations Act*.

## 9. Consent Agenda

Recommendation:

Council approve Item 9.a) and receive Item 9.b) as listed on the Consent Agenda dated January 28, 2020.

- a. January 14, 2020 Regular Council Meeting Minutes

9

b.	Association of Municipalities of Ontario - Consultation on re-composition of OPP Detachment Boards	17
10.	<b>Reports for Information</b>	
11.	<b>Reports for Direction</b>	
a.	Provincial Animal Welfare Services Act, 2019	20
	Recommendation: The report of the Manager of Legislative Services entitled "Provincial Animal Welfare Services Act, 2019", presented at the January 28, 2020 Council meeting, be made available during the Animal Control Public Consultation open house on January 29, 2020.	
b.	Taxi and Vehicle for Hire Consultation	23
	Recommendation: Direct Administration to bring forward a new Taxi and Vehicle for Hire By-law, taking into consideration the public consultation feedback as described in the report of the Manager of Legislative Services presented at the January 28, 2020 Council meeting.	
c.	Swim Drink Fish Canada Grant	30
	Recommendation: Authorize the use of the \$150,000 grant from Swim Drink Fish Canada (the "Grantor") for the purpose of completing site restoration work that will improve the water quality and shoreline conditions, and enhance the aquatic habitat at Lakeview Park.	
12.	<b>Announcements by Mayor</b>	
13.	<b>Reports from County Council Representatives</b>	
14.	<b>Report from Closed Session</b>	
15.	<b>Notices of Motion</b>	
16.	<b>Question Period</b>	
17.	<b>Non-Agenda Business</b>	

## 18. Consideration of By-laws

Recommendation:

By-laws 14-2020 and 15-2020 be read and passed in open session on January 28, 2020.

- |    |   |    |
|----|---|----|
| a. | By-law 14-2020, being a By-Law to Authorize the Commencement of Expropriation Proceedings in relation to Development pursuant to the further Development of the Amy Croft Secondary Plan Area | 44 |
| b. | By-law 15-2020, being a By-law to Confirm the Proceedings of Council  | 50 |

## 19. Closed Session

Recommendation:

Council move into closed session in Council Chambers at \_\_\_\_\_ PM in accordance with:

- a. Paragraph 239(2)(c) and (f) of the *Municipal Act, 2001* for the purpose of discussing a proposed or pending disposition of land by the municipality related to Amy Croft Drive and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- b. Paragraph 239(2)(d), (f) and (k) of the *Municipal Act, 2001* for the purpose of discussing labour relations or employee negotiations, positions and plans to be applied to negotiations to be carried on by the Town and solicitor-client privileged advice relating to collective bargaining.

## 20. Return to Open Session

## 21. Adjournment

Recommendation:

Council adjourn its meeting at \_\_\_\_ PM.

**THE CORPORATION OF THE TOWN OF LAKESHORE**  
**ENGINEERING AND INFRASTRUCTURE SERVICES**  
**ENGINEERING SERVICES DIVISION**

**TO:** Mayor and Members of Council

**FROM:** Tony DiCiocco, Manager of Engineering Services

**DATE:** January 17, 2020

**SUBJECT:** Acquisition of Lands Required for the Lanoue Street Extension and Amy Croft Storm Water Pond Expansion – Negotiation and Expropriation

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**RECOMMENDATIONS:**

It is recommended that:

1. Council, as the expropriating authority, directs that the Director of Engineering and Infrastructure Services, on behalf of the Expropriating Authority, to make application to Council, as the approving authority, by submitting an Application to Expropriate Land to the Clerk; and
2. The Clerk issue notice of the application to expropriate the Required Lands pursuant to the *Expropriations Act*.

**BACKGROUND:**

Council has recently approved, and the Town has entered into, cost sharing agreements for the servicing of the lands in the area of the Amy Croft Secondary Plan. The construction of these services requires that certain lands be acquired for the expansion of the storm water management pond as well as for the extension of Commercial Boulevard and Lanoue Street. Administration's goal is to commence construction in the summer of 2020. Therefore, it is imperative that the Required Lands be acquired as quickly as possible.

**COMMENTS:**

**Lands to be Acquired**

The lands for the extension of Commercial Boulevard and much of Lanoue Street are being obtained from benefitting developers without cost pursuant to the recently executed cost sharing agreements. These lands are shown as parts 7, 8, 9 and 10 on the reference plan attached as Appendix 1 to this report. Negotiations

are ongoing for the balance of the lands required for Lanoue as well as for the storm water facility expansion. It is recommended, however, that due to the timelines associated with this project that these lands be included in the expropriation process in case negotiations breakdown. The remaining lands required for the Lanoue extension, being parts 2, 3 and 4 as well as the balance of parts 1 and 5, will need to be purchased or expropriated.

### Land Owners

Current ownership of the lands required for the construction of Lanoue Street and the extension of Commercial Boulevard is as follows (the numbers listed in the first column are those marked on the attached reference plan labelled as Appendix 1).

1 & 2	RKL Animal Health Care Ltd.
3, 4 & 5	Individually Owned
7	Already Acquired from Beachside Development Ltd.
8, 9, &10	1298417 Ontario Ltd. (to be acquired by way of cost sharing agreement)

The current owner of the lands required for the expansion of the storm water management facility is an Individual. These lands are depicted as part 1 on the attached reference plan labelled as Appendix 2.

The commencement of the expropriation process is recommended to ensure that the Town will ultimately have title to the required lands in a timely fashion.

Attached to this report is the formal application for Council approval of the expropriation of the required lands.

The expropriation process, in general, consists of the following.

1. Council, as the expropriation authority, authorizes Administration to make application to commence the expropriation process.
2. The application for expropriation is given to the Clerk and the Clerk issues Notice of Application for Expropriation to the owners and publishes the notice in an appropriate newspaper once a week for 3 consecutive weeks.
3. Property owners have 30 days after the first publication of the notice to request a Hearing of Necessity.
4. Council, as the approval authority, considers the recommendations arising from the Hearing of Necessity, if any, and determines whether or not to approve the expropriation and, as Council of the expropriating authority (The Corporation of the Town of Lakeshore), passes a by-law to expropriate the lands.

5. If a by-law is passed to expropriate the lands, a Plan of Expropriation is registered and a Notice of Expropriation is served upon the owners.
6. Compensation is offered to the owners. If an amount for compensation can be agreed upon the process is complete. If appropriate compensation cannot be agreed upon this issue is referred to the Board of Negotiation and/or to the Board of Arbitration (LPAT).

**OTHERS CONSULTED:**

The Director of Legislative Services, Director of Finance Services and Jim Renick, Barrister & Solicitor was consulted in the preparation of this report.

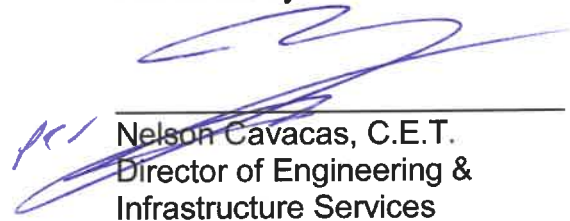
**FINANCIAL IMPACTS:**

It is anticipated the acquisition of the required lands will be accomplished within the overall construction cost estimate that forms part of the recently approved Amy Croft area cost sharing agreements.

Prepared by:

  
\_\_\_\_\_  
Tony DiCiccio, C.E.T.  
Manager of Engineering Services

Reviewed by:

  
\_\_\_\_\_  
Nelson Cavacas, C.E.T.  
Director of Engineering &  
Infrastructure Services

Submitted by:

  
\_\_\_\_\_  
Truper McBride, MPlan, MCIP, RPP  
Chief Administrative Officer

Attachments:

1. Appendix 1 - Reference Plan for Roadway
2. Appendix 2 - Reference Plan for Storm Water Management



PARTS SCHEDULE					PARTS SCHEDULE					I REQUIRE THIS PLAN TO BE RECORDED UNDER THE LAND TILES ACT	PLAN 12N-445
PART	LOT	CON/P/PLAN	P.I.N.	AREA	PART	LOT	CON/P/PLAN	P.I.N.	AREA		
1			PART OF 7500W-0653	0.408 HA	6	PART OF LOT 2	CONCESSION WEST OF PINE CREEK	PART OF 7500W-0651	2.804 HA	DATE: NOVEMBER 25, 2019	NOV 27
2			7500W-0653	0.055 HA	7			PART OF 7500W-0651	0.221 HA		
3		CONCESSION		0.160 HA	8			PART OF 7500W-0654	0.168 HA		
4		WEST OF PINE CREEK		0.4 HA	9			7500W-0654	0.451 HA		
5			PART OF 7500W-0651	0.609 HA	10			7500W-0653	0.202 HA		

