

The Corporation of the Town of Lakeshore

Regular Council Meeting Agenda

Tuesday, April 7, 2020, 6:00 PM

Council Chambers, 419 Notre Dame Street, Belle River

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	
	a. KPMG - Service Delivery Review	4
7.	Delegations	
8.	Completion of Unfinished Business	
9.	Consent Agenda	
	a. Regular Council Meeting Minutes - March 10, 2020	14
	b. Special Council Meeting Minutes - March 12, 2020	32
	c. Special Council Meeting Minutes - March 19, 2020	34
	d. Town of Tecumseh - Response Letter regarding OPP Detachment Board	37
	e. Town of Kingsville - Providing Electricity Relief During COVID-19	39

Recommendation:

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

10. Reports for Information

- a. Committee of Adjustment Meeting Report – February 19, 2020 40
- b. Committee of Adjustment Meeting Report – March 18, 2020 56
- c. Drainage Board Meeting draft Minutes for March 2, 2020 67
- d. 2019 Council and Appointee Remuneration and Expenses 74

Recommendation:

Receive the Reports for Information as listed on the agenda.

11. Reports for Direction

- a. Tax Adjustment under the Municipal Act, 2001, s.357 77

Recommendation:

Council authorize the reduction of taxes under S. 357 of the *Municipal Act, 2001* totaling \$2,164.84 for adjustments affecting the 2019 taxation year, as outlined in the report from Finance Services dated February 25, 2020.

- b. Expenditure Reports 80

Recommendation:

Administration discontinue the distribution of weekly cheque/payment lists to Council Members.

- c. Waiver of Non-Sufficient Funds Fees for Tax and Water Payments 82

Recommendation:

Adopt By-law 37-2020 Being a By-Law to Amend By-law 32-2020 to Delegate Authority to the Chief Administrative Officer during a COVID-19 Emergency in order to delegate the authority to the Treasurer to waive Non-Sufficient Funds fees on any water and tax payments that are returned due to insufficient funds due to reasons associated with the COVID-19 outbreak.

- d. Tender Award for Three (3) New Midsize SUV's 84

Recommendation:

Council award the tender for the purchase of three (3) new 2020 midsize SUV's from Lally Ford in the total amount of \$93,282 plus applicable taxes.

Recommendation:

Council authorizes the Mayor and the Clerk to execute an Operations and Maintenance Service Agreement with the Ontario Clean Water Agency (OCWA) subject to the approval of the Director of Engineering and Infrastructure Services, in consultation with the Director of Legislative and Legal Services, that the agreement satisfactorily addresses the operation and maintenance of the wastewater facilities owned by the Town of Lakeshore for the period January 1, 2020 to December 31, 2024.

12. Announcements by Mayor

13. Reports from County Council Representatives

14. Report from Closed Session

15. Notices of Motion

16. Question Period

17. Non-Agenda Business

18. Consideration of By-laws

- | | | |
|----|---|----|
| a. | By-law 35-2020, Being a By-law to Delegate Authority to the Mayor and Clerk to Execute a Facility Use Agreement with Wayne Currie | 90 |
| b. | By-law 37-2020, Being a By-Law to Amend By-law 32-2020 to Delegate Authority to the Chief Administrative Officer a COVID-19 Emergency | 91 |
| c. | By-law 38-2020, Being a By-law to Confirm Proceedings of Council for March 10, March 12 and March 19, 2020 | 92 |

Recommendation:

By-laws 35-2020, 37-2020 and 38-2020 be read and passed in open session on April 7, 2020.

19. Adjournment

Recommendation:

Council adjourn its meeting at ____ PM.



Town of Lakeshore Service Delivery Review

Presentation to Council – April 7th, 2020

Agenda

- Introductions
- Discuss the project schedule and our approach
- Initial Perspectives
- Next Steps
- Questions

Project Methodology

Phase	Project Initiation	Current State Assessment	Review of Current Service Delivery Models	Jurisdictional Analysis	Opportunity Identification	Draft Final Report	Final Report
Deliverables	<ul style="list-style-type: none"> Project meeting schedule 	<ul style="list-style-type: none"> Draft municipal service profiles State of the Town Council presentation 	<ul style="list-style-type: none"> Final municipal service profiles Process maps Preliminary list of opportunities Interim presentation to CAO and Director of Finance 	<ul style="list-style-type: none"> Summary of analysis 	<ul style="list-style-type: none"> List of opportunities with associated financial and non-financial impacts 	<ul style="list-style-type: none"> Draft final report for review 	<ul style="list-style-type: none"> Final report and presentation to Council
Proposed Completion Date	COMPLETED		<ul style="list-style-type: none"> Mid April 2020 	<ul style="list-style-type: none"> Early May 2020 	<ul style="list-style-type: none"> Late May 2020 	<ul style="list-style-type: none"> Late June 2020 	<ul style="list-style-type: none"> Late July 2020

Project Methodology

Review Comparators

Municipality	Upper Tier	Population ¹	Households ¹	Size (km ²) ²
Lakeshore	Essex	38,000	14,533	530.33
Innisfil	Simcoe	36,566	14,875	262.71
Leamington	Essex	32,991	10,925	262.01
St. Thomas	Oxford	38,909	17,114	35.63
Stratford	Perth	31,465	14,302	28.28
Tecumseh	Essex	23,229	8,884	94.64
Woodstock	Oxford	40,902	17,976	48.97

¹ – Schedule 2 – Financial Information Returns

² – 2016 Census Profiles

Initial Perspectives

- The current complement of municipal services appear to be consistent with similarly sized municipalities
 - No apparent “discretionary” services are currently being provided by the Town
 - This does not preclude change from taking place within operations

Initial Perspectives

The Concept of Municipal Discretion

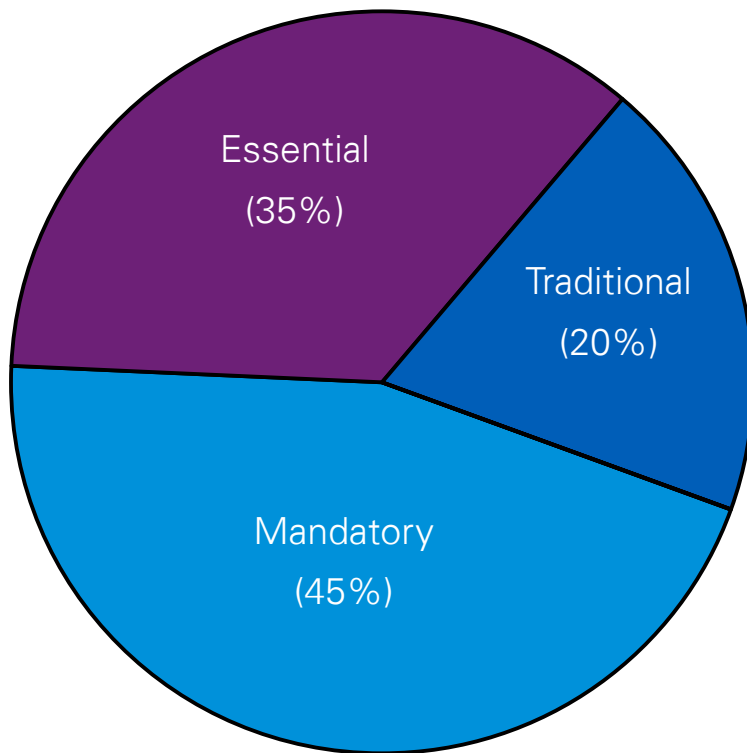
The rationale for the Town's involvement in a service may be categorized as follows:

- **Mandatory** – Services that are required to be delivered by regulation or legislation
- **Essential** – Services that, while not mandatory, are required to be delivered in order to ensure public health and safety and/or the effective functioning of the Town as a corporate body
- **Traditional** – Non-mandatory, non-essential services that are typically delivered by municipalities of comparable size and complexity and for which a public expectation exists that the service will be provided
- **Other Discretionary** – Services that are delivered at the direction of the Town without a formal requirement or expectation, including services that may not be delivered by other municipalities of comparable size and complexity

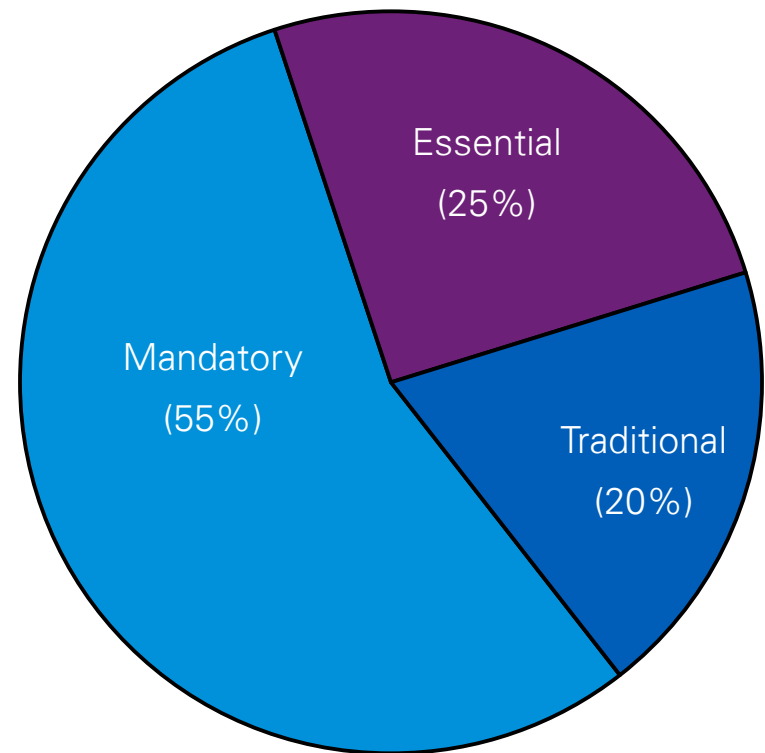
Initial Perspectives

The Concept of Municipal Discretion

Municipal Services by Category



Municipal Services by Category and Budget



Initial Perspectives

- The current complement of municipal services appear to be consistent with similarly sized municipalities
 - No apparent “discretionary” services are currently being provided by the Town
 - This does not preclude change from taking place within operations
- From a financial perspective,
 - The Town appears to be consistent with its municipal peers in comparing the overall financial health of the municipality;
 - The Town’s operating costs per household for all municipal services are either below the comparator average or the lowest within the group; and
 - Cost recovery for certain services appear to be in line with common/best practices – for example, a budgeted cost recovery of 35% at the ATC

Next Steps

- Finalization of the service profiles
- Process mapping workshops
- Opportunity development
- Draft report
- Final report and presentation to Council



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The information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavour to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

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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

The Corporation of the Town of Lakeshore

Minutes of the Special Council Meeting

Thursday, March 12, 2020, 9:00 AM

Council Chambers, 419 Notre Dame Street, Belle River



Members Present: Mayor Tom Bain, Deputy Mayor Tracey Bailey, Councillor Len Janisse, Councillor John Kerr, Councillor Kirk Walstedt, Councillor Linda McKinlay

Members Absent: Councillor Steven Wilder, Councillor Kelsey Santarossa

Staff Present: Chief Administrative Officer, Truper McBride, Director of Community & Development Services, Tammie Ryall, Director of Engineering & Infrastructure Service, Nelson Cavacas, Director of Finance, Rosanna Pellerito, Adam Boylan, Manager of Financial Analysis, Manager of Legislative Services, Brianna Coughlin

1. Call to Order

Mayor Bain called the meeting to order at 9:10 AM.

