

The Corporation of the Town of Lakeshore

Minutes of the Regular Council Meeting

Tuesday, March 10, 2020, 6:00 PM (5:30 Closed Session)
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, 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 Development Services, Kim Darroch, Manager of Building Services, Morris Harding, Manager of Communications & Strategic Initiatives, Rita Chappell, Manager of Engineering Services, Tony DiCiocco, Manager of Legislative Services, Brianna Coughlin, Manager of Public Works, Albert Dionne, Manager of Recreation & Leisure, Frank Jeney, Drainage Superintendent, Jill Fiorito, Planner I, Ian Search

1. Call to Order

Mayor Bain called the meeting to order at 5:30 PM.

2. Closed Session - 5:30 PM

53-03-2020

Moved By Councillor Santarossa

Seconded By Councillor Walstedt

Council move into closed session in Council Chambers at 5:30 PM in accordance with:

- a. Paragraph 239(2)(c) and (k) of the *Municipal Act, 2001* to discuss a proposed or pending acquisition or disposition of land by the municipality or local board, and a position, plan, or instruction to be applied to negotiations carried on behalf of the Town regarding plans to accommodate Town staff.
- b. Paragraph 239(2)(c) of the *Municipal Act, 2001* to discuss a proposed or pending acquisition or disposition of land by the municipality or local board relating to Sylvestre land lanes.

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

Carried

3. Return to Open Session

Councillor Wilder joined the closed meeting at 5:32 PM.

Council returned to the open session at 6:02 PM. The Council meeting recessed at this time and resumed at 6:15 PM.

4. Moment of Reflection

5. Disclosures of Pecuniary Interest

6. Recognitions

Deputy Mayor Bailey recognized Mayor Bain and Mark Williams from the Lakeshore Horse Racing Association for their nomination for the Windsor/Essex Sports Persons of the Year - Ken Dryden Executive of the Year award.

7. Public Meetings under the *Planning Act*

a. ZBA-18-2019, 499 Talbot RD and 581 N. Talbot Road (Sylvestre)

Mayor Bain inquired with members of the public in the gallery if anyone wanted to speak. No one indicated a desire to address Council.

54-03-2020

Moved By Councillor Walstedt

Seconded By Councillor Janisse

Council approve Zoning By-law Amendment Application ZBA-18-2019 (By-law No. 020-2020), Town of Lakeshore By-law 2-2012, as amended), to rezone a portion of the farm parcel, indicated as the "Retained Farmland" on the Key Map, Appendix 1, located at 499 Talbot Road and 581 North Talbot Road, in the Town of Lakeshore, from "A, Agriculture" to a site-specific "A-1, Agriculture" zone which prohibits a single detached dwelling.

Carried Unanimously

b. ZBA-2-2020: 85 and 87 East Pike Creek Road (Sylva)

Mayor Bain inquired with members of the public in the gallery if anyone wanted to speak.

Raymond Coote, resident, asked if the proposed application would allow the property owner to build within the 50 foot floodplain outlined by the Essex Region Conservation Authority. The Manager of Development Services confirmed that building would not be permitted within that area.

55-03-2020

Moved By Councillor Wilder

Seconded By Councillor Santarossa

Council approve Zoning By-law Amendment Application ZBA-2-2020 (By-law No. 021-2020), Town of Lakeshore By-law 2-2012, as amended), to rezone a portion of the subject property from an RW1- Residential Waterfront - Watercourse Zone, to an EP-1, Environmental Protection Zone, Exception 1, to recognize the floodway and to rezone a portion of the subject property to an RW1-18 , Residential Waterfront –Watercourse Zone Exception 18, to permit a minimum lot area of 1,160 m² for 85 East Pike Creek Road and 1,025 m² for 87 East Pike Creek Road, indicated on the Key Map, Appendix 1, in the Town of Lakeshore.

Carried Unanimously

c. ZBA-1-2020, H&N Platinum Interiors LTD., 350 St. Charles St.

Mayor Bain inquired with members of the public in the gallery if anyone wanted to speak. No one indicated a desire to address Council.

56-03-2020

Moved By Councillor Kerr

Seconded By Councillor McKinlay

Council approve Zoning By-law Amendment Application ZBA-1-2020 (By-law 022 - 2020), to re-zone the current zone category from R1, Residential –Low Density Zone to an R2, Medium Density Zone, to permit a *Duplex Dwelling*, for a parcel of land, indicated as the “Subject Land” on the Key Map, Figure 1 (Appendix 1) located at 350 St. Charles Street, in the Community of Belle River, Town of Lakeshore and adopt the implementing by- law.