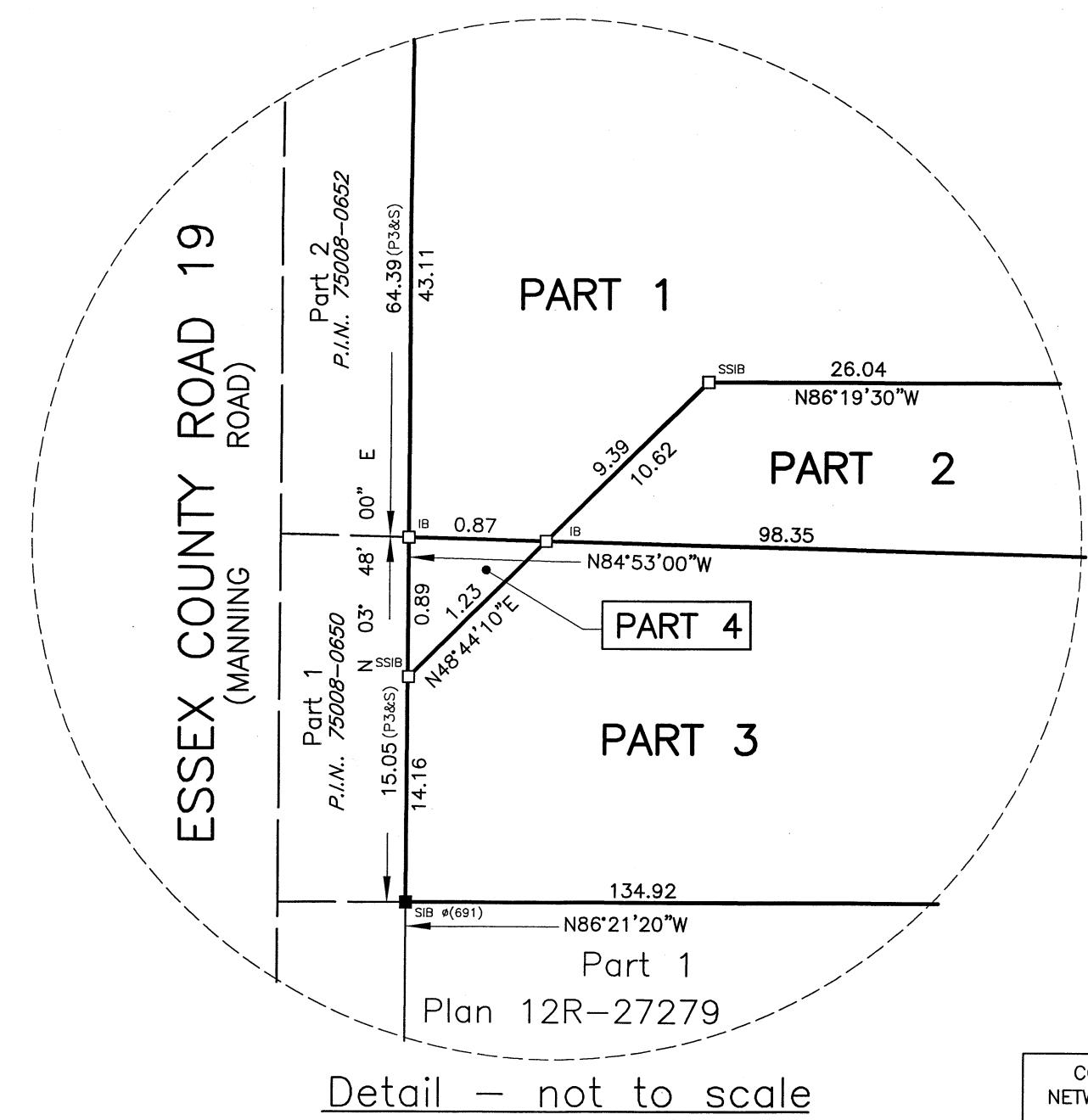
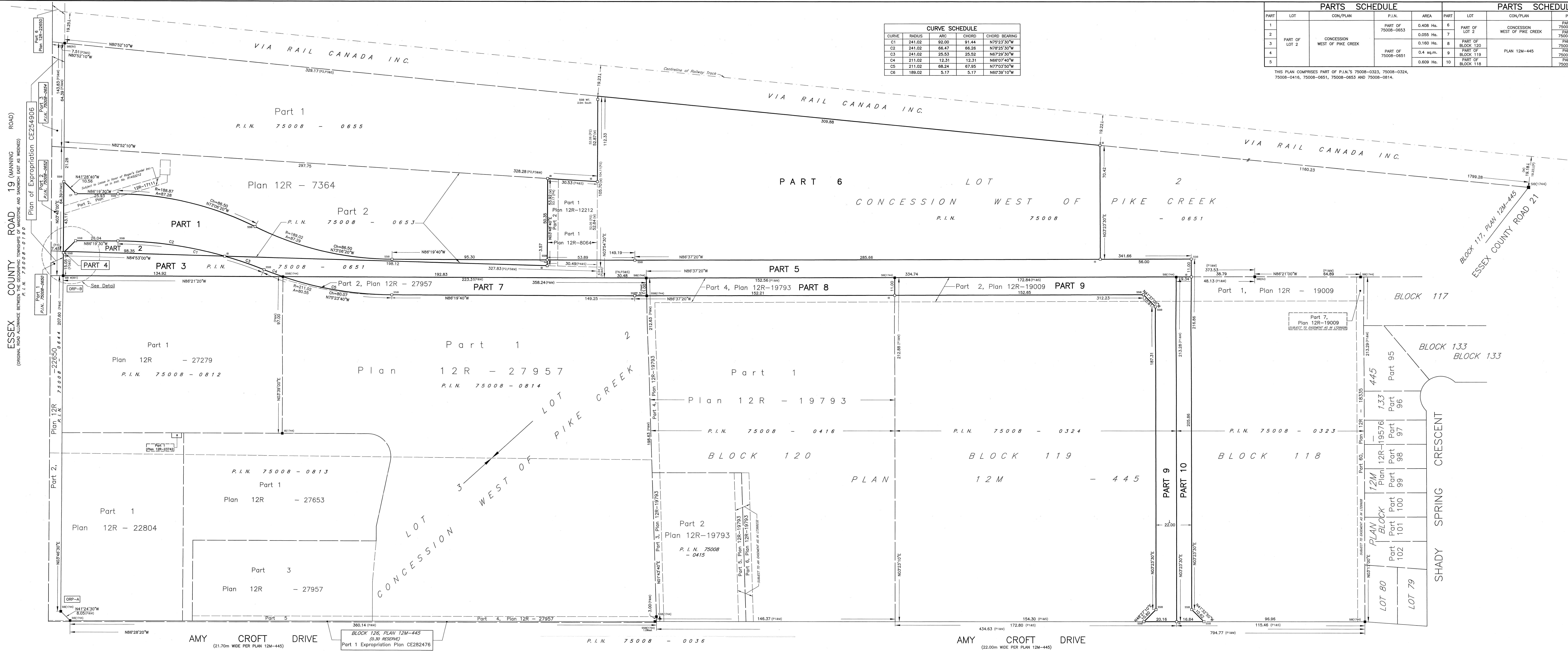
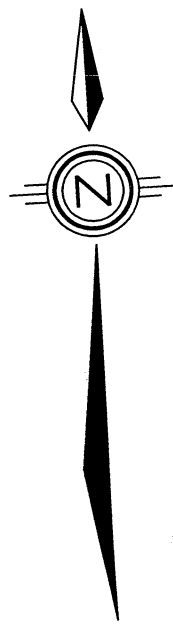
THE PLAN COMPRESES PARTS OF P.I.N.'S 7500W-0353, 7500W-0324, 7500W-0416, 7500W-0851, 7500W-0863 AND 7500W-0814

ON BEHALF LAND SURVEYOR

*Ray Barrett*

JAMILA BARRETT  
REPRESENTATIVE FOR LAND  
REGISTRAR FOR THE LAND TILES  
DIVISION OF TILES (10)

PLAN OF SURVEY  
OF  
PART OF BLOCKS 118 to 120 (incl.)  
PLAN 12M-445  
PART OF LOT 2,  
CONCESSION WEST OF PIKE CREEK  
GEOGRAPHIC TOWNSHIP OF MAIDSTONE  
NOW IN THE  
TOWN OF LAKESHORE  
COUNTY OF ESSEX, ONTARIO  
VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.  
SCALE = 1:750  
0 7.50 15.00 30.00 45.00 METERS  
0 75 150 300 450 FEET



## INTEGRATION DATA

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE)

COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) OREG 216/10

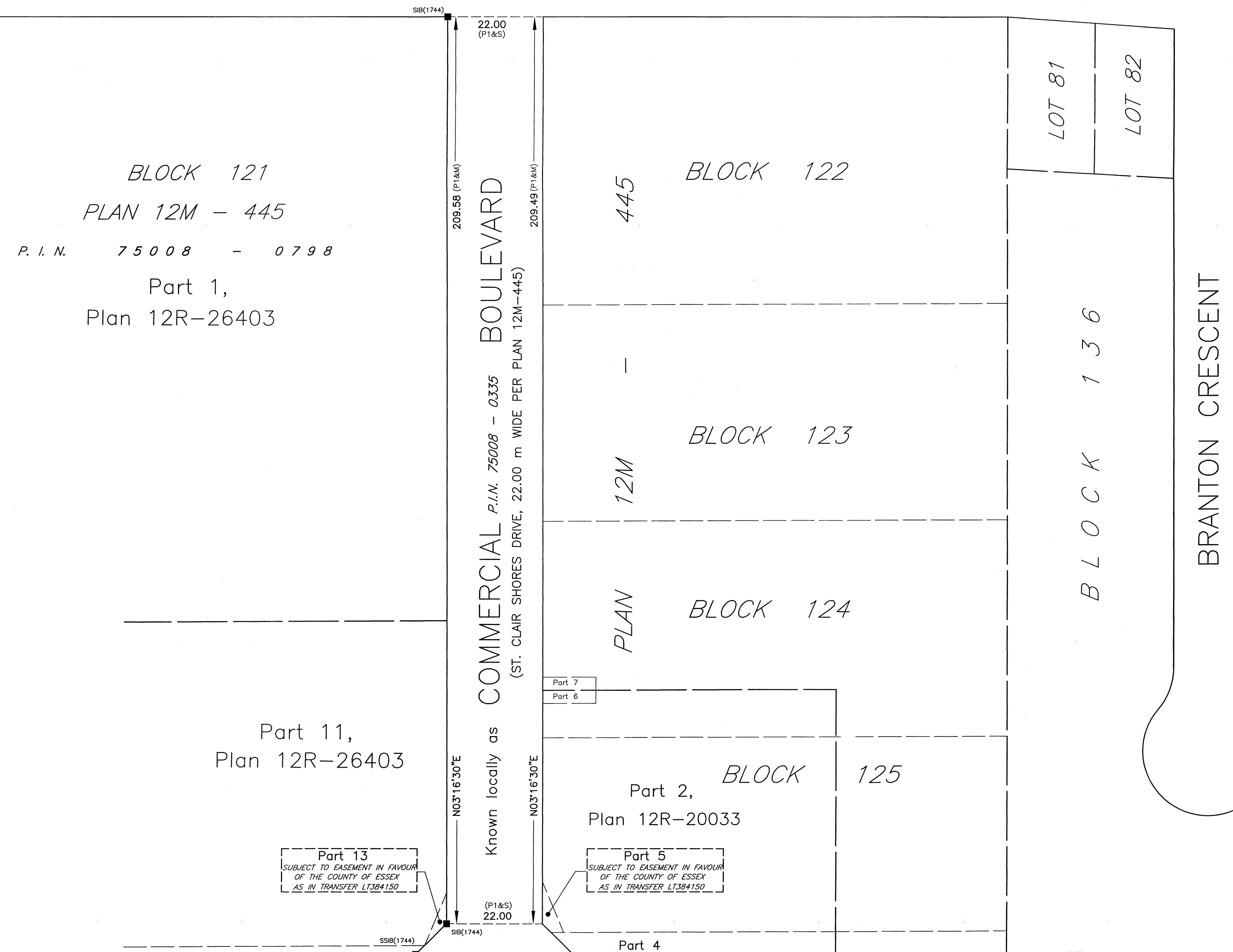
POINT ID	NORTHING	EASTING
ORP-A	N4685595.411	E345937.438
ORP-B	N4685590.561	E345951.082

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

[illegible]