2. Moment of Reflection

3. Disclosures of Pecuniary Interest

4. Closed Session

88-03-2020

Moved By Councillor McKinlay

Seconded By Councillor Walstedt

Council move into closed session in Council Chambers at 9:00 AM in accordance with:

- a. Paragraph 239 (3.1) of the *Municipal Act, 2001* for the purpose of educating and training members in relation to municipal reserves and the *Development Charges Act, 1997*.

Carried Unanimously

5. Return to Open Session

Council took a break at 10:40 AM and resumed the meeting in closed session at 11:00 AM.

Council took a break at 12:00 PM and resumed the meeting in closed session at 12:24 PM.

Council returned to open session at 2:19 PM.

6. Adjournment

89-03-2020

Moved By Councillor McKinlay

Seconded By Councillor Kerr

Council adjourn its meeting at 2:20 PM.

Carried Unanimously

Tom Bain
Mayor

Brianna Coughlin
Deputy Clerk

The Corporation of the Town of Lakeshore

Minutes of the Special Council Meeting

Thursday, March 19, 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: Chief Administrative Officer, Truper McBride, Director of Community & Development Services, Tammie Ryall, Director of Engineering & Infrastructure Service, Nelson Cavacas, Director of Finance, Rosanna Pellerito, Director of Legislative & Legal Services, Kristen Newman, Manager of Communications & Strategic Initiatives, Rita Chappell, Manager of Legislative Services, Brianna Coughlin, Manager of Recreation & Leisure, Frank Jeney, Fire Chief, Don Williamson

1. Call to Order

Mayor Bain called the meeting to order at 6:10 PM. The meeting was recessed until 6:20 PM to address technical difficulties with the audio broadcast systems.

2. Moment of Reflection

3. Disclosures of Pecuniary Interest

4. Presentation

a. COVID-19 Operational Update

The Chief Administrative Officer thanked members of Administration for their efforts to put measures in place to respond to prevent the spread of COVID-19.

Council recessed at 6:30 PM in order to address technical difficulties with the video broadcast system. Council reconvened at 6:40 PM.

Members of the Emergency Control Group provided a PowerPoint presentation with an overview of emergency operations to date.

5. Reports for Direction

a. Emergency Measures during COVID-19 Emergency

The Director of Legislative and Legal Services provided a PowerPoint presentation with an overview of the proposed emergency measures by-laws.

90-03-2020

Moved By Councillor McKinlay

Seconded By Councillor Walstedt

Adopt By-laws 30-2020 and 32-2020 to adopt emergency measures to ensure business continuity during a COVID-19 emergency, as further described in the report of the Director of Legislative & Legal Services presented at the March 19, 2020 Special Council meeting.

Carried Unanimously

b. Cannabis Retail Comments – 21 Amy Croft Drive

91-03-2020

Moved By Councillor Wilder

Seconded By Deputy Mayor Bailey

The Clerk, on behalf of the Mayor and Council, supply comment to the Alcohol and Gaming Commission of Ontario indicating that the Town's Cannabis Policy Statement is expected to be adopted by Council at the April 7, 2020 Council meeting and that the Town has no further comment until such time as the Cannabis Policy Statement is adopted.

Carried Unanimously

6. Consideration of By-laws

a. By-law 30-2020, being a By-law to Amend By-law 94-2017 being a Comprehensive By-law to Provide Rules Governing the Proceedings of the Council of the Town of Lakeshore and the Conduct of its Members

b. By-law 32-2020, being a By-law to Delegate Authority to the Chief Administrative Officer during the COVID-19 Pandemic

92-03-2020

Moved By Councillor Wilder

Seconded By Councillor Walstedt

By-laws 30-2020 and 32-2020 be read and passed in open session on March 19, 2020.

Carried Unanimously

7. Adjournment

93-03-2020

Moved By Councillor Santarossa

Seconded By Councillor Janisse

Council adjourn its meeting at 7:40 PM.

Carried Unanimously

Tom Bain
Mayor

Kristen Newman
Clerk



The Corporation of the Town of Tecumseh

Office of the Mayor

March 31, 2020

Mayor Tom Bain
Town of Lakeshore
419 Notre Dame Street
Belle River, ON N0R 1A0

Dear Mayor Bain:

RE: Town of Lakeshore's Correspondence regarding OPP Detachment Boards

I am writing in response to the letter dated January 30, 2020, sent by the Clerk for the Town of Lakeshore, Ms. Kristen Newman. It advised of Lakeshore Council's resolution of support (22-01-2020) for the Lakeshore Police Services Board's proposal of a 'two board system' for Essex County as its preferred option. Further, this has been recommended to the Solicitor General as input to the regulations for OPP detachment boards under development for the *Community Safety and Policing Act, 2019*.

This letter was considered by Tecumseh Town Council at its meeting of February 25, 2020, where it was referred to the Tecumseh Police Services Board. The Tecumseh PSB held its next meeting on March 4, 2020, at which the following resolution was passed (PSB 11/20):

Whereas a consensus was reached at the joint meeting of Mayors, Police Services Board Chairs, and Chief Administrative Officers of the Towns of Essex, Kingsville, Lakeshore, Leamington and Tecumseh held on December 18, 2019 in Essex, ON, on the recommendations to the Solicitor General for a regional approach to the establishment of an OPP Detachment Board; and

Whereas this consensus was recorded in the report by Foresight Management Consulting dated January 23, 2020 entitled "OPP Detachment Board Report" (Foresight Report); and

Whereas no written objection to the contents of the Foresight Report was received by the Tecumseh Police Services Board;

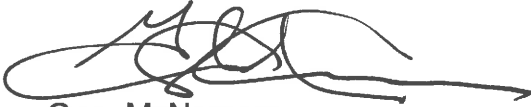
Therefore be it Resolved that the Tecumseh Police Services Board **recommend** to Tecumseh Town Council that the Mayor send a letter to the Town of Lakeshore, in response to their letter dated January 30, 2020, confirming support for the recommendations as set out in the Foresight Report, with a copy to be sent to the Solicitor General and the other OPP policed municipalities in Essex County.

.../2

March 31, 2020
Page 2 of 2

Tecumseh Town Council accepted this recommendation at its March 24, 2020 meeting, and accordingly, I am writing to confirm our support for the recommendations as set out in the aforementioned Foresight Report. We have copied the Solicitor General and the municipalities in the Essex OPP Detachment.

Yours truly,

A handwritten signature in black ink, appearing to read 'Gary McNamara', with a long horizontal flourish extending to the right.

Gary McNamara
Mayor

c: Ministry of the Solicitor General
Town of Essex
Town of Kingsville
Municipality of Leamington



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

SENT VIA EMAIL

April 2, 2020

The Honourable Greg Rickford
Minister of Energy, Northern Development and Mines
10th Floor
77 Grenville St.
Toronto, ON M7A 1B3

Dear Minister Rickford:

RE: KINGSVILLE COUNCIL REQUEST FOR ELECTRICITY BILLING RELIEF DURING COVID-19

At its Regular Meeting held on March 23, 2020 Council of the Town of Kingsville passed the following Resolution:

"Res. 256-2020 That Council support sending a letter to the Minister of Energy, Greg Rickford to provide hydro billing relief during the quarantine period as a result of the COVID-19 pandemic. And that this letter be sent to the Ontario Energy Board, the Premier, our local Member of Parliament T. Natyshak, and all Ontario Municipalities."

CARRIED

The billing relief requested is in addition to the government's recent suspension of time-of-use rates. Thank you for your consideration of Council's request at the earliest possible time.

The Town would like to acknowledge and thank the Province for their work that effectively provided for the hydro rate relief on March 24, 2020 that our municipality and many others were seeking during these challenging times.

Yours very truly,

A handwritten signature in blue ink that reads "Sandra Kitchen".

Sandra Kitchen
Deputy Clerk/Council Services
Corporate Services Department

cc: The Hon. Doug Ford, Premier of Ontario
cc: Ontario Energy Board
cc: Taras Natyshak, MPP
cc: All Ontario Municipalities

premier@ontario.ca
ConsumerRelations@oeb.ca
tnatyshak-q@ndp.on.ca

The Corporation of the Town of Lakeshore

Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Ian Search, Planner 1

Date: March 4, 2020

Subject: Committee of Adjustment Meeting Report – February 19, 2020

Recommendation

This report is for information only.

Background

The Committee of Adjustment decisions from the February 19 2020 meeting are detailed below and have an appeal deadline of March 9, 2020.

1. Minor Variance – **Granted** – relief from encroachment and lot coverage provisions to permit a new roofed porch attached to a proposed dwelling;
2. Minor Variance – **Granted** – relief to permit a new accessory structure for size;
3. Minor Variance – **Granted** – relief from rear yard setback and lot coverage provision to permit a new 3 season sunroom;
4. Minor Variance – **Granted** – relief to temporarily permit two dwellings on a lot;
5. Minor Variance – **Granted** – relief from interior side yard setback to permit the proposed location of a dust collector.

Comments

The draft minutes from the February 19, 2020 Committee of Adjustment meeting are attached.

Financial Impacts

There are no financial impacts resulting from the recommendation in this report.