Carried Unanimously

d. 37-T-19002, Lakeside Estates Phase 2, Amico Properties Incorporated

Mayor Bain inquired with members of the public in the gallery if anyone wanted to speak.

David Chauvin, resident, expressed concern regarding the size of the effluent gates at Wallace Line, ongoing flooding and a standard fill grade for properties.

Cindy Prince, planner for Amico Properties, advised that the company was aware of the pre-existing drainage issue in the area when the property was acquired. Ms. Prince explained the drainage improvements undertaken for Phase 1 of the development as well as the plans for Phase 2.

Allen McFoy, resident, stated that the road should be upgraded prior to Phase 2 being built, especially the traffic signals and also expressed concern regarding water flow and flooding.

Lynal Jones, resident, requested clarification regarding the installation of fencing along the back of the subject properties and expressed concern regarding the maintenance of the ditch near the VIA Rail land. Mr. Jones also noted that he wanted to see the pump upgrades completed prior to approval of the subdivision.

57-03-2020

Moved By Councillor Janisse

Seconded By Councillor Wilder

That consideration of application S-A-01-2019 be deferred pending additional information relating to stormwater management.

In Favour (3): Councillor Wilder, Councillor Janisse, and Councillor Kerr

Opposed (5): Mayor Bain, Deputy Mayor Bailey, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

Lost

58-03-2020

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

1. Council adopt the proposed draft conditions for draft plan of subdivision application S-A-01-2019 (County File 37-T-19002) attached as Appendix "1"; and
2. The proposed draft conditions be submitted to the approval authority, the County of Essex, with an amendment to require dedication of parkland central to the development rather than accepting the cash in lieu.

In Favour (5): Mayor Bain, Deputy Mayor Bailey, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

Opposed (3): Councillor Wilder, Councillor Janisse, and Councillor Kerr

Carried

8. Public Presentations

a. OPP Lakeshore Detachment - Strategic Overview of Policing in the Town of Lakeshore

Inspector Glenn Miller, Staff Sergeant Jamie Smith, Sergeant Byron Hornick and Sergeant Peter Marshall of the Ontario Provincial Police attended to present policing in the Town of Lakeshore.

Inspector Miller provided an overview of the current services in Lakeshore while Sergeant Marshall explained the process for requesting enhanced services such as a Community Safety Officer or Traffic Officer.

59-03-2020

Moved By Councillor McKinlay

Seconded By Councillor Santarossa

That the meeting be extended past the 9:30 PM deadline.

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

Opposed (1): Councillor Janisse

Carried

b. BFL and DPM Insurance Group - 2020 Insurance Renewal

Council recessed at 9:32 PM and reconvened at 9:45 PM.

Robin McCleave from BFL Insurance attended to provide an overview of insurance programs for municipalities.

The Director of Legislative and Legal Services advised that Administration would be presenting an annual report regarding insurance claims.

60-03-2020

Moved By Councillor McKinlay

Seconded By Deputy Mayor Bailey

That Council waive the rules of the Procedural By-law in order to extend the meeting past 10:00 PM.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay
Opposed (1): Councillor Janisse

Carried

a. 2020 Insurance Program Renewal

61-03-2020

Moved By Councillor Walstedt

Seconded By Councillor Santarossa

Direct Administration to purchase additional insurance coverage and execute any related agreements, as further described in the report of the Director of Legislative & Legal Services presented at the March 10, 2020 Council meeting.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay
Opposed (1): Councillor Janisse

Carried

62-03-2020

Moved By Councillor Walstedt

Seconded By Councillor Kerr

That Item 12d) be brought forward for consideration.

Carried Unanimously

c. Report for Direction - Request for Reduction in Facility Use Fees, Libro Community Centre

Mr. Wayne Currie attended to answer questions from Council related to the administration of the karate program at the Libro Community Centre.

63-03-2020

Moved By Councillor Walstedt

Seconded By Councillor Kerr

Direct Administration to prepare an agreement with Mr. Wayne Currie for the use of the Libro Centre multi-purpose room for a 3 year term at a rate of \$400 plus tax per month and that the necessary by-laws be prepared.

