

The Corporation of the Town of Lakeshore

Regular Council Meeting Agenda

Tuesday, June 9, 2020, 5:30 PM

Electronically hosted from Council Chambers, 419 Notre Dame Street, Belle River

Pages

1. **Call to Order**

2. **Closed Session**

Recommendation:

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

- a. Paragraph 239(2)(e), (f) and (k) of the *Municipal Act, 2001* to discuss potential litigation affecting the municipality, advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, relating to the Atlas Tube Centre.

3. **Return to Open Session**

The Open Session will begin at 6:00 PM.

4. **Moment of Reflection**

5. **Disclosures of Pecuniary Interest**

6. **Recognitions**

7. **Public Meetings under the Planning Act**

8. **Public Presentations**

9. **Delegations**

- a. Paul Courey, counsel representing Lucien Morassutti, resident - Delegate for Item 13(a)
- b. Tammie Mailloux, resident - Delegate for Item 13(a)

10. Completion of Unfinished Business

11. Consent Agenda

- | | | |
|----|--|----|
| a. | Regular Council Meeting Minutes - May 26, 2020 | 7 |
| b. | Belle River On the Lake Business Improvement Area Meeting Minutes -
March 2, 2020 | 17 |
| c. | Northumberland County - Designation of Provincially Significant
Wetlands | 19 |

Recommendation:

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

12. Reports for Information

- | | | |
|----|--|----|
| a. | Impact of Local Newspaper Closures on Town of Lakeshore Business | 20 |
| b. | Amy Croft Road Traffic Upgrades | 26 |
| c. | Roads Capital and Lifecycle 5 Year Plan | 29 |
| d. | Gravel Roads Conversion - 10 Year Plan | 41 |

Recommendation:

Receive the Reports for Information as listed on the agenda.

13. Reports for Direction

- a. **Deeming, Permanent Closure, Stop Up and Declaration of Surplus for Emily Street Unopened Road Allowance**

47

Recommendation:

The portion of land known as Emily Street and legally known as Emily Street, Plan 203; Tilbury West; Lakeshore, being all of the Property Identifier Number 75067-0187(LT) be deemed not to be a lot on a registered plan of subdivision, and that the road allowance be closed, stopped up and declared surplus;

Administration proceed with seeking an appraisal, offering Emily Street for sale and conveying the land through a public sale process pursuant to Town Policy AD – 227, *Sale and Disposition of Land*; and,

Administration present draft By-law 47-2020 at a future Council meeting, all as presented in the report entitled, *Deeming, Permanent Closure, Stop Up and Declaration of Surplus for Emily Street Unopened Road Allowance*, presented at the June 9, 2020 Council meeting.

- b. **2019 – 2022 Strategic Plan Update**

57

Recommendation:

Administration revise the 2019 – 2022 Strategic Plan as identified in the report entitled, *2019-2022 Strategic Plan Update*, presented at the June 9, 2020 Council meeting.

- c. **Financial Impacts of COVID 19 - Cost Containment Strategies**

64

Recommendation:

Direct Administration to proceed with the recommended deferrals for 2020; and;

Approve the deferred projects as a first charge to the 2021 budget.

Recommendation:

1. Approve the taxation supported surplus of \$1,229,687 for the year ended December 31, 2019 to be transferred to the Working Funds Reserve;
2. Approve the establishment of a Legal Services Reserve and a transfer to this reserve of \$96,622 representing the 2019 surplus in the Legal expense account budget;
3. Approve a transfer of \$194,286 from Building Services – Operating reserve fund to transfer the 2019 Accumulated Net Surplus per the draft 2019 Building Services Statement;
4. That the Wastewater (sanitary sewer) deficit of (\$372,874) for the year ended December 31, 2019 be funded by a transfer from the Wastewater (Sanitary Sewer) Reserve Fund; and,
5. That the Water deficit of (\$486,901) for the year ended December 31, 2019 be funded by a transfer from the Water Reserve Fund.

e. Tender Award – 2020 Supply and Place Gravel Program

Recommendation:

1. Award the tender to Jeff Shepley Excavating Ltd. for the 2020 Supply and Place Gravel program in the amount of \$242,455.00 plus HST for Schedule 1A using the crushed dolomite stone; and,
2. Award the tender to Rene Blain Trucking Ltd. for the 2020 Stockpiling of Gravel, as per Schedule 2, in the amount of \$87,975.00 plus HST.

f. Governmental Permits and Works Delegated Authority

Recommendation:

Direct the Director of Legislative & Legal Services to present draft By-law 46-2020, for reading at the next Council meeting, in accordance with the report entitled, Governmental Permits and Work Delegated Authority, presented at the June 9, 2020 Council meeting.

14. Announcements by Mayor

15. Reports from County Council Representatives

16. Report from Closed Session

17. Notices of Motion

a. Notice of Motion submitted by Councillor Wilder - Elimination of Internet Overage Charges

111

Recommendation:

Whereas there has been a recent and sudden influx in the number of Canadians who are working or attending school remotely;

Whereas access to reliable, high-speed internet is a vital component in enabling Canadians to work and attend school remotely;

Whereas many parts of Canada, especially rural communities, have a limited number of providers to obtain an internet connection from, resulting in a higher cost for service than more urbanized areas, as well as data usage caps and overage fees;

Whereas the recent and sudden influx of Canadians who are working or attending school remotely has necessitated an increase in the amount of data being transmitted through their internet connections, leading to unprecedented overage fees for Canadians that do not have internet connections with unlimited data.

Now Therefore Be It Resolved that the Government of Canada be urged to immediately work with internet connection providers to ensure that all Canadians are paying a fair and similar price for their internet connections, including the elimination of data usage caps and overage fees;

Be It Further Resolved that that a copy of this motion be sent to the Right Honourable Justin Trudeau, Prime Minister of Canada, the Honourable Andrew Sheer, Leader of the Official Opposition, and all MPs in Canada; and

Be It Further Resolved that a copy of this Motion be sent to the Federation of Canadian Municipalities, and all Canadian municipalities for their consideration.

18. Question Period

19. Non-Agenda Business

20. Consideration of By-laws

- a. By-law 45-2020, Being a By-law to Confirm the Proceedings of Council for May 26 and June 4, 2020

112

Recommendation:

By-law 45-2020 be read and passed in open session on June 9, 2020.

21. Closed Session

Recommendation:

Council move into closed session at ____ PM in accordance with:

- a. Paragraph 239(2)(b) of the *Municipal Act, 2001* to discuss personal matters about an identifiable individual, including municipal or local board employees, relating to the Chief Administrative Officer performance evaluation.

22. Return to Open Session

23. Adjournment

Recommendation:

Council adjourn its meeting at ____ PM.

The Corporation of the Town of Lakeshore

Minutes of the Regular Council Meeting

Tuesday, May 26, 2020, 6:00 PM

Electronically hosted from 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 Development Services, Kim Darroch, Manager of Human Resources, Lisa Granger, Pat Girard, Manager of Legislative Services, Brianna Coughlin, Frank Jeney, Manager of Recreation & Leisure, Manager of Public Works, Mazen Jreda

1. Call to Order

Mayor Bain called the meeting to order at 6:06 PM in Council Chambers. All other members of Council participated in the meeting through video conferencing technology from remote locations.

2. Moment of Reflection

3. Disclosures of Pecuniary Interest

4. Recognitions

Mayor Bain congratulated Albert Dionne on his transition to the Manager of Water/Wastewater Services and introduced the new Manager of Public Works, Mazen Jreda.

5. Public Meetings under the *Planning Act*

6. Public Presentations

7. Delegations

8. Completion of Unfinished Business

9. Consent Agenda

- a. **Special Council Meeting Minutes - May 7, 2020**
- b. **Regular Council Meeting Minutes - May 12, 2020**
- c. **Town of Grimsby - Request for Commercial Rent Assistance Program**
- d. **Town of Midland - Request for Financial Aid Plan**
- e. **Township of Armour - High Speed Internet Connectivity in Rural Ontario**
- f. **Town of Tecumseh - Request for Reconsideration of the Permanent Closing of the Community Weekly Newspapers Owned By Post Media Inc.**

141-05-2020

Moved By Councillor Walstedt

Seconded By Councillor Kerr

Approve minutes of the previous meetings and receive correspondence as listed on the Consent Agenda.

Carried Unanimously

142-05-2020

Moved By Councillor Wilder

Seconded By Deputy Mayor Bailey

Support the resolution by the Town of Midland regarding a Request for Financial Aid Plan.

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

Opposed (1): Councillor McKinlay

Carried

143-05-2020

Moved By Councillor Wilder

Seconded By Councillor McKinlay

Support the resolution of the Township of Armour regarding High Speed Internet Connectivity in Rural Ontario.

Carried Unanimously

144-05-2020

Moved By Councillor Wilder

Seconded By Councillor Santarossa

Support the resolution of the Town of Tecumseh regarding a Request for Reconsideration of the Permanent Closing of the Community Weekly Newspapers Owned By Post Media Inc.

Carried Unanimously

10. Reports for Information

a. Financial Impacts of COVID-19

b. Options for Members of Council Ineligible for OMERS

145-05-2020

Moved By Councillor Janisse

Seconded By Councillor McKinlay

Direct Administration to proceed with Option 1 described in the report of the Manager of Human Resources entitled "Options for Members of Council Ineligible for OMERS", presented at the May 26, 2020 Council meeting.

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

Opposed (1): Councillor Wilder

Carried

c. Council Assignments Monthly Tracking Report - May 2020

146-05-2020

Moved By Councillor Kerr

Seconded By Councillor Santarossa

Receive the Reports for Information as listed on the agenda.

Carried Unanimously

11. Reports for Direction

a. Electronic Statutory Public Meetings – Ontario Planning Act

147-05-2020

Moved By Deputy Mayor Bailey

Seconded By Councillor Wilder

During the declared Emergency related to the COVID-19 Pandemic, Administration be authorized to:

- a. accept new planning applications;
- b. hold electronic participation for Statutory Public Meetings required under the Ontario *Planning Act*;
- c. conduct open houses, in a different format than in-person and electronic participation meetings, to limit delays and numerous requests to the IT Department for assistance; and
- d. that the necessary by-laws be prepared, as described in the report of the Manager of Development Services presented at the May 26, 2020 Council meeting.

Carried Unanimously

b. Policy for Traffic Calming

148-05-2020

Moved By Councillor Kerr

Seconded By Councillor Walstedt

1. Adopt the Traffic Calming Policy and include in the procedure that only 5 of 8 criteria must be satisfied by the petitioner; and
2. Direct Administration to include \$40,000 as an annualized budget for traffic calming measures in the 2021 Budget.

Carried Unanimously

12. Announcements by Mayor

13. Reports from County Council Representatives

Deputy Mayor Bailey presented matters from County Council.

14. Report from Closed Session

15. Notices of Motion

- a. **Notice of Motion submitted by Councillor Kerr - Accessible Door at the Atlas Tube Centre**

149-05-2020

Moved By Councillor Kerr

Seconded By Councillor Janisse

Direct Administration to bring a report regarding the conversion of the south-east emergency door at the Atlas Tube Centre to an accessible door, that this report include costs and be considered during the 2021 Budget deliberations.

Carried Unanimously

- b. **Notice of Motion submitted by Deputy Mayor Bailey - Postal Codes**

150-05-2020

Moved By Deputy Mayor Bailey

Seconded By Councillor Wilder

Direct Administration to bring a report describing the areas of Lakeshore that have addresses with postal codes and communities that are not part of Lakeshore.

Carried Unanimously

- c. **Notice of Motion submitted by Councillor Wilder - Reconsideration of the Municipal Cannabis Policy Statement**

Mayor Bain called a recess at 9:00 PM and reconvened the meeting at 9:08 PM.

151-05-2020

Moved By Councillor Wilder

Seconded By Councillor Santarossa

Reconsider motion #118-04-2020, passed April 28, 2020, as it relates to the adoption of the Municipal Cannabis Policy Statement.

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

Opposed (1): Councillor Walstedt

Carried

152-05-2020

Moved By Councillor Wilder

Seconded By Councillor Janisse

Whereas the Town of Lakeshore has 'opted in' to allow cannabis retail locations;

Whereas the Town of Lakeshore has previously adopted a 'Municipal Cannabis Policy Statement', which applies to cannabis retail locations in the Town of Lakeshore and is more stringent than what is required under provincial law; and

Whereas it has become apparent that the Town of Lakeshore's 'Municipal Cannabis Policy Statement' requires some further refinement and lessening of restrictions.

Now Therefore Be It Resolved that until such time as the Town of Lakeshore adopts an amended 'Municipal Cannabis Policy Statement' as contemplated by this motion, any comments or written submissions to be sent by the Town of Lakeshore to the Alcohol and Gaming Commission of Ontario regarding applications for a cannabis Retail Store Authorization, be worded such that they clearly indicate that the Town of Lakeshore is currently considering revisions to its 'Municipal Cannabis Policy Statement' and include a copy of this motion and any resolutions passed pursuant to it;

Be It Further Resolved that in advance of any future Town of Lakeshore Council meetings, where the 'Municipal Cannabis Policy Statement' or any of its successors shall be listed on the Agenda for debate, discussion and potential revision, notice shall be provided directly to all individuals or entities who have previously provided their contact information and attended at a Public Information Session or Open House, responded to Online Survey, or submitted a comment to the Town of Lakeshore, regarding cannabis retail locations;

Be It Further Resolved that in advance of any future Town of Lakeshore Council meetings where the 'Municipal Cannabis Policy Statement' or any of its successors shall be listed on the Agenda for debate, discussion and potential revision, that notification shall be disseminated as widely as practical, to elicit further comments and input from individuals and entities; and

Be It Further Resolved that should the Town of Lakeshore become known by some other name at some future point in time, that this motion and any

resolutions passed pursuant to it, shall continue to be of full force and effect.

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

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

Lost

153-05-2020

Moved By Councillor Kerr

Seconded By Councillor Santarossa

Extend the meeting past 9:30 PM.

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

Opposed (2): Mayor Bain, and Councillor Janisse

Carried

154-05-2020

Moved By Deputy Mayor Bailey

Seconded By Councillor Santarossa

Direct Administration to remove commercial schools from the Municipal Cannabis Policy Statement and bring it back to Council for consideration and that a Special Council Meeting be held should an application be brought forward in the interim.

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

Opposed (2): Councillor Kerr, and Councillor Walstedt

Carried

16. Question Period

17. Non-Agenda Business

18. Consideration of By-laws

- a. **By-law 42-2020, Being a By-law to Amend By-law 67-2000 to Designate Community Safety Zones Within the Boundaries of the Town of Lakeshore**
- b. **By-law 43-2020, Being a By-law to Change the Name of the Municipality**

c. By-law 44-2020, Being a By-law to Confirm the Proceedings of Council for May 7 and May 12, 2020

155-05-2020

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

By-law 43-2020 be read and passed in open session on May 26, 2020.

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

Opposed (2): Councillor Wilder, and Councillor Janisse

Carried

156-05-2020

Moved By Deputy Mayor Bailey

Seconded By Councillor Santarossa

By-law 44-2020 be read and passed in open session on May 26, 2020.

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

Opposed (2): Councillor Wilder, and Councillor Janisse

Carried

157-05-2020

Moved By Councillor McKinlay

Seconded By Councillor Kerr

By-law 42-2020 be read and passed in open session on May 26, 2020.

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

Opposed (1): Councillor Janisse

Carried

158-05-2020

Moved By Councillor Kerr

Seconded By Councillor Santarossa

Suspend the rules of the Procedural By-law as it relates to Section 3.5(b) to allow the meeting to continue 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

19. Closed Session

159-05-2020

Moved By Deputy Mayor Bailey

Seconded By Councillor McKinlay

Council move into closed session in Council Chambers at 10:02 PM in accordance with:

- a. Paragraph 239(2)(c) and (f) of the *Municipal Act, 2001* to discuss a proposed or pending acquisition or disposition of land by the municipality or local board, and advice that is subject to solicitor-client privilege, including communications necessary for that purpose, relating to Pearl Street.

Carried Unanimously

20. Return to Open Session

Council returned to open session at 10:16 PM.

21. Adjournment

160-05-2020

Moved By Deputy Mayor Bailey

Seconded By Councillor Kerr

Council adjourn its meeting at 10:17 PM.

Carried Unanimously

Tom Bain
Mayor

Kristen Newman
Clerk



Belle River-On the Lake Business Improvement Area

BIA Board of Management Meeting Minutes March 2, 2020 at Noon Council Chambers, Town of Lakeshore

BIA Board Members	<u>Ward 4 Council Representative:</u> John Kerr <u>Chairman:</u> Moe Mailloux, Moe Mailloux Financial Services Inc <u>Vice Chair:</u> Laura Tremblay, National Bank <u>Directors:</u> Jelena Adzic, Libro Credit Union, Rachelle Crevatin, La Belle Fromage, Shawn Sauve, RONA Sauvé's Home Centre, <u>Regrets:</u> Lucille Soulliere, Mike Sutton, Melady Funeral Home, Sandy Pepper, The Treasure Nook, Ray Tetreault, Tetreault valu mart <u>Associate Members:</u> Tina Roy, Remax Preferred Realty Ltd., Dale Sanger, New Life Assembly , Derek Trepanier, Best Pest Control REGRETS: Jay Coulter, Coulter Software Inc
<u>BIA Office Lakeshore</u>	Coordinator Janel Gagnier Tammie Ryall, Director of Community & Development Services
<u>Agenda Items</u>	
#1	Declaration Of Conflict of Interest - None
#2	Adoption of the Minutes of the BIA Board Meeting on Feb 3, 2020 Shawn Moved and Laura Seconded: That the minutes from the BIA Board Meeting of February 3, 2020 be adopted as presented. Motion # 2020 – 02 All in favour. Motion Carried
#3	Sunsplash Festival <ol style="list-style-type: none">1. Met with Mike Kovacs from the K of C to start the paperwork necessary for ACGO. Formal Request Letter and Map sent to Lakeshore Council to designate the festival as a Signature Event.2. Approva for boat launching at the Puce Harbour and parking of trailers at the Community Support Centre3. Special Event Application sent to Lakeshore4. NYNE Design to begin work on the online car show registration process.
#4	Stroll the Street: Special Event Application Sent to Lakeshore Night Market Campaign with TWEPI – a partnership with Leamington, Kingsville, Lasalle, Tecumseh and Walkerville Night Markets. Cost \$400 to participate in advertising on TWEPI. Shopping bags will be ordered by TWEPI for vendors and/or BIA Businesses. Short description for listing with TWEPI: <u>An upbeat experience geared for all ages, bringing people and businesses together for food, fun, shopping and music! A great opportunity to slow down, visit with friends and family while enjoying all that Belle River has to offer!</u>

#5	<p>Old Business: Post Media Magazine - Advertising Price Sheet, Cover and Format for Directors Photo, Name, Position.</p> <p>Brainstorming Exercise. Belle River BIA Content to include</p> <ol style="list-style-type: none"> 1. Cover 2. Board of Management page. Welcome from Moe 3. Content Index 4. Sunsplash Event Schedule and Locations (MAP) 5. Sunsplash Info and Photos 6. Stroll the Street Info 7. Stroll the Street Photos 8. List of Businesses by Category 9. List of Businesses by Category 10. Map of Lakeshore (to include parks, beach, museums, ERCA) 11. Map of Belle River BIA Boundary 12. What is a BIA? 13. History of James Cooper and photo 14. Lakeshore Museums and photos 15. Lakeshore High Water Subsidies for residents of flooding 16. Lakeshore Canada Day – Invite from Mayor 17. Lakeshore ATC 18. Lakeshore Summer Programs 19. Experience Lakeshore To Do List 20. Picnic Places 21. Contest – Social Media photos of having fun in Lakeshore 22. Contest – Best things to do or see 23. Photos of parks, picnics, places, planters and decor 24. Photos of businesses 25. Photos of families having fun
#6	<p>New Business:</p> <p><u>We Are Stronger Together Open House</u> - flyer approval and minutes from our last meeting. This private event should be open to business partners, managers and /or special staff NOT only the person receiving the email invite. Next Meeting is on Tuesday, March 10</p> <p><u>Grand Opening of Finishing Touch Paint & Décor</u> will be held on March 28th between 11 am and 2pm with ribbon cutting at noon.</p>
#7	Next BIA Board Meeting will be held on April 6, 2020
#8	Meeting Adjournment at 1pm

Meeting
Minute
Approval

_____ Moe Mailloux

Adoption of the Minutes of the BIA Board Meeting on March 2, 2020 Sandy Moved and Mike Seconded: That the minutes from the BIA Board Meeting of March 2, 2020 be adopted as presented. **Motion # 2020 – 04 All in favour. Motioned Carried**

Resolution



Moved By _____

Agenda
Item 8i

Resolution No.
2020-05-20- 143

Last Name Printed Martin

Seconded By _____

Council Date: May 20, 2020

Last Name Printed Cane

"Now Therefore Be It Resolved That Northumberland County Council supports the resolutions adopted by the Township of Perth South, the Village of Merrickville-Wolford, the Municipality of West Nipissing; and

Further Be It Resolved That Northumberland County requests the Ministry of Natural Resources and Forestry to review its practices and procedures to include a requirement to provide supporting evidence to impacted municipalities when designating Provincially Significant Wetlands within their boundaries; and

Further Be It Resolved That Council directs staff to send a copy of this resolution to the Premier of Ontario, the Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and Housing, MPP David Piccini (Northumberland Peterborough-South), the Association of Municipalities of Ontario, the Rural Ontario Municipal Association, and all Ontario municipalities."