# Appendix #1




**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON the 22nd day of NOVEMBER, 2019.

DATE: NOVEMBER 25, 2019

*Roy Smoio*  
ROY A. SMOIO  
CHIEF LAND SURVEYOR

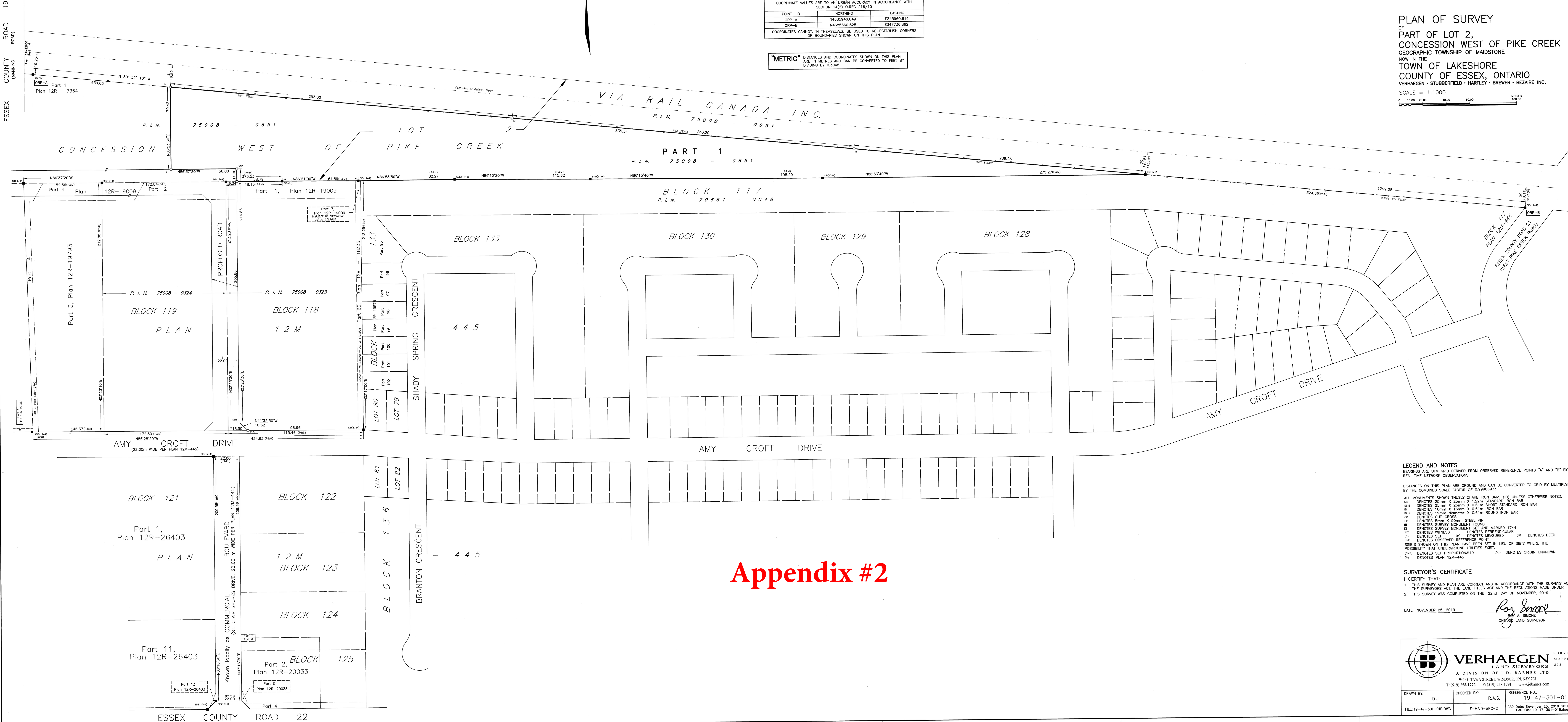
 **VERHAEGEN** LAND SURVEYORS  
A DIVISION OF J.B. BARNES LTD.  
9401 AVENUE STREET WINDSOR, ON N9A 2B7  
T: (519) 258-1772 F: (519) 258-1771 [www.jbbarnes.com](http://www.jbbarnes.com)

**SURVEYING  
MAPPING  
GIS**

DRAWN BY:	D.J.	CHECKED BY:	R.A.S.	REFERENCE NO.:	19-47-301-01
FILE:	19-47-301-01A-DWG	E-MAILED:	MPC-2	DATE:	November 25, 2019 10:40 AM
					CD: FILE 19-47-301-01A-DWG



ESSEX COUNTY ROAD 19



PARTS SCHEDULE				I REQUIRE THIS PLAN TO BE RECEIVED AND DEPOSITED UNDER THE LAND TITLES ACT.	PLAN 12R-26403 NOV 25 2019
PART	LOT	CON/PLAN	P.I.N.		
1	PART OF LOT 2	CONCESSION WEST OF PIKE CREEK	PART OF 75008-0651	DATE NOVEMBER 25, 2019	DATE NOV 25 2019
THIS PLAN COMPRISES PART OF P.I.N. 75008-0651.				ROY A. SIMONE ONTOARIO LAND SURVEYOR	
				JAMILA BARRETT REPRESENTATIVE FOR LAND REGISTRATION FOR THE LAND TITLES DIVISION OF ESSEX (12)	

INTEGRATION DATA		
COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).		
COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) 0.350 219/10		
POINT ID	NORTHING	EASTING
ORP-A	N4685948.049	E345960.619
ORP-B	N4685660.525	E347736.862
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PLAN OF SURVEY  
OF  
PART OF LOT 2,  
CONCESSION WEST OF PIKE CREEK  
GEOGRAPHIC TOWNSHIP OF MAIDSTONE  
NOW IN THE  
TOWN OF LAKESHORE  
COUNTY OF ESSEX, ONTARIO  
VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZARE INC.  
SCALE = 1:1000

LEGEND AND NOTES  
BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS.  
DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999999333.  
ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (□) UNLESS OTHERWISE NOTED.  
SIB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR  
SIBB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR  
B DENOTES 16mm X 16mm X 0.61m IRON BAR  
B# DENOTES 19mm diameter X 0.61m ROUND IRON BAR  
C DENOTES CUT-CROSS  
DENOTES 5mm X 50mm STEEL PIN  
DENOTES SURVEY MONUMENT FOUND  
DENOTES SURVEY MONUMENT SET AND MARKED 1744  
W.T. DENOTES WITNESS (W) DENOTES MEASURED (M) DENOTES DEED  
ORP DENOTES OBSERVED REFERENCE POINT  
SIB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SIB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.  
(S/P) DENOTES SET PROPORTIONALLY (S/M) DENOTES ORIGIN UNKNOWN  
(P) DENOTES PLAN 12M-445

SURVEYOR'S CERTIFICATE  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THIS SURVEY WAS COMPLETED ON THE 22nd DAY OF NOVEMBER, 2019.

DATE NOVEMBER 25, 2019  
ROY A. SIMONE  
ONTOARIO LAND SURVEYOR

VERHAEGEN  
LAND SURVEYORS  
A DIVISION OF J.D. BARNES LTD.  
940 OTTAWA STREET, WINDSOR, ON, N8X 2E1  
T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

DRAWN BY: D.J.  
FILE: 19-47-301-01B.DWG

CHECKED BY: R.A.S.  
E-MAID-WPC-2

REFERENCE NO.: 19-47-301-01  
CAD Date: November 25, 2019 10:12 AM  
CAD File: 19-47-301-01B.dwg

Appendix #2



# **The Corporation of the Town of Lakeshore**

## **Minutes of the Regular Council Meeting**

**Tuesday, January 14, 2020, 6:00 PM**

**Council Chambers, 419 Notre Dame Street, Belle River**



**Members Present:** Mayor Tom Bain, Deputy Mayor Tracey Bailey, Councillor Steven Wilder, Councillor Len Janisse, Councillor Kelsey Santarossa, Councillor John Kerr, Councillor Kirk Walstedt, Councillor Linda McKinlay

**Staff Present:** Director of Legislative & Legal Services, Kristen Newman, Manager of Legislative Services, Brianna Coughlin, Chief Administrative Officer, Truper McBride, Director of Community & Development Services, Tammie Ryall, Director of Engineering & Infrastructure Service, Nelson Cavacas, Director of Finance, Rosanna Pellerito, Manager of Public Works, Albert Dionne, Manager of Environmental Services, Kevin Girard, Manager of Building Services, Morris Harding, Manager of Communications & Strategic Initiatives, Rita Chappell

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### **1. Call to Order**

Mayor Bain called the meeting to order at 6:00 PM

### **2. Moment of Reflection**

### **3. Disclosures of Pecuniary Interest**

### **4. Recognitions**

### **5. Public Meetings under the Planning Act**

### **6. Public Presentations**

## 7. Delegations

### a. **Stantec - Energy Conservation and Demand Management Plan (presentation relating to Item 11c) of the agenda)**

Amanda Kennedy, Facilitator and Engagement Specialist, provided a Powerpoint presentation on behalf of Stantec regarding the 2020-2024 Energy Conservation and Demand Management Plan prepared for the Town of Lakeshore.

**1-01-2020**

**Moved By** Deputy Mayor Bailey

**Seconded By** Councillor Santarossa

1. Council approve the Town of Lakeshore 2019 update to the Energy Conservation and Demand Management Plan as presented by Stantec Consulting and described in the report of the Manager of Environmental Services entitled, "2020-2024 Energy Conservation and Demand Management Plan" presented at the January 14th, 2020 meeting of Council.
2. Council authorize administration to provide the finalized 2020-2024 Energy Conservation Demand Management Plan to the public via the Town of Lakeshore website as required under O. Reg. 507/18.

**Carried Unanimously**

## 8. Completion of Unfinished Business

### a. **By-law 127-2019, Being a By-law to Establish User Fees (Schedule A added January 14, 2020)**

**2-01-2020**

**Moved By** Councillor Wilder

**Seconded By** Councillor Janisse

That By-law 127-2019 be deferred.

In Favour (6): Mayor Bain, Councillor Wilder, Councillor Janisse, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (2): Deputy Mayor Bailey, and Councillor Santarossa

**Carried**

## 9. Consent Agenda

The November 25, 2019 Regular Council Meeting Minutes (Item 9.a) were amended to change the title to "Budget Meeting" and to reflect that Councillor Wilder and Councillor Janisse voted in opposition to Resolution 552-12-2019.

The December 10, 2019 Regular Council Meeting Minutes (Item 9.a) were amended to reflect that Councillor Janisse voted in opposition to Resolution 568-12-2019.

### **3-01-2020**

**Moved By** Deputy Mayor Bailey

**Seconded By** Councillor Santarossa

Council approve Items 9.a) (as amended), 9b) and 9.c) (as amended) and receive Items 9.d) through 9.g) as listed on the Consent Agenda dated January 14, 2020.

**Carried Unanimously**

### **4-01-2020**

**Moved By** Councillor Walstedt

**Seconded By** Deputy Mayor Bailey

Council support the resolution of the Town of Tecumseh regarding 911 Misdials.

**Carried Unanimously**

- a. **November 25-December 2, 2019 Regular Council Meeting Minutes (Budget)**
- b. **December 3, 2019 Joint Meeting of the Councils of the Town of Lakeshore and Tecumseh**
- c. **December 10, 2019 Regular Council Meeting Minutes**
- d. **Ministry of Children, Community and Social Services - Ontario's Poverty Reduction Strategy**
- e. **Ministry of Municipal Affairs and Housing - Transforming and Modernizing the Delivery of Ontario's Building Code Services**
- f. **Town of Tecumseh - 911 Misdials**
- g. **Town of Deep River - Nuclear Reactor Technology**



## 10. Reports for Information

**5-01-2020**

**Moved By** Councillor Walstedt

**Seconded By** Deputy Mayor Bailey

Council receive Items 10.a) and 10.b) as listed on the Agenda dated January 14, 2020.