Attachment(s): Committee of Adjustment Minutes February 19, 2020

Report Approval Details

Document Title:	Committee of Adjustment Meeting Report - February 19 2020.docx
Attachments:	- Minutes February 19.doc
Final Approval Date:	Mar 5, 2020

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

Kim Darroch

Tammie Ryall

Truper McBride

**TOWN OF LAKESHORE
COMMITTEE OF ADJUSTMENT
WEDNESDAY, FEBRUARY 19, 2020 @ 5:45 P.M.**

The meeting opened at 6:00 P.M. with the following members present:

Chairman	- Pat Niziolek (Absent)
Members	- Steve Diemer
	- Ron Barrette (Acting Chair)
	- Robert Sylvestre
	- Mark Hacon
Secretary-Treasurer	- Ian Search
Manager of Development Services	- Kim Darroch

The Chair introduced the Committee members and support staff and provided a brief outline of the process followed through the hearings.

The Chair also inquired if there were any disclosures of pecuniary interest and the general nature thereof with the applications proposed to be heard at tonight's Committee meeting.

- There were no disclosures of pecuniary interests at this time.

APPLICATION:	A/01/2020	MAP NO. #200-12429
APPLICANT:	Scott and Emily Frezell	
PROPERTY LOCATION:	198 Rafih Crescent (Community of Maidstone)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the following Section of the Lakeshore Zoning By-law 2-2012 for a new roofed porch attached to a proposed dwelling:

- Section 6.42 g) for the porch to encroach 3.487 metres (11.44 feet) into the 7.5 metre rear yard setback of the R1 zone.
- Section 8.1 for a maximum lot coverage of 39%

Section 6.42 g) permits porches (including eaves and cornices) to encroach into the front and rear yard up to 2.5 metres (8.2 feet);
Section 8.1 of the R1 zone requires a maximum lot coverage of 35%;

PRESENT AT MEETING

Scott Frezell

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No objection
2. Lakeshore Drainage Dept. – No objection, the setbacks will be sufficient from the municipal drain located at the rear of the property
3. Lakeshore Engineering Dept. – Construction of the porch should not adversely impact the rear yard drainage or adjacent neighbouring lands.
4. Lakeshore Fire – No objection
5. Lakeshore Planning Dept. –

This proposal does not conflict with any policies of the Residential Designation. The subject property is not part of any significant valley lands, woodlands or wetlands. While there are no hazard lands, the property is located within the ERCA Limit of the Regulated area and ERCA was circulated the application for their comments.

The purpose of the rear setback is to provide sufficient amenity space for the resident, as well as privacy and open space between units. This is an irregularly shaped lot that makes it awkward for development to adhere to setbacks. Moreover, the proposed roofed porch will encroach 3.48 metres into the rear yard setback across from Wallace Line Road as opposed to the rear yard setback across from 697 Old Tecumseh Rd. Therefore, the proposal does not threaten privacy of neighbouring properties. Lastly, the proposal does not threaten amenity space since a porch is a use that enhances amenity and there will remain sufficient area in the rear yard to accommodate other amenity uses.

Permitting an increase in lot coverage by 4% is also considered minor. The construction of the porch will result in a minor loss of landscaping in the rear yard of the property and in an area that would do very little to enhance the visual amenity of the property if left undeveloped. The Wallace Line Drain is located directly east of the property adjacent to the rear lot line and the application was circulated to the drainage department for their comments.

There appears to be other large single detached dwellings in the immediate area that utilize their lot coverage and setbacks to the greatest extent possible to accommodate development. Therefore, the variance does not threaten the attractiveness of the neighborhood and it is compatible with its surroundings. None of the above issues appear to cause a concern and the variance is considered minor.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
 - ii. It would be desirable for the appropriate development or use of the land, building or structure.
 - iii. It would maintain the general intent and purpose of the Official Plan.
 - iv. It would maintain the general intent and purpose of the Zoning By-law.
6. Essex Region Conservation Authority (ERCA) – ERCA has no objection to this application for minor variance. The parcel falls within the regulated area of the Wallace Line Drain and Lake St. Clair. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if Scott Frezell wanted to make any comments about the proposal. Scott declined.

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Moved by Robert
2nd by Steve

That Minor Variance application A/01/2020 by Scott and Emily Frezell be approved.

- Carried –

APPLICATION:	A/02/2020	MAP NO. #200-34000
APPLICANT:	Anthony Maggio c/o Dillon Consulting Ltd.	
PROPERTY LOCATION:	501 Pearl Street (Community of Maidstone)	

PURPOSE OF APPLICATION

Relief is being sought from the Lakeshore Zoning By-law 2-2012 to permit a new accessory structure for the following relief:

- Relief from Section 6.5 a) ix) to permit a new accessory structure to have a gross floor area of 114.4 m² (1,231.43 ft²); **whereby Section 6.5 a) ix) restricts accessory buildings in an R1, R2, R3, RW1, RW2, RM or HR zone to not exceed a gross floor area of 55 m² (592 ft²).**

PRESENT AT MEETING

Melanie Muir of Dillon Consulting Ltd., Authorized Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No objection
2. Lakeshore Engineering Dept. – Construction of the accessory structure should not adversely impact the rear yard drainage or adjacent neighbouring lands
3. Lakeshore Drainage Dept. – No objection
4. Lakeshore Fire Dept. – No objection
5. Lakeshore Planning Dept. –

Uses accessory to any of the permitted uses in the Residential Designation are permitted. The building footprint of the proposed accessory structure is smaller than the existing single detached dwelling and therefore can be considered accessory. The application was circulated to ERCA to determine any hazards which may be a constraint to development.

The intent behind the size restriction provision is to prevent overbuilding on a given lot and to encourage a consistent and compatible built form. There are multiple accessory structures on residential properties within the immediate area that appear to exceed the maximum gross floor area of 55.0 m². While the gross floor area of this proposed pool house will greatly exceed the provision, it is anticipated that impacts will be minimized by the size of the large dwelling on the lot relative to the proposed structure. In terms of overbuilding, the lot itself is also relatively large which ensures the proposal will comply with lot coverage provisions. Therefore, the size of the proposed accessory structure is compatible with the area in terms of built form and massing where it is proposed to be located on the lot. Permitting an accessory structure of this size will not represent overbuilding of the lot.

For the reasons mentioned, the proposed size of the structure is not precedent setting and it respects existing standards in the immediate area. The appearance of the streetscape on Pearl Street will be unaffected by this proposal as the pool house will be constructed in the rear yard completely behind the dwelling on the lot. None of the above issues appear to cause a concern and the variance is considered minor.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- Condition(s): Satisfaction of the applicable Conservation Authority, if required by the Authority.
 - i. The variance would be “minor” in nature.
 - ii. It would be desirable for the appropriate development or use of the land, building or structure.
 - iii. It would maintain the general intent and purpose of the Official Plan.
 - iv. It would maintain the general intent and purpose of the Zoning By-law.

6. Essex Region Conservation Authority (ERCA) – The parcel falls within the regulated area of the Lake St. Clair, Hood Drain and Leffler Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. ERCA has no specific concerns associated with the subject application but note that a permit will be required for the construction of the accessory building. ERCA advises that the applicant should initiate consultation with our office as soon as possible regarding the application process. ERCA has no objection to the application for minor variance.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application.

Glen Bondy (510 old Tecumseh Rd.) – Concerned about the backyard drainage in the area to a catch basin on Patillo Road. None of the properties are draining properly. There is a complete blockage of drainage to 501 Pearl Street.

Jeffrey Gyurcsik (504 old Tecumseh Rd.) – Concerned with drainage at catch basin in the area

Ron Barrette – Told those in attendance that the Committee of Adjustment meeting is not going to be able to resolve drainage issues in the area and that they should take their concerns to the Drainage Department.

Robert Sylvestre – Asked authorized agent what the accessory structure would be used for. Melanie Muir replied and said pool house.

Steve Diemer – Asked authorized agent if the structure was already built. Melanie Muir replied that concrete was poured and then they found out the building was not meeting regulations.

Melanie Muir – Said she can have the applicant contact the neighbours to resolve drainage issues.

**Moved by Mark
2nd by Robert**

That Minor Variance Application A/02/2020 by Anthony Maggio c/o Dillon Consulting Limited be approved with the Planning Department's recommended condition.

- Carried-

APPLICATION:	A/03/2020	MAP NO. 360-00224
APPLICANT:	Tom Ostrander c/o Diamond Home Improvement	
PROPERTY LOCATION:	392 Millstone Lane (Community of Belle River)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the following Section of the Lakeshore Zoning By-law 2-2012 for a new 3 season sunroom to be erected in the rear of the property:

- Section 9.2.11 b) ix) for minimum rear yard setback of 4.877 metres (16 feet);
- Section 9.2.11 b) iii) for maximum lot coverage of 48.1%
- Section 6.42 d) for the eave to encroach into the rear yard lot line.

Section 9.2.11 b) ix) requires minimum rear yard setback of 7.6 metres (24.93 feet);

Section 9.2.11 b) iii) permits a maximum lot coverage (includes accessory buildings and structures) of 45% for townhouse dwellings;

Section 6.42 d) permits eaves to encroach into any yard up to 1 metre (3.28 feet).

PRESENT AT MEETING

Tom Ostrander (Applicant) and Dan Pare of Diamond Home Improvement (Authorized Agent)

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No objection
2. Lakeshore Engineering Dept. – No objection
3. Lakeshore Drainage Dept. – No objection
4. Lakeshore Fire Dept. – No objection
5. Lakeshore Planning Dept. –

Uses accessory to any of the permitted uses in the Residential Designation are permitted. The subject property is not part of any significant valley lands, woodlands or wetlands. It is not located within the ERCA Limit of the Regulated area and there are no hazard lands – natural or human made – affecting the property according to the Official Plan.

The purpose of the rear setback is to provide sufficient amenity space for the resident, as well as privacy and open space between units. The proposed sunroom will enhance amenity space on the property, and constructing it so that it is attached to the townhouse and 2.72 metres closer to the rear lot line than what is permitted will not significantly impact the ability of the rear yard to provide amenity space.

The sunroom will be erected in the place of an existing outdoor deck in the rear of the property, and a sunroom is an amenity use akin to an outdoor deck. In light of this, there is no reason to believe that the variance will threaten privacy and open space between units.

A variance to increase the permitted lot coverage by 3.1% is also considered minor since the proposal will result in little to no loss of landscaping. The lot coverage provision ensures adequate drainage on a site, and the application was circulated to the drainage department for their comments.