Recorded Vote
Requested by _____
Councillor's Name

Carried 
Warden's Signature

Deferred _____
Warden's Signature

Defeated _____
Warden's Signature

The Corporation of the Town of Lakeshore

Report to Council

Legislative & Legal Services

Legislative Services



To: Mayor & Members of Council

From: Brianna Coughlin, Manager of Legislative Services

Date: May 27, 2020

Subject: Impact of Local Newspaper Closures on Town of Lakeshore Business

Recommendation

This report is for information only.

Background

On April 27, 2020, Postmedia Inc. announced the closure of 15 community newspapers. This includes five newspapers in Essex County: the Lakeshore News, the LaSalle Post, the Tecumseh Shoreline Week, the Tilbury Times, and the Kingsville Reporter.

Council then passed Resolution 121-04-2020 at the April 28, 2020 Council meeting:

Direct Administration to send a letter to Post Media expressing disappointment and concern regarding the closure of five local newspapers.

In addition, on May 26, 2020 Council passed the following resolution # 144-05-2020:

Support the resolution of the Town of Tecumseh regarding a Request for Reconsideration of the Permanent Closing of the Community Weekly Newspapers Owned By Postmedia Inc.

Comments

The Town of Lakeshore is an accountable and transparent organization that believes that its residents should be made aware of the business of the municipality. The closure of local newspapers affects the ways in which the Town is able to advertise and notify residents relating to Town business.

There are specific legislative requirements that require advertisement in local newspapers. These include, but are not limited to notices under the *Municipal Act, 2001*, the *Planning Act*, the *Expropriations Act*, the *Development Charges Act*, the *Building Code Act*.

In addition, the Town's "Notice Policy – Regulatory" outlines the following methods to provide notice:

3.7 Method of Notice: the following shall be deemed appropriate methods of Notice:

3.7.1 1st Class Mail;

3.7.2 Posting on Town's Website;

3.7.3 Personal Email;

3.7.4 Advertising in the local newspaper with appropriate circulation area and/or a paper with general circulation (at the discretion of the Clerk).

3.7.5 Listing and identifying the subject matter on a Regular Meeting Council Agenda.

The following is an overview of how the most frequent uses of advertisement are affected by the local newspaper closures and how Administration anticipates completing the notifications required by legislation.

Development Services

The Town welcomes and encourages comments from the public and community organizations regarding the development review process. Community organizations have an important role to play in the process and can provide practical and useful insights into the potential impacts of the official plan and zoning by-law amendments, of subdivisions, commercial and industrial site plans and other planning matters that occur in or near their neighbourhoods.

The Province of Ontario establishes the ground rules for land use planning through the *Planning Act* (Act). Municipalities are given all of their powers and authority to act by the province. In accordance with the provisions contained in the Act, specific regulations for each application type sets out the minimum notice requirements, a list of matters for which public notice is required, the form and the manner in which notice is to be given, with the minimum time for providing such notice.

The Development Review Process includes:

- Pre-application Consultation
- Development Application Submission (complete application notification)
- Community and Agency Notification (public meetings notification)
- Decisions (notification of a decision)
- Post Approval

Notifications for official plan amendments, zoning by-law amendments, draft plan of subdivisions, draft plan of condominiums, minor variances, consents, require only the posting of the sign for a public meeting and mailing of a notice to landowners and regulated agencies, to provide communication of the complete application (where specified by the Act), public meeting and decision on an application.

For certain applications, including site plan control approvals, lifting of part lot control, removal of a holding zone, no sign or public notice for a public meeting is required under the Act.

For long range policy projects like an Official Plan, Zoning By-law, Secondary Plan or Shoreline Management Plan or other similar study, a newspaper advertisement is appropriate and in most circumstances required by the Act. With Windsor – Essex to lose 5 of its long standing community newspapers, it will be inconvenient for the Planning Division and perhaps more costly, for both the applicants and the Town, but not disruptive, as advertisements can be done through the Windsor Star or bulk mail outs through the tax department or the Town's community newsletter.

Engineering and Infrastructure Services

There are several legislative requirements for advertising notices in newspapers relating to engineering and infrastructure projects. This includes notices of land expropriation, environmental assessment notices and public information centres relating to water and wastewater.

Finance Services

Administration has been moving away from print advertising for Finance Services in favour of digital advertising. With the introduction of the Bids & Tenders online program, tenders are able to reach a broader market and do not rely on newspaper advertising deadlines. The introduction of the Bids & Tenders online program ensures that the Town is compliant with procurement laws including the free trade agreements which require notices to be given in particular electronic systems.

Despite the move to digital advertising, there remain some notices that must be advertised in a local newspaper. For example, Section 295 of the *Municipal Act, 2001* requires that a municipality must publish notice each year that copies of the audited financial statements and related information are available to residents upon request.

Event and Information Communications

Due to the quick pace of information communications, media releases and emergency news is almost exclusively published on the Town's website and Facebook page. Notices are also sent to local newspaper and radio stations who may then choose to publish this news at no cost.

The Town of Lakeshore has traditionally advertised in local newspapers for large scale events or commemorations, such as Remembrance Day and Canada Day. Media outlets have also been invited to report on these events, or Administration would provide information and pictures after the event for reporting purposes.

Volunteer Opportunities and Employee Hiring

Typically Administration has advertised volunteer opportunities for local boards and committees by way of local newspapers as well as the Town website. In addition, Human Resources has used local print media to promote job vacancies locally at a cost of \$4,500 - \$7,500 annually.

Administration will use other job posting boards in other forms of media to continue to promote job vacancies locally such as Indeed.ca, which is a free online option, as well as other methods of posting vacancies externally depending on the requirements of the position. For example, it is common for the Town to post to online media organizations such as AMCTO, Municipal World and the Municipal Information Network for common municipal positions. In addition, the Town will post using the websites of professional organizations such as Professional Engineers of Ontario for engineering positions and CPA Ontario for accounting positions.

Municipal Elections

Municipal elections are held every four years and are regulated under the *Municipal Elections Act*. While advertisement for elections can vary based on the type, method and complexity of an election, there are several notices that require advertisement to the entire electorate.

While notices are prescribed in the legislation, there is no specific requirement related to advertisement in newspapers. Section 13.1 of the *Municipal Elections Act* states the following:

Any notice or other information that this Act requires the clerk to give shall be given in a form and manner and at a time that the clerk considers adequate to give reasonable notice or to convey the information, as the case may be.

The next municipal election will be held October 24, 2022. In preparation for the election, the Clerk will develop a communications strategy which will take into account accessibility, transparency, costs and outreach.

Alternative Methods of Notice

Advertising Method	Cost	Outreach	Frequency
Windsor Star	High approx. \$3,500 for one ad, one day	Low approx. 2,500 subscriptions in Lakeshore	High
Essex Free Press	Low approx. \$250	Low Circulating in southern area of the Town only	High
Tax Bill Insert	Medium	High Wide range but does not reach all residents (property owners only)	Low Twice per year (January and June)
Water Bill Insert	Medium	High Wide range but does not reach all residents (property owners only)	Low Every two months (alternating months for each area)
Lakeshore Waves Newsletter	Medium January and June newsletters are inserts with tax bill (\$2,500), Fall newsletter is a mass mailing (\$5,000)	High Mailed to each household	Low 3 publications per year
Mass mailing	High approx. \$5,000	High Can be targeted by location	High
Radio	High	Medium depends on number of selected stations	High
Television	High	Medium depends on number of selected stations	High
Facebook	Low	Medium	High

Website subscription	Low Free with website platform	Medium Subscribers only	High
Temporary Road Sign	Medium	Low Limited to targeted location. Short messages only	High
Use of Electronic Road Signs	High Free but frequent or wider usage of them would require the purchase of additional units	Low Limited to targeted location. Short messages only	High

Financial Impacts

There is a possibility that where print advertising is required, the Town may incur increased costs for advertising due to the closure of the Postmedia papers. This may impact operational budgets and will be reflected in variance reports if necessary. Where possible though, Administration will attempt to mitigate those costs by using other methods.

Attachment(s): None.

Report Approval Details

Document Title:	Impact of Local Newspaper Closures on Town of Lakeshore Business.docx
Attachments:	
Final Approval Date:	Jun 3, 2020

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

Kristen Newman

Rosanna Pellerito

Truper McBride

The Corporation of the Town of Lakeshore

Report to Council

Engineering & Infrastructure Services

Engineering Services



To: Mayor & Members of Council

From: Tony DiCiocco, C.E.T., Manager, Engineering Services

Date: June 1, 2020

Subject: Amy Croft Road Traffic Upgrades

Recommendation

This report is for information only.

Background

Council adopted the following resolution at its September 24, 2019 Council meeting:

That Administration be directed to bring back a report regarding a plan and costing strategy to ensure that Amy Croft Road traffic upgrades are completed by Spring 2021.

Comments

The Amy Croft and Manning Road intersection resides with County of Essex jurisdiction as the road authority over the intersection, and both Lakeshore and Tecumseh having also a shared responsibility for their respective intersecting streets. For this reason the County of Essex has taken the lead on this project and hired Dillon Consulting to complete the design engineering.

The County of Essex project team held two meetings to date, prior to the pandemic emergency arising, with staff representatives from Lakeshore and Tecumseh on the project. Although the pandemic has impacted the ability for the project team to continue to meet in the traditional group meetings dialogue has continued in order for the consultant to move forward with the design which is currently at a 60% complete stage.

The project team has reviewed project scope and construction staging implications with the improvements at the busy intersection of Amy Croft and Manning Road. The project scope will involve land acquisition, utility relocation and road pavement widening to accommodate the construction of the additional turning lanes along Amy Croft Drive at Manning Road as well extending the additional lanes on Amy Croft Drive to east of the

Sobey's commercial plaza traffic signal entrance. With respect to construction staging the project team identified the need to have closures at the intersection at different stages of construction. To mitigate impacts of the road closures it was determined by the project team having the Lanoue Road extension completed before commencing the Amy Croft Drive project would be beneficial. This additional road network will help with the movement of traffic during the Amy Croft construction and road closures.

At this time, the County project team has identified the following with respect to the project schedule:

- 90% Project Design submission by July 26, 2020
- 100% Project Design submission by August 28, 2020
- Project Tender package submission by September 18, 2020
- Project Tendering by October 16, 2020 for 2021 spring construction
- Land acquisitions to be finalized by spring before construction can start
- Utility relocation work to commence spring of 2021 when land is acquired.
- Construction to be completed between July and August, 2021.

The land acquisitions are required to widen the existing right of way to facilitate the relocation of utilities and traffic signal infrastructure. It is anticipated that the utility relocation work will commence early 2021 providing land acquisitions are completed as noted in the schedule above.

At this stage of the project design and planning, the project team have concluded with various aspects associated with this project that the Amy Croft Drive road improvements could potentially be completed by August of 2021, however, all parties recognize the urgency and will advance the project schedule if opportunities develop with respect to land acquisitions and coordination of utility relocations which appear to be the critical path requiring to be completed before road construction can commence.

Considering the importance of the construction staging of between the Amy Croft and Lanoue Street Extension projects, the following is a brief update on the Lanoue Extension project. The engineering design is completed and project tender package will be advertised during the month of June, 2020. The land acquisition under the Expropriations Act is well underway with the two landowners north of the future Lanoue Street extension. In addition, offers to purchase and sale have been delivered and negotiations are ongoing. The Town will acquire the lands sometime this year. It is anticipated construction could start sometime later this summer upon land acquisition being completed and providing no delays are encountered the Lanoue Street Extension project should be substantially completed by November of this year. This is to ensure the next stages of construction can commence on Amy Croft Drive in 2021. The only remaining work that will be left to be completed on Lanoue project will be completion of the surface course of asphalt which could take place following the completion of the Amy Croft Drive improvements in the summer of 2021.

Others Consulted

County of Essex
Dillon Consulting
Stantec Consulting

Financial Impacts

There are no immediate budget impacts resulting from the recommendation. In addition, the Town has approved a \$300,000 in 2019 for project design which will be incurred in 2020. Subsequently, the 2020 Budget included \$3,000,000 to complete the construction of the Amy Croft Drive improvements. However, in light of pandemic impacts and construction schedule the \$3,000,000 expenditure will be incurred in 2021 and shown as a deferred project in a separate report from the Director of Finance Services with an update on the pandemic financial impacts. Further, any budget surplus will be carried forward in future years to fund this project under the project timelines outlined above.

Should any future project cost implications arise Administration will report back to Council with an update on cost and approval if additional funding is required.

Report Approval Details

Document Title:	Amy Croft Road Traffic Upgrades.docx
Attachments:	
Final Approval Date:	Jun 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

Report to Council

Engineering & Infrastructure Services

Public Works



To: Mayor & Members of Council

From: Nelson Cavacas, Director, Engineering & Infrastructure Services

Date: June 1, 2020

Subject: Roads Capital and Lifecycle 5 Year Plan

Recommendation

This report is provided for information only.

Background

A Road Need Study (RNS) was completed in 2018 which assessed the health of all paved roads in Lakeshore. Based on this study and the municipality's Asset Management Plan, Administration has developed a Five Year Roads Capital and Lifecycle Plan.

Comments

The RNS focuses on three key points in its recommendations:

- 1) Applying the right treatment, to the right pavement, at the right time;
- 2) Establish level of service standards for road maintenance;
- 3) Adopt the principle of working towards the Town's annual roads lifecycle requirement of \$10,500,000 (in 2019 dollars) annually.

While points one and two above speak to setting targets to guide future work, the first one points Lakeshore in a new policy direction. Previously the approach was to wait for the road to require reconstruction to address pavement issues. Lakeshore has now adopted an approach whereby resurfacing takes place at the critical point in the pavement lifecycle in order to extend the road infrastructure with appropriate treatments. This will reduce long term costs and improve road quality.

improved. It is important to note however that this Plan is subject to change as budget pressures, grant opportunities, unforeseen circumstances, and priorities of Council change.

While the pavement condition provides a good indicator from a timing of potential resurfacing it does not confirm the possibly of what pavement and granular road may exist on a given road. The Town has also started completing geotechnical work on the lifecycle road section to confirm road structure so the lifecycle investment is maximized on extending the road service life. This has occurred this year with Chambers Street which was identified for asphalt resurfacing but after completing the geotechnical it determined this road will require a full reconstruction to provide the appropriate road base.

Considering the current conditions with the pandemic, high lake levels, and other issues arising this year impacting the completion of all road work approved in the 2020 budget, there are three roads being recommended to be deferred to next year as shown on the attached Roads Capital and Lifecycle 5 Year Plan. These consist of Melody Drive which is impacted by high lake levels affecting constructability with increased costs for dewatering, Amy Croft Drive which is impacted by pandemic affecting progress on completion of design and construction anticipated to completed in 2021 and lastly Oriole Park Drive to consider final direction on pedestrian walkway that has been raised.

Financial Impacts

Although the recommendation in this report does not have any immediate financial implications, the Roads Capital and Lifecycle 5 Year Plan identifies a total of \$39.8 Million in road infrastructure investments averaging \$8 Million annually over the next 5 years from 2021 to 2025. The five year plan at the current lifecycle funding levels projects a \$4 Million shortfall in 2025 to complete the Patillo Road project that may require incurring debt if funding remains at current levels and no additional grants are realized for road projects.

The Town will need to work towards closing the gap in the roads lifecycle funding which has been identified above at \$10,500,000 (in 2019 dollars) annually. The current annual roads lifecycle base budget is \$5,346,700 before any inflationary adjustments. Although the Town has been applying gas tax and OCIF grant funding received towards funding road infrastructure projects, there are other significant infrastructure pressures that these grants could also provide relief such as with wastewater capital projects.

Further, the strategic financial model for the Town's road infrastructure sustainability will need to move towards being fully funded without reliance on the gas tax and OCIF grants. Going forward, recommendations from the Town's Asset Management Plan will identify a strategic financial model in budget years that follow to establish the \$10.5MIL (in 2019 dollars) annual lifecycle funding for paved roads.

Attachment(s): 1) Roads Capital and Lifecycle 5 Year Plan - List
2) Roads Capital and Lifecycle 5 Year Plan – Maps (5)

Report Approval Details

Document Title:	Roads Capital and Lifecycle 5 Year Plan.docx
Attachments:	<ul style="list-style-type: none">- 5Yr Roads Capital and Lifecycle Plan-(2021-2025).pdf- Map of Year 2021-5Year Road Plan2021_2025.pdf- Map of Year 2022-5Year Road Plan2021_2025.pdf- Map of Year 2023-5Year Road Plan2021_2025.pdf- Map of Year 2024-5Year Road Plan2021_2025.pdf- Map of Year 2025-5Year Road Plan2021_2025.pdf
Final Approval Date:	Jun 4, 2020

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

Rosanna Pellerito

Kristen Newman

Truper McBride

Note: Projects Deferred from 2020 shaded in blue

Description	From	To	2021	2022	2023	2024	2025
			1	2	3	4	5
			\$ 7,020,000	\$ 7,520,000	\$ 7,025,000	\$ 7,200,000	\$ 11,000,000
2021							
2021 Capital Reconstruction Program							
Melody Drive Reconstruction - Phase 1	End of Cul-de-sac	LeFaive Drive	\$1,000,000				
Amy Croft Drive Widening & Road Improvements	Manning Road (CR19)	Approx 400m W. of CR19	\$3,000,000				
Puce Road Reconstruction	CR22	End of Cul-de-sac	\$1,800,000				
2021 Lifecycle Asphalt Resurfacing Program			\$670,000				
ORIOLE PARK DRIVE	COUNTY RD 46	#1679 ORIOLE PARK DR					
TAYLOR AVE	MAIN ST	COUNTY RD 46					
BUSHEY ST	TECUMSEH RD	PARKVIEW LANE					
EMERSON AVE	WALLACE AVE	SOUTH END					
EMERSON AVE	WALLACE AVE	NORTH END					
AIMEE ST	COUNTY RD 42	END					
ST MARY'S RD	COUNTY RD 22	FAITH DR					
2021 Lifecycle Surface Treatment Resurfacing			\$550,000				
LAKESHORE RD 213	S MIDDLE RD	COUNTY RD 8					
LAKESHORE RD 217	COUNTY RD 46	S MIDDLE RD					
ISLAND CRES	CANAL RD	MELODY DR					
CANAL RD	ISLAND CRES	END					
2022							
2022 Capital Reconstruction Program							
Meloddy Drive Reconstruction - Phase 2	LeFaive Drive	Tisdelle Drive (CR39)		\$1,400,000			
Major Street Road Reconstruction	Puce Road	End of Cul-de-sac		\$1,500,000			
Patillo Road Widening & Improvements - Phase 1	Advance Blvd	CP Railway		\$2,000,000			
Rourke Line Reconstruction	CR22	Caille Ave		\$1,600,000			
2022 Lifecycle Asphalt Resurfacing Program				\$400,000			
LAMBERT CRT	TERRA LOU DR	END					
TERRA LOU DR	LAMBERT CRT	GEORGE CRES					
CLEOPHAS DR	RUSSEL WOODS DR	MOCERI CRES					
RUSSEL WOODS DR	MAJESTIC DR	CLEOPHAS DR					
MAJESTIC DR	RUSSEL WOODS DR	CLEOPHAS DR					
FOURTH ST	RAILWAY AVE	BROADWAY ST					
W BELLE RIVER RD	NOTRE DAME ST	PARKLANE DR					
ROCHESTER TOWNLINE RD	LANGE AVE & SUNSET VIEW LN	TECUMSEH RD (CR 2)					
2022 Lifecycle Surface Treatment Resurfacing				\$620,000			
HARBOUR DR - 3rd Lift	LAKESIDE DR	LOWER THAMES LANE					
ISLAND CRES - 3rd Lift	CANAL RD	MELODY DR					
CANAL RD - 3rd Lift	ISLAND CRES	END					
MARINER'S DR - 3rd Lift	TISDELLE DR	ADMIRAL DR					
LAKESHORE RD 107 - 3rd Lift	COUNTY RD 42	N REAR RD					
W BELLE RIVER RD	COUNTY RD 42	ROGERS RD					
2023							
2023 Capital Reconstruction Program							
Lillydale Ave Reconstruction Phase 1	Puce Road	Approx. 500m W. of Puce			\$2,000,000		
Wallace Line Reconstruction	Old Tecumseh Rd (CR2)	CR22			\$1,850,000		
Patillo Road Widening & Improvements - Phase 2	Advance Blvd	CP Railway			\$2,000,000		