**Carried Unanimously**

a. **Drainage Board Meeting draft Minutes for December 9, 2019**

b. **Police Services Board Meeting Draft Minutes for November 27, 2019**

## 11. Reports for Direction

a. **Tile Loan Application - John and Dorothy Olson - 2039 Lakeshore Road 215 - (Roll No. 020. 000. 03400)**

**6-01-2020**

**Moved By** Councillor Wilder

**Seconded By** Councillor McKinlay

Council approve the Tile Loan Application submitted by John and Dorothy Olson for tiling work to be performed at 2039 Lakeshore Road 215 (Roll No. 020. 000. 03400) in the amount of \$50,000.00 subject to Provincial funding.

**Carried Unanimously**

b. **Accessibility of Council Chambers**

**7-01-2020**

**Moved By** Deputy Mayor Bailey

**Seconded By** Councillor Janisse

Council receive this report for information.

**Carried Unanimously**

**8-01-2020**

**Moved By** Councillor Janisse

**Seconded By** Councillor Santarossa

Council direct Administration to develop an implementation plan that will detail the planning and process of next steps required to construct a new Town Civic Centre facility in alignment with the Strategic Facility Plan recommendations.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, Councillor Santarossa, Councillor Kerr, and Councillor Walstedt

Opposed (1): Councillor McKinlay

**Carried**

**9-01-2020**

**Moved By** Councillor Wilder

**Seconded By** Councillor Kerr

When there are open meetings in the building and the accessible lift is broken, that the meetings be rescheduled or moved to another location.

**Carried Unanimously**

**c. 2020-2024 Energy Conservation and Demand Management Plan  
(revised report January 14, 2020)**

This matter was considered during the Delegation portion of the meeting (see Item 7.a).

**d. Acquisition of Lands Required for the Lanoue Street Extension and  
Amy Croft Storm Water Pond Expansion - Negotiation and  
Expropriation**

Mayor Bain identified that negotiations are continuing and asked that the item, as well as closed session report, be deferred until the next Council meeting.

**10-01-2020**

**Moved By** Deputy Mayor Bailey

**Seconded By** Councillor McKinlay

That the matter be deferred to the January 28, 2020 meeting.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Councillor Wilder

**Carried**

**12. Announcements by Mayor**

**13. Reports from County Council Representatives**

**14. Report from Closed Session**

**15. Notices of Motion**

**a. Councillor Kerr - Accessibility of Council Chambers (deferred from June 18, 2019 meeting)**

This item was withdrawn as it was addressed by Resolution #9-01-2020 (see Item 11.b).

**16. Question Period**

**11-01-2020**

**Moved By** Councillor Wilder

**Seconded By** Councillor Kerr

Direct Administration to bring back a report on the process for emergency communications and to create a public information campaign and utilize the emergency alert function on the Town's website.

**Carried Unanimously**

**12-01-2020**

**Moved By** Councillor Wilder

**Seconded By** Councillor Janisse

Direct Administration to prepare a report on steps to take to immediately address the flooding situation, including diversion, and strengthening enforcement options regarding Infiltration and Inflow.

**Carried Unanimously**



**17. Non-Agenda Business**

**18. Consideration of By-laws**

The Director of Legislative & Legal Services advised of an error relating to By-law 7-2020 and noted that the amount identified in Paragraph 1 be amended to state \$500,000.00.

**13-01-2020**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Walstedt

By-laws 1-2020 and 2-2020 be read a first and second time and provisionally adopted;

By-law 119-2019 be read a third time and adopted; and

By-laws 4-2020, 5-2020, 7-2020 (as amended), 8-2020 and 9-2020 be read and passed in open session on January 14, 2020.

**Carried Unanimously**

- a. **By-law 119-2019, Being a By-law for the 3rd Conc. Drain MS  
(Linda Sutherland Bridge)**
- b. **By-law 1-2020, Being a By-law for the Arch Drain**
- c. **By-law 2-2020, Being a By-law for the Little Baseline Drain-  
East (Sylvestre Bridge)**
- d. **By-law 4-2020, Being a Rating By-law Under the Tile Drainage Act**
- e. **By-law 5-2020, Being a By-law to Authorize Temporary  
Borrowing From Time to Time to Meet Current Expenditures**
- f. **By-law 7-2020, Being a By-law to Raise Five Hundred  
Thousand Dollars to Aid in the Construction of Drainage Works**
- g. **By-law 8-2020, Being a By-law to Authorize Grants for the Town  
of Lakeshore**
- h. **By-law 9-2020, Being a By-law to Confirm Proceedings of Council**

## 19. Closed Session

**14-01-2020**

**Moved By** Councillor Walstedt

**Seconded By** Councillor McKinlay

Council move into closed session in Council Chambers at 8:35 PM in accordance with:

- a. Paragraph 239(2)(c) and (f) of the *Municipal Act, 2001* for the purpose of discussing a proposed or pending disposition of land by the municipality related to Emily Street and advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- b. Paragraph 239(2)(c) and (f) of the *Municipal Act, 2001* for the purpose of discussing a proposed or pending disposition of land by the municipality related to Amy Croft Drive and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**Carried**

## 20. Return to Open Session

Council returned to open session at 9:45 PM.

## 21. Adjournment

**15-01-2020**

**Moved By** Councillor McKinlay

**Seconded By** Councillor Walstedt

Council adjourn its meeting at 9:46 PM.

**Carried Unanimously**

---

Tom Bain  
Mayor

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Kristen Newman  
Director of Legislative &  
Legal Services (Clerk)

January 15, 2020

## **Government announces consultation on re-composition of OPP Detachment Boards**

On January 15th, the Honourable Sylvia Jones, Ontario's Solicitor General, wrote to Heads of Council to announce province-wide consultations on the drafting of regulations needed to support the establishment of new OPP detachment boards. These discussions will include changes to the billing framework allocating costs between municipalities with a shared OPP detachment board. AMO strongly encourages the participation of local elected officials in these discussions.

For municipalities, the goal of this engagement is a regulatory framework that supports successful and effective governance and delivers strong local civilian oversight of policing by the OPP. This should include mechanisms for every municipal council to be represented on an OPP detachment board and the equitable distribution of costs between municipalities.

The need for new OPP governance regulations is as a result of the new *Community Safety and Policing Act, 2019*. Key governance-related changes include:

### **Structure of Boards and Local Say**

- There shall be one OPP detachment board per detachment (with flexibility for unique circumstances/geography). A board's composition, terms of office, and remuneration will be provided for in regulations and has yet to be determined.
- In effect, these changes extend police governance to about 200 municipalities (which do not have a board, ie. Section 5.1) but will consolidate multiple existing boards within a detachment.

### **Activity of Boards**

- Boards shall determine local objectives, priorities, and policies in consultation with the Detachment Commander, consistent with the Solicitor General's strategic plan for the OPP.



- Boards shall consult with the Commissioner of the OPP regarding the selection of the Detachment Commander.
- The Detachment Commander shall prepare and adopt a local action plan in consultation with the board.
- Training for board members will become mandatory (Ministry support and funding is needed).

### **Financial Considerations**

- There will be no distinction between contract and non-contract in the future. Effectively all policing will become contract.
- The focus of the billing related regulations will be to address transition matters and to account for service differences between municipalities as well as existing contracts expiring at the end of 2020.
- It should be noted, billing model changes will not lower the overall cost of policing for the municipal sector.

### **OPP Governance Advisory Council (Provincial)**

- The establishment of this Council is to provide advice to the Solicitor General with respect to the use of the Solicitor General's powers related to the OPP.
- More generally, this change will enhance civilian governance of the OPP.

### **AMO Advocacy**

AMO has impressed upon the Ministry of the need for:

- open and transparent discussions;
- a recognition that policing is fundamentally local (ie. it is important to maintain the close proximity of a community to its board and the police);
- locally workable governance arrangements; and
- the representation of every municipal council.

### **Key Municipal Considerations**

For local elected officials participating in the government's consultation, here are some key considerations:

1. For communities without existing police service or detachment boards: boards are an opportunity to expand the democratic oversight and governance of policing. In the words of Sir Robert Peel, the father of modern policing, "the

police are the public and the public are the police.” A detachment board helps to align policing objectives, priorities, and policies with community expectations.

2. For communities with existing OPP boards: the legislation aims to consolidate existing municipal board boundaries with OPP detachment board boundaries (thus potentially including multiple neighbouring municipalities in the same detachment). However, the legislation provides for flexibility to address unique geographic circumstances. If you feel your area’s needs are unique, help the Ministry understand that uniqueness in a province-wide context.
3. The size and composition of detachment boards have not been determined. This is your opportunity to inform the regulations which will determine board composition.
4. On the issue of policing costs, speak to your local circumstances. Highlight areas where your property taxpayers would benefit from greater transparency or illustrate steps that could be taken to improve the efficiency and effectiveness of policing in your community (ie. shift scheduling). This should include highlighting the need that all new policing regulations (governance and operations) should aim to improve the efficiency and effectiveness of policing and not drive policing costs even higher.
5. On the issue of OPP billing, note that billing changes alone will not lower the overall cost of policing by the OPP. The equitable distribution of costs across the detachment is a key goal of all municipalities.

The Solicitor General has advised that regional roundtable meetings will be taking place in Kenora, Thunder Bay, Sudbury, Timmins, London, Brockville, and Orillia. The Ministry will communicate the dates and times of these meetings shortly in separate correspondence.

In addition, the Ontario Association of Police Service Boards is convening an [OPP Governance Summit](#) on January 30, 2020 which will include a presentation by the Ministry.

AMO will continue to engage the Ministry in discussions related to OPP detachment boards and other regulations which affect policing (OPP and own-force) in all municipalities in the months ahead. Please feel free to relay any positions or concerns of sector-wide interest to AMO.

**AMO Contact:**

Matthew Wilson, Senior Advisor, [mwilson@amo.on.ca](mailto:mwilson@amo.on.ca), 416-971-9856 ext. 323.

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# The Corporation of the Town of Lakeshore

## Report to Council

### Legislative & Legal Services

#### Legislative Services



**To:** Mayor & Members of Council

**From:** Brianna Coughlin, Manager of Legislative Services

**Date:** January 10, 2020

**Subject:** *Provincial Animal Welfare Services Act, 2019*

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#### Recommendation

The report of the Manager of Legislative Services entitled “Provincial Animal Welfare Services Act, 2019”, presented at the January 28, 2020 Council meeting, be made available during the Animal Control Public Consultation open house on January 29, 2020.