Carried Unanimously

9. Delegations

10. Completion of Unfinished Business

11. Consent Agenda

- a. February 11, 2020 Council Meeting Minutes**
- b. Ministry of Municipal Affairs and Housing - Provincial Policy Statement, 2020**
- c. Minister of Infrastructure and Communities - Response regarding Gas Tax Fund**
- d. Town of Tecumseh - Climate Change Emergency Declaration**
- e. County of Haliburton - Tourism Oriented Destination Signage Fee Increases**
- f. County of Prince Edward - Review of Regulations on Consumer Packaging on Single Use Wipes**
- g. Municipality of Southwest Middlesex - Bill 156, Security from Trespass and Protecting Food Safety Act, 2019**
- h. Notice of Receipt of Petition - Tellier Road**
- i. BIA Board of Management Meeting Minutes for December 2, 2019**
- j. BIA Board of Management Meeting Minutes for February 3, 2020**

64-03-2020**Moved By** Councillor Walstedt**Seconded By** Deputy Mayor Bailey

Approve minutes of the previous meeting(s) and receive correspondence as listed on the Consent Agenda.

Carried Unanimously**65-03-2020****Moved By** Councillor Janisse**Seconded By** Deputy Mayor Bailey

Direct Administration to present a report regarding how residents on County roads can recoup the cost of installing mailboxes damaged by snowplows.

In Favour (4): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, and Councillor Santarossa

Opposed (4): Councillor Wilder, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Lost**66-03-2020****Moved By** Councillor Santarossa**Seconded By** Councillor McKinlay

Whereas the most recent report by the UN Intergovernmental Panel on Climate Change (IPCC) has indicated that within less than 12 years, in order to keep the global average temperature increase to 1.5 degrees Celsius and maintain a climate compatible with human civilization, there must be a reduction in carbon emissions of about 45% from 2010 levels, reaching net zero carbon emissions by 2050; and

Whereas based on current projections of the future impacts of human caused climate change, climate change will adversely impact Windsor-Essex's local economy, damage local infrastructure and property, put a strain on municipal budgets and result in significant economic and health burdens for the constituents of Windsor-Essex, particularly our vulnerable populations; and

Whereas climate change will jeopardize the health and survival of many local plant and animal species, as well as their natural environments and ecosystems; and

Whereas Windsor-Essex is already experiencing large and increased climate change impacts, including but not limited to overland flooding, heavy rain event flooding, emergence of invasive species, an increased number of high heat days, the rise of vector borne diseases, the re-emergence of blue-green algae and harmful algal blooms in our lakes and rivers; and

Whereas municipalities are understood to produce and/or have regulatory jurisdiction over approximately 50% of carbon emissions in Canada; and

Whereas the County of Essex joins the Government of Canada and 444 Canadian municipalities (including Vancouver, Ottawa, Montreal and 18 other Ontario municipalities, among them Chatham-Kent, Sudbury, Sarnia, Guelph and Kingston) that have declared climate emergencies, some of which are also implementing strategic plans in order to help reduce global carbon emissions and mitigate the impacts of climate change; and

Whereas the City of Windsor, the Essex Region Conservation Authority (ERCA) and the Windsor Essex County Health Unit (WECHU) are committed to and currently undertaking city and regional climate change planning, encompassing both mitigation and adaptation, in partnership with others; and

Whereas the County of Essex, the Essex Region Conservation Authority (ERCA), local municipalities in Essex County, in partnership with other community stakeholders, are undertaking a Regional Community Energy Plan to assist the County of Essex and local municipalities to align with provincial and federal energy policies and programs; and

Whereas this emergency is an opportunity to bring together County, City and local municipal governments, as well as regional stakeholders, to work together on climate change planning and implementation with the aim of protecting our region and contributing to greater national and global climate change response; and

Whereas implementing climate action and making a transition to a low-carbon economy also represents a significant opportunity to stimulate economic growth, increase job opportunities and develop new technologies;

Therefore be it resolved that the Council of The Corporation of the Town of Lakeshore declare a Climate Emergency in the knowledge that this is an emergency with no foreseeable conclusion which will require robust and permanent changes in how municipalities conduct their business;

And that in response to this emergency, the need to reduce overall emissions from the Town of Lakeshore as well as continue to prepare for Windsor-Essex County's climate future are deemed to be high priorities when considering budget direction and in all decisions of Council;

And further that Town Administration be directed to identify priority action items, implementation measures and cost requirements for those programs and services it is responsible for, to accelerate and urgently work towards the reduction of emissions and preparing for our climate future.

Carried Unanimously

67-03-2020

Moved By Councillor Wilder

Seconded By Councillor Walstedt

Council support the resolution of the County of Haliburton regarding tourism oriented destination signage fee increases.

Carried Unanimously

68-03-2020

Moved By Councillor Wilder

Seconded By Councillor Walstedt

Council support the resolution of the County of Prince Edward regarding a review of regulations on consumer packaging on single use wipes.

Carried Unanimously

69-03-2020

Moved By Councillor Wilder

Seconded By Councillor Walstedt

Council support the resolution of the Municipality of Southwest Middlesex regarding Bill 156, Security from Trespass and Protecting Food Safety Act, 2019.