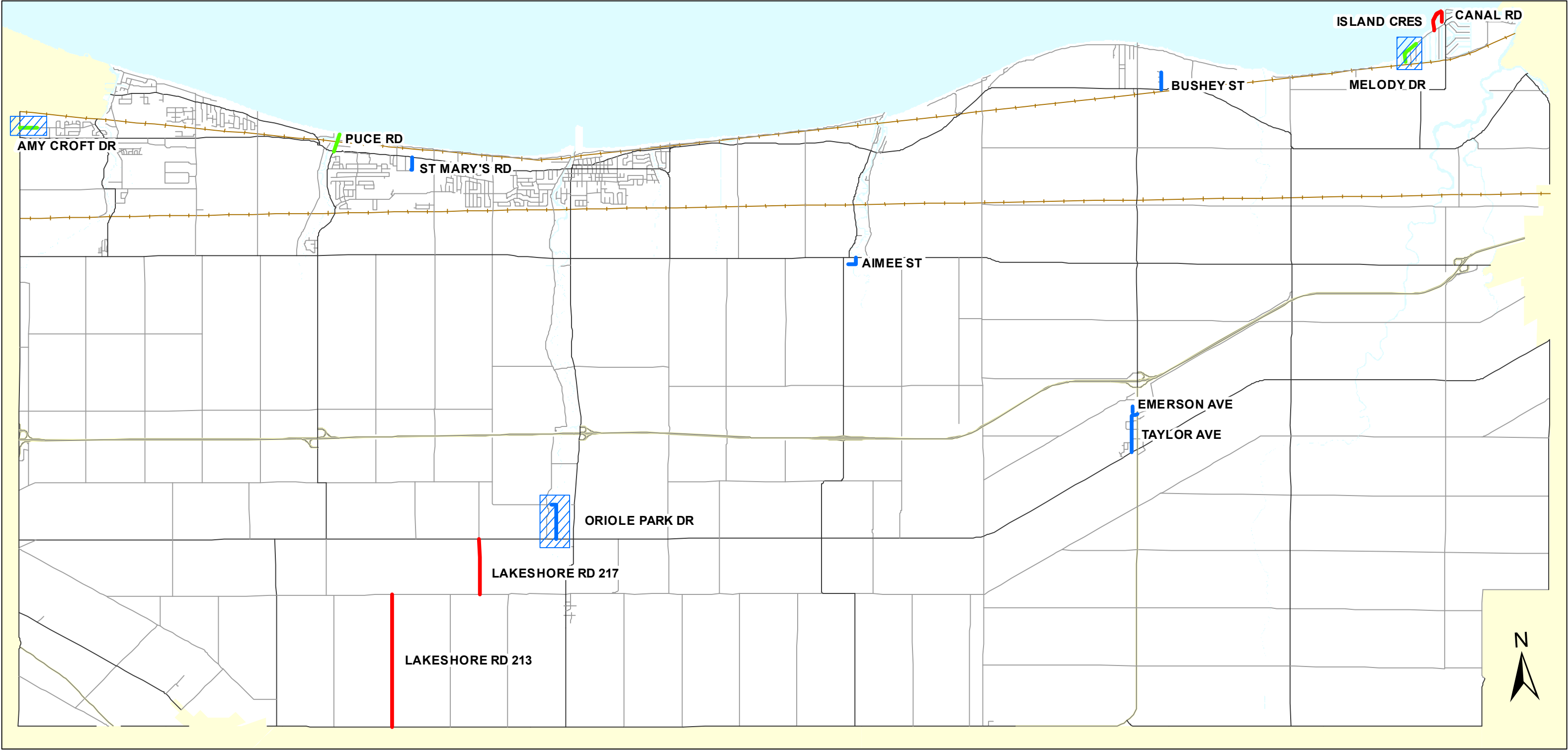
Note: Projects Deferred from 2020 shaded in blue





Description	From	To	2021	2022	2023	2024	2025
			1	2	3	4	5
			\$ 7,020,000	\$ 7,520,000	\$ 7,025,000	\$ 7,200,000	\$ 11,000,000
2023							
2023 Lifecycle Asphalt Resurfacing Program					\$200,000		
COMMUNITY CENTRE ST	MAIN ST	END - Parking Lot					
MCALLISTER ST	MAIN ST	AINSLIE AVE					
VICTORIA ST	STOWE ST	N END					
VICTORIA ST	STOWE ST	S END					
CHISHOLM ST	BROADWAY ST	NOTRE DAME ST					
WALLACE AVE	MAIN ST	E END					
DUBOIS AVE	COUNTY RD 22	FAITH DR					
2023 Lifecycle Surface Treatment Resurfacing					\$975,000		
CHURCH ST	KING ST	COUNTY RD 27					
KING ST	COUNTY RD 27	WEST END					
ORIET ST	TECUMSEH RD	END					
SUNSET VIEW LANE	ROCHESTER TOWNLINE RD	E END					
ST CLAIR RD	CLAIREVIEW DR	END					
MCALLISTER ST	AINSLIE AVE	TAYLOR AVE					
LANGE AVE	ROCHESTER TOWNLINE RD	W END					
LAKESHORE RD 213 - 3rd Lift	S MIDDLE RD	COUNTY RD 8					
LAKESHORE RD 217 - 3rd Lift	COUNTY RD 46	S MIDDLE RD					
LAKESHORE RD 123 - 3rd Lift	BYRNEDALE RD	N MIDDLE RD					
LAKESHORE RD 301 - 3rd Lift	COUTURE RD	LIGHTHOUSE RD					
LAKESHORE RD 103	WALLS RD	N REAR RD					
S MIDDLE RD	LAKESHORE RD 205	NAYLOR SDRD					
2024							
2024 Capital Reconstruction Program							
Lillydale Ave Reconstruction Phase 2	Approx. 500m W. of Puce	End of Cul-de-sac				\$2,400,000	
Patillo Road Widening & Improvements - Phase 3	Advance Blvd	CP Railway				\$3,500,000	
2024 Lifecycle Asphalt Resurfacing Program						\$550,000	
JAMES ST	MAIN ST	AINSLIE AVE					
EARL ST	PIERRE AVE	CARUHEL DR					
ABBOTT AVE	COUNTY RD 46	N END					
SURF CLUB DR	COUNTY RD 2	W END					
PIERRE AVE	COUNTY RD 22	EARL ST					
DUPUIS ST	NOTRE DAME ST	ST CHARLES ST					
DUPUIS ST	BROADWAY ST	NOTRE DAME ST					
RAILWAY AVE	FIRST ST	SEVENTH ST					
2024 Lifecycle Surface Treatment Resurfacing						\$750,000	
BEAUNE ST	TECUMSEH RD	END					
SYLVESTRE CRES	COUNTY RD 31	END					
QUEEN ST	COUNTY RD 27	CHURCH ST					
MIDDLE RD	MANNING RD	COUNTY RD 46					
ROSS BEACH RD	STRONG RD	MN/683 ROSS BEACH RD					
W BELLE RIVER RD - 3rd Lift	COUNTY RD 42	ROGERS RD					
LAKESHORE RD 205	S MIDDLE RD	N TALBOT RD					
LAKESHORE RD 301	GRACEY SDRD	COUTURE RD					
STRONG RD	ROSS BEACH RD	COUNTY RD 2					

Note: Projects Deferred from 2020 shaded in blue

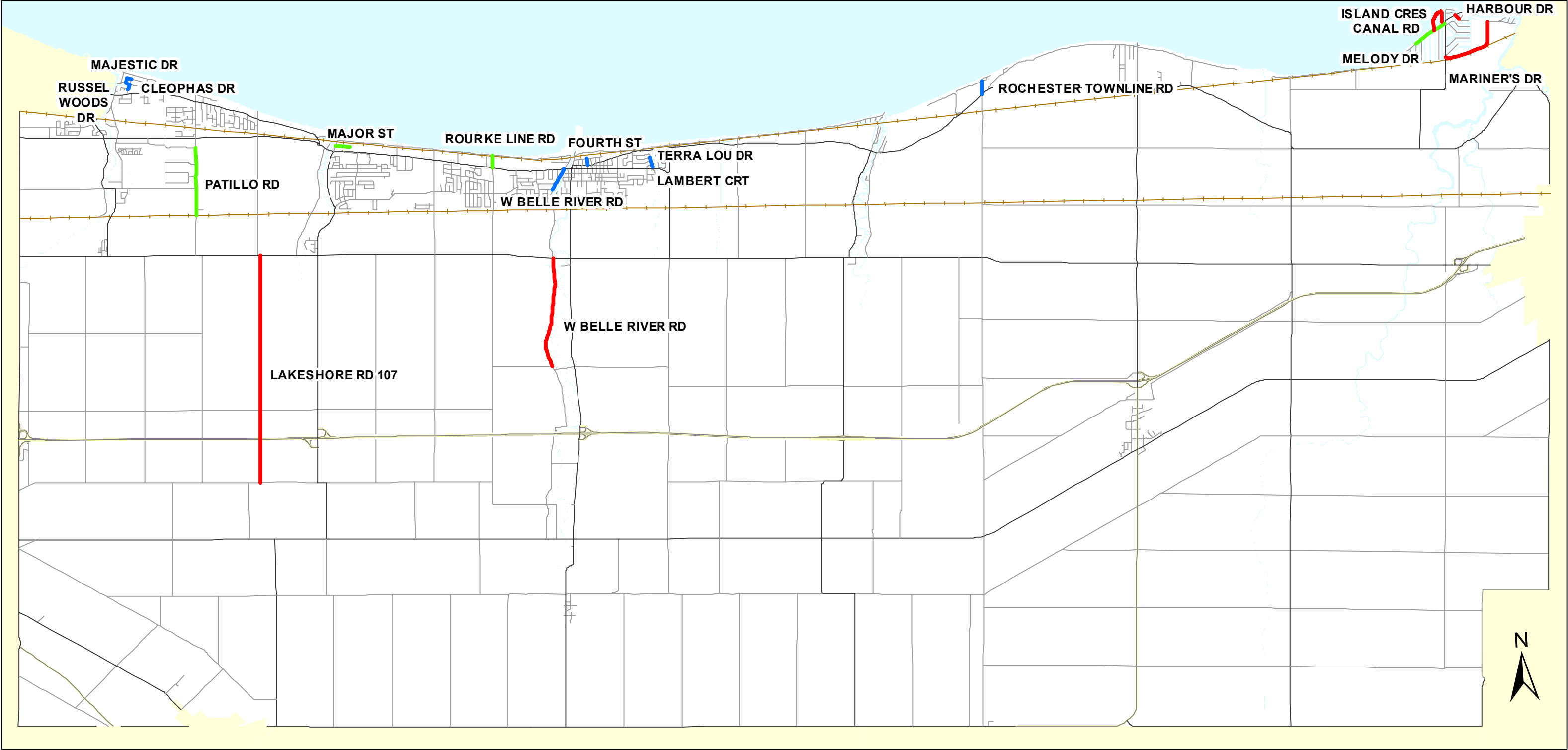
Description	From	To	2021	2022	2023	2024	2025
			1	2	3	4	5
			\$ 7,020,000	\$ 7,520,000	\$ 7,025,000	\$ 7,200,000	\$ 11,000,000
2025							
2025 Capital Reconstruction Program							
Patillo Road Widening & Improvements - Phase 4							\$10,000,000
2025 Lifecycle Asphalt Resurfacing Program							\$200,000
WILLIAM ST	MAIN ST	ABBOTT AVE					
AINSLIE AVE	JAMES ST	MCALLISTER ST					
CHURCH ST	QUEEN ST	KING ST					
PHEASANT RUN DR	QUINLAN DR	RAFIH CRESC					
MCMURREN CRES	CHAMBERS DR	END					
2025 Lifecycle Surface Treatment Resurfacing							\$800,000
CHURCH ST - 3rd Lift	KING ST	COUNTY RD 27					
KING ST - 3rd Lift	COUNTY RD 27	EAST END					
KING ST - 3rd Lift	COUNTY RD 27	WEST END					
ORIET ST - 3rd Lift	TECUMSEH RD	END					
SUNSET VIEW LANE - 3rd Lift	ROCHESTER TOWNLINE RD	E END					
ST CLAIR RD - 3rd Lift	CLAIREVIEW DR	END					
LANGE AVE - 3rd Lift	ROCHESTER TOWNLINE RD	W END					
SUNSET VIEW LANE - 3rd Lift	ROCHESTER TOWNLINE RD	E END					
WALLACE AVE	EMERSON AVE	MAIN ST					
CREST RIVER AVE	TISDELLE DR	END					
WALLS RD	MANNING RD	SCOTT SDRD					
COMBER SDRD	ST CLAIR RD	TECUMSEH RD					
LAKESHORE RD 103 - 3rd Lift	WALLS RD	N REAR RD					
S MIDDLE RD - 3rd Lift	LAKESHORE RD 205	NAYLOR SDRD					
ELLIS SDRD	TALBOT RD & WILSON SDRD	HIGHWAY 3					
S TALBOT RD	ELLIS SDRD	COUNTY RD 8					
LAKESHORE RD 203	N REAR RD	COUNTY RD 46					
Total Capital Expenditures			\$ 7,020,000.00	\$ 7,520,000.00	\$ 7,025,000.00	\$ 7,200,000.00	\$ 11,000,000.00

5 YEAR ROADS CAPITAL PLAN (2021-2025)
YEAR 2021



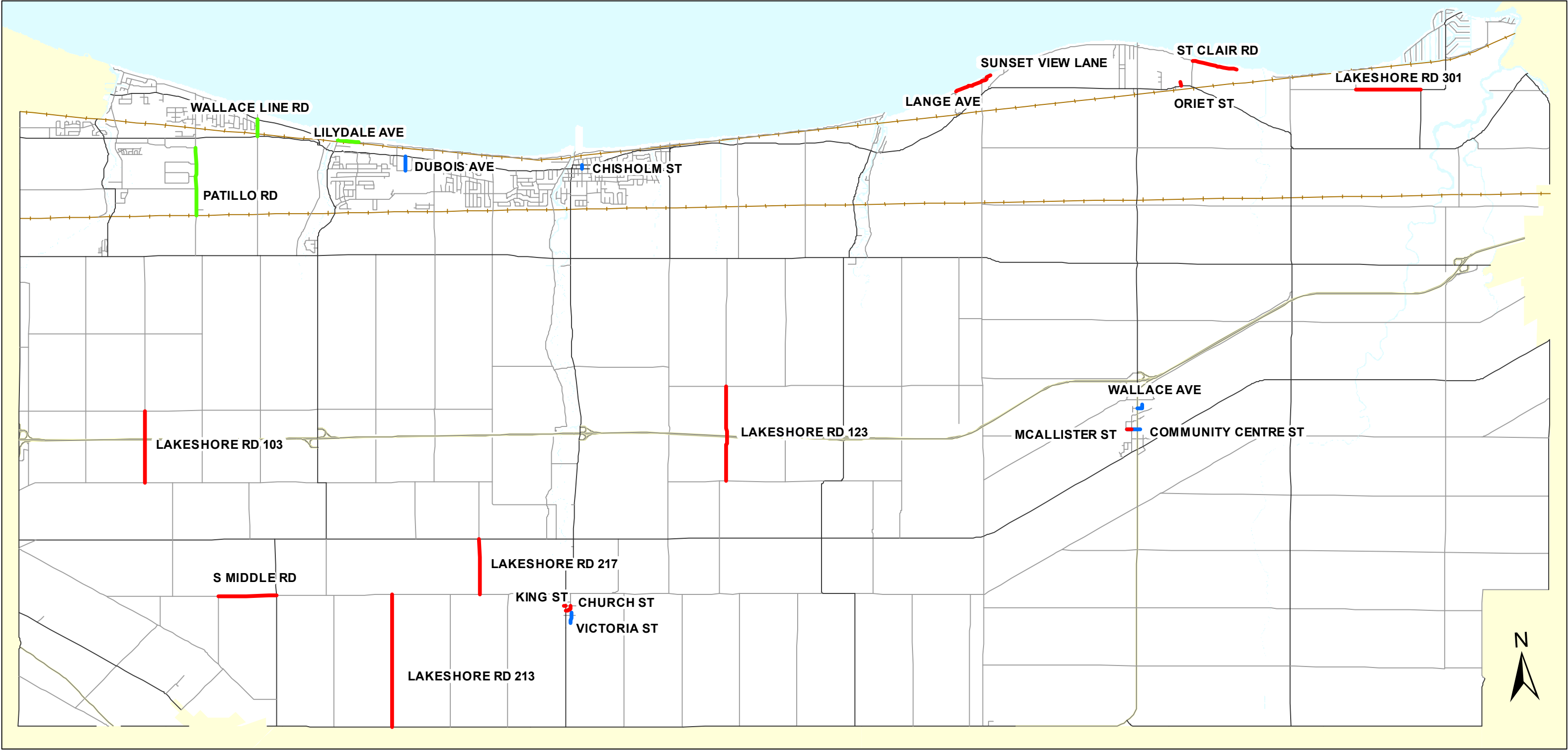
-  PROJECTS DEFERRED FROM 2020
-  CAPITAL RECONSTRUCTION PROGRAM
-  LIFECYCLE ASPHALT RESURFACING PROGRAM
-  LIFECYCLE SURFACE TREATMENT RESURFACING PROGRAM

5 YEAR ROADS CAPITAL PLAN (2021-2025)
YEAR 2022



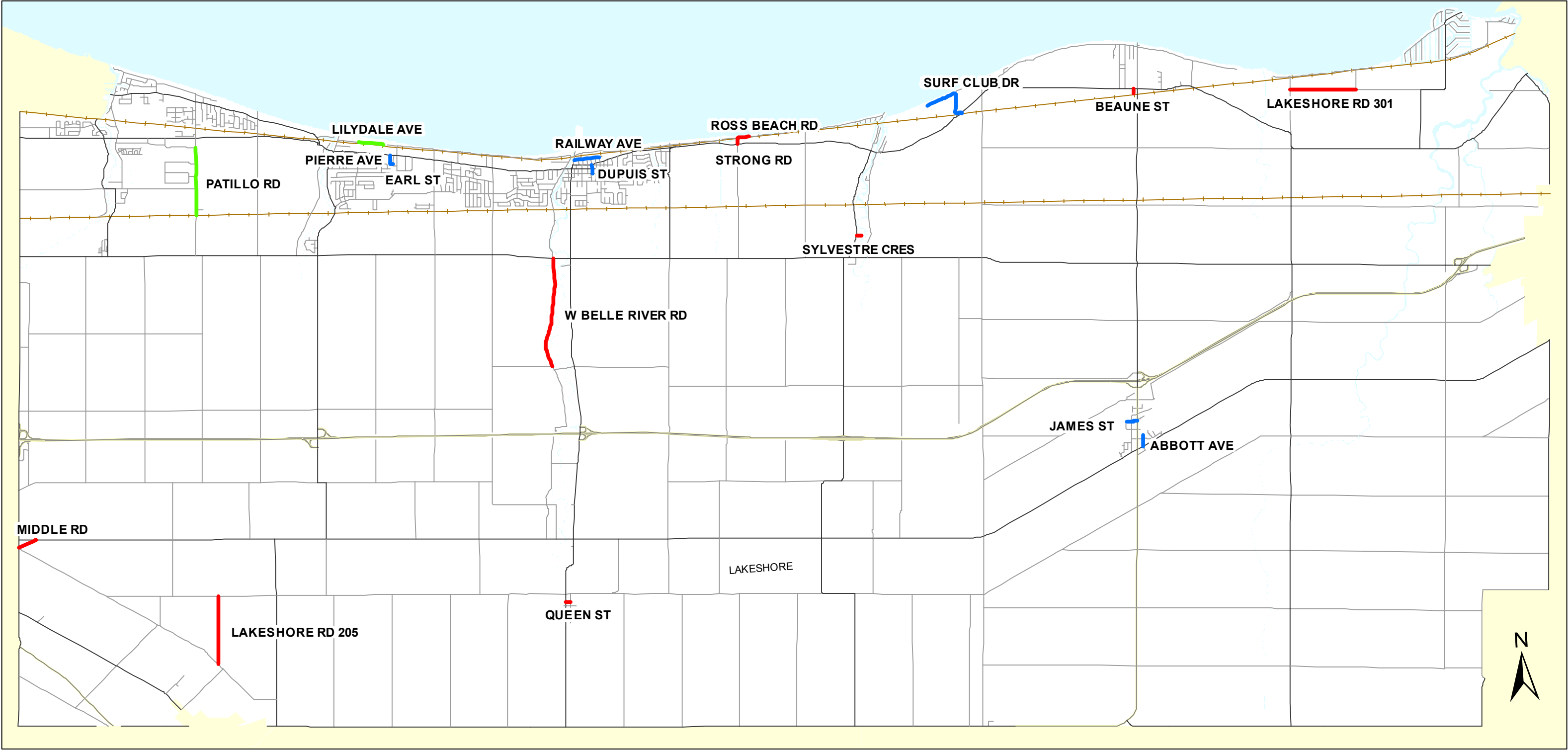
- CAPITAL RECONSTRUCTION PROGRAM
- LIFECYCLE ASPHALT RESURFACING PROGRAM
- LIFECYCLE SURFACE TREATMENT RESURFACING PROGRAM