#### Background

In July 2019, Administration brought forward a report regarding changes to the *Ontario Society for the Prevention of Cruelty to Animals Act* and the introduction of Bill 117, an *Act to amend the Ontario Society for the Prevention of Cruelty to Animals Act* (the “Interim Act”).

The Interim Act, which received royal assent June 6, 2019, allowed the Solicitor General to appoint a Chief Inspector, who could then appoint any person as an inspector for animal cruelty and animal welfare concerns for the interim period. The Windsor/Essex County Humane Society was duly appointed as an inspector for the area until January 1, 2020.

At the time of the July 2019 report, the Province was in the process of developing a new structure for animal welfare investigations. There was concern that the Province could download the responsibilities to municipalities or the police, which could have a large impact on staff and budgets.

#### Comments

On October 29, 2019, the Province enacted the *Provincial Animal Welfare Services Act, 2019* (the “PAWS Act”). This Act creates an animal welfare program enforced by

provincial inspectors. The Province has confirmed that all enforcement mechanisms will be performed by them.

The following is a broad overview of provisions found in the PAWS Act that came into force January 1, 2020:

- Every person who owns or has custody of an animal is required to comply with standards of care and administrative requirements outlined in the PAWS Act, with specific exceptions for certain agricultural and veterinary activities;
- Veterinarians have a duty to report abuse, undue physical or psychological hardship, privation or neglect;
- Harming or attempting to cause harm to law enforcement or service animals is prohibited;
- There are several prohibitions relating to animal fights, including the prohibition to possess equipment or structures used in animal fights;
- Animal welfare inspectors may enter and inspect places to determine compliance with the PAWS Act. A warrant is required to enter a dwelling unless the occupant consents to the entry, however the inspector may enter without a warrant if the time required to obtain a warrant may result in serious injury or death to the animal;
- Animal welfare inspectors may apply for warrants to investigate potential offences. Warrantless searches may be authorized if the inspector has reasonable grounds to believe that the time required to obtain the warrant would result in the loss, removal or destruction of evidence;
- Animal welfare inspectors may take possession of animals in distress if orders to comply with the PAWS Act are not complied with, if the owners or custodian cannot be found quickly or on the advice of a veterinarian. The Chief Animal Welfare Inspector may keep an animal if there are concerns about returning the animal to the owner or custodian;
- Animals seized as a result of animal fighting are automatically forfeited to the Province.
- Animal welfare inspectors are subject to a code of conduct.

Animal welfare concerns may be reported 24 hours/day by calling 1-833-9ANIMAL (1-833-926-4625).



It is important to note that, should there be a conflict between a municipal by-law and the PAWS Act, the provision that affords the greater protection to animals will prevail. For example, when the Town of Lakeshore enacts the 4-hour tethering limit under the new animal control by-law, complaints will be directed to the Windsor/Essex County Humane Society.

### **Other Consulted**

Windsor/Essex County Humane Society

### **Financial Impacts**

There are no financial impacts as a result of receiving this report. However, it is acknowledged that the provincial animal welfare system is still being implemented and that the Province has indicated that only 100 inspectors are to be appointed throughout Ontario. Should an urgent animal cruelty matter be identified, it is likely that local police will be requested to investigate and intervene, which may result in additional call-for-service costs.

**Attachment(s):** None.

### **Report Approval Details**

Document Title:	Provincial Animal Welfare Services Act, 2019.docx
Attachments:	
Final Approval Date:	Jan 20, 2020

This report and all of its attachments were approved and signed as outlined below:

Kristen Newman

Rosanna Pellerito

Truper McBride

# The Corporation of the Town of Lakeshore

## Report to Council

### Legislative & Legal Services

#### Legislative Services



**To:** Mayor & Members of Council  
**From:** Brianna Coughlin, Manager of Legislative Services  
**Date:** January 17, 2020  
**Subject:** Taxi and Vehicle for Hire Consultation

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#### Recommendation

Direct Administration to bring forward a new Taxi and Vehicle for Hire By-law, taking into consideration the public consultation feedback as described in the report of the Manager of Legislative Services presented at the January 28, 2020 Council meeting.

#### Background

The Town of Lakeshore currently licences and regulates taxicab owners, as well as drivers of taxicabs, buses or other vehicles used for hire under By-law LA017-LC-98. This by-law was originally passed by Lakeshore Township in 1998 and was incorporated as the regulation for the Town of Lakeshore as part of the amalgamation process in 1999.

On August 13, 2019, Administration brought forward a report to Council outlining a proposed public consultation process relating to taxi and vehicle for hire licencing. Council then passed the following resolution:

*Council direct Administration to conduct a public consultation process in order to receive input relating to regulating taxicabs and vehicles for hire.*

**Carried**

The Town of Lakeshore licenced two taxicab owners and two taxicab drivers in 2019. The licencees, along with previous licencees and applicants, were invited to participate in the public consultation process as further described below.

## Comments

Following the direction of Council, Administration undertook a three-part public consultation process. This included a stakeholder meeting, public open house and online consultation.

### *Stakeholder Meeting*

Administration organized a stakeholder meeting in order to receive targeted comments relating to the current by-law, as well as suggestions for improvements. Invitations were sent to current and former licencees (taxi owners and drivers), as well as vehicle for hire companies such as Uber and Lyft.

The meeting was held September 25, 2019 and although Administration received some phone calls expressing interest prior to the meeting, only one licencee attended. Unfortunately, the licencee had to leave before the meeting started and was not able to provide comments at this time. However, the licencee did subsequently attend the Open House.

### *Open House*

An open house was held at the Atlas Tube Centre on December 11, 2019 and was advertised on the Town website and in local newspapers. Administration provided an overview of current regulations and held one-on-one conversations with several residents, including three current licencees.

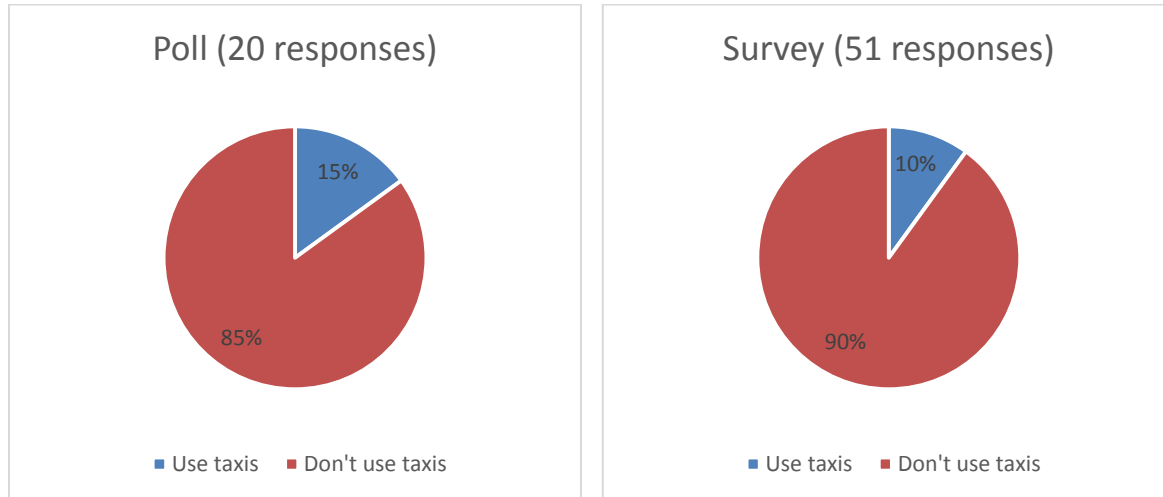
The information boards used for the open house were left in the lobby of the Atlas Tube Centre for several weeks. This included a link to the online consultation as described below.

### *Online Consultation*

A poll and survey was posted on the Town's PlaceSpeak site and advertised on the Town's website throughout December and early January. The online consultation site was viewed by 302 people, 20 answered the poll and 48 answered the survey. Hard copies of the survey were also provided at the open house and three surveys were submitted at that time, the results of which are included in the data below.

## Results - Taxis

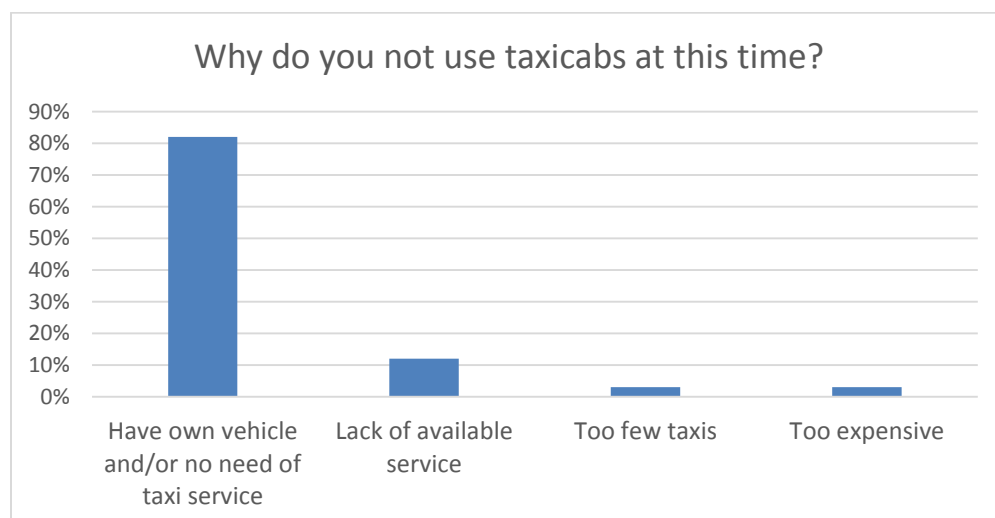
The question “Do you currently use taxis in Lakeshore?” was asked in both the poll and the survey.



The survey then asked participants to identify their top concerns relating to taxicabs in the Town of Lakeshore. Only 2 respondents identified concerns in this section; one respondent identified a concern relating to the safety of passengers, while one respondent felt that taxis were too expensive for passengers.

Respondents were also asked the following question: “When requesting a taxicab, would you request an accessible taxicab if available?” 100% of respondents answered no to this question, suggesting that accessible taxicabs are not a priority of the community at this time.

The survey then asked participants to explain why they do not use taxicabs at this time.