Carried Unanimously

12. Reports for Information

- a. **Drainage Board Meeting Draft Minutes for February 3rd, 2020**
- b. **Dog Pound Committee Meeting January 22, 2020 – Draft Minutes**
- c. **Changes to Special Occasion Permits and the Public Consumption of Alcohol**
- d. **Sun Protection at the Atlas Tube Centre Splash Pad**
- e. **Staff Accommodation at Rourke Line Facility**

70-03-2020

Moved By Deputy Mayor Bailey

Seconded By Councillor McKinlay

Receive the Reports for Information as listed on the agenda.

Carried Unanimously

13. Reports for Direction

- a. **2019 Drinking Water Annual Reports**

71-03-2020

Moved By Councillor Wilder

Seconded By Councillor Santarossa

Council adopt the attached 2019 Annual Reports as prepared in accordance with the *Safe Drinking Water Act*, O.Reg 170/03 for the following water service areas:

- 1. Lakeshore Water Treatment Plant (WSA) (260091507)
- 2. Stoney Point Water Treatment Plant (WSA) (220003396)
- 3. Union Water Service Area (220004995)
- 4. Tecumseh Water Service Area (060004982)

And further, that the Annual Reports be made available for public viewing through the Town of Lakeshore website.

Carried Unanimously

b. 2019 Drinking Water Annual Summaries

72-03-2020

Moved By Councillor Wilder

Seconded By Deputy Mayor Bailey

Council adopt the attached 2019 Annual Summary Reports as prepared in accordance with the *Safe Drinking Water Act*, O.Reg 170/03 for the following water service areas:

1. Lakeshore Water Treatment Plant (WSA) (260091507)
2. Stoney Point Water Treatment Plant (WSA) (220003396)
3. Union Water Service Area (220004995)
4. Tecumseh Water Service Area (060004982)

And further, that the Annual Reports be made available for public viewing through the Town of Lakeshore website.

Carried Unanimously

**c. Request for Designation of Municipally Significant Event –
Lighthouse Cove & District Lions Club – June 20, 2020**

73-03-2020

Moved By Councillor Santarossa

Seconded By Deputy Mayor Bailey

Designate the Lighthouse Cove & District Lions Club fundraising event, scheduled for Saturday, June 20th 2020, as “municipally significant”.

Carried Unanimously

d. Request for Reduction in Facility Use Fees, Libro Community Centre

This item was addressed as part of the Public Presentations section of the meeting.

e. Maidstone Museum – Development Charges, Time of Payment

74-03-2020

Moved By Councillor Janisse

Seconded By Councillor Wilder

The Corporation of the Town of Lakeshore enter into an agreement with the Maidstone Museum for deferral of the payment of development charges over 2 years, as further described in the report of the Manager of Building Services presented at the March 10, 2020 Council meeting.

In Favour (5): Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, Councillor Santarossa, and Councillor Kerr

Opposed (3): Mayor Bain, Councillor Walstedt, and Councillor McKinlay

Carried

f. Tender Award – One Ton Truck with Mounted Auto Crane

75-03-2020

Moved By Councillor Wilder

Seconded By Councillor Kerr

1. Council award the tender for the purchase of a New 2020 F450 4 X 2 Super cab One Ton with mounted Auto Crane from Ken Knapp Ford in the amount of \$105,319 plus applicable HST.
2. The shortfall of \$2,175 be funded from the fleet vehicle and equipment reserve account at year end should there be an overall deficit at year end.

Carried Unanimously

g. Tender Award for a New 2020 Backhoe Loader

76-03-2020

Moved By Councillor Santarossa

Seconded By Deputy Mayor Bailey

1. Council award the tender for the purchase of a new 2020 Backhoe Loader from Fulline Farm & Garden Equipment Ltd in the total amount of \$150,400 plus applicable taxes.
2. The shortfall of \$13,050 be funded from the fleet vehicle and equipment reserve account at year end should there be an overall deficit at year end.

Carried Unanimously

h. Town Hall Office Space Mitigation Measures

77-03-2020

Moved By Councillor Wilder

Seconded By Councillor Kerr

That the matter be deferred.

Carried Unanimously

i. Policy for Traffic Calming Measures

78-03-2020

Moved By Deputy Mayor Bailey

Seconded By Councillor Wilder

Direct Administration to add physical measures for traffic calming and bring back the policy for consideration.