5 YEAR ROADS CAPITAL PLAN (2021-2025)
YEAR 2023



- CAPITAL RECONSTRUCTION PROGRAM
- LIFECYCLE ASPHALT RESURFACING PROGRAM
- LIFECYCLE SURFACE TREATMENT RESURFACING PROGRAM

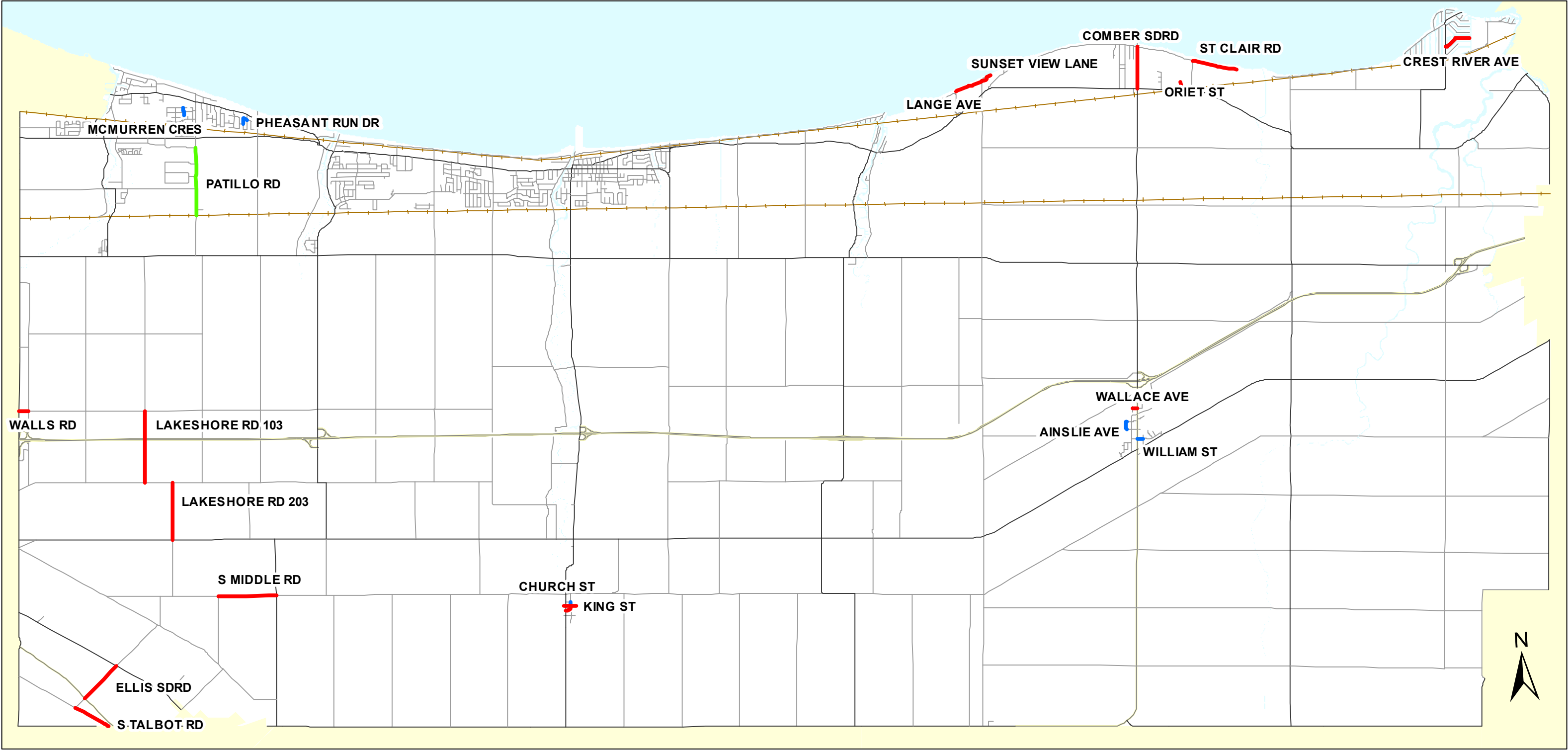
5 YEAR ROADS CAPITAL PLAN (2021-2025)
YEAR 2024



LEAMINGTON

- CAPITAL RECONSTRUCTION PROGRAM
- LIFECYCLE ASPHALT RESURFACING PROGRAM
- LIFECYCLE SURFACE TREATMENT RESURFACING PROGRAM

5 YEAR ROADS CAPITAL PLAN (2021-2025)
YEAR 2025



The Corporation of the Town of Lakeshore

Report to Council

Engineering & Infrastructure Services

Public Works



To: Mayor & Members of Council

From: Nelson Cavacas, Director, Engineering & Infrastructure Services

Date: June 1, 2020

Subject: Gravel Roads Conversion - 10 Year Plan

Recommendation

This report is provided for information only.

Background

There are currently 119.8 Km of existing gravel roads in the Town of Lakeshore. Administration has developed a 10 Year Plan applying the new program criteria which is attached. The plan (similar to the Roads Capital and Lifecycle 5 Year Plan) has taken into account logistics of completing the approved conversion project this year along with financial impacts of the ongoing pandemic state of emergency by deferring Hawthorn Drive gravel conversion project to 2021.

As directed by Council, the gravel conversion program was amended in 2017 to include the following criteria:

1. Residential Density – the number of houses on an individual road section; and,
2. Connectivity to existing paved roads

Comments

To support Council decision-making on roads and multi-year planning, Administration has developed a 10 Year Gravel Roads Conversion Plan (Appendix 1 and Appendix 2). Appendix 1 comprises the 10 Year list of road sections while Appendix 2 is the corresponding maps which have been broken into 2 maps with first map showing the initial surface treatment conversion and second map showing the third lift applications to complete the gravel conversions. For a few road sections identified in the multi-year plan, the road width platform will required to be widened the year prior to application of the initial surface treatment.

Financial Impacts

Although the recommendation in this report does not have any immediate financial implications, the Gravel Roads Conversion 10 Year Plan identifies a total of \$10 Million in road infrastructure investments averaging approximately \$1 Million annually over the next 10 years from 2021 to 2030.

The additional \$500,000 annual contribution to gravel conversion approved in the 2020 budget has facilitated the ability to accomplish more conversions over the next 10 years by completing approximately 54.4 Km of conversions which representatively is 45% of the current gravel road inventory. Following the completion of the 10 Year Plan there will be 65.4 Km remaining of gravel roads to continue with the conversion program.

When gravel road are converted to a surface treatment pavement it provides an increased level of service that translates into increased costs associated with future lifecycle and operational maintenance of the upgraded road. For the 54.4 Km gravel roads that will be converted to paved surface treatment the Town will need to build into future budget increases of approximately \$700,000 annually (representatively \$12,780 for every Km of gravel road that is converted) to the roads lifecycle reserve account. The additional funding will be needed to maintain the additional 54.4 km of surface treatment pavements added to the paved roads inventory that will increase from currently 405 Km to 459.4 Km over the next 10 years. In addition, further annual increases to operational budgets will be required to account for winter control due to the increased levels of service attributed to paved roads. Administration has estimated this to equate to approximately \$1100 more per kilometer of paved road.

Attachment(s): 1) Gravel Roads Conversion 10 Year Plan - List
2) Gravel Roads Conversion 10 Year Plan – Map (2)

Report Approval Details

Document Title:	Gravel Roads Conversion - 10 Year Plan.docx
Attachments:	- 10Yr Gravel Road Conversion Capital Plan-(2021-2030).pdf - Map of 10YrGravelRdConversionCapitalPlan.pdf - Map of 3rd Lift-10YrGravelRdConversionCapitalPlan.pdf
Final Approval Date:	Jun 4, 2020

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

Rosanna Pellerito

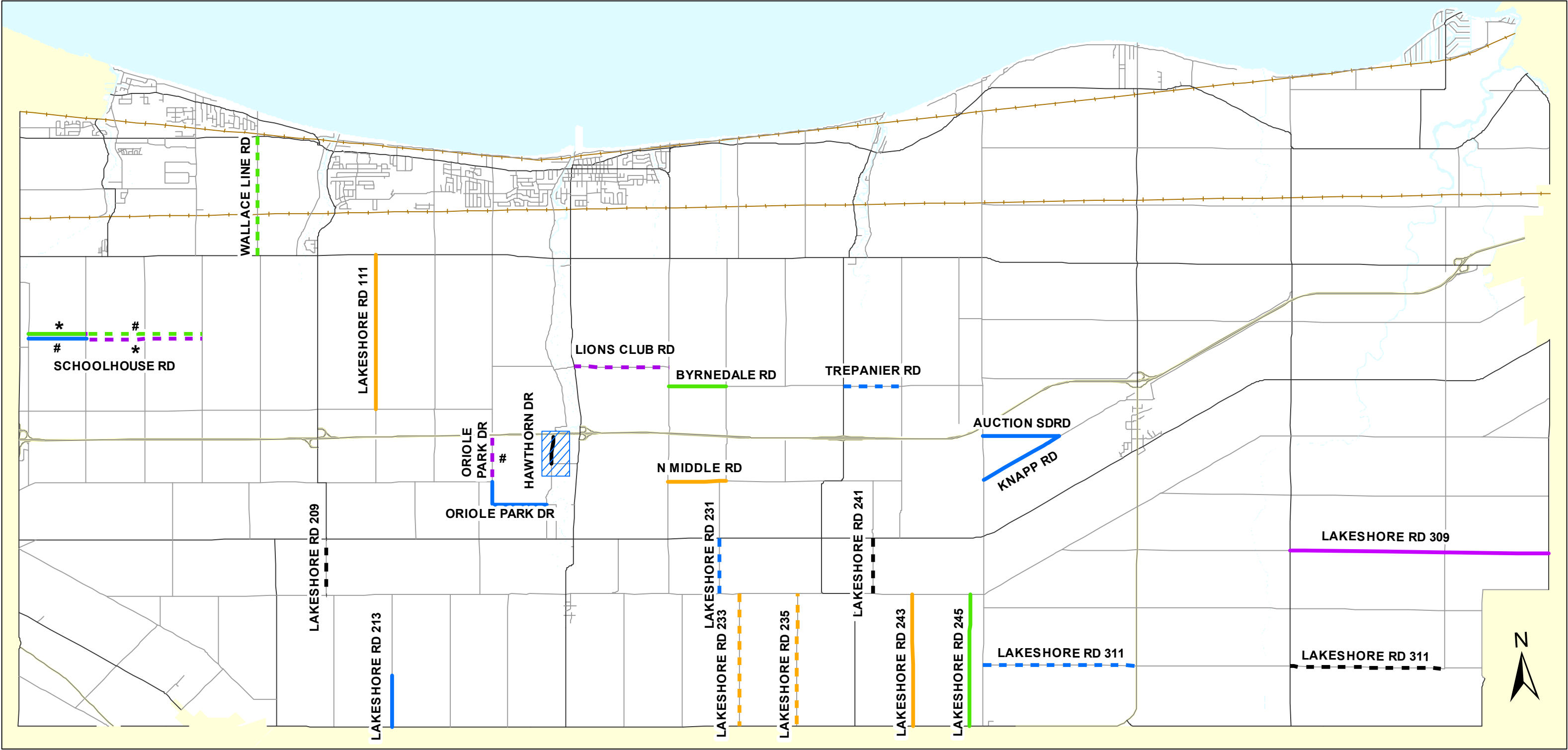
Kristen Newman

Truper McBride

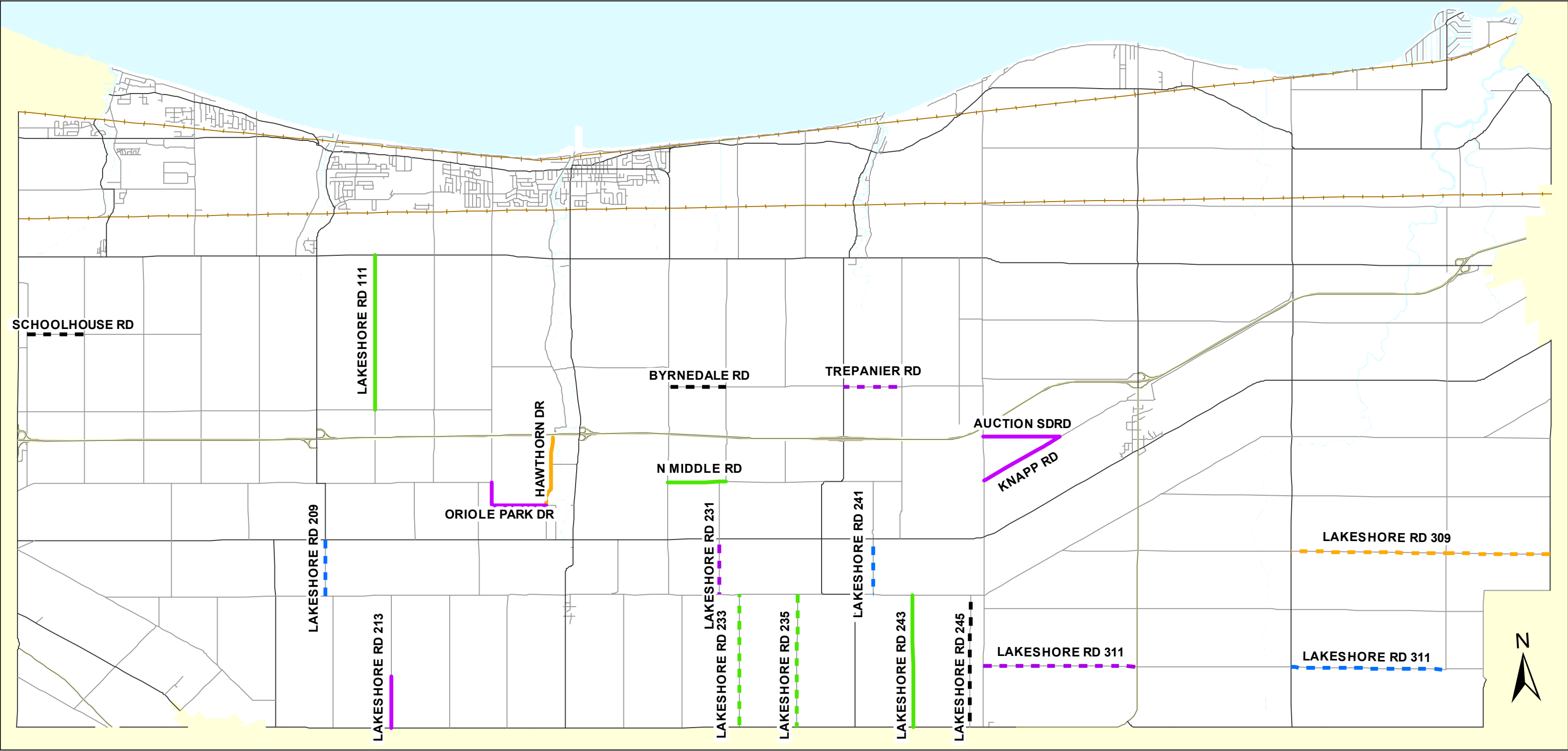
Gravel Road Conversions Description	From	To	Length (m)	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
				1	2	3	4	5	6	7	8	9	10
				\$ 900,000	\$ 1,115,000	\$ 1,085,000	\$ 1,000,000	\$ 995,000	\$ 1,000,000	\$ 995,000	\$ 1,010,000	\$ 935,000	\$ 955,000
2021													
HAWTHORN DR	Bissonnette Lane	End of Cul-de-sac	649.8	\$900,000									
2022													
HAWTHORN DR - (3rd Lift)	Bissonnette Lane	Oriole Park Dr			\$27,000								
HAWTHORN DR - (3rd Lift)	Bissonnette Lane	End of Cul-de-sac			\$18,000								
LAKESHORE RD 111	County Road 42	Walls Road	3,665.4		\$480,000								
N MIDDLE RD	Myers Road	Lakeshore Road 123	1,363.1		\$180,000								
LAKESHORE RD 243	South Middle Road	County Road 8	3,128.7		\$410,000								
2023													
KNAPP RD	Rochester Townline Road	Auction Sideroad	2,068.5			\$270,000							
ORIOLE PARK DR	North Rear Road	Hawthorn Drive	1,818.1			\$240,000							
AUCTION SDRD	Rochester Townline Road	Knapp Road	1,798.1			\$235,000							
LAKESHORE RD 213	Former CN Railway (South of S. Middle Rd)	County Road 8	1,208.1			\$160,000							
SCHOOLHOUSE RD - (Platform Widening)	Scott Sideroad	Lakeshore Road 101				\$180,000							
2024													
LAKESHORE RD 111 - (3rd Lift)	County Road 42	Walls Road					\$100,000						
N MIDDLE RD - (3rd Lift)	Myers Road	Lakeshore Road 123					\$40,000						
LAKESHORE RD 243 - (3rd Lift)	South Middle Road	County Road 8					\$90,000						
SCHOOLHOUSE RD - (Surface Treatment)	Scott Sideroad	Lakeshore Road 101	1,353.7				\$180,000						
LAKESHORE RD 245	South Middle Road	County Road 8	3,125.3				\$410,000						
BYRNEDALE RD	Myers Road	Lakeshore Road 123	1,361.6				\$180,000						
2025													
KNAPP RD - (3rd Lift)	Rochester Townline Road	Auction Sideroad						\$60,000					
ORIOLE PARK DR - (3rd Lift)	North Rear Road	Hawthorn Drive						\$50,000					
AUCTION SDRD - (3rd Lift)	Rochester Townline Road	Knapp Road						\$50,000					
LAKESHORE RD 213 - (3rd Lift)	Former CN Railway (South of S. Middle Rd)	County Road 8						\$35,000					
LAKESHORE RD 309	Gracey Sideroad	Richardson Sideroad	3,665.4					\$480,000					
LAKESHORE RD 309	Richardson Sideroad	Essex Kent Road	2,445.7					\$320,000					
2026													
SCHOOLHOUSE RD - (3rd Lift)	Scott Sideroad	Lakeshore Road 101							\$40,000				
LAKESHORE RD 245 - (3rd Lift)	South Middle Road	County Road 8							\$90,000				
BYRNEDALE RD - (3rd Lift)	Myers Road	Lakeshore Road 123							\$40,000				
LAKESHORE RD 311	Gracey Sideroad	Richardson Sideroad	3,672.4						\$480,000				
LAKESHORE RD 241	County Road 46	South Middle Road	1,316.5						\$175,000				
LAKESHORE RD 209	Puce Road & County Road	South Middle Road	1,328.3						\$175,000				
2027													
LAKESHORE RD 309 - (3rd Lift)	Gracey Sideroad	Richardson Sideroad								\$105,000			
LAKESHORE RD 309 - (3rd Lift)	Richardson Sideroad	Essex Kent Road								\$70,000			
LAKESHORE RD 233	South Middle Road	County Road 8	3,141.4							\$410,000			
LAKESHORE RD 235	South Middle Road	County Road 8	3,137.8							\$410,000			
2028													
LAKESHORE RD 311 - (3rd Lift)	Gracey Sideroad	Richardson Sideroad									\$105,000		
LAKESHORE RD 209 - (3rd Lift)	Puce Road & County Road	South Middle Road									\$40,000		
LAKESHORE RD 241 - (3rd Lift)	County Road 46	South Middle Road									\$40,000		
LAKESHORE RD 311	Rochester Townline Road	Highway 77	3,640.0								\$475,000		
LAKESHORE RD 231	County Road 46	South Middle Road	1,313.0								\$170,000		
TREPANIER RD	County Road 31	Lakeshore Road 129	1,382.9								\$180,000		

Gravel Road Conversions Description	From	To	Length (m)	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
				1	2	3	4	5	6	7	8	9	10
				\$ 900,000	\$ 1,115,000	\$ 1,085,000	\$ 1,000,000	\$ 995,000	\$ 1,000,000	\$ 995,000	\$ 1,010,000	\$ 935,000	\$ 955,000
2029													
LAKESHORE RD 235 - (3rd Lift)	South Middle Road	County Road 8										\$90,000	
LAKESHORE RD 233 - (3rd Lift)	South Middle Road	County Road 8										\$90,000	
SCHOOLHOUSE RD - (Platform Widening)	Lakeshore Road 101	Lakeshore Road 103										\$195,000	
SCHOOLHOUSE RD - (Platform Widening)	Lakeshore Road 103	Lakeshore Road 105										\$190,000	
WALLACE LINE RD	County Road 22	County Road 42	2,813.5									\$370,000	
2030													
LAKESHORE RD 311 - (3rd Lift)	Rochester Townline Road	Highway 77											\$105,000
LAKESHORE RD 231 - (3rd Lift)	County Road 46	South Middle Road											\$35,000
TREPANIER RD - (3rd Lift)	County Road 31	Lakeshore Road 129											\$40,000
ORIOLE PARK DR - (Platform Widening)	North Rear Road	End of Street											\$115,000
SCHOOLHOUSE RD - (Surface Treatment)	Lakeshore Road 101	Lakeshore Road 103	1,390.4										\$185,000
SCHOOLHOUSE RD - (Surface Treatment)	Lakeshore Road 103	Lakeshore Road 105	1,363.7										\$180,000
LIONS CLUB RD	County Road 27	Myers Road	2,235.4										\$295,000
Total Capital Expenditures			54,386.8	\$900,000	\$1,115,000	\$ 1,085,000	\$ 1,000,000	\$ 995,000	\$ 1,000,000	\$ 995,000	\$ 1,010,000	\$ 935,000	\$ 955,000

10 YEAR GRAVEL ROAD CONVERSION CAPITAL PLAN (2021-2030)



10 YEAR GRAVEL ROAD CONVERSION CAPITAL PLAN (2021-2030)
- 3RD LIFT



The Corporation of the Town of Lakeshore

Report to Council

Legislative & Legal Services

Legislative Services



To: Mayor & Members of Council

From: Kristen Newman, Director of Legislative & Legal Services

Date: June 1, 2020

Subject: Deeming, Permanent Closure, Stop Up and Declaration of Surplus for Emily Street Unopened Road Allowance

Recommendation

The portion of land known as Emily Street and legally known as Emily Street, Plan 203; Tilbury West; Lakeshore, being all of the Property Identifier Number 75067-0187(LT) be deemed not to be a lot on a registered plan of subdivision, and that the road allowance be closed, stopped up and declared surplus;

Administration proceed with seeking an appraisal, offering Emily Street for sale and conveying the land through a public sale process pursuant to Town Policy AD – 227, *Sale and Disposition of Land*; and,

Administration present draft By-law 47-2020 at a future Council meeting, all as presented in the report entitled, *Deeming, Permanent Closure, Stop Up and Declaration of Surplus for Emily Street Unopened Road Allowance*, presented at the June 6, 2020 Council meeting.