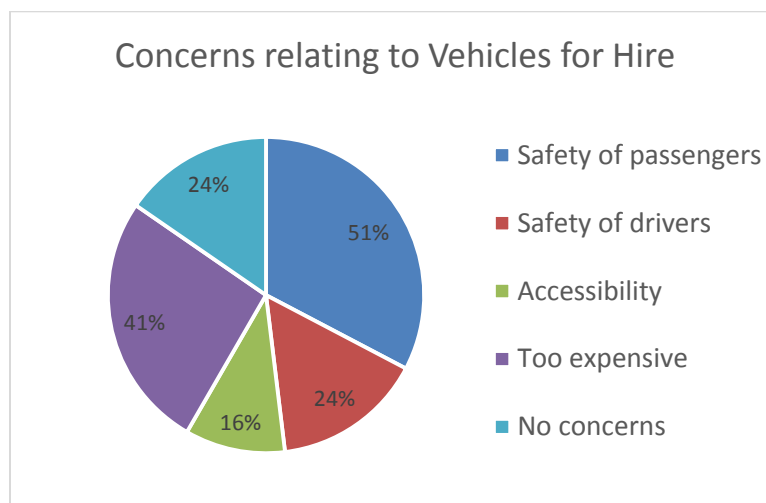


Those respondents who identified a lack of available service, as noted in the chart above, all self-identified as residents of the Lighthouse Cove and Stoney Point areas.

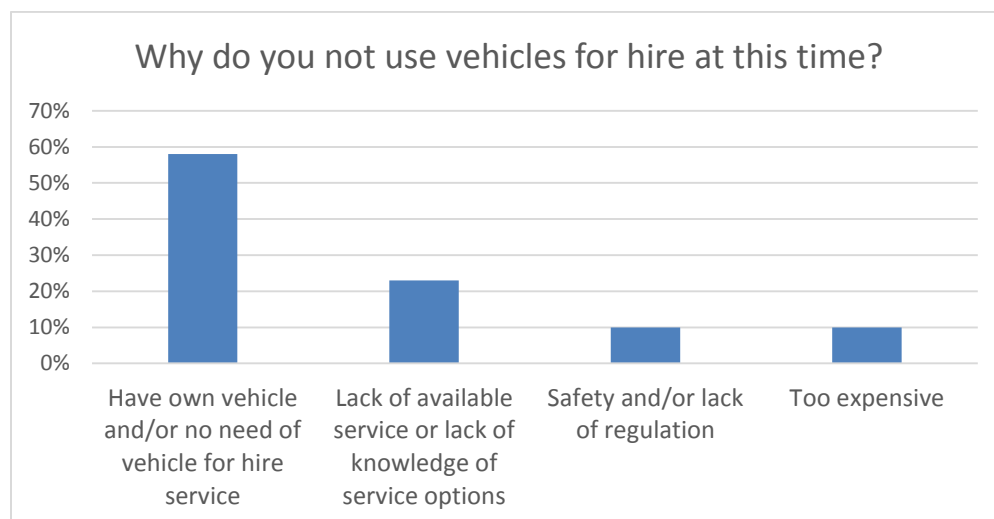
### Results – Vehicles for Hire

Six respondents (12%) stated that they currently use vehicles for hire in Lakeshore, while 45 respondents (88%) do not. It is important to note that there are currently no vehicles for hire licenced by the Town of Lakeshore at this time.

When asked for the top concerns relating to vehicles for hire, the following responses were provided. Note: respondents were able to provide multiple answers, therefore the total will not equal 100%.



The survey then asked participants to explain why they do not use vehicles for hire at this time.





### Additional Feedback

Respondents were asked to provide additional comments outside of the pre-set questions noted above. Thirty-one percent of respondents provided comments, as stated verbatim in the table below.

I am driving taxi in Lakeshore, we are not getting a lot of fares. It's a small town and everybody has own cars. Not a lot of taxi business. Please stop Uber.
We are operating taxi company in Lakeshore. There is not a lot of business. My opinion, stop Uber.
I have no objection to UBER, LIFT or taxis I feel they are necessity for some people.
Transportation for seniors who no longer drive and young adolescents who want to have transportation to and from work ( after school) should be considered and reviewed during this consultation
Maybe we could implement a free ride program for the residents of Belle River during the holiday season. New Years eve....etc.
I am concerned that some drivers who drive for Uber or Lyft may not be as knowledgeable about the area as a taxi driver. another concern I have is whether the vehicles are properly maintained who takes care of that?
I have no issue with either service
Uber should/"must" be following same rules as taxis – one rule for all.
Uber and Lyft are more affordable methods of transportation. They are easy to use as they have apps you can download right to your phone that make booking and riding with them very easy. I would be more susceptible in using one of these if they became available in lakeshore as I have always had good experiences.
Set a standard for the safety of the vehicle and the passengers and a fee for the taxi license and then stay out of who or which company is allowed to participate as a taxi/car of hire. The town should not listen to the fear-mongering of taxi company owners about Uber/Lift who see their monopoly and excessive fares disappearing with competition.
Taxi cabs need to be clean and in good working condition along with yearly safety inspections. The drivers need to have a valid drivers permit and a police clearance.
I think vehicles for hire should be allowed for the convenience and productivity of citizens

Recent statistics show an abnormally high number of assaults/robberies etc. in Uber vehicles in the USA. Although I like the idea of the Uber/Lyft concept, they seem to do a poor job of vetting their drivers. Who regulates & administers their Police Clearances? Do they go through the same training & regulations as taxi drivers? Do they pay the same fees for licencing, etc.? It is only fair to existing taxi drivers to 'EVEN the playing field' in this competitive market. Ultimately, I would like to see a reliable, inexpensive transportation service available that ALSO provides service to those with accessibility issues. A 'regional BUS service' must also be added to include those with accessibility issues.

No public transit or taxi cans in my area and would like to have it available. I live at Lighthouse Cove.

If I did have to hire/take a cab or uber, I would have to be sure the driver is reliable, non-drinker, non drug user. Too many criminals out there, I would hesitate unless they had police clearance and were bonded etc.

### *Analysis*

In general, the results of the public consultation process demonstrates that there is not a strong demand to change the current practices as it relates to taxis and vehicles for hire. However, it is important to take the concerns that were expressed into consideration when modernizing Town taxi and vehicle for hire regulations.

Concerns were associated primarily with access, safety, cost and a fair playing field in terms of regulating both taxis and vehicles for hire. Administration will prepare a new by-law that reflects these considerations and incorporate trends in taxi and vehicle for hire regulation that are consistent with best practices in the industry and the growth of vehicles for hire across the Province.

### **Others Consulted**

No outside agencies or organizations were consulted in writing this report, however an environmental scan of licencing practices in other municipalities has been undertaken in anticipation of drafting an updated by-law.

### **Financial Impacts**

There are no financial impacts in receiving this report. Financial impacts relating to the implementation of a new by-law will be presented at the time of consideration.

**Attachment(s):** None.

## Report Approval Details

Document Title:	Taxi and Vehicle for Hire Consultation.docx
Attachments:	
Final Approval Date:	Jan 21, 2020

This report and all of its attachments were approved and signed as outlined below:

Kristen Newman

Truper McBride

**TOWN OF LAKESHORE**  
**ENGINEERING & INFRASTRUCTURE**  
**PUBLIC WORKS DIVISION**

**TO:** Mayor and Members of Council

**FROM:** Albert Dionne, C.E.T., Manager of Public Works  
Rita Chappell, Manager of Communications & Strategic Initiatives

**DATE:** January 15, 2020

**SUBJECT:** Swim Drink Fish Canada Grant

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**RECOMMENDATION:**

It is recommended that Council:

Authorize the use of the \$150,000 grant from Swim Drink Fish Canada (the "Grantor") for the purpose of completing site restoration work that will improve the water quality and shoreline conditions, and enhance the aquatic habitat at Lakeview Park.

**BACKGROUND:**

Administration was contacted by Swim Drink Fish Canada for the purpose of granting the amount of \$150,000 to support the Great Lakes Challenge. This Challenge is to show how a community can restore natural habitat in high-traffic waterfront areas while continuing to connect people to the Great Lakes EcoSystem.

Activities funded by the grant include:

- Improve the water quality and shoreline conditions within Lakeview Park
- Address odour problems caused by poor water quality and lack of natural habitat
- Remove overgrown vegetation and waterlogged debris contributing to poor water quality
- Remove sunken debris
- Put in controls to minimize re-emergence of nuisance plants like phragmites
- Create fish habitat out of natural materials based on designs with proven success in other areas
- Improve health of trout, walleye, bass, crappie and perch populations in the area
- Monitor the area once the habitat restoration is complete

The Town has retained Stantec Consulting Ltd. (Stantec) to complete a Parks Master Plan for Lakeview Park/West Beach and Marina which is currently being undertaken and finalized. Draft plans have been communicated to Council during the October 22, 2019 Council meeting. This project and grant will assist with the rehabilitation and naturalization of the park area that was identified within the plan. As such, the Town completed the

application which was subsequently approved by Swim Drink Fish Canada to receive the \$150,000 grant. A copy of the contribution agreement is attached.

### **COMMENTS:**

The Town has obtained a proposal from Stantec to provide consulting services for the implementation of the Swim Drink Fish Canada grant to develop the shoreline and aquatics restoration plans within the Lakeview Park wetland area that would be funded by this grant subject the Town approving the contribution agreement with Swim Drink Fish Canada. Services will include detailed design, tender preparation, managing regulatory permitting, and project management. Stantec is a suitable choice for this project as they are also undertaking the Master Plan for Lakeview Park/West Beach and Marina.

The \$150,000 Swim Drink Fish grant must be spent by the end of September 2020 and the funds must be used to improve water quality within the Great Lakes System as per the grant guidelines. This grant provides an opportunity to improve the naturalized area of Lakeview Park.

Stantec has recommended the scope of restoration work including removal of Phragmites, shoreline restoration, aquatic vegetation, habitat features, and interpretive signage which meets the grant requirements. The project schedule is constrained in order to meet the requirement for construction to be completed by September 30, 2020 deadline.

Furthermore there has been past discussions and support of considering future Blue Flag Certification which is awarded to beaches and marinas that meet strict criteria for water quality, environmental education, environmental management, safety and services. This project is a necessary step towards achieving Blue Flag certification, should Council be interested in applying in the future.

The restored Lakeview Park will create new fish habitat and ensure Lakeshore residents can enjoy waterfront access for years to come.

### **OTHERS CONSULTED:**

Director of Legal and Legislative Services  
Director of Community and Development Services  
Director of Finance Services

### **BUDGET IMPACTS:**

The project cost estimate is detailed below:



Project Estimate

Design and Regulatory Approvals:	\$56,200
Project construction:	<u>\$115,000</u>
Total Project Cost:	<u>\$171,200</u>

Project Funding

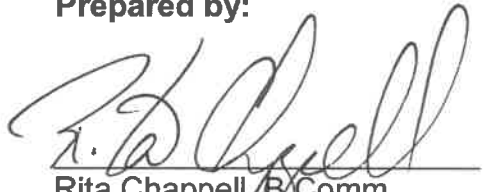
Grant	\$150,000
West Beach/Lakeview Park Project	<u>\$21,200</u>
Total Project Funding	<u>\$171,200</u>

It was previously anticipated that the project would be funded entirely by the \$150,000 grant at the time of grant application. With the updated project costs it is anticipated that an additional funding of \$21,200 will be required to complete this project. Considering this project work is part of the West Beach/Lakeview Park Master Plan, the \$21,200 will be funded from the West Beach/Lakeview Park project funding approved in the 2020 Budget. The total amount approved for the first phase of the West Beach/Lakeview Park project is \$600,000 which leaves a balance of \$578,800 that will be used for the other remaining park improvement work.