There appears to be existing sunrooms in the area that are attached to main buildings and located a similar distance from their rear lot lines to what is being requested on the subject property. Therefore, the variance is not precedent setting, does not threaten the attractiveness of the neighborhood, and is compatible with its surroundings. None of the above issues appear to cause a concern and the variance is considered minor.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Ron Barrette – Asked applicant if he had built sunrooms in the area before. Dan Pare confirmed that he had built several.

Moved by Steve
2nd by Mark

That Minor Variance Application A/03/2020 by Tom Ostrander c/o Diamond Home Improvement be approved.

- Carried -

APPLICATION:	A/04/2020	MAP NO. #150-02450
APPLICANT:	Amy Wolters c/o Richard Robillard	
PROPERTY LOCATION:	1080 Puce Rd. (County Road 25) (Community of Maidstone)	

PURPOSE OF APPLICATION

Relief is being sought from the Lakeshore Zoning By-law 2-2012 to permit the construction of a new dwelling for the following relief:

- Relief from Section 6.20 to temporarily permit two dwelling units on a lot; **whereby Section 6.20 permits only one dwelling unit on a lot except in a zone where more than one dwelling unit on a lot is specifically permitted or in the case of a lot which contained more than one dwelling unit on the date the by-law was passed.**

PRESENT AT MEETING

Richard Robillard (Authorized Applicant) and Amy Wolters (Applicant)

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – The original building shall be demolished within 90 days from the date of occupancy of the newly constructed single family residence
2. Lakeshore Engineering Dept. – No objection
3. Lakeshore Drainage Dept. – The applicant must use the existing access bridge that is currently over the Puce Road Drain East. A second access bridge would require an application to be submitted to the drainage division.
4. Lakeshore Fire Dept. – No objection
5. Lakeshore Planning Dept. –

In the past residents could enter into a legal agreement with the Building Department to temporarily permit two dwellings on a single lot. If they had applied for a building permit to allow the construction of a new dwelling, their existing dwelling could remain on the lot as long they demolished, dismantled, relocated and removed it (including any and all debris) within ninety (90) days of their occupancy of the new dwelling. As per the agreement, the owner also had the option – within ninety (90) days of their occupancy of the new dwelling – of changing the use of the existing dwelling to a non-residential use that complies with the permitted uses in the Agricultural Zone. The Legal Services department now recommends that residents enter into this agreement through a minor variance.

The minor variance will enable the applicants to provide housing for the existing occupant during construction of the new dwelling. Temporarily permitting two dwellings on this lot is considered minor given the context. The property is a residential lot zoned agriculture and it is located in a rural area of the town. The proposal is not incompatible with its surroundings and does not conflict with any existing standards in the immediate area. It does not disrupt any uniformity of appearance.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- Condition(s):

- The applicant enter into an agreement with the town requiring the existing dwelling be demolished dismantled, relocated and removed (including any and all debris) within ninety (90) days of their occupancy of the new dwelling
- The Committee of Adjustment decision shall expire 1 year after the date the application becomes final and binding.
- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

6. County of Essex –

The subject lands have frontage on County Road No. 25. The Applicant will be required to comply with the following County Road regulation:

County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road 25 due to the presence of the Puce Road Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

7. Essex Region Conservation Authority (ERCA) – The parcel falls within the regulated area of the Puce Road Drain East. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. ERCA has no regulatory concerns specifically associated with this minor variance application. ERCA has no objection to the application for minor variance.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Mark Hacon – Asked how the conditions would work. Kim Darroch said that they would have one year to enter into the agreement, build the second dwelling, and then demolish and remove the existing dwelling.

Robert Sylvestre – asked applicant and authorized agent if they would be using the existing driveway. Richard Robillard confirmed this was true.

Robert Sylvestre – asked if they would meet the setback from the county road. Richard Robillard confirmed they would comfortably meet this setback for the new dwelling.

Moved by Mark
2nd by Steve

That Minor Variance Application A/04/2020 by Amy Wolters c/o Richard Robillard be approved with the Planning Department's recommended conditions.

- Carried -

APPLICATION:	A/05/2020	MAP NO. #200-05703
APPLICANT:	Boschin Holdings Ltd. c/o Rosati Construction Inc	
PROPERTY LOCATION:	220 Patillo Road (Community of Maidstone)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the following Section of the Lakeshore Zoning By-law 2-2012 for a dust collector to be affixed to a concrete pad and placed on the north side of the existing building on the lot:

- Section 8.7 of the M1 zone for the concrete pad and dust collector to encroach 0.5 metres into the required **4.5 metre interior side yard setback**;

PRESENT AT MEETING

Rosati Construction Inc., Authorized Applicant William Good

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No objection

2. Lakeshore Engineering Dept. – No objection
3. Lakeshore Drainage Dept. – No objection
4. Lakeshore Fire Dept. – No objection
5. Lakeshore Planning Dept. –

The dust collector will support the manufacturing use on the subject property. Machines on site require the dust collector and, according to the applicant, the proposed location will optimize efficiency.

It is not anticipated that any noise generated from the dust collector will result in a nuisance for the north neighbouring property because of the proposed 0.5 metre encroachment into the interior side yard setback. Further, the business on the neighbouring property is not considered a sensitive land use, and the dust collector will be located across from the building on the neighbouring property where there are no windows. Given the context of the proposal, town staff decided that a noise study was not required to justify a 0.5 metre encroachment.

The purpose of the interior side yard setback provision in the Zoning By-law is to provide the following:

- Light and air circulation – The variance will not result in any loss of light and air circulation.
- Privacy –No impacts on privacy are anticipated;
- Maintenance associated with building materials – The variance will not affect the ability to provide maintenance of building materials
- Fire prevention - this matter will be reviewed through the building code and fire code at the time of permit issuance

The minor variance will not impact the aesthetics or appearance of the streetscape and the proposal is compatible with existing standards in the immediate area. None of the above issues appear to cause a concern and the variance is considered minor.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application.

James Raymond (204 Patillo Rd.) – Owns a trailer sales business and says dust collector makes a lot of noise. He says his employees complain about the noise.

William Good (Authorized Applicant) – Says dust collector raised by James Raymond is not the one subject to the application. The one subject of the application is significantly quieter.

Ron Barrette – asked applicant if he could have owner put a fence/noise barrier around the dust collector. William Good responded by saying this particular dust collector is quieter.

Kim Darroch – said that noise complaints should be directed to province (Ministry of the Environment)

Mark Hacon – Recommended to the authorized agent that a health and safety official on the property would help deal with these situations

Kim Darroch – Reminded the committee that they have the ability to defer the application until the two property owner's talk to one another.

William Good – said he will have the owners of the property talk to Raymond about the situation but would like to see the Committee approve the application tonight without conditions

James Raymond – Agreed to this suggestion from William Good

Moved by Steve

2nd by Robert

That the Minor Variance Application by Boschin Holdings Ltd. c/o Rosati Construction Inc. be approved.

- **Carried –**

Moved by Mark

2nd by Steve

That the minutes of December 11, 2019 be adopted as printed and distributed.

- Carried –

Moved by Mark
2nd by Steve

THAT the meeting adjourn at 7:12 p.m.

- Carried –

Pat Niziolek
Chairman

Ian Search
Secretary-Treasurer

The Corporation of the Town of Lakeshore

Report to Council

Community & Development Services

Development Services



To: Mayor & Members of Council

From: Ian Search, Planner Level 1

Date: March 25, 2020

Subject: Committee of Adjustment Meeting Report – March 18, 2020

Recommendation

This report is for information only.

Background

The Committee of Adjustment decisions from the March 18 2020 meeting are detailed below and have an appeal deadline of April 6 (minor variance) and April 8 (consent).

1. Minor Variance – **Granted** – relief for an outdoor swimming pool and pool treatment equipment to be closer to the side yard lot line than what is permitted
2. Minor Variance – **Granted** – relief for a new dwelling to be located closer to the rear yard lot line than what is permitted
3. Consent and Minor Variance – **Granted** – A farm split severance was granted along with relief for the severed farm parcel to have a smaller area than what is permitted

Comments

The draft minutes from the March 18, 2020 Committee of Adjustment meeting are attached.

Financial Impacts

There are no financial impacts resulting from the recommendation in this report.

Attachment(s): Committee of Adjustment Minutes March 18, 2020

Report Approval Details

Document Title:	Committee of Adjustment Meeting Report - March 18 2020.docx
Attachments:	- Minutes March 18.doc
Final Approval Date:	Mar 30, 2020

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

Kim Darroch

Tammie Ryall

Truper McBride

**TOWN OF LAKESHORE
COMMITTEE OF ADJUSTMENT
WEDNESDAY, March 18, 2020 @ 5:45 P.M.**

The meeting opened at 6:00 P.M. with the following members present:

Chairman	- Ron Barrette
Members	- Robert Sylvestre
	- Mark Hacon (Acting Chair)
Secretary-Treasurer	- Ian Search
Director of Community and Development Services	- Tammie Ryall

The Chair introduced the Committee members and support staff and provided a brief outline of the process followed through the hearings.

The Chair also inquired if there were any disclosures of pecuniary interest and the general nature thereof with the applications proposed to be heard at tonight's Committee meeting.

- There were no disclosures of pecuniary interests at this time.

APPLICATION:	A/08/2020	MAP NO. #220-16612
APPLICANT:	Tanja Davitkova	
PROPERTY LOCATION:	167 Branton Crescent (Community of Maidstone)	

PURPOSE OF APPLICATION

The applicant is seeking relief from the following Section of the Lakeshore Zoning By-law 2-2012 to permit the current location of their private outdoor swimming pool and pool treatment equipment (pump, filter and heater):

- Section 6.5 b) ii) for the private outdoor swimming pool to be located within 1.22 metres (4 feet) from the side yard lot line.
- Section 6.5 b) iii) for the pool treatment equipment (pump, filter and heater) to be located within 1.067 metres (3.5 feet) from the side yard lot line.

Section 6.5 b) ii) requires private outdoor swimming pools to not be located within 1.5 metres of a side lot line, except on a corner lot where the minimum exterior side yard shall be 4.5 metres;

Section 6.5 b) iii) requires pool treatment equipment such as pumps or filters, or pool heaters, to not be located closer than 1.5 metres to any side or rear lot line.