Background

Emily Street is a 20 metre by 129 metre unopened road allowance fronting onto Tecumseh Road in Stoney Point. A subject map of the area appears at Appendix “A” to this report, along with the Land Registry’s parcel register. Emily Street and the adjacent properties to the west and east owned are zoned as CS-Service Commercial and designated Service Commercial in the Official Plan as well. Emily Street and lots around it appear on a Judge’s Plan, Plan 203 which was registered in 1879 and constitutes a registered plan of subdivision.

Currently, the owners wishing to access the adjacent properties to Emily Street are using Emily Street despite the fact that it is an unopened road allowance. Emily Street has been the source of a significant amount of neighbourhood tension and property standards and by-law enforcement investigations. Administration has spent many hours responding to

complaints and concerns raised by the nearby property owners. The land does not operate as an open road for the Town and exists only to benefit the adjacent land owners who have made private use of it over time.

On April 9, 2019, Council, on its own motion, passed resolution 212-04-2019:

Council direct Administration to report back on status of declared surplus land on Emily Street.

In the January 14, 2020 closed session Council meeting, Council directed the following:

Council direct the Director of Legislative & Legal Services to prepare a report and the necessary by-laws to be presented to Council in open session regarding the deeming and permanent closure of Emily Street, as further described in the report of the Director presented at the January 14, 2020 closed Council meeting.

This report is presented in response to the direction given by Council at the January 14, 2020 Council meeting.

Comments

Further to Council's direction to prepare to dispose of the land, Council is required to pass a deeming by-law, close up and stop the road, and declare it surplus.

Deeming By-law

Subsection 50(4) of the *Planning Act* permits a Council to pass a deeming by-law which is a by-law designating any plan of subdivision, or part thereof, not to be a registered plan of subdivision. A deeming by-law may only be passed on subdivision plans registered for 8 years or more. This plan of subdivision has been registered since 1879 so more than exceeds the 8 year requirement.

In many cases, deeming by-laws are passed because the municipality has determined that some characteristics of the old lot fabric are not compatible with the current planning policies and the municipality wishes to prevent the sale and use of smaller individual lots.

The Town Planner advises that this is the case with the current plan of subdivision. The lots as currently registered could not be developed as they currently appear on the plan of subdivision. There have been no activities undertaken that it will be developed anytime in the near future. As such, a deeming by-law is necessary and appropriate in this situation.

Close, Stop Up and Declare Surplus

The Town's policy *Closing, Sale and Disposition of Streets and Alleys*, applies to all road allowances within the Town. Section 3.11 of that policy states:

- 3.11 In the case of road allowances, TAR [Technical Advisory Review Committee] will first determine if a road allowance can become or be converted to a viable and buildable lot. If the lot is deemed buildable, the sale will proceed under the sale and disposition of land Policy AD-227.
- 3.12 If the road allowance cannot become or be converted to a viable buildable lot, the land shall be offered to the adjacent landowners. Under no circumstances will property that is not deemed a viable building lot be offered to third parties.

Administration conducted a preliminary review of the parcel and decided that Emily Street is buildable in some manner. As such, the Town's *Sale and Disposition of Land Policy* applies (policy attached at Appendix "D").

Section 3.3 of the *Sale and Disposition of Land Policy* states:

- 3.3 Unless the best interests of the municipality dictates otherwise, as so deemed by resolution of Council, before selling any property the municipality shall:
- Declare the property to be surplus by resolution at a meeting open to the public;
 - Obtain at least one appraisal of the fair market value of the surplus property from a certified appraiser;
 - Sell the property by sealed bids unless otherwise directed by Council resolution;
 - Establish a reserve bid amount based on the appraised value if deemed necessary;
 - Give public notice of the proposed property sale in accordance with the municipality's [sic] notice by-law.

The recommendation in this report, if adopted by Council, includes the necessary resolution to close the road and declare the land surplus in order for Administration to proceed with an appraisal and proceed with a public sale of the property.

Other

Both of the adjacent property owners have been utilizing the property for access to their properties. The County of Essex advises that access to their properties can be made from the adjacent county road should the Town choose to dispose of the land. Once Council declares Emily Street surplus, Administration will provide notice to the County and the adjacent land owners of the declaration in order to provide them with time to arrange access to their respective properties.

Others Consulted

County of Essex

Financial Impacts

Any financial impacts incurred from the activities contemplated in this report are anticipated to be recovered through the sale process.

Attachment(s): Appendix "A" – Subject Property Map, Plan

Appendix "B" - Parcel Register

Appendix "C" – Draft By-law

Appendix "D" – Town Policy AD – 227, Sale and Disposition of Land Policy

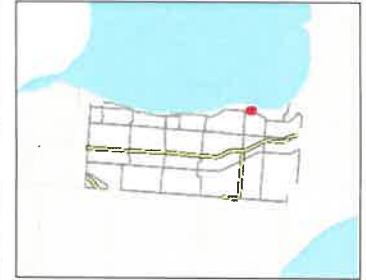
Report Approval Details

Document Title:	Closure, Stop Up and Declaration of Surplus for Emily Street.docx
Attachments:	<ul style="list-style-type: none">- AppendixA-Mapandplandiagrams.pdf- AppendixB-EmilySt-Parcel Register75067-0187.pdf- AppendixC-47-2020-CloseStopUpDeclareSurplusEmilyStreet.docx- Sale and Disposition of Land Policy AD227.doc
Final Approval Date:	Jun 3, 2020

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

Rosanna Pellerito

Truper McBride



Legend

- Tax Parcel
- Street Centreline**
 - <all other values>
 - CNTY
 - LAK
 - PRIV
 - PROV
- Sanitary Manhole**
 - Rain Cap - Yes
 - Rain Cap - No
- Sanitary Main**
 - GRAVITY
 - FORCE MAIN
- Pipe Size**
- Water Valve**
 - MAIN LINE
 - BLOW OFF
 - SECONDARY
 - AIR RELEASE
 - AUTO FLUSH
- Water Main
- Easement

1:2,245



Notes:

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

No 203 PLAN

Entered and Registered
this 15th day of January
A.D. 1879 at 10 o'clock
A.M. Wm. Donnell
Deputy Registrar

DESJARDINS SURVEY

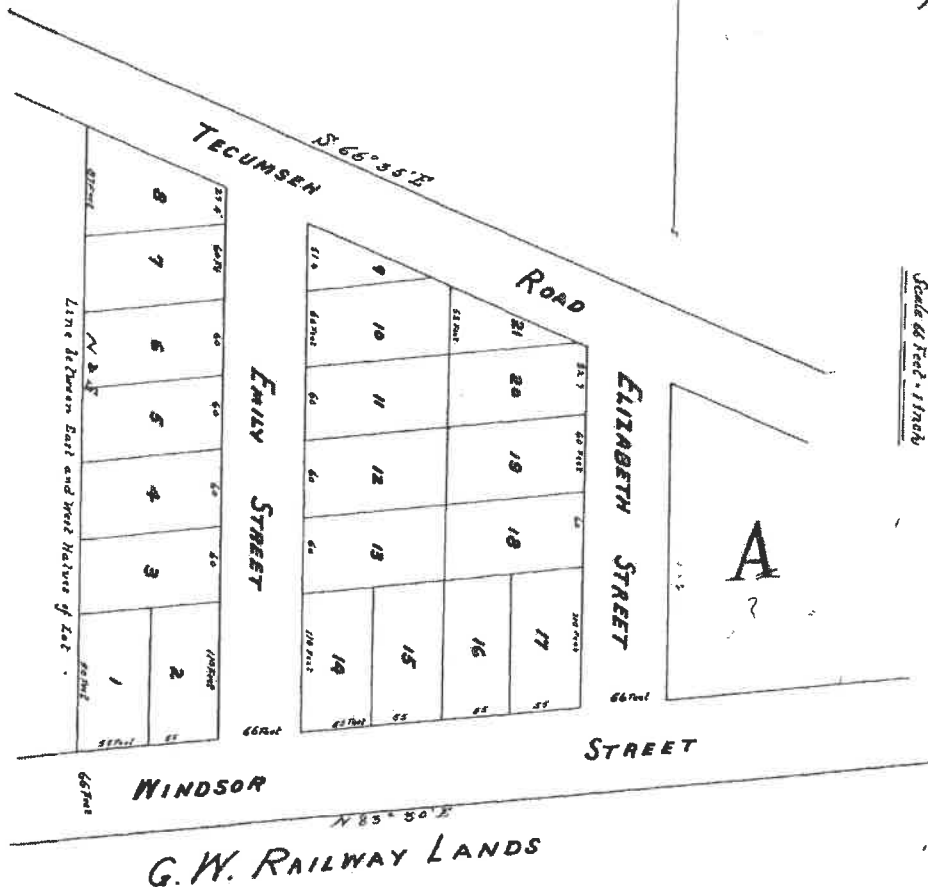
—OF—

PART OF THE EAST HALF OF LAKE LOT NO 8

TILBURY WEST

Scale 64 Feet = 1 Inch

I certify that this plan was made
in accordance with my directions
and that I am the owner of the
land herein, being part of the east
half of Lake Lot No 8.
Witness my hand and seal
Tilbury 9th Jan 13th 1879.



CERTIFIED TO BE A TRUE COPY OF PLAN
REGISTERED IN THE REGISTRY OFFICE FOR THE
REGISTRY DIVISION OF

This is to certify that this is a true copy
of Registered Plan No 203 in the Registry
Office of the County of Essex

Windsor Ontario Dec 11. 1925.

Wm. Donnell
Deputy Registrar

PROPERTY DESCRIPTION: EMILY ST PL 203 TILBURY WEST; LAKESHORE

PROPERTY REMARKS: RECENTLY 01440-0054.

ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:
FIRST CONVERSION FROM BOOK & PIN

PIN CREATION DATE:
2002/07/29

OWNERS' NAMES
THE CORPORATION OF THE TOWN OF LAKESHORE

CAPACITY SHARE
BENO

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2002/07/26 **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:						
** SUBSECTION 4(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *						
** AND ESCHEATS OR FORFEITURE TO THE CROWN.						
** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF						
** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY						
** CONVENTION.						
** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.						
**DATE OF CONVERSION TO LAND TITLES: 2002/07/29 **						
PL203	1879/01/15	PLAN SUBDIVISION				C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

Appendix “C”

The Corporation of the Town Of Lakeshore

By-Law Number 47-2020

Being a By-Law to Deem, Permanently Close, Stop Up and Declare Surplus an Unopened Road Allowance known as Emily Street

Whereas the municipal council (“Council”) of The Corporation of the Town of Lakeshore (“Town”) has authority pursuant to subsection 50(4) of the *Planning Act*, R.S.O. 1990, c. P. 13, to designate a Plan of Subdivision, or part thereof, that has been registered for eight years or more, to be deemed not to be a registered Plan of Subdivision for the purpose of subsection 50(3) of the *Planning Act*;

And whereas, Plan 203, the Judge’s Plan is considered to have been registered as a plan of subdivision in 1879 and therefore has been registered for much longer than 8 years;

And whereas, has the authority pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25, to close and stop up the road allowance known as Emily Street owned by the Town;

And whereas, Council deems it necessary and desirable to deem the lot, stop up, close, and declare surplus the road allowance known as Emily Street and passed resolution XXXXXXXX to do so;

And whereas, in accordance with Town Policy AD - 227, *Sale and Disposition of Land Policy*, it is in the best interest of the Town to convey the closed road allowance by a sale through sealed bid;

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

1. The road allowance legally described as Emily Street, Plan 203; Tilbury West; Lakeshore, being all of the Property Identifier Number 75067-0187(LT) and referred to as Emily Street is deemed not to be a lot within a Plan of Subdivision for the purposes of Subsection 50(3) of the *Planning Act*.
2. The road allowance known as Emily Street legally described in section 1 is permanently closed, stopped up and declared surplus to the Town’s land needs.
3. The Mayor and Clerk are authorized and directed to execute all documents and instruments necessary to implement the intent of this by-law.
4. This by-law shall come into force and effect upon registration in the Land Registry Office for the Registry Division of Essex (No. 12).

Read and passed in the open meeting of Council on June 23, 2020

Tom Bain
Mayor

Kristen Newman
Clerk

Policy: Sale and Disposition of Land	Policy #: AD - 227
Department: Administration	Effective Date: October 19, 2007
Council	Revision Date: May 18, 2012 June 25, 2015

1.0 Purpose

- 1.1** The purpose of this policy is to establish guidelines with respect to the sale of real property owned by the municipality.

2.0 Scope

- 2.1** This policy applies to all municipal properties owned in the Town of Lakeshore.
- 2.2** This policy does not apply to leased land which would require disposal of interest in the land or property as the lease allows within the contract.

3.0 Policy

- 3.1** The Municipality shall establish and maintain a public register listing and describing the land owned by the Municipality.
- 3.2** It will be the Clerk's responsibility to retain and maintain the Lakeshore Owned Property listing.
- 3.3** Unless the best interests of the municipality dictates otherwise, as so deemed by resolution of Council, before selling any property the municipality shall:
 - 3.3.1** Declare the property to be surplus by resolution at a meeting open to the public;
 - 3.3.2** Obtain at least one appraisal of the fair market value of the surplus property from a certified appraiser;
 - 3.3.3** Sell the property by sealed bids unless otherwise directed by Council resolution;
 - 3.3.4** Establish a reserve bid amount based on the appraised value if deemed necessary;

3.3.5 Give public notice of the proposed property sale in accordance with the Municipalities notice by-law.

4.0 Responsibility

4.1 It is the responsibility of the Council to act in the best interest of the municipality.

4.2 It is the responsibility of the Chief Administrative Officer to ensure staff is aware of and follow this policy.

5.0 Consequences

5.1 Failure to follow this policy may result in unfair disposition of land.

6.0 References

6.1 The Municipal Act of Ontario

6.2 Sale of Real Property By-Law

6.3 Lakeshore Owned Properties Listing

The Corporation of the Town of Lakeshore

Report to Council

Chief Administrative Officer



To: Mayor & Members of Council
From: Truper McBride, Chief Administrative Officer
Date: May 25, 2020
Subject: 2019 – 2022 Strategic Plan Update

Recommendation

Administration revise the 2019 – 2022 Strategic Plan as identified in the report entitled, *2019-2022 Strategic Plan Update*, presented at the June 9, 2020 Council meeting.

Background

Ted Vokes of E.M. Vokes & Associates held individual interviews with members of Council March 30 to April 2, 2020. The consultant asked Council if the current strategic plan still reflects their priorities due to changes in economic constraints and what specific outcomes they envision from the strategic planning session.

The Strategic Planning Session for Council and Administration was held remotely at a Special Meeting of Council May 7, 2020. The intent of this session was to review the existing Strategic Plan, review progress through reporting from Administration, and then consider whether any changes or revisions were required to the Plan as we move into our second year of implementation.

The goal of this session was to review the progress indicators in the plan to ensure they demonstrate a movement towards achieving each of the five priorities listed below:

1. Sustainable Community Development
2. Roads and Infrastructure
3. Shoreline Protection and Community Resiliency
4. Financial Sustainability
5. Organizational Excellence

Comments

Each member of Council was asked to participate in a doodle poll and choose their top 5 priorities from the 2019 – 2022 Strategic Plan Initiatives and to include any additional priorities that are of importance to them that are not included in the plan.

Seven out of eight members of Council responded to the Doodle poll. Council provided their comments and observations regarding their top 5 Strategic Initiatives.

Council's priority ranking to their top Strategic Initiatives in descending order were as follows:

1. Develop an on-going roads program
2. Shoreline Management Plan
3. Community Improvement Plans for existing communities
4. Wallace Woods Secondary Plan
5. Lighthouse Cove Secondary Plan
6. Climate Adaptation Strategy
7. Multi-year Budgeting Process
8. Reserve Benchmarking Indicators to accompany budget/variance meetings
9. Regional leadership with the County Official Plan
10. ATC Park Plan/Implementation
11. West Beach/Marina/Lakeview Park Plan/Implementation
12. Develop a new Transportation Master Plan
13. Organizational Review
14. Customer Service Standards
15. Update to the Economic Development Strategy
16. Succession Plan for staff

Council received updates from Administration at the May 7th Strategic Planning Session and discussed its priorities.

Progress Indicators are one of the three elements of the Strategic Plan and are a means by which Council and Administration can review progress on identified Strategic Directions. Often the Progress Indicators are priority projects that will demonstrate action towards Council's future vision for Lakeshore.

The Chief Administrative Officer provided new timelines for the Progress Indicators in his presentation to Council which indicated delays were being realized on a number of projects due to overall workloads which have been compounded over the last two months as a result of the COVID-19 pandemic. The revisions to the Strategic Plan shown below highlight these changes under the 'revised progress indicator' heading.

Guiding Theme: Sustainable Community Development The Town of Lakeshore supports and encourages complete community development that balances economic, social, and environmental considerations.			
Strategic Directions:		Progress Indicators	Revised Progress Indicator
2.1	Promote Lakeshore as the premier place to live work and play in southern Ontario.	Draft Wallace Woods Secondary Plan 2020 ATC Park Master Plan 2020	Draft Wallace Woods Secondary Plan 2020 presented to Council ATC Park Master Plan 2020
2.2	Develop area-specific community plans (to include CIP's) that addresses and enhances the local character and identity of Lakeshore's communities.	Lighthouse Cove Community Plan 2020 Community Improvement plans for existing communities 2021	Draft Lighthouse Cove Community Plan 2020 Community Improvement plans for existing communities 2021
2.3	Leverage the lake as a community amenity which includes clean-up and improved access.	West Beach/Marina/Lakeview Park Plan with detailed design and phase 1 construction in 2021	West Beach/Marina/Lakeview Park Plan with detailed design and phase 1 construction in 2021
2.4	Encourage Economic Development and Tourism	Update the Town of Lakeshore Economic Development Strategy 2022	Update the Town of Lakeshore Economic Development Strategy 2021

Guiding Theme: Roads and Infrastructure Investment The Town of Lakeshore is committed to investing in roads and infrastructure, supported by an asset management plan, to keep people moving and the municipality running.			
Strategic Directions:		Progress Indicators	Revised Progress Indicator
1.1	Maintain and upgrade roads.	Develop an ongoing 5 Year Roads Program 2020 Ongoing yearly implementation of 5 Year Roads Program	No change
1.2	Improve water and wastewater systems in particular in rural areas (i.e. Lighthouse Cove).	Implement recommendations of the Lighthouse Cove Secondary Plan 2020	Implementation of recommendations from the Lighthouse Cove Secondary Plan 2022
1.3	Support the efficient movement of people and strategic movement of goods throughout Lakeshore.	Develop new Transportation Master Plan in 2021 to be completed in 2022.	Develop new Transportation Master Plan in 2022 to be completed in 2023.

Guiding Theme: Shoreline Protection and Community Resiliency

The Town of Lakeshore will respect the ecological integrity of Lake St. Clair and our riparian environments. As temperatures, rain patterns, and water levels continue to fluctuate, Lakeshore will invest in the long term resiliency of our communities.