**Prepared by:**

  
Albert Dionne, C.E.T.  
Manager, Public Works  
Services Division

**Prepared by:**

  
Rita Chappell, B.Comm  
Manager of Communication &  
Strategic Initiatives

**Reviewed by:**

  
Nelson Cavacas, C.E.T.  
Director, Engineering and  
Infrastructure Services

**Submitted by:**

  
Truper McBride, MPlan, RPP, MCIP  
Chief Administrative Officer

RC/rc

**Attachment(s):** Contribution Agreement

## CONTRIBUTION AGREEMENT

**THIS CONTRIBUTION AGREEMENT** (this "**Agreement**") is entered into as of this 28th day of November, 2019 by and between Swim Drink Fish Canada (the "**Grantor**"), a registered charity within the meaning of the *Income Tax Act*, R.S.C., 1985, c.1 (5<sup>th</sup> Supp) (Canada) (the "**ITA**"), and The Corporation of the Town of Lakeshore, a qualified donee within the meaning of the ITA (the "**Grantee**") (each a "**Party**" and collectively, the "**Parties**").

### RECITALS

#### WHEREAS:

- A. The Weston Family Swim Drink Fish Great Lakes Challenge (the "**Great Lakes Challenge**") is an invitation to Ontarians to imagine a swimmable, drinkable, fishable Great Lakes watershed and will be managed by the Granter.
- B. The Granter has received a grant (the "**TWGW Grant**") from The W. Garfield Weston Foundation ("**TWGW Foundation**") for the purpose of supporting the Great Lakes Challenge.
- C. The Granter has agreed to contribute up to \$150,000.00 to the Grantee to assist with site restoration, improving water quality and shoreline conditions, and creating aquatic habitat in Lakeview Park, Lakeshore. Details of the project are described in **Schedule A**.

### AGREEMENT

**NOW THEREFORE**, in consideration of the representations and promises set forth herein, and intending to be legally bound, the Parties agree to the following terms and conditions:

- 1. **Contribution.** The Granter has agreed to grant to the Grantee the amount of \$150,000.00 (the "**Contribution**") for use in assisting with improving water quality and shoreline conditions, and creating aquatic habitat in Lakeview Park, Lakeshore, as more particularly described in **Schedule A** (the "**Project**") pursuant to the terms and conditions of this Agreement. The Contribution shall be paid as set out below in Section 2. If the Contribution funds are not sufficient to complete the Project component(s) set out in **Schedule B**, the Grantee shall complete such component(s) at its own expense.
- 2. **Installments** Payments of the Contribution shall be made by cheque payable to the Grantee as set out below. Payments are subject to the funds being made available to the Granter by the TWGW Foundation as per section 9:
  - (a) \$75,000.00 after April 3, 2020 upon completion of the approvals process by the Grantee; and

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(b) \$75,000 on or before October 5, 2020.

3. **Reporting by the Grantee.** The payments contemplated by Section 2 are subject to the Grantee delivering to the Grantor two (2) interim progress reports and one (1) final report as described in **Schedule C** of this Agreement on or before:

(a) April 3, 2020;

~~(b) June 30, 2020; and~~ 

(c) October 5, 2020.

4. **Prohibited Uses.** The Grantee shall not use any portion of the Contribution funds, or any income therefrom to: (i) undertake any activity for any purpose other than in furtherance of the specified components of the Project; (ii) cause any improper private benefit to occur; (iii) take any other action inconsistent with the provisions of the ITA or the regulations thereunder; (iv) engage in any political activities as that term is defined in the ITA; or (v) violate any Canadian or foreign law or regulation. For the purposes of (iv), the Granter acknowledges that the Town is governed by council members pursuant to the *Municipal Act, 2001*, and *Municipal Elections Act, 1996*.

5. **Representations and Warranties.** The Grantee represents and warrants to the Granter as follows:

- (a) in the event that a Contribution is approved, this Agreement constitutes a legal and binding obligation of the Grantee, enforceable against the Grantee in accordance with its terms, except as limited by bankruptcy, insolvency or other applicable laws;
- (b) there is no fact known to the Grantee or its agents and employees that would materially affect the Grantor's decision to make the Contribution under this Agreement, which has not been previously disclosed to the Granter; and
- (c) the Grantee is a "qualified donee" for purposes of the ITA.

6. **Grantor's Right to Modify or Withhold Payments.** The Granter reserves the right, upon thirty (30) days' prior written notice to the Grantee, to modify or withhold any payments that otherwise would be payable under this Agreement, if, in the Grantor's absolute and sole discretion, acting reasonably, the Granter determines that:

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- (a) the Contribution funds provided hereunder have been used by the Grantee for purposes other than those specified in this Agreement;
  - (b) the Grantee, for any reason, is unable to carry out, or has committed a material breach of, its obligations under this Agreement; or
  - (c) such action is necessary to comply with the requirements of any law or regulation.
- 7. **Termination.** If payment of the Contribution is modified or withheld by the Grantor pursuant to Sections 7(a) or 7(b), and the action or inaction is not, or cannot reasonably be, remedied by the Grantee to the Grantor's satisfaction, acting reasonably, within thirty (30) days of the Grantee's receipt of notice by the Grantor, the Grantor, upon thirty (30) days' written notice thereafter to the Grantee, shall be entitled to terminate this Agreement.
- 8. **Termination of TWGW Grant.** The Grantee acknowledges that the Contribution is being provided to the Grantee out of funds received by the Grantor through the TWGW Grant from the TWGW Foundation to support the Great Lakes Challenge. The Grantee agrees that where a material shift in the priorities of the TWGW Foundation results in the Grantor not receiving a portion of the TWGW Grant allocated by the Grantor to the specified components of the Project, the Grantor shall not be in breach of this Agreement should it fail to make a payment to the Grantee as and when required by this Agreement. In such event, the Grantor and the Grantee agree that this Agreement shall be terminated.
- 9. **Return of Unexpended/Uncommitted Funds.** Where the Grantor terminates this Agreement prior to completion of the specified components of the Project under Section 8 above, the Grantee shall return any portion of the Contribution funds not expended or committed by the Grantee. Where the Grantor terminates this Agreement under Section 9 above, the Grantee shall be permitted to expend the remainder of the Contribution funds advanced to the Grantee. In either event, the Grantee shall provide the Grantor with a full accounting of all receipts and disbursements relating to the use of the Contribution funds advanced to the Grantee.
- 10. **Notice of Changes.** The Grantor and the Grantee shall notify each other immediately of any change in circumstances that may impair the ability of the Grantor or the Grantee to fulfill its obligations under this Agreement.
- 11. **Notices.** All notices or other communications hereunder shall be given (and shall be deemed to have been duly received if given) by registered mail (return receipt requested and postage paid), by hand delivery in writing, by nationally recognized overnight courier service or by facsimile or electronic transmission with confirmation of receipt, as follows:

If to the Grantor:

Swim Drink Fish Canada  
379 Adelaide Street West

*Page 3 of 11*

Toronto, ON M5V 1S4

Attention: Krystyn Tully  
E-mail: krystyn@swimdrinkfish.ca

If to the Grantee:

The Corporation of the Town of Lakeshore  
419 Notre Dame Street  
Belle River, ON NOR 1A0

Attention: Clerk  
E-mail: clerk@lakeshore.ca

or to such other address as the party to whom notice is given may from time to time furnish to the other in writing in the manner set forth above.

12. **Indemnification.** The Grantee hereby irrevocably and unconditionally agrees, to the fullest extent permitted by law, to defend, indemnify, and hold harmless the Grantor, its officers, directors, trustees, employees, and agents, from and against any and all claims, liabilities, losses, and expenses (including reasonable legal fees) directly, indirectly, wholly, or partially arising from or in connection with any act or omission of the Grantee, its employees, or agents, in accepting the Contribution, in expending or applying the Contribution funds furnished pursuant to this Agreement or in carrying out the specified components of the Project, including any activities undertaken in furtherance thereof, except to the extent that such claims, liabilities, losses, or expenses arise from or in connection with any act or omission of the Grantor, its officers, directors, employees, or agents.
13. **Recognition.**
  - (a) Subject to prior approval by the Grantor which shall not be reasonably withheld, the Grantee shall recognize publicly the Grantor's contribution to the Project for a period of ten (10) years following the completion of the Project by ("Recognition"):
    - (i) placing the Grantor's and the TWGW Foundation's logo on all print and web reports, promotional material, signage and copy created in connection with the Project, with the exception of Town Council or committee reports;
    - (ii) providing the Grantor with tangible, physical recognition of its contribution to the Project, in a form and scale as described in **Schedule B**, to be agreed upon by the Parties and to be situated in a prominent location which shall be funded by the Grantor ; and

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(iii) where feasible, upon ten (10) days' written notice to the Granter, providing the Granter with participation (i.e., speaking opportunities if speaking opportunities are available) at public events in connection with the Project, including, but not limited to, ribbon cutting ceremony, media tours, and other press events.

(b) The Grantee further agrees:

- (i) to place the logo of the TWGW Foundation on all materials and the tangible, physical recognition upon which it places the logo of the Granter pursuant to section 14(a);
- (ii) to reasonably accommodate, at the request of the Granter and at the discretion of the Grantee and funded by the Granter, additional options for recognition not contemplated expressly by this Agreement for the Granter; and
- (iii) to participate in the Granter's Project documentation efforts, which may be requested by the Granter from time to time, unless it provides the Granter with reasonable cause not to do so.

(c) The Granter shall provide the Grantee with a communication plan and assist the Grantee with all outreach and communication initiatives in connection with the Project.