PRESENT AT MEETING

Tanja Davitkova, Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No concerns
2. Lakeshore Drainage Dept. – No concerns
3. Lakeshore Engineering Dept. – The structures should not adversely impact the rear yard drainage or adjacent neighbouring lands
4. Lakeshore Fire – No comments
5. Lakeshore Planning Dept. –

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

Discussion:

Uses accessory to any of the permitted uses in the Residential Designation are permitted, and the proposed variance will not conflict with any policies of the Residential Designation in the Official Plan.

The reason for the setback provision governing pools and pool treatment equipment is to mitigate any privacy and noise concerns generated from these uses. It is not anticipated that permitting the pool and pool treatment equipment to be located less than half a meter closer to the side yard lot line than what is permitted will result in any significant impacts in this case.

The continuous wooden fence along the south lot line provides a buffer between the uses and the neighbouring property. The northwest portion of the dwelling on the neighbouring property to the south is angled and positioned in such a way that there is adequate distance between it and the pool treatment equipment. Moreover, some of the pool treatment equipment – the pump and filter – are located further from the south lot line than the 1.067 metres (3.5 feet) setback requested. For these reasons, impacts are not expected from granting the small relief.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- Condition(s): Satisfaction of the applicable Conservation Authority, if required by the Authority.
 - i. The variance would be “minor” in nature.
 - ii. It would be desirable for the appropriate development or use of the land, building or structure.
 - iii. It would maintain the general intent and purpose of the Official Plan.
 - iv. It would maintain the general intent and purpose of the Zoning By-law.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Tanja Davitkova said her neighbours had no objections to the application

Moved by Ron Barrette
2nd by Robert Sylvestre

That Minor Variance application A/08/2020 by Tanja Davitkova be approved.

- Carried -

APPLICATION:	A/07/2020	MAP NO. #670-02600
APPLICANT:	1627174 Ontario Limited	
PROPERTY LOCATION:	17200 Morris Rd. (Community of Tilbury West)	

PURPOSE OF APPLICATION

Relief is being sought from the Lakeshore Zoning By-law 2-2012 to permit a new single detached dwelling for the following relief:

- Relief from Section 8.9 to permit a rear yard setback of 11.73 metres (38.5 feet); **whereby the Agriculture Zone Regulations of Section 8.9 require a rear yard setback of 15 metres (49.21 feet) for main buildings.**

PRESENT AT MEETING

1627174 Ontario Ltd., Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No concerns
2. Lakeshore Engineering Dept. – Construction of the proposed structure should not adversely impact the side yard drainage or adjacent neighbouring lands.
3. Lakeshore Drainage Dept. – No concerns
4. Lakeshore Fire Dept. – No comments
5. Lakeshore Planning Dept. –

Section 45(1) of the *Planning Act* gives the authority of granting minor relief from the provisions of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the Minor Variance passes four tests. If the Committee is not satisfied on all four tests, then the Minor Variance cannot be approved.

Discussion:

This proposal does not conflict with any policies of the Agriculture Designation. The subject property is located outside the regulated area of conservation authorities and does include any significant valley lands, woodlands or wetlands.

The purpose of the rear yard setback is to provide sufficient amenity space for the resident, as well as privacy and open space between units. This is an irregularly shaped lot that makes it impossible for a main building to adhere to setbacks. Moreover, the property to the north is an abandoned railway owned by Canadian National Railway (CNR), so privacy and open space between units is not a factor. Lastly, there will remain sufficient area in the west side yard to accommodate amenity uses.

Given the rural context of the surrounding area, the variance does not threaten the attractiveness of the area and is compatible with its surroundings. None of the above issues appear to cause a concern and the variance is considered minor.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.

- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

Lower Thames Valley Conservation Authority – No objection to the proposal. The property is not subject to the Conservation Authority's regulations. Flood proofing of structures is not required, however it is always recommended.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Ron Barrette asked the applicant if there was a house on the property in the past.

1627174 Ontario Limited confirmed there was a house on the property in the past and that this proposed house will be constructed in almost the exact same location.

**Moved by Robert Sylvestre
2nd by Ron Barrette**

That Minor Variance Application A/07/2020 by 1627174 Ontario Ltd. be approved.

- **Carried-**

APPLICATION:	B/01 & A/06/2020	MAP NO. #480-01200
APPLICANT:	Janet Tuite c/o Joseph Byrne	
PROPERTY LOCATION:	2923 Lakeshore Rd. 225 (Community of Maidstone)	

PURPOSE OF APPLICATION

The subject land is located on the west side of Lakeshore Road 225 in the former Community of Maidstone and has 497.76 metres (1,633 feet) of frontage and an overall area of 39.21 hectares (96.89 acres). The applicant is applying to split the farm. The

severed farm parcel will incorporate the existing access bridge south of the Hollingsworth Drain, and will have a frontage of 250.93 metres (823.26 feet) and an area of 16.44 hectares (40.62 acres). The retained farmland will retain the Hollingsworth Drain on the property, and will have a frontage of 246.83 metres (809.8 feet) and an area of 21.97 hectares (54.28 acres). The subject lands are designated “Agricultural” and zoned “A, Agriculture”.

- The applicant is also seeking relief from Section 8.9 (A, Agriculture) zone of the Lakeshore Zoning By-law 2-2012 to permit a minimum lot area of 16 ha (39.53 acres) for the severed farmland;

Section 8.9, (A, Agriculture) zone of the Lakeshore Zoning By-law 2-2012 requires minimum lot area of 19 ha (46.9 acres).

PRESENT AT MEETING

Joseph Byrne, Authorized Applicant

CORRESPONDENCE RECEIVED

1. Lakeshore Building Dept. – No objection
2. Lakeshore Engineering Dept. – Severed lot is subject to a water buy in fee according to the tariff of fees by-law at the time of servicing
3. Lakeshore Drainage Dept. – Once this property has been severed a drainage apportionment will be required
4. Lakeshore Fire Dept. – No objection
5. Lakeshore Planning Dept. –

The site is designated ‘Agricultural’ and is within the Conservation Authority’s ‘Limit of Regulated Area’ in the Town’s Official Plan and is zoned (Agriculture, A) which permits a single detached dwelling and accessory uses and a variety of agriculture uses in accordance with the A Zone.

The 2014 Provincial Policy Statement permits a farm split severance provided the retained and severed lots remain viable farm parcels for agricultural use(s). The County and Town’s Official Plan permit farm split severances in prime Agriculture Areas, provided the proposed lots comply with the Town’s Zoning By-law. It appears the retained lot will comply with the minimum lot area (19 hectares) and lot frontage (75 m) requirements of the A Zone for a farm split. The severed lot will comply with the minimum lot frontage requirement but will require a minor variance for deficient lot area of 16 hectares (39.53 acres).

The farm parcel, as it currently exists, is naturally divided from the rear lot line to the front lot line by a municipal drain – the Hollingsworth Drain. The proposed severance will split the farm adjacent to, and just south of, this drain. For this reason, the proposed severance itself does not diminish the severed or retained lot as viable farm parcels for agricultural use(s), and the variance for deficient lot area of the severed parcel is considered minor.

Therefore, the requested variance meets the following four tests prescribed under Section 45 (1) of the *Planning Act*.

- i. The variance would be “minor” in nature.
- ii. It would be desirable for the appropriate development or use of the land, building or structure.
- iii. It would maintain the general intent and purpose of the Official Plan.
- iv. It would maintain the general intent and purpose of the Zoning By-law.

It is recommended to the Committee of Adjustment, that if the Committee decides to approve the consent, that approval of this application be conditional upon any conditions recommended by applicable circulated external agencies and town departments.

Hydro One Networks Inc. –

As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the “transmission corridor”), HONI has no objection *in principle* to the proposed severance, provided HONI’s easement rights are protected and maintained.

Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is **prohibited** without the prior written approval of HONI. If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

Essex Region Conservation Authority –

The subject retained parcel is within and adjacent to a natural heritage feature. While there is no requirement for a demonstration of no negative impact on the retained parcel, we would encourage the applicant to work with the Town of Lakeshore to continue the long term protection of the recognized natural feature per Section 5.2 of the Official Plan through the establishment of a conservation easement or rezoning. ERCA advises that any voluntary conservation or re-zoning would be voluntary in nature and not be required as a condition of the consent.

APPLICANTS AMENDMENTS

- None

DISCUSSION

The Chair inquired if anyone in the audience wished to speak to the application. No response was received.

Joseph Byrne explained how the severance would occur along the drain and that as a result there would be no change in the retained or severed farm as a viable parcel.

Ron Barrette asked where the Hydro One corridor was located. Joseph Byrne explained that it is located behind the lot to the west.

Robert Sylvestre asked if the severed lot could have a house built on it. Ian Search explained that the severed parcel will permit one house to be built on the lot.

Mark Hacon asked if Essex Region Conservation Authority (ERCA) was recommending a condition. Ian Search explained that the natural heritage feature was protected through the town's Official Plan, and that ERCA was not recommending a mandatory condition that the natural heritage feature be rezoned. Ian Search explained that Hydro One was not recommending a condition either.

Mark Hacon asked if the Committee could make a single motion on the consent and minor variance together. Ian Search agreed that would be appropriate as the minor variance for deficient lot area is necessary if the consent is approved.

Moved by Ron Barrette
2nd by Robert Sylvestre

That combined Consent and Minor Variance Application B/01 & A/06/2020 by Janet Tuite c/o Joseph Byrne be approved subject to the following conditions:

1. That the applicant obtain a proper survey and Reference Plan from an Ontario Land Surveyor for the severed and retained parcel of land, including any buildings along the new lot line. Data shall also be provided on a CD or floppy disk in the format of a projection (NAD 83) UTM Zone 17.
2. That all municipal taxes be paid in full prior to the stamping of the Deed.
3. That a Park Fee be imposed on the granting of this Application in the amount of \$600.00 and that such fee shall be paid prior to the stamping of the Deed.