Strategic Directions:		Progress Indicators	Revised Progress Indicator
3.1	Ensure the long term resiliency of Lakeshore communities	Shoreline Management Plan complete in 2020	No Change
3.2	Ensure the resiliency of Town assets and services in the face of fluctuating water levels and weather patterns	Develop Lakeshore Climate Adaptation Strategy 2022	No Change

Guiding Theme: Financial Sustainability

The Town of Lakeshore is a fiscally responsible corporation that respects the tax dollars of our citizens. The Town supports the development of savings through reserves to reduce long term reliance on debt.

Strategic Directions:		Progress Indicators	Revised Progress Indicator
4.1	Manage sustainable increases to the tax rate to support changing community expectations and service levels	Undertake Service Level Review in 2019	No Change
		Establish an Investment Policy for monies in Reserve Accounts	No Change
		Establish multi-year budgeting process	Establish multi-year budgeting process 2022
		Establish 10 year capital plan	No Change
4.2	Support future needs through well-funded and healthy reserves	Develop reserve benchmarking indicators to accompany budget and variance meetings	No Change

Guiding Theme: Organizational Excellence The Corporation of the Town of Lakeshore is a dynamic organization and employer of choice that encourages continuous improvement, innovation, and accountability from our employees.			
Strategic Directions:		Draft Progress Indicators	Revised Progress Indicator
5.1	Align service delivery with community expectations	Undertake Service Delivery Review 2020 Organizational Review to align levels of service with staffing requirements 2020 Undertake statistically accurate Community Survey to receive resident feedback on quality of life and service level expectations	No Change No Change Complete
5.2	Enhance internal and external communications	Establish Customer Service Standards	No Change
5.3	Adopt a leadership role within the Essex Region	Regional Leadership with the County Official Plan	No Change
5.4	Support succession planning and training for staff.	Succession Plan for staff 2022 Leadership training program review in 2021, adoption in 2022	Succession Plan for staff 2023 Leadership training program review in 2021, adoption in 2022

Each year, a review of the strategic priorities and progress indicators will be undertaken to ensure they continue to align with Council's strategic goals. For 2021, financial implications will be identified to Council as part of the Budget Process. With the introduction of multi-year budgets in 2022, Administration will begin to provide financial updates and forecasting to Council as part of the strategic planning process.

The Senior Management Team will continue to measure, evaluate and report the results and determine the success of the municipality based on the vision and mission values.

Financial Impacts

There are no immediate impacts, but financial implications will be identified in the draft 2021 Budget.

Attachment(s): N/A

Report Approval Details

Document Title:	2019 - 2022 Strategic Plan Update.docx
Attachments:	
Final Approval Date:	Jun 3, 2020

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

Rosanna Pellerito

Kristen Newman

The Corporation of the Town of Lakeshore

Report to Council

Finance Services



To: Mayor & Members of Council

From: Rosanna Pellerito, Director of Finance

Date: May 27, 2020

Subject: Financial Impacts of COVID 19 - Cost Containment Strategies

Recommendation

Direct Administration to proceed with the recommended deferrals for 2020; and;

Approve the deferred projects as a first charge to the 2021 budget.

Background

On May 26, 2020, Council was presented with a summary of the current and projected financial impacts as a result of the COVID-19 pandemic. Further to that report, an analysis of the impact of the pandemic on cash flows was prepared to assess the financial capacity of the Town in carrying out the 2020 Operating and Capital budgets.

Comments

Prior to the pandemic, Windsor-Essex had the highest unemployment rate (8.9%) in the Country. With the onset of the pandemic, that rate has increased to 12.9%, which is in line with Canada's overall unemployment rate of 13.0%. With the closure of various commercial and industrial businesses, either by mandate or by choice, job losses and/or lay-offs were inevitable.

The Town of Lakeshore in conjunction with the County of Essex and the other local municipalities recognized the financial uncertainty that would face our residents due to COVID-19 and implemented a financial relief program to waive penalties and interest on property tax installments and water billings from to June 30, 2020. At a meeting held on May 28, 2020, the regional Treasurers group discussed extending the waiver of interest and penalties to July 31, 2020. On May 29, 2020 the Emergency Control Group endorsed this recommendation and agreed to further extend the waiver to July 31, 2020. The Regional Treasurers are particularly mindful of the financial impact this may have on municipalities as the need to continue to provide essential services to maintain the health and safety of residents is paramount.

Following the last installment of property taxes in April, Finance undertook an extensive review of the Town's cash flow projection and what could be anticipated for the remainder of the year. It was determined that proceeding with the planned works as set out in both the operating and capital budgets for 2020 is not advisable. Property tax arrears balances in April represented approximately 55% (or \$5M) of the interim tax bill for 2020. There is also an additional \$2.4M in arrears carried over from prior years. It is anticipated this receivable balance will increase as time passes, thereby putting further strain on the available cash resources to fund expenditures.

Of the utmost importance is ensuring there is sufficient cash flow to fund the daily operating costs to provide the essential services to the residents of Lakeshore. From the review it was determined the Town needs to preserve between \$9M and \$11M of expenditures for 2020 to ensure adequate cash flow for the remainder of the year and into 2021.

To mitigate the financial burden to the municipality for 2020, and perhaps beyond, several cost containment strategies have been implemented. These include:

- Reduction in staffing in the Recreation and Public Works departments;
- Restricting overtime where possible;
- Reduction of discretionary spending such as staff training and travel, office supplies etc.; and
- Reduced levels of service in general maintenance and minor capital repairs of parks and facilities.

To further assist with the financial uncertainties for the remainder of 2020, Administration prepared a list of recommended capital projects that can be deferred to further mitigate the financial constraints on the Town. Deferring capital expenditures is a common mitigating measure that other municipalities have also undertaken. This list also contains projects that may begin in late 2020 but may not require payment until 2021.

In preparing this list several factors were considered by Administration, such as contract commitments, grant implications, risk to the municipality and any other potential impacts of deferral. Based on the criteria noted, Administration has provided Council with a list of recommended deferrals, representing a prudent and appropriate financial course of action to respond to the uncertainty surrounding the pandemic.

Administration has prepared a list of recommended project deferrals (Appendix A: Recommended Deferrals for 2020) based on the guiding principles noted above for Council's consideration. Should Council wish to make changes to this list, additional options have been provided for Council's consideration.

Others Consulted

KPMG

Financial Impacts

The analysis of current cash flows and a projection of future cash flows, indicate the Municipality could have upwards of \$16M of uncollected revenue at the end of 2020. This is based on an average uncollectable rate of 25% of total taxes billed. This is significantly higher than the 2019 year end receivable of \$1.75M.

For most municipalities, property taxes account for approximately 40% of all revenue. For Lakeshore, property taxes comprise 53% of all revenue. The collection of taxes is vital for a Municipality to carry out annual budgets set by Council and to ensure those essential services are maintained. Although the federal and provincial governments have provided support to individuals and business during these unprecedented times, the collection of property taxes has declined. With the extended deferral of penalty and interest to July 31, 2020, the likelihood of less payments being received for property taxes is high.

As mentioned earlier in the report, Finance is recommending a deferral of approximately \$9.6M in capital works to preserve cash flows. These projects will be brought forward to Council as a first charge to the 2021 capital budget. At that time, it is anticipated that Administration will have a clearer indication of the financial position of the Town allowing for a 'go forward' financial plan with a higher degree of certainty that the present situation allows.

The Town does have access to an operating line of credit should the need arise. However, Administration does not, at this point, recommend using debt to support operations as this option needs to be preserved and relied upon as a last resort if cash flow projections worsen.

As noted, there is a high degree of uncertainty as to the impact that COVID-19 will have, in both magnitude and duration on the larger economy and in particular on our Municipality. Allowing for increased cash flow flexibility in uncertain times is a prudent financial best practice in terms of fiscal sustainability, and is recommend by Administration.

Finance will continue to monitor cash flows and financial capacity throughout the remainder of the year. Should there be increased capacity to take on additional work, a report will be brought back to Council for direction.

Attachments: Appendix A: Recommended Deferrals for 2020

Report Approval Details

Document Title:	Financial Impacts of COVID-19- Cost Containment Strategies.docx
Attachments:	- Recommended Project Deferrals 2020.pdf
Final Approval Date:	Jun 4, 2020

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

Kristen Newman

Truper McBride

Appendix A: Recommended Deferrals for 2020

Project	Budget Amount	Comments
Service Delivery and Org. Review	200,000	This will be 100% grant funded
FD Radio Replacement for Fire	110,000	There is little risk to defer this purchase
Earth Walk Trail	40,000	There is little risk to defer this work at this time.
Amy Croft Intersection Improvements	3,000,000	Design will be completed in 2020 and construction to commence in 2021
Amy Croft Secondary Plan Development	1,000,000	It is unlikely that the full amount of the cost will be incurred in 2020.
Hawthorne Gravel Rd Conversion	900,000	This is a discretionary project that can be deferred with little risk to the Town.
Melody Dr	1,000,000	Given the flooding risks, it is not advisable to proceed with this work in 2020.
River Ridge Park (if we don't get grant)	900,000	Awaiting results of the ICIP grant. Can be deferred into 2021 if the grant is unsuccessful.
St Clair Shores Park Plan	30,000	Discretionary project can be deferred
Belle River Minor Baseball Improvements	27,000	Discretionary project can be deferred
West Beach / Lakeview Park Upgrades	600,000	Discretionary project can be deferred
Replacement Tractor for Diamond Grooming	38,000	There is little risk to defer this purchase
Stony Point Skate Park Concrete	35,000	There is little risk to defer this work at this time.
Meter Replacement Contract (1/2 budget)	290,000	This program has been suspended due to COVID. It is unlikely full costs will be incurred.
Sidewalk Lifecycle Replacement	100,000	There is little risk to defer this work at this time.
Showcase at Libro	3,000	This was accommodated within the 2019 budget using internal resources.
ATC Sun Protection for the Splash Pad	100,000	Splash Pads will likely not re-open in 2020
Computer Lifecycle Replacement	35,600	There is little risk to defer this work at this time.
TV Monitors at the ATC	8,000	There is little risk to defer this work at this time.
Aquatic Board Room Acoustic Improvements	8,000	There is little risk to defer this work at this time.
Relocating CO2 Tanks at ATC	11,000	There is little risk to defer this work at this time.
Savings from Heat Exchange Rebuild	20,000	This work came in under budget.
ATC Cameras	15,000	There is little risk to defer this work at this time.
Replacement of Hot Tub Circulation Pump	15,000	There is little risk to defer this work at this time.
Playground Equipment Lifecycle Replacements	120,000	Geralyn Tellier Perdu Park and Rafih Tot Lot - Discretionary projects
Fire Station Asphalt Replacement	45,000	There is little risk to defer this work at this time.
Engineering Field Data Capture Devices	9,000	Discretionary project can be deferred
Comber Medical Centre Concrete Repairs	20,000	There is little risk to defer this work at this time
Asphalt Paths in Parks (for new Playgrounds)	15,000	There is little risk to defer this work at this time
Oriole Park Drive Asphalt Replacement	170,000	Deferred till 2021 to consider potential pedestrian walkway
Denis St Pierre Expansion Design	800,000	This is a carryover from 2019. Detailed design to be completed in 2021.
Total Deferral to 2021	9,664,600	

Additional Projects for Council to Consider

Town Hall Elevator Modernization	40,000	There is little risk to defer this work at this time
Ergonomic Office Furniture	30,000	Discretionary Projects . May incur some costs to address medical concerns
Lakeshore Community Benefit Grant	25,500	Discretionary Projects. Can be put on hold for 2020 and roll over to 2021 with two intakes.
Total Other Options	95,500	

The Corporation of the Town of Lakeshore

Report to Council

Finance Services

Financial Analysis



To: Mayor & Members of Council

From: Adam Boylan, Manager of Financial Analysis

Date: June 2, 2020

Subject: 2019 Year End Results - 4th Quarter Variances

Recommendation

1. Approve the taxation supported surplus of \$1,229,687 for the year ended December 31, 2019 to be transferred to the Working Funds Reserve;
2. Approve the establishment of a Legal Services Reserve and a transfer to this reserve of \$96,622 representing the 2019 surplus in the Legal expense account budget;
3. Approve a transfer of \$194,286 from Building Services – Operating reserve fund to transfer the 2019 Accumulated Net Surplus per the draft 2019 Building Services Statement;
4. That the Wastewater (sanitary sewer) deficit of (\$372,874) for the year ended December 31, 2019 be funded by a transfer from the Wastewater (Sanitary Sewer) Reserve Fund; and,
5. That the Water deficit of (\$486,901) for the year ended December 31, 2019 be funded by a transfer from the Water Reserve Fund.

Background

Annual operating budgets for all budget centers are set at the beginning of the calendar year based on Council direction and strategic priorities. Professional estimates, current trends, legislative environment, and other local information available at the time are significant inputs to the operating budgets recommended to Council. Revenues and expenditures are monitored on an ongoing basis and projected through to the end of the year to ensure they remain at or as close to their approved budget as possible and that all material variances are mitigated as effectively as possible.

Financial results as at December 31, 2019 (4th quarter) have been reviewed and the resulting cumulative surplus/(deficits) have been determined accordingly. This report

provides variances from the approved budgets for taxation, water and wastewater rate funded budget centres for the 2019 fiscal year.

Comments

Taxation Supported Results:

The 2019 fiscal year ended with cumulative municipal surplus of \$1,229,687 for taxation supported budget centers. The departmental that resulted in the net surplus are outlined in **Appendix A** as attached.

The main elements comprising the net surplus are outlined below. The majority of the surplus is being driven by revenue surpluses that were not anticipated at the time of preparing the 2019 Budget.

Category	Surplus (Deficit)
Investment Income	549,190
Wages and Benefits	535,700
Supplementary Tax Revenue	221,660
Payments in Lieu	212,660
Interest on Late Accounts	54,560
Revenue from Provincial Offences	79,930
Other Miscellaneous Items	12,457
Facility Repairs	(102,150)
Vehicle & Equipment Repairs	(160,740)
Capital Project Overexpenditures	(173,580)
2019 Cumulative Surplus	1,229,687

Interest rates remained high throughout 2019 which yielded favourable results for the Town's investments. The Town entered the year with a healthy cash balance and, coupled with a late start to the construction season, generated a \$549,190 surplus in this line item. This represents a 37% increase from the prior year. With interest rates falling in 2020 due to the COVID-19 pandemic it is expected the Town's return on investments will not fare as well in 2020. Given the volatility of this account, investment income is budgeted using conservative estimates to mitigate the impact of potential fluctuations in interest rates on the overall municipal budget.

From a staffing perspective, 2019 was a year of significant change for the Town. A number of positions were vacant for all or part of the year for a variety of reasons which include timing of recruitment, restructuring of positions, staff turnover, leave of absences and retirements. Due to the impact of these contributing circumstances, the Town incurred an overall savings of \$535,700 in wages and benefits.

Supplementary tax revenue is generated throughout the year by newly created properties and properties that have had physical alterations made that were not reflected on the return of the roll provided by MPAC in December of the previous year. The Town had another strong year for supplementary tax revenue in 2019 generating \$920,000 in additional tax revenue, exceeding budget expectations by \$221,660. Supplementary tax revenue generation has been strong since 2016 and reached a historic high of \$1.13 million in 2018.

Surpluses in other revenue line items such as revenues generated from payments in lieu of taxes, revenue from penalties and interest on taxes and other fee based revenue such as revenue from Provincial Offences fines, have also been recognized in the year contributing to the overall surplus.

Other miscellaneous items resulted in an overall savings of \$12,457 in 2019.

As expressed in the 2019 Draft Budget report, facilities, fleet and major equipment replacement have become key areas of concern from both an operational and financial perspective. The Town's facilities and equipment are aging and have become increasingly costly to maintain which has in part resulted in over expenditures of (\$102,150) and (\$160,740) in equipment and facility repair allowances respectively in 2019. Repairs at ATC, Town Hall and the Comber Medical Centre contribute to the majority of the facility related over expenditures. Past deferral of asset replacements enabled the Town to avoid costly short-term replacement costs and focus on other areas of its capital program, but the results of this strategy have put significant pressure on operating budgets. As part of a multi-year financial strategy to combat this issue, Council approved additional base contributions to reserves in both the 2019 and 2020 budgets to allow for greater ability to replace these assets at a more financially optimal point in their lifecycle. As older assets continue to be replaced, there is an expectation that operating repairs and maintenance allowances can be more easily managed.

Budgets for capital projects are best estimates based on all relevant information at the time of budget preparation. Given these estimates are high level, there is a risk that actual project costs may exceed these estimates for various reasons. In 2019, there were a few capital projects funded from taxation, which ended the year in a deficit position offsetting the overall year end surplus. The projects contributing to the Town's 2019 capital deficit of (\$174,000) are, the Marina dock replacements of (\$37,500), collective road rehabilitation works of (\$47,300), optimist park equipment replacement of (\$29,300) parking lot asphalt paving of (\$35,800), park trail replacements of (\$7,300) and other minor capital variances of (\$16,800). This variance represents 0.84% of the overall capital budget of \$20.6M in 2019. To mitigate the impact of capital variances on the overall operating budget, beginning in 2020 all capital projects will be funded from reserves.

There are quite a few projects that were not completed in 2019 and were carried over in 2020 as encumbrances. These are presented on **Appendix D**. This is a change in the accounting for uncompleted projects than has been done in previous years. In prior years, during budget, Managers would provide Finance with best estimates of project budgets that needed to be carried over to the following year. These amount would be included into the next year's budget. Given the timing of when the budget was approved, these

estimates were not always reflective of the true costs needed in future years. Under approved accounting rules, encumbrances can be used to carry over any unspent budget dollars earmarked to complete projects in future years. Upon completion of a project, any surplus funding will be returned to the reserve. Should projects require additional funding due to unanticipated costs, a report will be brought to Council for approval.

Building Operations

Annual building permit collections amounted to \$705,000, representing approximately 66% of permit revenue incurred in 2018, the lowest annual total since 2014. Due to the cyclical nature of development, the Building Code Act mandates municipalities to transfer annual Building related surpluses to reserves so that in underperforming years, that reserve may be drawn upon to cover deficits. With 2019 being an underperforming year, it is recommended the Building Operating Reserve Fund be drawn upon in the amount of (\$194,286) to cover the overall deficit in this area. Despite this unfavourable result, the Town is well-protected against potential future Building related deficits as its Building Operating Reserve Fund has accumulated nearly \$1.5 million due to surpluses gained in recent years.

Legal Services Reserve

Administration is recommending the establishment of a Legal Services Reserve account that will provide for future unexpected legal costs that may be incurred in any given year. In some cases, those costs can be extremely high. The intent of this reserve is similar to that of the Building Operations Reserve. It is extremely difficult to predict in any given year what the Town may incur in legal fees. This Legal Services Reserve would assist in managing any unanticipated expenses and mitigate the overall impact to the annual budget. Any year end surpluses would be transferred to the reserve thereby creating a funding source should the Town experience unanticipated legal expenses in a given year. In 2019 the Legal expense account ended the year with a surplus of \$96,622. These recommendations support Council's strategic priority of Financial Sustainability.

User Rate Supported Results:

Wastewater (Sanitary Sewage)

The wastewater budget centre ended the 2019 year with a net deficit of (\$372,874). Revenue, expenditure and reserve transfer variances that resulted in the net deficit are outlined in **Appendix B** as attached.

Consumption in this area continues to increase likely as a result of new accounts being added annually. Despite a small revenue surplus of \$48,693 the Wastewater Division incurred an overall deficit. Offsetting the deficit is an unbudgeted grant of \$552,474 received through the Clean Water Wastewater Fund (CWWF) grant to fund the Town's Oakwood Sanitary Sewer and Stoney Point Plant Design projects. In accordance with the Town's CWWF funding agreement, this funding is transferred to reserves to offset the actual expenditures.

The division's Repairs and Maintenance budget which serves as an allowance account for significant capital costs that arise throughout the year incurred a deficit of (\$122,993) primarily due to inflow and infiltration work that was deferred from 2018 where the Town had a surplus on this line item. A number of unanticipated capital project costs in wastewater resulted in an over expenditure of (\$256,978) which consisted primarily of the Stoney Point Plant design which incurred costs in excess of the grant. This over expenditure was partially offset by savings in consulting services. Lastly, the Town's (\$86,168) deficit in "other operating costs", displayed on Appendix B, can be mostly attributed to property tax reassessments of Wastewater facilities.

Water

The 2019 fiscal year ended with a net deficit of approximately (\$486,901) for the water rate supported budget center. Revenue, expenditure and reserve transfer variances that result in a net deficit are outlined in **Appendix C** as attached.