14. **Confidentiality.** The Parties agree to take all necessary precautions to maintain the confidentiality of the terms and conditions contained herein. The Granter acknowledges that this Agreement and any information or documents that are provided to the Grantee may be released pursuant to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M56, as amended. This acknowledgement shall not be construed as a waiver of any right to object to the release of this Agreement or of any information or documents. Notwithstanding the foregoing, the Parties acknowledge that in the course of fulfilling their respective obligations under this Agreement, each Party will have access to or acquire confidential information relating to the other Party (which in the case of the Granter, may include information about other projects) and its affiliates and related organizations or a third party (collectively the "**Confidential Information**"). All Confidential Information is and shall remain the exclusive property of the Party to which it pertains. Except where required by law and particularly pursuant to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M56, as amended, each Party shall keep confidential each item of Confidential Information and, except with the other Party's prior written consent, shall not disclose any Confidential Information to any person or entity whatsoever, nor use the Confidential Information for any purpose other than contemplated by this Agreement. Confidential Information shall not include any information that:

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- (a) was generally known to the public prior to the date of this Agreement, including, but not limited to, the amount of the Contribution, the original funding source and the terms of the Contribution and Recognition;
  - (b) becomes generally known to the public through no breach of this Agreement;
  - (c) was, through no breach of this Agreement, known by the Party receiving the Confidential Information prior to being granted the Confidential Information; or
  - (d) was independently developed by the Party receiving the Confidential Information without reference to the Confidential Information.
16. **Relationship.** The Grantor's role in providing the Contribution is solely that of a non-exclusive funder of the Project. This Agreement does not constitute, and shall not be construed as creating a partnership or joint venture between the Parties. The Parties covenant, agree and confirm that they have entered into this Agreement as independent parties carrying on separate enterprises. Nothing in this Agreement shall be construed to make either Party an employee, franchisee, joint venturer or partner of the other Party or to otherwise be related as an independent contractor of the other Party. For clarity, the Grantor encourages the Grantee to collaborate with and seek funding for the Project from other sources at its own discretion and expense.
17. **Governing Law.** This Agreement shall be construed in accordance with, and governed by, the laws of the Province of Ontario and the federal laws of Canada applicable therein. The parties attorn to the jurisdiction of the courts of the Province.
18. **Entire Agreement, Amendments and Waivers.** This Agreement shall supersede any prior oral or written understandings or communications between the Parties and constitutes the entire agreement of the Parties with respect to the subject matter hereof. This Agreement, including any Schedules attached hereto, may not be amended or modified, except in a writing signed by both Parties hereto.
19. **Counterparts.** This Agreement may be executed in counterparts, each of which shall constitute an original, but all of which when taken together shall constitute a single contract. Delivery of an executed counterpart of a signature page of this Agreement by telecopy or by sending a scanned copy by electronic mail shall be effective as delivery of a manually executed counterpart of this Agreement.

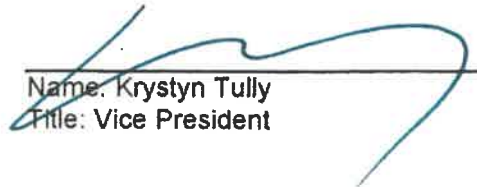
IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on the date first written above.

**SWIM DRINK FISH CANADA**

Per:



Name: Mark Mattson  
Title: President



Name: Krystyn Tully  
Title: Vice President

**THE CORPORATION OF THE TOWN  
OF LAKESHORE**

Per:



Name: Rosanna Pellen  
Title: Director of Finance

## **SCHEDULE A**

### **Project Background and Description**

#### **Lakeshore: Lakeview Park - Habitat Restoration**

##### **Challenge**

Show how a community can restore natural habitat in high-traffic waterfront areas while continuing to connect people to the Great Lakes ecosystem.

##### **Funded Activities**

- Improve the water quality and shoreline conditions within Lakeview Park in the Town of Lakeshore, Ontario.
- Address odour problems caused by poor water quality and lack of natural habitat.
- Remove overgrown vegetation (e.g. phragmites) and waterlogged debris contributing to poor water quality.
- Remove sunken debris.
- Put in controls to minimize re-emergence of nuisance plants like phragmites.
- Create fish habitat out of natural materials based on designs with proven success in other areas.
- Improve the health of trout, walleye, bass, crappie and perch populations in the area.
- Monitor the area once the habitat restoration is completed.

##### **Need**

Lakeview Park is at the heart of the Town of Lakeshore. The park's location and easily accessible waterfront attract many visitors every year. Invasive species, like phragmites, have taken over the natural habitat for native fish species and caused a decline in water quality. Declining water quality negatively impacts all park visitors and recreational water users.

Residents and government leaders are rallying behind the project as it becomes a true natural habitat restoration project rather than routine infrastructure improvement. The W. Garfield Weston Foundation is the sole funder of the habitat restoration work.

The restored Lakeview Park will create new fish habitat and ensure Lakeshore residents can enjoy waterfront access for years to come.

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### **Timeline**

The Town of Lakeshore is already in the process of upgrading shoreline infrastructure and has already secured necessary planning approvals and engineering support to begin the habitat restoration work on Dec. 17, 2019 with approvals in place by April 3, 2020 and construction to be completed by October 5, 2020.

Interpretive signage explaining the significance of the habitat restoration work may be installed on-site once the work is completed.

## **SCHEDULE B**

### **Contribution Allocation and Recognition**

Contribution funds shall be used by the Grantee exclusively for aquatic habitat restoration, including:

- Improve the water quality and shoreline conditions within Lakeview Park in the Town of Lakeshore, Ontario.
- Address odour problems caused by poor water quality and lack of natural habitat.
- Remove overgrown vegetation (e.g. phragmites) and waterlogged debris contributing to poor water quality.
- Remove sunken debris.
- Put in controls to minimize re-emergence of nuisance plants like phragmites.
- Create fish habitat out of natural materials based on designs with proven success in other areas.
- Improve the health of trout, walleye, bass, crappie and perch populations in the area.
- Monitor the area once the habitat restoration is completed.

The breakdown of funds is as follows:

- \$20,000.00 design and engineering solutions
- \$50,000.00 plant materials and shoreline armoring
- \$50,000.00 labour and dredging of area
- \$10,000.00 fish habitat development
- \$15,000.00 site monitoring
- \$5,000.00 interpretive signage

Recognition may be designed in cooperation with the development of, and may not conflict with, other recognitions associated with the Project.



### **SCHEDULE C**

#### **Reporting Deadlines and Information Requirements**

<b>Type of Report</b>	<b>Content</b>	<b>Due Date</b>
Interim Progress Report	<ul style="list-style-type: none"><li>• an executive summary of progress to date, including a high-level overview of progress against program deliverables;</li><li>• detail of work with community and other partners;</li><li>• examples or anecdotes to illustrate the impact of the work;</li><li>• evidence of progress to program sustainability initiatives, including additional funding secured and partnerships developed;</li><li>• financial statements detailing funds allocated, spent, and committed to third parties, along with a reconciliation of the budget and information about matching funds or in-kind contributions;</li><li>• photographs and/or videos which record progress and impact; and</li><li>• other details as may be reasonably requested by the Grantor, upon two (2) weeks' notice.</li></ul>	April 3, 2020
Final Report	<ul style="list-style-type: none"><li>• a summary of the work completed in respect of each component funded by the Contribution;</li><li>• overall impact of the Project over the course of the Contribution;</li><li>• financial statements detailing funds allocated, spent and committed to third parties, along with a reconciliation of the budget;</li><li>• photographs and/or videos which record progress and impact;</li><li>• certification by an authorized representative of the Grantee that the Contribution was used exclusively for the purposes set out in this Agreement, unless otherwise agreed by the Parties in writing; and</li><li>• matching funds</li></ul>	October 5, 2020
Ad Hoc Report	<ul style="list-style-type: none"><li>• To be reasonably determined in the sole discretion of the Grantor, usually when requested by the TWGW Foundation</li></ul>	TBD, upon two (2) weeks' notice

**The Corporation of the Town of Lakeshore**

**By-Law No. 14-2020**

**A By-Law To Authorize The Commencement Of  
Expropriation Proceedings in relation to Development pursuant to the further  
Development of the Amy Croft Secondary Plan Area**

**Whereas** it is deemed expedient to commence expropriation proceedings to obtain certain pieces of property for the purposes of developing lands identified in the Amy Croft Secondary Plan and cost sharing agreements related thereto (hereinafter referred to as the “Purpose”);

**And whereas** pursuant to section 5 of the *Expropriations Act*, R.S.O. 1990, c.E.26, as amended, Council is the approval authority for all municipal expropriations within the Town of Lakeshore;

**And whereas** the approval authority’s authorization is required in order to commence expropriation proceedings:

**Now therefore** the Council of The Corporation of the Town of Lakeshore enacts as follows:

1. The Director of Engineering and Infrastructure Services is authorized to commence the expropriation process to acquire the lands described in Schedule “A”, attached to and forming part of this by-law (the “Property”) for the Purpose, and is delegated the authority to take the necessary actions to acquire the Property, as more particularly identified on the reference plans attached as Schedules “B” and “C”, for the purpose of expanding a storm water management facility and for the purpose of constructing Lanoue Street and extending Commercial Boulevard.
2. The Director of Engineering and Infrastructure Services or his delegate is also authorized to negotiate to acquire the Property in the absence of expropriation.
3. The Mayor and Clerk are authorized to execute purchase and sale agreements and authorize the transfer of the Property acquired through the processes described in sections 1 and 2 in order to complete the acquisition process.
4. This by-law shall come into force and effect upon passage.

Read and passed in open session on January 28, 2020.

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**Mayor  
Tom Bain**

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**Kristen Newman  
Director of Legislative and  
Legal Services (Clerk)**

**Schedule “A”  
to By-law 14-2020**

**Firstly:** Part of Lot 2, Concession West of Pike Creek, designated as Part 1 on Plan 12R-28019 Maidstone; Lakeshore; being part of the Property Identifier Number 75008-0651(LT); and

**Secondly:** Part of Blocks 118 to 120, both inclusive, on Plan 12M445 and Part of Lot 2, Concession West of Pike Creek, designated as Parts 1, 2, 3, 4 and 5 on Plan 12R-28020 Maidstone; Lakeshore; being part of the Property Identifier Numbers 75008-0651 and 75008-0653 (LT).

**Schedule “B”**  
**to By-law 14-2020**  
Reference Plan 12R-28019



**Schedule “C”**  
**to By-law 14-2020**  
Reference Plan 12R-28020







# **The Corporation of the Town of Lakeshore**

## **By-law 15-2020**

### **Being a By-law to Confirm the Proceedings of the Council of The Corporation of the Town of Lakeshore.**

**Whereas**, in accordance with the *Municipal Act 2001*, S.O. 2001, c. 25, municipalities are given powers and duties in accordance with this Act and many other Acts for purposes which include providing the services and other things that a municipality considers are necessary or desirable for the municipality;

**And Whereas**, in accordance with said Act, the powers of a Municipal Corporation shall be exercised by its Council;

**And Whereas**, municipal powers, including a municipality's capacity, rights, powers and privileges shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**And Whereas** it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Lakeshore at this session be confirmed and adopted by By-law.

**Now therefore the Council of The Corporation of the Town of Lakeshore enacts as follows:**

1. The actions of the Council of The Corporation of the Town of Lakeshore in respect of all recommendations in reports of Committees, all motions and resolutions and all other action passed and taken by the Council of The Corporation of the Town of Lakeshore, documents and transactions entered into during the January 14, 2020 session of Council be adopted and confirmed as if the same were expressly embodied in this By-law.
2. The Mayor or the Deputy Mayor together with the Clerk are authorized and directed to execute all documents necessary to the action taken by this Council as described in paragraph 1 of this By-law and to affix the Corporate Seal of The Corporation of the Town of Lakeshore to all documents referred to in said paragraph 1 above.

Read and passed in open session on January 28, 2020.

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**Mayor  
Tom Bain**

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**Kristen Newman  
Director of Legislative and  
Legal Services (Clerk)**

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