4. That the applicant enter into an Agreement with the municipality to be registered on title prior to the stamping of the Deed, to pay any applicable water rates or fees with respect to the subject lands.
5. That the applicant enter into an Agreement with the municipality prior to the stamping of the Deed regarding the apportionment of any current or future local improvements or drainage charges levied against the subject property.
6. That the applicant enter into a consent agreement, which requires a “warning clause” be placed on title alerting potential purchasers of the potential for wind turbine erection within the general area prior to the stamping of the Deed.
7. That the Deed and a copy for our records be forwarded to the Secretary for stamping.
8. That all conditions be met in accordance with Section 53(41) of the Planning Act, R.S.O. 1990 by **March 20, 2021**. Failure to fulfil the conditions by this date, shall deem the consent refused, as per The Planning Act

- Carried –

Moved by Ron Barrette
2nd by Robert Sylvestre

That the minutes of February 19, 2020 be adopted as printed and distributed.

- Carried –

Moved by Robert Sylvestre
2nd by Ron Barrette

THAT the meeting adjourn at 6:28 p.m.

- Carried –

Pat Niziolek
Chairman

Ian Search
Secretary-Treasurer

The Corporation of the Town of Lakeshore

Report to Council

Engineering & Infrastructure Services

Drainage Services



To: Mayor & Members of Council
From: Jill Fiorito, Drainage Superintendent
Date: March 24, 2020
Subject: Drainage Board Meeting draft Minutes for March 2, 2020

Recommendation

Report is for information only.

Background

The draft minutes from the March 2, 2020 Drainage Board meeting are attached.

Reading of the Report:

Mr. Tony Peralta from N.J Peralta Engineering Ltd. was in attendance to give a brief summary of his drainage reports dated January 10, 2020 South 3rd Concession Drain (Never Rest Farms) Reaume Drain – Enclosure dated December 20, 2020 and Government Drain No 2 (Enbridge Bridge) dated January 10, 2020.

Mr. Gerard Rood from Rood Engineering Ltd was in attendance to give a brief summary of his drainage report dated January 20, 2020 Tecumseh Road Drain for (1902286 Ontario Inc.).

Comments

The Drainage Board recommended By-law No's. 018-2020 be recommend for first and second reading and By-law No's 010-2020, 011-2020 and 006-2020 be recommended for third reading.

Other Consulted

Essex Regional Conservation Authority has been consulted on these projects.

Financial Impacts

All costs associated with these works will be assessed out according to the proportions outlined in the engineer's report.

Attachment(s): Draft Drainage Board minutes dated March 2, 2020

Report Approval Details

Document Title:	Drainage board minutes March 2, 2020.docx
Attachments:	- 2 - March 2nd, 2020 Drainage Board Minutes.docx
Final Approval Date:	Apr 3, 2020

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

Nelson Cavacas

Rosanna Pellerito

Kristen Newman

Truper McBride

**THE CORPORATION OF
THE
TOWN OF LAKESHORE**

MINUTES OF THE DRAINAGE BOARD

PRESENT:	Chairman	- Dave Armstrong
	Board members	- Horst Schmidt
		- Graeme Carter
		- Jeremy Reaume
	Drainage Superintendent	- Jill Fiorito
	Absent	
	Board member	- Lyle Morris

1. CALL TO ORDER AT 5:00 PM

The Chair called the meeting to order at 5:00 p.m.

2. DISCLOSURES OF CONFLICT OF INTEREST AND THE GENERAL NATURE THEREOF

There were no disclosures of conflicts of interest.

3. APPROVING THE MINUTES OF PREVIOUS DRAINAGE BOARD MEETING

Drainage Board Meeting Minutes of February 3rd, 2020.

Board Member Reaume moved and Board Member Carter seconded

That:

The Board approve the minutes of the Drainage Board Meeting dated February 3rd, 2020

Motion Carried

4 ENGINEERING AND INFRASTRUCTURE SERVICES

COURT OF REVISION

Opening of the Court of Revision.

Board Member Reaume and Board Member Carter seconded:

It is recommended that:

The Drainage Board move into Court of Revision to consider appeals regarding By-law No's .010-2020, 011-2020 and 006-2020 Town of Lakeshore, in the County of Essex.

Motion Carried

South 3rd Concession Drain - (Never Rest Farms)

Mr. Tony Peralta, P.Eng was in attendance and briefly outlined the key points of the assessment schedule in his report dated January 10th, 2020.

Mr. Peralta explained that he had not received any concerns from landowner's regarding the installation of this new access bridge. The Drainage board has not received any questions, or appeals for this assessment.

The Chairman opened the floor for questions.

There were no concerns.

Board Member Reaume moved and Board Member Carter seconded:

That:

The Schedule of Assessment to provide for the South 3rd Concession Drain – (Never Rest Homes) in the Town of Lakeshore, in the County of Essex as prepared N.J. Peralta Engineering Ltd., dated January 20, 2020 be approved and By-Law 010-2020 be recommended for third reading.

Motion Carried

Tecumseh Road Drain – (for 1902286 Ontario Inc.)

Mr. Gerard Rood, P.Eng was in attendance and briefly outlined the key points of the assessment schedule in his report dated January 20th, 2020.

Mr. Rood explained that he had not received any concerns from landowner's regarding the installation of this enclosure in the Tecumseh Road Drain. The Drainage board has not received any questions, or appeals for this assessment.

Mr. Rood indicated he was open for questioning.

Chairman Armstrong opened the floor for questions.

There were no questions for this project.

Board Member Reaume moved and Board Member Carter seconded:

That:

The Schedule of Assessment to provide for the construction of the Tecumseh Road Drain (1902286 Ontario Inc.) in the Town of Lakeshore, in the County of Essex as prepared Rood Engineering Inc., dated January 20th, 2020 be approved and By-Law 011-2020 be recommended for third reading.

Motion Carried

Reaume Drain Enclosure

Mr. Tony Peralta, P.Eng was in attendance and briefly outlined the key points of the assessment schedule in his report dated December 20th, 2020.

Mr. Peralta explained that he had not received any concerns from landowner's regarding the installation of this enclosure in the Reaume Drain. The Drainage board has not received any questions, or appeals for this assessment.

Mr. Peralta indicated he was open for questioning.

Chairman Armstrong opened the floor for questions.

There were no questions for this project.

Board Member Reaume moved and Board Member Carter seconded:

That:

The Schedule of Assessment to provide for the construction of the Reaume Drain in the Town of Lakeshore, in the County of Essex as prepared by Peralta Engineering Inc., dated December 20th, 2020 be approved and By-Law 011-2020 be recommended for third reading.

Motion Carried

Closing of the Court of Revision

Board Member Carter moved and Board Member Reaume seconded:

That:

The Drainage Board moves to close the Court of Revision.

Motion Carried

READING OF THE REPORT

Government Drain #2 – (Enbridge Gas Inc.)

Mr. Tony Peralta, P.Eng was in attendance and briefly outlined the key points of the report dated January 21st, 2020.

Mr. Peralta advised that a new access bridge was required for the proposed severance for Enbridge Gas Inc. in order that a new Natural Gas Transmission Station was being constructed on these lands. The proposed access bridge would then serve as the primary access to this new severance. All costs associated with this new access bridge will be borne by Enbridge Gas Inc.

Mr. Peralta concluded his presentation, and indicated that he was open to question.

Chairman Armstrong opened the floor for questions.

There were no questions for this project.

Board Member Reaume moved and Board Member Carter seconded:

That:

The Engineer's considered report prepared by N.J Peralta Engineering Ltd., dated January 21st, 2020 for the construction of a new access bridge in the Government Drain #2 in the Town of Lakeshore, in the County of Essex be adopted and By-Law 018-2020 be recommended for the first and second reading

Motion Carried

5. ADJOURNMENT

That:

The Drainage Board adjourn its meeting at 5:30 p.m.

Motion Carried

**DAVID ARMSTRONG
CHAIRMAN**

**JILL FIORITO
DRAINAGE SUPERINTENDENT**

NEXT SCHEDULED MEETING

The next Drainage Board Meeting is schedule for 5:00pm on April 6th, 2020 in the Town of Lakeshore Council Chambers.

The Corporation of the Town of Lakeshore

Report to Council

Finance Services

Accounting Services



To: Mayor & Members of Council

From: Rosanna Pellerito, Director of Finance

Date: February 21, 2020

Subject: 2019 Council and Appointee Remuneration and Expenses

Recommendation

Report is provided for information only.

Background

Section 284(1) of the *Municipal Act, 2001* requires an annual Treasurer's Statement to be provided to Council disclosing remuneration and expenses paid in the previous year to:

- a) Each member of Council in respect of his or her services as a member of the Council or any other body, including a local board, to which the member has been appointed by Council or on which the member holds office by virtue of being a member of Council;
- b) Each member of Council in respect of his or her services as an officer or employee of the municipality or other body described in clause (a); and
- c) Each person, other than a member of Council, appointed by the municipality to serve as a member of any body, including a local board, in respect of his or her services as a member of the body.

Comments

This report is provided to satisfy the Treasurer's Statement requirements for disclosure of annual remuneration and expenses for Council and board appointees in accordance with section 284 of the *Municipal Act, 2001*.

The attached Schedule A includes remuneration and expenses paid to each member of Council and committee/board appointee for 2019 based on the following:

Boards & Agencies Includes remuneration from agencies, boards and committees, municipal and external, such as Conservation Authorities and ELK.

Please note that payments to Lakeshore Council representatives on County of Essex Council and related committees are not included in this report as they are disclosed in the Treasurer's Statement filed by the County Treasurer.

Expenses Includes payments to members for reimbursement of expenses while on municipal business, mileage, per diems and expenses related to conferences, seminars and conventions.

Authorization Council salaries and committee per diems are set in the annual budget estimates adopted by By-law. Expense reimbursement rates paid are established in the Corporate Policy Manual as adopted and as amended from time to time. Specifically, Council travel and training expenses are paid in accordance with Business Travel, Conference and Seminar Policy AD-200 established under By-law 91-2006.

Financial Impacts

There are no financial impacts resulting from the recommendation to this report.