Unlike the surplus experienced in wastewater, Water revenue collections underperformed in 2019 resulting in an overall revenue shortfall of (\$25,940). This can be partially attributed to the unusually wet year that 2019 was. A number of unanticipated capital project costs related to repairs and maintenance work were required in the year resulting in an over expenditure of (\$182,558). Significant contributing projects include: Rourke Line Water main Replacement, Water Meter Replacement Program and Elmstead Water main Replacement. In 2019, the Town received notice of retroactive re-assessments for our Water facilities. Since the Town allocates property taxes to these facilities, an adjustment to the payment in lieu tax account was processed, thereby contributing to the deficit of (\$253,064) in the "other operating expenses" category on Appendix C. Also contributing to the deficit were higher than expected insurance related costs, operating supplies, and equipment maintenance. Offsetting the overall deficit are wage related savings of \$160,548 from staff being off on medical leave for extended periods.

Financial Impacts

Taxation Supported Results:

In accordance with the current Reserve and Reserve Fund Policy FN-389, the working funds reserve fund has been underfunded for several years. The intent of this reserve is to fund day to day operations, maintain general cash flow and ensure business continuity during unforeseen events that may strain financial resources. The recommended target for this reserve is 2 months of operating costs or approximately \$7.5M. As evident with the unanticipated financial constraints the Town is experiencing from the effects of the COVID-19 pandemic, the value of adequately funding the Working Fund Reserves has never been more apparent. In alignment with Council's strategic priority of financial sustainability, it is recommended the 2019 surplus of \$1,229,678 be transferred to the Working Funds Reserve. This would increase the current uncommitted balance in the Working Fund Reserve to \$2,872,700. As part of the reserve fund policy, this reserve should contain funding to cover at a minimum 2 months of operating costs. The annual operating budget is approximately \$45M. Two months of funding would equate to \$7.5M.

In addition, in accordance with the reserve fund policy, a transfer of \$194,286 will be made from the Building Operating reserve fund based on the 2019 Accumulated Net Deficit for Building.

Administration is also recommending the establishment of a Legal Services reserve with a transfer of \$96,622 in 2019.

User Rate Supported Results:

User rate supported deficits are recommended to be funded from the Water Reserve Fund and Wastewater Reserve Fund respectively. Administration will continue to develop the Town's financing strategy to best mitigate the impact on rate payers.

Attachment(s): Appendix A – 2019 Taxation Funded Variance Summary
Appendix B – 2019 Wastewater Rate Funded Variance
Appendix C – 2019 Water Rate Funded Variance
Appendix D – 2019 Encumbrances

Report Approval Details

Document Title:	2019 Year End Results - 4th Quarter Variance.docx
Attachments:	- Appendix A - 2019 Taxation Funded Variance Summary.pdf - Appendix B - 2019 Wastewater Rate Funded Variance.pdf - Appendix C - 2019 Water Rate Funded Variance.pdf - Appendix D - 2019 Encumbrances.pdf
Final Approval Date:	Jun 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

Appendix A - Variance Report - Taxation Supported Budget Centres

Year ended December 31, 2019, with comparative information for 2018

		2018	2019			
	Description	Actual	Budget	Actual to December 31, 2019	Surplus/(Deficit)	Variance % (over)/under
Taxation Revenue		28,309,051	30,663,024	30,662,842	(182)	0%
Budget Centre						
1	Animal Control	12,419	38,350	20,533	17,817	87%
2	Atlas Tube Centre	3,349,301	2,921,985	3,095,285	(173,300)	-6%
3	Building	99,258	64,700	66,437	(1,737)	-3%
4	CAO	369,659	381,780	540,093	(158,313)	-29%
5	CDS	297,919	332,490	310,421	22,069	7%
6	Council	284,653	351,240	305,560	45,680	15%
7	Committees	(26,679)	(22,375)	(38,999)	16,624	-43%
8	Drainage	470,259	310,700	318,966	(8,266)	-3%
9	EIS	637,332	727,262	647,482	79,780	12%
10	Facilities	1,030,700	1,609,045	1,629,513	(20,468)	-1%
11	Finance	259,879	869,690	275,152	594,539	216%
12	Fire	1,666,350	1,932,150	1,817,320	114,830	6%
13	Legal and Legislative Services	1,113,138	1,491,860	1,292,103	199,757	15%
14	Marina	40,947	81,935	87,088	(5,153)	-6%
15	Parks	1,785,393	1,608,470	1,610,008	(1,538)	0%
16	Planning	420,064	567,900	543,785	24,115	4%
17	Police	4,520,583	4,834,407	4,865,545	(31,138)	-1%
18	Public Works	10,017,481	12,427,500	12,460,267	(32,767)	0%
19	Recreation	396,778	555,415	536,196	19,219	4%
20	Solid Waste	1,218,386	1,222,700	1,267,955	(45,255)	-4%
21	Corporate	(2,349,961)	(1,644,180)	(2,217,554)	573,374	-26%
Surplus (Deficit)		2,695,192	-	1,229,687	1,229,687	

The Corporation of the Town of Lakeshore

Appendix B - Variance Report - Wastewater

Year Ended December 31, 2019, with comparative information for 2018

	Description	2018 Actual	2019 Budget	2019 Actual to December 31	Variance \$ surplus (deficit)	Variance % (over)/under
	Revenue					
1	Collected on water bills - consumption	3,568,460	3,666,827	3,722,599	55,772	2%
2	Collected on water bills - basic charge	1,790,207	1,902,872	1,895,793	(7,079)	0%
3	Other	1,889,804	151,495	703,969	552,474	365%
	Total Revenue	7,248,471	5,721,194	6,322,361	601,167	
	Expenses					
4	Utilities	890,739	893,900	936,912	43,012	5%
5	Outside services - OCWA	1,347,175	1,403,200	1,443,890	40,690	3%
6	Administration	437,000	462,000	462,000	-	0%
7	Insurance	56,204	30,100	33,253	3,153	10%
8	Consulting	65,021	303,400	255,251	(48,149)	-16%
9	DC discounts	(10,322)	-	-	-	0%
10	Other operating costs	176,679	296,152	382,320	86,168	29%
11	Repairs and maintenance	586,685	821,600	944,593	122,993	15%
12	Long term debt payments	1,075,799	866,526	866,526	(0)	0%
13	Net Transfer To/(From) Reserves	820,196	644,316	1,113,514	469,198	73%
14	Capital From Rates	137,437	-	256,978	256,978	100%
	Total Expenses	5,582,612	5,721,194	6,695,235	974,041	
	Surplus (Deficit)	1,665,859	-	(372,874)	(372,874)	

The Corporation of the Town of Lakeshore

Appendix C - Variance Report - Water

Year Ended Actuals to December 31, 2019, with comparative information for 2018

	Description	2018 Actual	2019 Budget	2019 Actual to December 31	Variance \$ surplus (deficit)	Variance % (over)/under
	Revenue					
1	Water sales - consumption	5,315,879	5,308,950	5,277,828	(31,122)	-1%
2	Water sales - basic charge	3,366,663	3,444,272	3,441,228	(3,044)	0%
3	Other revenue	505,393	740,673	748,899	8,226	1%
	Total Revenue	9,187,935	9,493,895	9,467,955	(25,940)	
	Expenses					
4	Long term debt payments	1,372,986	1,372,986	1,372,986	-	0%
5	Water purchased	318,673	338,000	414,829	(76,829)	-23%
6	Wages and benefits	2,049,330	2,329,055	2,168,471	160,584	7%
7	Purification	195,957	233,200	222,835	10,365	4%
8	Utilities	387,176	385,900	415,791	(29,891)	-8%
9	Administration	280,000	431,000	431,000	-	0%
10	Consulting	64,845	60,200	73,269	(13,069)	-22%
11	System repairs and maintenance	240,000	522,500	603,703	(81,203)	-16%
12	DC discounts	(11,260)	-	-	-	0%
13	Other operating expenses	752,444	761,100	1,014,164	(253,064)	-33%
14	Net operating reserve transfers	2,230,612	3,059,954	3,055,252	4,702	0%
15	Capital from rates	19,854	-	182,558	(182,558)	100%
	Total Expenses	7,900,618	9,493,895	9,954,856	(460,961)	
	Surplus (Deficit)	1,287,317	-	(486,901)	(486,901)	

The Corporation of the Town of Lakeshore

Appendix D - Variance Report - Encumbrances

Year Ended December 31, 2019

<u>Division</u>	<u>Project Description</u>	<u>Amount</u>	<u>Source</u>
ATC	ATC Sunscreen	100,000.00	Taxation
ATC	Ice resurfacers	97,604.71	Vehicles and Equipment
Development Services	Employment Lands Study	36,919.23	Plans & Studies
Development Services	Official Plan, Emeryville & Shoreline	76,368.18	Plans & Studies
Development Services	Lighthouse Cove Secondary	121,463.91	Plans & Studies
Drainage	Capital Drainage Assessments	159,270.85	Road Share of Drainage
Finance	Development Charge Background Study	17,550.25	Plans & Studies
Parks	ATC Master Plan	69,888.98	Plans & Studies
Parks	Swim, Drink, Fish project	163,895.60	Swim, Drink, Fish Grant
Public Works	Greenway Trail	27,234.15	Community Benefit Reserve
Public Works	County Rd 22 Corridor Study	53,814.33	Taxation
Public Works	Stormwater Master Plan	293,084.97	Stormwater Reserve
Public Works	Puce River	50,000.00	Bridges and Culverts
Public Works	Duck Creek	50,000.00	Bridges and Culverts
Public Works	Big Creek (BC-02005)	281,167.04	Bridges and Culverts
Public Works	Big Creek (BC-02011)	46,167.04	Bridges and Culverts
Public Works	Tremblay Creek	71,167.05	Bridges and Culverts
Public Works	Baptiste Creek	36,134.39	Bridges and Culverts
Public Works	Notre Dame Phase 4 - Eleventh to Duck Creek	1,434,367.24	Federal Gas Tax, OCIF
Public Works	Hawthorn Drive Upgrade Conversion - Bissonnette to Hwy401	40,991.22	Gravel Road Conversions
Public Works	Sidewalk - Hwy 77	75,000.00	Roads Lifecycle
Public Works	St Peter St - Phase 2 - Chisholm To Eleventh	97,922.71	Roads Lifecycle
Public Works	Patillo Road Reconstruction (Advance Blvd to CPR tracks)	365,505.79	Roads Lifecycle
Public Works	Wallace Line (CR22 - CR2) Road Reconstruction Design	14,125.97	Roads Lifecycle
Public Works	Puce Road Reconstruction - CR22 to North limit	40,208.75	Roads Lifecycle
Public Works	Melody Drive Reconstruction	42,609.78	Roads Lifecycle
Public Works	Pedestrian Crossing - Notre Dame St at Eleventh St	60,000.00	Roads Lifecycle
Public Works	First St - PED Crossing at VIA	125,000.00	Roads Lifecycle
Public Works	Amy Croft Traffic Signal Improvements	114,116.94	Roads Lifecycle
Public Works	Amy Croft Secondary Plan Servicing Plans and Studies	116,791.33	Roads Lifecycle
Public Works	CR31 and East Ruscum River Road Pathway Study	68,279.16	Roads Lifecycle
Public Works	Storm Water Master Plan Short-Term Improvements	448,012.15	Stormwater
Public Works	CWATS CR2 Pathway - Wallace Line to Patillo Road	95,815.86	Trails - New
Public Works	Single Axle Cab and Chassis with Reversible Plow	257,429.38	Working Funds
Public Works	Rourke Line Operations Centre	2,039,987.41	Facilities - New, Facilities Lifecycle
Wastewater	Denis St. Pierre Design	84,981.79	Wastewater Reserve Fund
Wastewater	Notre Dame St Phase 4	155,622.14	Federal Gas Tax
Water	Notre Dame Phase 4	145,346.51	Water Reserve Fund
Water	Stoney Point WTP Clarifier Rehabilitation	233,783.81	Water Reserve Fund
		<u>7,807,628.62</u>	

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: May 20, 2020

Subject: Tender Award – 2020 Supply and Place Gravel Program

Recommendations

1. Award the tender to Jeff Shepley Excavating Ltd. for the 2020 Supply and Place Gravel program in the amount of \$242,455.00 plus HST for Schedule 1A using the crushed dolomite stone; and,
2. Award the tender to Rene Blain Trucking Ltd. for the 2020 Stockpiling of Gravel, as per Schedule 2, in the amount of \$87,975.00 plus HST.

Background

Schedule 1 below provides a listing of roads included in the tender to receive loose top maintenance in 2020. This list was compiled in consultation with the Public Works Services Division's Lead Hands. Roads typically receive maintenance stone on a three to five year cycle. The amount of traffic on each road and specific site conditions may accelerate or delay this schedule.

Schedule 1- Supply & Place Gravel

ROAD NAME	ROAD LENGTH (meters)
Lakeshore Road 311	3640
Lakeshore Road 241	2678
Countryview Lane	1436
Mitchell Road	2313
School House Road	2754
Byrnedale Rd	1362
Lakeshore Road 129	1185

Schedule 1A- Supply & Place Gravel using Crushed Dolomite Stone

ROAD NAME	ROAD LENGTH (meters)
Lakeshore Road 311	3640
Lakeshore Road 241	2678
Countryview Lane	1436
Mitchell Road	2313
School House Road	2754

In addition to maintenance stone, gravel is required to be stockpiled at each of the Lakeshore West and Lakeshore East Public Works yards, as outlined in Schedule 2 below. This stone is typically used for shouldering on hardtop roads as well as for construction related projects such as culvert replacements and storm sewer work.

Schedule 2 – Stockpile of Gravel

Road Name	Tonnes
Lakeshore West Public Works yard	2500
Lakeshore East Public Works yard	2500

Comments

The tender for supplying and placing gravel was publicly advertised on the Bids & Tenders website on April 27, 2020. Three (3) tenders were received prior to tender closing on May 15, 2020 at 12:00 p.m.

The following tables list the actual tendered amounts received for each of the schedules contained in the tender for two options as to the granular material for application on gravel roads.

Schedule 1 (Supply and Place Gravel using standard Granular A Stone)

Tenderer	Price (excluding HST)	Price including net HST
Jeff Shepley Excavating Ltd.	\$232,879	\$236,978

Schedule 1A (Supply and Place Gravel using Crushed Dolomite Stone)

Tenderer	Price (excluding HST)	Price including net HST
Jeff Shepley Excavating Ltd.	\$242,455	\$246,722
Southwestern Sales Corporation Limited	\$256,452	\$260,966

Schedule 2 (Stockpile Gravel)

Tenderer	Price (excluding HST)	Price including net HST
Rene Blain Trucking Ltd.	\$87,975.00	\$89,523
Jeff Shepley Excavating Ltd.	\$92,300.00	\$93,924
Southwestern Sales Corporation Limited	\$109,500.00	\$111,427

Administration included a second granular stone option to obtain pricing on the use of a 5/8 crushed dolomite stone material which has proven to have benefits in quality and extending frequency between the road granular applications. As for the Schedule 2 stone it will continue to remain using the standard granular A material considering it is used for various applications that would not benefit from the crushed dolomite stone.

The cost of the crushed dolomite stone is 25% higher than the standard granular material the Town has been applying. In reviewing the cost benefit has determined that the new premium stone would need to provide more than one more additional year to the frequency of the applications of gravel lifecycle application. There is strong merits from past experiences using the 5/8 crushed dolomite stone which is being recommended to be awarded in this tender. Administration will monitor the performance of applying the new premium material over the next three years.

Based on the tendered amounts identified above, the combined low tender bid submitted to supply & place gravel, as well as stockpiling gravel was \$326,501 (using Schedule 1) or \$336,245 (using Schedule 1A), including the non-refundable HST. Given the budgeted amount for Loose top Road Maintenance in the 2020 Public Works budget (001.05.041.7003.4102.0001) is \$335,000, two roads were not included in the second option Schedule 1A that are included in Schedule 1 in anticipating the higher cost of the crushed dolomite granular to remain within the 2020 budget.

The two road sections not included in Schedule 1A are Lakeshore Road #129 from Trepanier Road to the dead end and Brynedale Road from Myers to Lakeshore Road #123 which combined are 2.5 Km in length. Conversely, with these two included in Schedule 1 a total of 15.3 Km of gravel roads would be resurfaced but Administration is recommending 12.8 Km be completed using the crushed dolomite stone. The Town has in prior years occasionally deleted road sections to remain within the budget and similarly with this year's tender the two roads sections not included in Schedule 1A would not pose concerns in deferring.

Financial Impacts

With the option being recommended to use the crushed dolomite stone in Schedule 1A, the cost is \$336,245 including the non-refundable HST for both the supply and placement of gravel as well as the stockpile at both Public Works yards. The shortfall of \$1,245 will be absorbed through savings in other line items within the Public Works operational budget.

Alternatively, if Council were to approve the option to remain with use of the standard granular A stone in Schedule 1, the cost is \$336,245 including the non-refundable HST for both the supply and placement of gravel as well as the stockpile at both Public Works yards. The project would be \$8,500 under budget.

Considering the benefits of the crushed dolomite stone, it is recommended that the tender be awarded to Jeff Shepley Excavating Ltd. in the total amount of \$236,978 (including net HST) for the supply and place gravel (Schedule 1) or \$246,722 (Schedule 1A), and award the tender to Rene Blain Trucking Ltd. in the total amount of \$89,523 (including net HST) for the stockpile gravel (Schedule 2) work.

Below is the cost breakdown summary of the recommended award of Schedule 1A:

	2020 Budget	Recommended Contract Amount incl. net HST	Difference (over)/ under
Project Cost – Sch 1A and 2:			
Supply and Place		\$246,722	
Stockpile at both Yards		\$89,523	
Total Schedules 1A and 2	\$335,000.00	\$336,245	(\$1,245)

Report Approval Details

Document Title:	Tender Award - 2020 Supply and Place Gravel Program.docx
Attachments:	
Final Approval Date:	Jun 4, 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

Legislative & Legal Services

Legislative Services



To: Mayor & Members of Council

From: Kristen Newman, Director of Legislative & Legal Services
Nelson Cavacas, Director of Engineering & Infrastructure Services

Date: June 1, 2020

Subject: Governmental Permits and Works Delegated Authority

Recommendation

Direct the Director of Legislative & Legal Services to present draft By-law 46-2020, for reading at the next Council meeting, in accordance with the report entitled, Governmental Permits and Work Delegated Authority, presented at the June 9, 2020 Council meeting.

Background

On occasion the Town is required to enter into agreements with other levels of government, government agencies, public utilities, or railways ("Property Owners") to allow the Town (or residents of the Town) to use the property for its purposes. For example, the Town enters into agreements with the Province of Ontario to ensure the existence of a municipal sidewalk in the Highway 77 corridor through Comber.

The Town may desire to do work or have works executed on its behalf in the permitted areas. For example, the Town is implementing plans to extend the sidewalks at a couple of locations along the Highway 77 corridor in Comber in addition to the sidewalk lifecycle replacements. The Province wishes to do the sidewalk replacement/extension as part of its overall construction project when repaving the road and will follow its procurement practices accordingly. It is common for Property Owners in these situations to require that the construction activities be performed by its preferred vendor instead of the Town procuring the construction project on its own. Examples of such draft agreements are attached as Appendix A to this report.

Comments

Administration has prepared a draft delegation by-law (attached as Appendix "B" to this report) which authorizes the Department Head and Clerk to enter into permits or similar

types of agreements required for Town purposes. This authority may only be exercised if the agreement is intended to further an authorized Town activity or program and, where there is a financial implication, for which the financing has been approved by Council in the budget.

This by-law also delegates authority for the Department Head and Clerk to execute agreements of this nature that require the Town to agree to works that will be procured by a Property Owner. Such authority may only be exercised where the funds for the works have been approved by Council through the Town budget.

It is important to note that in circumstances such as these, the procurement of the works will not proceed in accordance with the Town's Purchasing By-law which typically requires that a competitive procurement process occur. That is not to say that the procurement of the works will not be conducted in a competitive manner by the Property Owner; the Province has its own rules relating to fair procurement. However, the procurement will not be conducted in accordance with the Town's purchasing rules because the Town is not doing the purchasing. With that said, where possible, the Town will request that the agreement include that the works be procured in a competitive manner.

A delegation by-law of this nature will expedite Town projects by eliminating the need for additional Council reports and by-laws for arrangements where Council has otherwise approved the project (typically through the budget). It will also ensure that regular operational activities can occur, for example, entering into agreements with railways to conduct routine maintenance work.

Two draft contracts of the nature that would be executed under the authority of this delegation by-law are attached to this report. These draft contracts set out proposed agreements between the Town for sidewalk replacement and street lights in the Highway 77 corridor in Comber. The funds for these projects were both approved in the 2020 budget.

Others Consulted

Ministry of Transportation

Financial Impacts

There are no specific financial implications associated with the passage of this by-law. Funding for the Highway 77 illumination and sidewalk agreements that will be executed under the authority of the delegation by-law will be funded from the 2020 budget; as will other expenses associated with agreements executed pursuant to this by-law in the future.