Carried Unanimously

j. Earth Walk Trail

79-03-2020

Moved By Councillor Kerr

Seconded By Councillor Santarossa

1. Direct Administration to proceed with the park node design and construction for the Earth Walk Trail improvement program;
2. Direct Administration to apply for the County Wide Active Transportation System (CWATS) Municipal Partnership Program (2020 intake) for the design and construction of an Earth Walk Trail feature; and
3. Direct Administration to pursue any possible grant opportunities related hereto.
4. Direct Administration to seek out community partners and volunteers to help plant trees.

Carried Unanimously

k. Revised 2020 Tax Ratios - Schedule “C” to By-Law 133-2019

80-03-2020

Moved By Councillor Wilder

Seconded By Deputy Mayor Bailey

Adopt amending By-law 23-2020, an amendment to By-law 133-2019 being a By-law to Adopt the Budget Estimates, Tax for Penalty And Interest in Payment for the Year 2020, to reflect the changes to the 2020 tax ratios as described in the report of the Director of Finance presented at the March 10, 2020 Council meeting.

Carried Unanimously

I. AMCTO Burden Reduction Submission to the Province of Ontario

81-03-2020

Moved By Councillor Wilder

Seconded By Councillor McKinlay

The Council of The Corporation of the Town of Lakeshore supports the AMCTO’s submission to the Ministry of Small Business and Red Tape Reduction identifying areas that pose a significant burden to local governments, as described in the report of the Manager of Legislative Services entitled “AMCTO Burden Reduction Submission to the Province of Ontario”, presented at the March 10, 2020 Council meeting; and

Directs the Clerk to send this resolution and report to the Ministry of Small Business and Red Tape Reduction.

Carried Unanimously

14. Announcements by Mayor

15. Reports from County Council Representatives

82-03-2020

Moved By Deputy Mayor Bailey

Seconded By Councillor Santarossa

Provide a letter in support of Local 444 Unifor requesting a comprehensive national auto strategy.

Carried Unanimously

83-03-2020

Moved By Councillor Wilder

Seconded By Councillor McKinlay

That the County of Essex put up signs on the CWATS trail and designate it as a roadway under the *Highway Traffic Act*.

Carried Unanimously

16. Report from Closed Session

17. Notices of Motion

a. Notice of Motion submitted by Councillor Walstedt - Sandbags for Area Flooding

84-03-2020

Moved By Councillor Walstedt

Seconded By Councillor Kerr

Whereas record high Great Lakes' water levels have already exceeded the record high levels of 2019 and are expected to rise even further; and

Whereas the municipality wishes to provide assistance to home and business owners who will most certainly experience flooding from these increased lake levels in 2020; and

Whereas the neighbouring municipalities have portable multi-sandbag filling machines that initial discussions indicate Lakeshore may be able to share in their use;

Therefore be it resolved that Lakeshore contact neighbouring municipalities as soon as possible to negotiate such use which would enable Lakeshore to have a large supply of filled sandbags available for residents should flooding of properties take place this year.

Carried Unanimously

18. Question Period

19. Non-Agenda Business

20. Consideration of By-laws

- a. **By-law 16-2020, Being a By-law to Establish User Fees for Certain Services Provided by the Corporation of the Town of Lakeshore (amended by Council February 11, 2020)**
- b. **By-law 18-2020, Being a By-law for the Government Drain #2 (Enbridge Bridge)**
- c. **By-law 20-2020, Being a By-law to amend By-law No. 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-18-2019)**
- d. **By-law 21-2020, Being a By-law to amend By-law No. 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-2-2020)**
- e. **By-law 22-2020, Being a By-law to amend By-law No. 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-1-2020)**
- f. **By-law 23-2020, Being a By-law to Amend By-law 133-2019, a By-law to Adopt the Budget Estimates, Tax Rates and Further to Provide for Penalty and Interest in Default of Any Payment for the Year 2020**
- g. **By-law 26-2020, Being a By-law to Confirm Proceedings of Council for February 11, 2020.**

85-03-2020

Moved By Councillor McKinlay

Seconded By Councillor Santarossa

By-law 18-2020 be read a first and second time and provisionally adopted;
and

By-laws 20-2020, 21-2020, 22-2020, 23-2020 and 26-2020 be read and
passed in open session on March 10, 2020.

Carried Unanimously

86-03-2020

Moved By Councillor Santarossa

Seconded By Councillor McKinlay

By-law 16-2020 be read and passed in open session on March 10, 2020.

In Favour (6): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

Opposed (2): Councillor Janisse, and Councillor Kerr

Carried

21. Adjournment

87-03-2020

Moved By Councillor McKinlay

Seconded By Councillor Wilder

Council adjourn its meeting at 11:46 PM.

Carried Unanimously

Tom Bain
Mayor

Kristen Newman
Clerk