Attachment(s): Schedule A – 2019 Council and Appointee Remuneration and Expenses

Report Approval Details

Document Title:	2019 Council and Appointee Remuneration.docx
Attachments:	- 2019 Council and Appointee Remuneration and Expenses.pdf
Final Approval Date:	Apr 3, 2020

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

Kristen Newman

Truper McBride

Town of Lakeshore							
Council and Appointee Remuneration and Expenses							
For the period ended December 31, 2019							
	Salary	Conference expenses	Conference Honorariums	Paid Committees	Mileage	Other Events	Total
Council							
Tom Bain	\$ 47,830	\$ 3,710	\$ 1,800	\$ 1,500	\$ 1,464	\$ 617	\$ 56,920
Tracey Bailey	31,089	-	180	3,757	0	\$ 949	35,975
Steven Wilder	23,915	-	-	225	0	\$ -	24,140
Len Janisse	23,915	4,575	2,160	851	0	\$ 186	31,687
Kelsey Santarossa	23,915	4,155	1,980	-	0	\$ 75	30,125
John Kerr	23,915	36	360	-	0	\$ 365	24,675
Kirk Walstedt	23,915	631	1,080	3,000	306	\$ 561	29,493
Linda McKinlay	23,915	1,778	900	1,001	0	\$ 390	27,984
	\$ 222,408	\$ 14,885	\$ 8,460	\$ 10,334	\$ 1,770	\$ 3,142	\$ 260,999
Non-Council Appointees							
Mark Hacon	-	-	-	1,625	999		\$ 2,624
Robert Sylvestre		1,711	600	1,750	769		4,830
Ron Barrette		2,343	1,050	2,500	554		6,448
Steven Diemer		-	-	1,750	400		2,150
Duane Janisse		-	-	125	20		145
Pat Niziolek		1,711	600	1,625	514		4,450
Mike Fenchak		534	-	125	-		659
Francis Kennette		632	450	625	229		1,937
Lawrence Miehl		-	-	250	-		250
Graeme Carter		-	-	1,375	-		1,375
Lyle Morris		-	-	1,000	-		1,000
Horst Schmidt		-	-	1,125	-		1,125
David Armstrong		-	-	1,375	-		1,375
Jeremy Reaume		-	-	1,250	-		1,250
Carol Pavlov		-	-	500	-		500
MaryLou Hamelin		-	-	500	-		500
Lydia Williams		-	-	500	-		500
Joseph Matx		-	-	375	-		375
Julie Curtis		-	-	500	-		500
Rolf Keller		1,116	300	500	-		1,916
	\$ -	\$ 8,048	\$ 3,000	\$ 19,375	\$ 3,486	\$ -	\$ 33,909

The Corporation of the Town of Lakeshore

Report to Council

Finance Services

Select name of Division



To: Mayor & Members of Council

From: Michelle Heslop, Supervisor of Revenue

Date: February 25, 2020

Subject: Tax Adjustment under the Municipal Act, 2001, s.357

Recommendation

Council authorize the reduction of taxes under S. 357 of the *Municipal Act, 2001* totaling \$2,164.84 for adjustments affecting the 2019 taxation year, as outlined in the report from Finance Services dated February 25, 2020.

Background

Under Section 357 of the *Municipal Act, 2001*, ratepayers may make application to the municipality for adjustments to property taxes as a result of changes to the property affecting assessment. Such changes may include demolition of structures, assessment office clerical errors, reduced space used for business, properties becoming exempt, etc.

Comments

Administration has reviewed all applications received and the properties meeting the requirements under s.357 of the *Municipal Act, 2001* to receive property tax adjustments are listed in the attached Schedule "A".

Administration is supportive of the Municipal Property Assessment Corporation's revised assessment amounts and Administration recommends approving the adjustment to taxes.

Others Consulted

The Municipal Property Assessment Corporation provided assessment information to assist in adjustment calculations.

Financial Impacts

The tax reduction breakdowns are as follows:

Municipal portion: \$ 537.27
County portion: \$ 434.42
Education portion: \$ 1,170.19

The municipal portion of the cost is charged to the Finance Services budget centre, Property Tax Write-offs Expense account. The garbage fee reductions (\$22.96) are charged to the Solid Waste budget centre.

Attachment(s): Schedule A – s.357 Applications – Properties Eligible for Tax Adjustments.

Report Approval Details

Document Title:	Section 357 Tax Adjustments.docx
Attachments:	- 24-03-20 Tax Adjustments Schedule A.docx
Final Approval Date:	Feb 28, 2020

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

Rosanna Pellerito

Kristen Newman

Truper McBride

Schedule A – S. 357 Applications – Properties Eligible for Tax Adjustments.

Roll #	Location of Property	Year	Class	Reduction	Municipal Tax	County Tax	Education Tax	Garbage	Total Tax Writeoff	Reason
3751 190 000 17100	1207 County Rd 22	2019	CT	\$205,000	\$337.60	\$272.97	\$673.80	\$0.00	\$1,284.37	Demolition/Razed by Fire
3751 210 000 34600	423 Russell Woods	2019	RT	\$27,000	\$27.84	\$22.51	\$7.50	\$14.07	\$71.92	Demolition/Razed by Fire
3751 370 000 01300	446 Notre Dame St	2019	CT	\$94,625	\$256.37	\$207.29	\$511.67	\$0.00	\$975.33	Classification Change
3751 370 000 01300	446 Notre Dame St	2019	RT	-\$94,617	-\$236.91	-\$191.56	-\$63.85	\$0.00	-\$492.32	Classification Change
3751 380 000 00874	0 Blake St	2019	RT	\$2,532	\$7.21	\$5.83	\$1.94	\$0.00	\$14.98	Became Exempt
3751 380 000 00874	0 Blake St	2019	E N	-\$4,229	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Became Exempt
3751 570 000 00200	1455 Lakeshore Rd 125	2019	FT	\$72,613	\$102.79	\$83.12	\$27.71	\$0.00	\$213.62	Demolition/Razed by Fire
3751 750 000 15400	1950 Gagnier Lane	2019	RT	\$57,540	\$42.37	\$34.26	\$11.42	\$8.89	\$96.94	Demolition/Razed by Fire
					\$537.27	\$434.42	\$1,170.19	\$22.96	\$2,164.84	

The Corporation of the Town of Lakeshore

Report to Council

Finance Services

Select name of Division



To: Mayor & Members of Council
From: Rosanna Pellerito, Director of Finance
Date: March 2, 2020
Subject: Expenditure Reports

Recommendation

Administration discontinue the distribution of weekly cheque/payment lists to Council Members.

Background

At its meeting on August 11, 2015, Council passed the following resolution

That the current Expenditure Report format used for reporting Town of Lakeshore expenditures to Council be discontinued upon moving to regular weekly cheque runs, and;

Weekly cheque/payment lists be distributed to Council by email, or hardcopy upon request, for review and information.

Comments

The intent of providing these reports to Council was to provide assurance that expenditures were being made in accordance with Council approved policies and within budget approval.

Current privacy legislation under the Personal Information Protection and Electronic Data Act (PIPEDA), states that personal information must be protected by appropriate safeguards.

PIPEDA defines personal information as any factual or subjective information, recorded or not, about an identifiable individual. This includes information in any form, such as:

- age, name, ID numbers, income, ethnic origin, or blood type;
- opinions, evaluations, comments, social status, or disciplinary actions; and

- employee files, credit records, loan records, medical records, existence of a dispute between a consumer and a merchant, intentions (for example, to acquire goods or services, or change jobs).

Given that personal information is included in the expenditure reports distributed to Council, Administration suggests discontinuing this process to avoid any potential privacy breaches.

Administration can provide Council reassurance in other various forms. Council approves the annual budget which sets the spending limits and levels of services dictated by Council. Administration provides Council with quarterly variance reports beginning with the second quarter of each year, identifying any potential variances and mitigating measures. In addition the Town's financial statements are reviewed and audited by an independent third party auditor each year.

Financial Impacts

There are no financial impacts resulting from this report.

Report Approval Details

Document Title:	Expenditure Reports.docx
Attachments:	
Final Approval Date:	Mar 5, 2020

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

Kristen Newman

Truper McBride

The Corporation of the Town of Lakeshore

Report to Council

Finance Services

Select name of Division



To: Mayor & Members of Council

From: Rosanna Pellerito, Director of Finance

Date: April 2, 2020

Subject: Waiver of Non-Sufficient Funds Fees for Tax and Water Payments

Recommendation

Adopt By-law 37-2020 Being a By-Law to Amend By-law 32-2020 to Delegate Authority to the Chief Administrative Officer during a COVID-19 Emergency in order to delegate the authority to the Treasurer to waive Non-Sufficient Funds fees on any water and tax payments that are returned due to insufficient funds due to reasons associated with the COVID-19 outbreak.

Background

On March 10th, Council approved the current user fee by-law # 16-2020. In this by-law are the provisions to impose NSF charges to customers for returned payments due to insufficient funds in the customer's account.

Comments

When a preauthorized payment or cheque is returned to the Town as a result of insufficient funds in a customer's account, a fee of \$35 is charged to the customer's account to recover the Town's administrative cost of processing this returned payment.

Administration is recommending this fee be waived during the current COVID-19 pandemic to provide additional financial relief to residents and business. This would complement the waiver of interest and penalty relief that has already been implemented. This waiver would continue in the same time period as the waiver of penalty and interest. Currently, interest and penalty are being waived for payments due up to April 30, 2020. Following this meeting of Council, the waiver will be extended to the end of June.

This is consistent with what the other local municipalities in the region are offering as financial relief to residents and business.

Others Consulted

The County of Essex and other local municipalities.

Financial Impacts

On average, the Town charges \$560 in NSF fees per month for returned payments on tax and water account. This waiver would result in the Town forgoing any NSF revenue that it would otherwise have recovered. The 2020 budget for this line item is \$7,000 and to date we have collected \$1,120 in this account. Implementing this waiver may contribute to an overall shortfall in this line item at the end of the year should the pandemic continue for a significant period of time. Finance will continue to track any lost revenue or costs associated with the COVID-19 pandemic and report back to Council on the overall impact.

Attachment(s): None

Report Approval Details

Document Title:	Waiver of NSF Fees for Tax and Water Payments.docx
Attachments:	
Final Approval Date:	Apr 3, 2020

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

Kristen Newman

Truper McBride

The Corporation of the Town of Lakeshore

Report to Council

Engineering & Infrastructure Services

Public Works



To: Mayor & Members of Council

From: Albert Dionne, C.E.T.
Manager of Public Works

Date: March 24, 2020

Subject: Tender Award for Three (3) New Midsize SUV's

Recommendation

Council award the tender for the purchase of three (3) new 2020 midsize SUV's from Lally Ford in the total amount of \$93,282 plus applicable taxes.

Background

The 2020 Capital Budget included \$101,000 funding amount for the lifecycle replacement of two (2) water vehicles, 2005 Ford Escape and 2009 Ford F150. These two (2) vehicle units have exceeded their useful life cycle and is necessary equipment to the Water Works operations requiring replacement. The third SUV is for the new By-Law position under the Building Department which was approved during the 2020 budgeting process.

Comments

The tender was publicly advertised on the Bids & Tenders website on February 20, 2020. The tender closed Friday, March 6, 2020.

The following four (4) tenders were received prior to the closing date and opened publicly.

Tenderer	Unit Model	Tendered Amount (excluding HST)
Lally Ford	Escape SE AWD	\$93,282
Blue Mountain Chrysler Ltd.	Jeep Cherokee	\$131,844
Oxford Dodge Chrysler (1992) Ltd.	Jeep Cherokee	\$98,073
Ken Knapp Ford	Escape S AWD	\$93,729

Administration has reviewed all tender bids received and found them to be complete.

The rationale for bundling the three (3) midsize SUV's in a single tender was to obtain the benefit from economies of scale with vehicle pricing since all units had the same specifications.

Financial Impacts

The budgeted amount for the three (3) new midsize SUV's is \$101,000 as shown in the table below. The lowest tendered amount submitted was \$94,924 including non-recoverable HST. The three (3) new midsize SUV's are funded under the equipment reserve account,

Description	2020 Budget	Cost incl. Net HST	Variance under/(over)
<u>Water Works Budget Centre</u> 2 – Midsize SUV's	\$ 66,000	\$63,283	\$2,717
<u>Building Budget Centre</u> 1 – Midsize SUV	\$ 35,000	\$31,641	\$3,359
Combined Total for three (3) SUV's	\$101,000	\$94,924	\$6,076

The total tender for the 3 midsize SUV's is \$94,924 including the non-refundable HST. This is within the total budgeted amount for these vehicle.

Report Approval Details

Document Title:	Tender Award for Three (3) Midsize SUV's.docx
Attachments:	
Final Approval Date:	Apr 3, 2020

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

Nelson Cavacas

Rosanna Pellerito

Kristen Newman

Truper McBride

The Corporation of the Town of Lakeshore

Report to Council

Engineering & Infrastructure Services

Environmental Services



To: Mayor & Members of Council

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

Date: March 5, 2020

Subject: OCWA Service Agreement

Recommendation

Council authorizes the Mayor and the Clerk to execute an Operations and Maintenance Service Agreement with the Ontario Clean Water Agency (OCWA) subject to the approval of the Director of Engineering and Infrastructure Services, in consultation with the Director of Legislative and Legal Services, that the agreement satisfactorily addresses the operation and maintenance of the wastewater facilities owned by the Town of Lakeshore for the period January 1, 2020 to December 31, 2024.

Background

The Ontario Clean Water Agency (OCWA) has operated the majority of wastewater treatment facilities in Lakeshore since 1992. Since amalgamation in 1999, Lakeshore has entered into four operating agreements with OCWA for these operation services. The most recent operating agreement with OCWA expires on December 31, 2019.

In 2012 Administration conducted a review of options for the provision of wastewater treatment operations services. A recommendation was made to Council to continue to contract with OCWA and to negotiate a new agreement. It was recommended to update the agreement format to conform to current industry practices. Council adopted the recommendation and Administration negotiated a new Operations and Maintenance Service Agreement which was approved at the Council Meeting of September 23, 2014.

By mutual agreement the provisions of the previous agreement have remained in force pending adoption of the new agreement.

Comments

Administration has held discussions and meetings with OCWA to negotiate the new Operations and Maintenance Service Agreement.

Administration and OCWA have developed a mutually satisfactory Operations and Maintenance Service Agreement. The main principle guiding the development has been to modernize the agreement and to incorporate several issues which had not been described in the previous agreements but are important, while preserving those aspects of the previous agreements which have proved effective. The term of the service agreement would start on January 1, 2020 and be five years with an opportunity to extend the agreement an additional five years should the Council of the time agree to the extension.

The principal objectives that were identified to be discussed in negotiating a new contract were as follows:

- All operating and maintenance costs to be covered by the agreement
- Performance objectives and reporting
- Staffing levels
- Energy optimization
- Indemnification and Liability
- Insurance

The following are the significant changes in the new agreement:

- i) The service agreement template has been updated and improved.
- ii) Capital spending remains under Lakeshore's control and approval. All operating and maintenance costs are explicitly covered by the agreement.
- iii) There were a number of items that were being charged to the Town as out-of-scope that were actually routine maintenance which have now been added to the OCWA service costs. This will reduce the amount of money spent under the repairs and maintenance accounts and will now be allocated to OCWA contract. This change was made in the 2020 Budget.
- iv) Staffing levels were discussed with OCWA. Currently the OCWA Operational Manager's time is allocated 60% to Lakeshore, 30% to the Town of Kingsville, and 10% to the Town of Tecumseh. Lakeshore and OCWA agreed that because of high priority projects in Lakeshore that the Operational Manager's allocation to Lakeshore should be increased to provide better service to Lakeshore especially in light of the future expansion to Denis St. Pierre. OCWA has agreed to increase the Lakeshore Manager's allocation to 90%.
- v) The service fee component which covers OCWA's administrative overhead is increased annually using CPI.
- vi) Indemnification and Liability provisions have been reviewed by the Town's Director of Legal and Legislative Services.

- vii) Insurance coverages have also been reviewed by Administration confirming appropriate coverages and elimination of any duplication where coverage was found to be carried by both the Town and OCWA.
- viii) Operation of any new facilities since the last agreement have been included in the current agreement.

The Draft Environmental Assessment is being finalized in April 2020 for the expansion to the Denis St. Pierre Water Pollution Control Plant with the expansion planned to occur in the near future as the plants nears it rated-capacity. With these upgrades in mind, Administration recommends that it is in the best interest of the Town to continue the contract with OCWA. This would ensure continuity of operations during the expansion to the treatment plant. OCWA's experience in operating this plant will prove invaluable during the construction period and start-up process.

Others Consulted

Ontario Clean Water Agency (OCWA)

Financial Impacts

The current 2019 annual cost of OCWA services to Lakeshore is \$1,403,200. The proposed agreement for the Town is \$1,610,900 which is an increase of \$207,700 annually. As discussed in the comments section above, the increase includes costs that were being charged to the repairs and maintenance under the previous contract and the additional costs incurred for OCWA's Operational Manager that will dedicated to Lakeshore in assisting with upcoming plant expansion and increased capital repairs and maintenance work currently being experienced with the aging infrastructure at the wastewater treatment facilities. Subsequent years of the contract similarly to previous contract will apply a CPI inflationary adjustment to the Operational Support Services of the Contract. The approved 2020 Budget includes the \$1,610,900 amount for the wastewater services provided under the OCWA contract.

OCWA Contract Fee for 2020	
Description	Cost
OCWA Contract (2019)	\$ 1,403,200
Inflationary Adjustment	\$ 24,222
Sub-Total OCWA Fee	\$ 1,427,422
OCWA Maintenance & Operational Cost Adjustments	
Reallocation of Routine Maintenance from Lakeshore R&M to OCWA	\$ 138,478
Increase in Operational Manager	\$ 45,000
Total OCWA Maintenance & Operational Fee	\$ 183,478
Total OCWA Contract (cost + fee)	\$ 1,610,900

Attachment(s): none

Report Approval Details

Document Title:	RTC-OCWA Renewal Agreement 2020.docx
Attachments:	
Final Approval Date:	Apr 3, 2020

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

Rosanna Pellerito

Kristen Newman

Truper McBride

The Corporation of the Town of Lakeshore

By-law 35-2020

**By-law to Delegate Authority to the Mayor and Clerk to
Execute a Facility Use Agreement with Wayne Currie**

Whereas paragraph 11(2)7 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to pass by-laws respecting services and things that the municipality is authorized to provide;

And whereas section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes Council to delegate its power and duties;

And whereas on March 10, 2020, the Council of The Corporation of the Town of Lakeshore directed Administration, by resolution 63-03-2020, to prepare an agreement with Wayne Currie for the use of the Libro Community Centre multi-purpose room for a 3 year term at a rate of \$400.00 plus tax per month;

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

1. The Mayor and the Clerk are delegated the authority execute a facility use agreement with Wayne Currie, subject to review and approval of the agreement by the Director of Community & Development Services.
2. The delegated authority described in Section 1 includes the authority to execute any related amendments or agreements in furtherance of this agreement.
3. In the event of a conflict between this by-law and another Town by-law, this by-law prevails.
4. The delegation in this by-law is subject to any restrictions on such delegation under the *Municipal Act, 2001*, S.O. 2001, c.25 or any other Act.
5. This by-law shall come into force and effect upon passage.

Read and passed in an open session on April 7, 2020.

**Tom Bain
Mayor**

**Kristen Newman
Clerk**

The Corporation of the Town of Lakeshore

By-law 37-2020

**Being a By-Law to Amend By-law 32-2020 to
Delegate Authority to the Chief Administrative
Officer a COVID-19 Emergency**

Whereas, to help protect the health and safety of people in the community during the COVID-19 pandemic, The Corporation of the Town of Lakeshore has suspended operations of several municipal programs and facilities;

And whereas, Council anticipates that there may be significant financial impacts resulting from the spread of the COVID-19 virus and Council is seeking measures to help mitigate those impacts;

And whereas, section 23.1 of the *Municipal Act, 2001*, authorizes Council to delegate its power and duties;

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

1. By-law 32-2020 is amended by repealing and replacing section 5 with the following:

“5. Despite provisions in any specific by-law or resolution, and subject to Part 3, the Treasurer, if satisfied that such action is reasonable in the circumstances, is delegated the authority to:

a) reduce, waive or cancel late payment charges, penalties and interest on overdue accounts if such reduction, waiver or cancellation is otherwise in accordance with the law;

b) Extend payment periods or deadlines for payment for amounts owing to the Town if such extension is otherwise in accordance with the law; and

c) waive such fees or penalties for amounts owing to the Town if such waiver:

a. is otherwise in accordance with the law,
b. is approved by the Chief Administrative Officer, and
c. would not result in undue hardship to the Town.”
2. This by-law shall come into force and effect upon passage.

Read and passed in open session on April 7, 2020

**Tom Bain
Mayor**

**Kristen Newman
Clerk**

The Corporation of the Town of Lakeshore

By-law 38-2020

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 March 10th, March 12th and March 19th 2020 sessions 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 an open session on April 7, 2020.

**Mayor
Tom Bain**

**Kristen Newman
Clerk**

/cl