Attachment(s): Appendix “A” – Highway 77 Corridor Illumination and Sidewalk Agreements

Appendix “B” – Draft By-law 46-2020

Report Approval Details

Document Title:	Governmental Permits and Works Delegated Authority and Approval.docx
Attachments:	- 46-2020-Delegation-GovernmentalPermitsandSingleSourcing.docx - AppendixA-GWP 3072-12-00 Lakeshore Illumination Agreement 2020.pdf - AppendixA-GWP 3072-12-00 Lakeshore Sidewalk Agreement 2020.pdf
Final Approval Date:	Jun 3, 2020

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

Nelson Cavacas

Rosanna Pellerito

Truper McBride

Appendix “B”

The Corporation of the Town of Lakeshore

By-law 46-2020

Being a By-Law to Delegate Authority regarding Governmental Permits and Procurement of Works

Whereas section 9 of the *Municipal Act, 2001*, S.O. 1990, c. 25, states that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that or any other Act;

And whereas, subsection 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality’s capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

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

And whereas, the Town’s Purchasing By-Law, By-law No. 58-2010 requires that the Town purchase goods and services in a competitive manner but for in certain circumstances described by that by-law;

And whereas, the Town may need to apply for or enter into permitting arrangements or agreements in order for municipal assets to be constructed, built, or otherwise placed on the property owned by other governments, governmental agencies, public utilities or railways;

And whereas, the Town may be required to use the service or goods providers of the Government Agency or procured by and authorized by the Government Agency to work on the Government Agency’s property;

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

1. In this by-law:

“Clerk” means the municipal clerk for the Town appointed pursuant to the *Municipal Act, 2001*;

“Council” means the municipal council for the Town;

“Department Head” means the person employed by the most senior member of Town Administration, other than the Chief Administrative Officer, having responsibility for the matter forming the subject of the permit or agreement;

“Purchasing Limit” means a maximum authorized limit for expenditure as specified in the Purchasing By-law;

“Government Agency” means the following:

- (a) Government of Canada and any ministry, department, agency or board thereof;
- (b) Government of Ontario and any ministry, department, agency or board thereof;
- (c) A municipality created or continued pursuant to the *Municipal Act, 2001*; and,

(d) A railway;

“Town” means The Corporation of the Town of Lakeshore; and,

“Treasurer” means the municipal treasurer for the Town appointed pursuant to the *Municipal Act, 2001*.

2. The Department Head and the Clerk are jointly delegated the authority to execute permits and agreements with Government Agencies for the purpose of the following in furtherance of an approved Town project or activity approved by Council:
 - a. Entering upon a Government Agency’s land for the purpose of constructing, working, travelling through, under or over the land; and
 - b. Building, constructing, a municipal asset on the Government Agency’s land, which shall include preparation, maintaining, repairing, removing or otherwise working on the land for the placement of the asset or the asset itself.
3. (1) The Department Head and Clerk, in consultation with the Treasurer, are jointly delegated the authority to execute permits and agreements with Government Agencies as described in section 2 that provide for non-competitive purchasing by the Town, including non-competitive purchases that may be prohibited by the Purchasing By-law, where the purchase is:
 - a. Approved by Council in the Town budget; and,
 - b. Within the Department Head’s Purchasing Limits.

(2) Purchases authorized in subsection (1) are deemed to be approved by Council.
4. The delegated authorities and approvals described in sections 2 and 3 include the authority to execute any related amendments or agreements in furtherance of the original permit or agreement.
5. In the event of a conflict between this by-law and another Town by-law, the more specific by-law prevails.
6. 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.
7. This by-law shall come into force and effect upon passage.

Read and passed in open session on June 23, 2020

**Tom Bain
Mayor**

**Kristen Newman
Clerk**

THIS AGREEMENT is effective **this ____ day of _____, 2020 (“Effective Date”)**

BETWEEN:

**HER MAJESTY THE QUEEN IN RIGHT OF
THE PROVINCE OF ONTARIO, REPRESENTED BY THE MINISTER OF
TRANSPORTATION FOR THE PROVINCE OF ONTARIO**
(hereinafter referred to as the "Ministry")

- and -

THE CORPORATION OF THE TOWN OF LAKESHORE
(hereinafter referred to as the "Corporation")

(Individually a “Party”, and collectively the “Parties”)

WHEREAS:

- A. The lands comprising a public highway, being the existing King’s Highway No. 77 (the “Highway”), are vested in the Ministry and are under the jurisdiction and control of the Ministry;
- B. The Ministry will, at the Ministry’s sole expense and cost, design and construct municipal illumination (the “Illumination”) within the Highway from Highway 77 from Essex Road 46 to Highway 401 (1.8 km) as shown on the sketch attached as Schedule “A” as part of an upcoming construction project;
- C. The Corporation has agreed, at its sole expense and cost, to operate, repair, maintain and use the Illumination within the Highway;
- D. The Ministry has agreed to allow the Corporation to repair, maintain and use the Illumination upon the terms and conditions of this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and the covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

TERM

- 1. The term of this Agreement shall commence on the Effective Date set out on top of this Agreement and shall expire on the second anniversary of the Effective Date.
- 2. Prior to any expiry of the Agreement herein, the term of this Agreement shall be automatically renewed for further periods of one year term unless a Party gives the other not less than sixty (60) days prior written notice of its intention to terminate this Agreement at the end of the term or current renewal term.

USE

3. Upon execution of this Agreement by both Parties the Corporation shall repair, maintain and use the Illumination in general, subject to the conditions herein and any other conditions as required in such permit(s) that may be issued by the Ministry under the PTHIA from time to time ("Permit").

APPROVAL

4. The Ministry grants only permission pursuant to the provisions of the PTHIA, and the Corporation shall be solely responsible for obtaining all other approvals required from any other authority in order to carry out any activity with respect to the Illumination.

CORPORATION'S RESPONSIBILITIES

5. The Corporation shall:
 - (a) be solely responsible for the provision of any and all operation, maintenance and repair of the Illumination, and all other work or services incidental to operations, maintenance and repair, and for any and all costs for said operations, maintenance and repair, including power consumption;
 - (b) ensure that any maintenance and repair performed with respect to the Illumination is performed promptly and in such a manner so as to cause no interference with the Highway or the use of the Highway by the public;
 - (c) compensate the Ministry in full for any and all damage caused or any harm done to the Highway and associated structures and road equipment as a result of maintenance and repair performed, or not performed, as the case may be, by the Corporation with respect to the Illumination;
 - (d) shall not permit the attachment of any signs to the Illumination within the Highway property limits without the prior written approval and/or a Permit from the Ministry. The corporation shall be responsible for enforcing and removing any non-compliant signs attached to the Illumination. Notwithstanding the above, the Ministry may, at its sole discretion, remove and dispose of any such non-compliant sign. Such disposal by the Ministry of any non-compliant signs is not a waiver of the Corporation's responsibility herein;
 - (e) obtain prior written approval in the form of a Permit from the Ministry and comply with the terms and conditions therein for work, other than routine annual or periodic maintenance, that is to be undertaken on the Illumination by non-Ministry personnel. The Ministry may renew the Permit upon request of the Corporation. After obtaining the Ministry's approval, the Corporation shall notify the Ministry at least seven days before commencing any such work; and
 - (f) be responsible for the costs and maintenance of any modifications to the Highway or its structures necessitated because of the Illumination.

EMERGENCY AND HIGHWAY PURPOSES

5. Notwithstanding any other provision of this Agreement, the Ministry may suspend or terminate this Agreement at any time before the expiry of its term, if the Ministry deems, at its sole discretion, that;
 - (a) it requires the lands under the Highway occupied by the Illumination for an emergency or for the purposes of installing, repairing or maintaining the Highway, or other public needs; or
 - (b) emergency work must be carried out by the Ministry on the Highway in order to protect the travelling public and/or preserve the integrity of the Highway right-of- way;

on the condition that the Ministry give the Corporation oral or written notice of such emergency or need to install, repair or maintain the Highway. The Ministry shall not be liable to the Corporation for any costs whatsoever, incurred by the suspension or termination of this Agreement, or any costs whatsoever, incurred by the Corporation to restore the Illumination by reason of this Section.

LIABILITY

6. The Corporation shall indemnify and save harmless at all times, including after the termination of this Agreement, the Ministry, its Minister, servants, employees, and agents (“Indemnified Parties”) from and against any and all demands, losses, costs (including reasonable legal costs), damages, injuries (including death), claims, actions or causes of action, proceedings, in any manner arising due to, out of, from, or in connection with the existence of this Agreement unless caused by the negligence of the Indemnified Parties.
7. The Corporation shall reimburse the Ministry for all costs reasonably incurred by the Ministry to repair and maintain the Highway when the need for such repair and maintenance arises as a result of any failure of the Corporation or can be reasonably attributed to the negligence and/or failure by the Corporation to comply with the provisions of this Agreement.
8. The Ministry shall not be liable in any manner whatsoever for any loss, injury, or damage to person or property including loss of life, by whosoever suffered, that in any way is connected to the establishment, use or the operation of the Illumination save except for negligence and/or the wilful misconduct of an employee or agent of the Ministry while acting within the scope of his or her employment or agency respectively. The Ministry shall not be liable for any incidental, indirect, special or consequential damages or loss of use, revenue or profit suffered by any Party arising out of or in any way connected to this Agreement. Sections 6, 7, and 8 herein shall survive the termination or expiry of this Agreement.
9. The terms of this Agreement are hereby deemed to be terms of a Permit from the Ministry to the Corporation, pursuant to section 34(16) of the PTHIA, allowing the Illumination to be located within the Highway property limits, and the Illumination shall be subject to the authority of the Ministry accordingly.
10. The Corporation warrants that it has taken all necessary steps, done all acts, passed all by-laws and obtained all approvals within its power required to give it authority to enter into

this Agreement.

TITLE IN THE MINISTRY PROPERTY LIMITS / PTHIA SECTION 33(1) UNDERTAKING

11. The Parties agree that:

- (a) no provision of this Agreement, nor any construction, repair, maintenance or use of the Illumination is to be construed as creating in the Corporation any right, title or interest in the Ministry's property limits or fixtures erected thereon other than the right to construct, repair, maintain and use the Illumination in accordance with the terms of this Agreement; and
- (b) pursuant to s.33 of the PTHIA, the Corporation agrees that the Illumination is hereby deemed to be, also a municipal undertaking of the Corporation within the Highway property limits whereby the Corporation is solely liable for want of repair of Illumination whether the want of repair is the result of nonfeasance or misfeasance, in the same manner and to the same extent as in the case of any other like work constructed by the Corporation.

INSURANCE

12. The Corporation shall, during the term of this Agreement, have in place at its cost, with insurers having a secure A.M. Best rating of B+ or greater or the equivalent, a fully paid-up commercial general liability policy of insurance covering third party property damage, bodily injury and personal injury.

TERMINATION

13. The Ministry may terminate this Agreement at any time, without cause, upon sixty (60) days written notice being provided to the Corporation.
14. Notwithstanding Section 13, the Ministry may terminate this Agreement, at any time, immediately upon providing notice to the Corporation, if the Corporation breaches or fails to fulfil any of the terms and conditions of this Agreement.
15. Notwithstanding Section 14, the Ministry may, in its reasonable discretion, give written notice to the Corporation of a breach of the terms and conditions of this Agreement and allow the Corporation a reasonable period of time in which to remedy the breach.
16. The Ministry's rights under Section 14 and Section 15 shall not in any manner be prejudiced even if the Ministry has overlooked or condoned any non-compliance with the terms and conditions of this Agreement by the Corporation.

MINISTRY'S RIGHTS ON TERMINATION

17. In the event of the termination of this Agreement, the Ministry shall be under no further obligation to the Corporation, except to recover from the Corporation any damages, costs and expenses incurred as a result of such termination.

18. Upon the termination of this Agreement, the Corporation shall, at its sole cost and expense, remove entirely any fixtures, unless otherwise instructed by the Ministry, and restore the lands upon which the Illumination is located to a condition at least as good as their former condition, including the replacement of any fences or other barriers present at the commencement of this Agreement.
19. Should the Corporation fail to comply with Section 18 of this Agreement, the Ministry may undertake to do anything that will remedy the default and may, without foregoing any other remedies, perform the removal, restoration or replacement work and the Corporation shall be required to pay the Ministry for all reasonable costs to perform the said work.

COSTS

20. The Corporation shall be solely responsible for all costs and expenses in connection with the repair, maintenance and use of the Illumination as set out in this Agreement.

CONFLICTS

21. Where there is a conflict between this Agreement and the terms and conditions contained in a Permit issued by the Ministry to the Corporation, the terms and conditions contained in this Agreement shall govern. Such Permit shall have annotated on it:

“this Permit is subject to the terms of an Agreement dated the ____ day of _____, 2020 between the Ministry of Transportation and the Corporation.”

22. Where there is a conflict between this Agreement and the terms and conditions of other agreements that the Corporation may have entered into with another party, this Agreement shall govern.

NOTICES

23. Any notices to be given under the provisions of this Agreement shall be in writing and shall be given by personal delivery or sent by facsimile or mailed by prepaid registered mail. Subject to change by either Party with written notice, notice shall be addressed as follows:

The Ministry: Corridor Management Section, West Region
 Head, Corridor Management
 519-873-4578
 519-873-4228

Corporation: The Corporation of the Town of Lakeshore
 419 Notre Dame St.
 Belle River, ON
 N0R 1A0
 Attention: Clerk

Such notices, invoices, demands, or correspondence as aforesaid shall be deemed to have been received by the Party to whom it is mailed on the third business day following the day of posting, or on the day of delivery or transmission if provided by personal delivery, or

facsimile, unless delivered or transmitted on a weekend or a holiday, in which case such notice shall be deemed to have been received on the next business day. In the event in an interruption in the postal service, notice shall be given by personal delivery or facsimile.

SUCCESSORS AND ASSIGNS

- 24. This Agreement shall enure to the benefit of, and be binding upon, the Parties hereto and their respective successors and permitted assigns.
- 25. This Agreement may not be assigned by the Corporation without the prior written consent of the Ministry.

SEVERABILITY

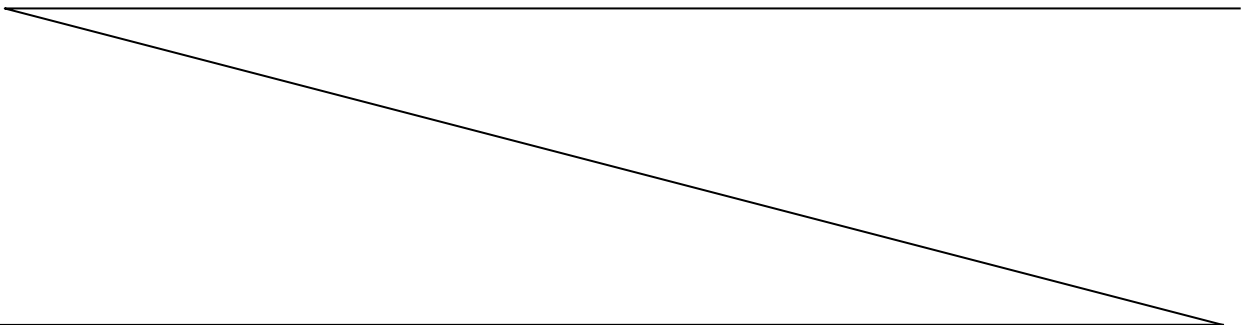
- 26. If any provision of this Agreement or portion thereof or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable:
 - (a) the remainder of this Agreement and its application to any person or circumstances shall not be affected thereby; and
 - (b) the Parties hereto will negotiate in good faith to amend this Agreement to implement the intentions set forth herein.
- 27. Each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

NO PARTNERSHIP

- 28. The Parties understand and agree that nothing contained in this Agreement shall constitute or be deemed to create a partnership or joint venture between the parties hereto.

OTHER PROVISIONS

- 29. The rights, duties and powers of the Minister under this Agreement may be exercised by the Head of Corridor Management of the Ministry’s West Region.
- 30. Any changes, alterations or amendments to this Agreement shall be made in writing signed by the Municipality’s authorized signing officers and by the Head of Corridor Management of the Ministry’s West Region.
- 31. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.



APPLICABLE LAW

32. This Agreement shall be governed by the laws of the Province of Ontario and the federal laws of Canada.

IN WITNESS OF ALL contained in this Agreement:

Dated this _____ day of _____, 2020.

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO,
REPRESENTED BY THE MINISTER OF TRANSPORTATION FOR THE PROVINCE
OF ONTARIO**

Head, Corridor Management

Dated this _____ day of _____, 2020.

THE CORPORATION OF THE TOWN OF LAKESHORE

I/We have authority to bind the Corporation

Schedule "A"
to an Agreement between the Ministry of Transportation and the Town of Lakeshore

GENERAL NOTE:

A. CONTRACTOR TO REMOVE AND SALVAGE EXISTING STEEL POLES P1 TO P20 INCLUDING, LUMINAIRE, BRACKET AND FOOTING.
UPON COMPLETION OF SEWER WORK, SALVAGED EQUIPMENT SHALL BE RE-INSTALLED IN SAME LOCATION.

METRIC
DIMENSIONS ARE IN METRES
AND/OR MILLIMETRES
UNLESS OTHERWISE SHOWN

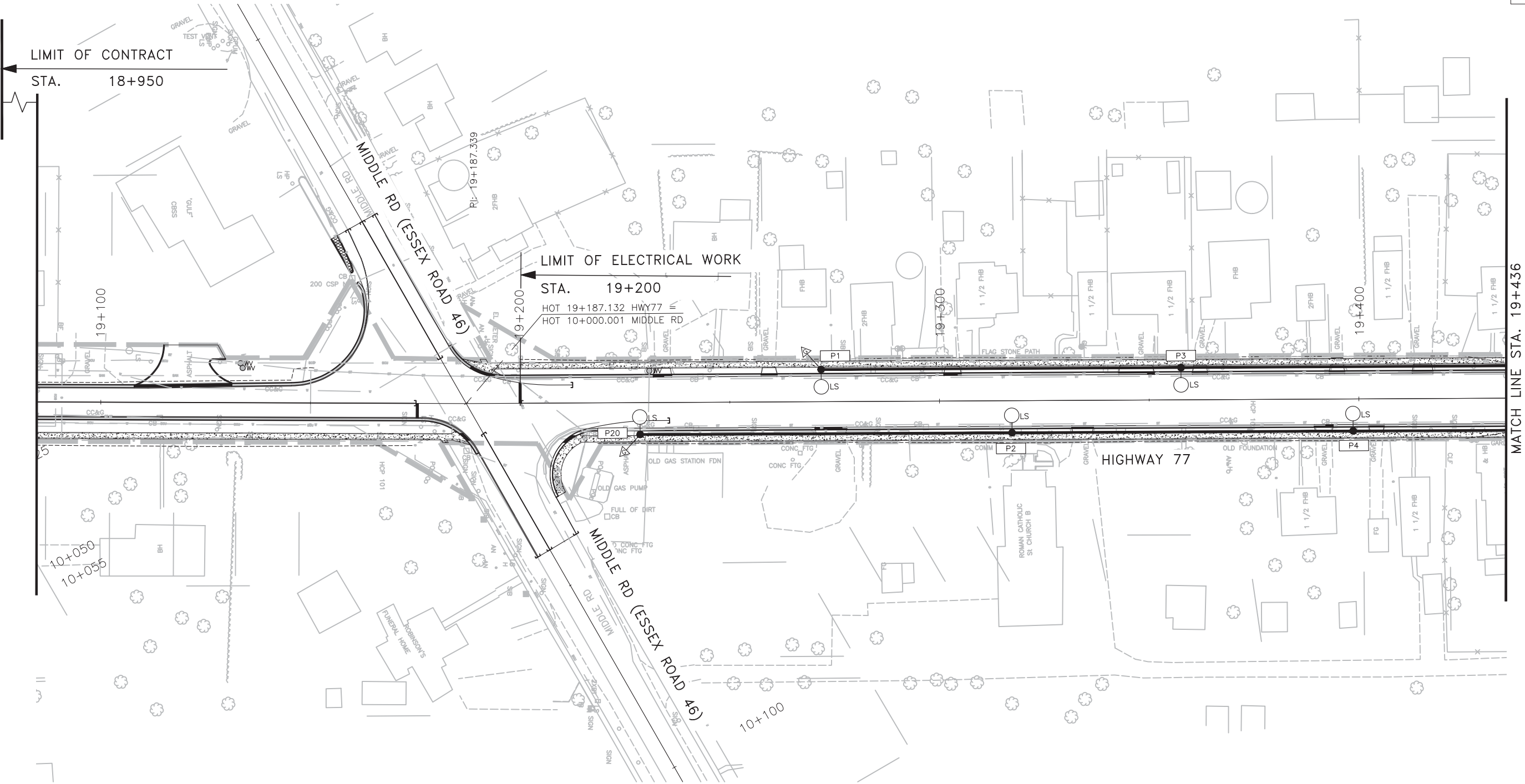
PLATE No
CONT 2017-3000
WP 3072-12-02

ELECTRICAL LAYOUT-MUNICIPAL
HWY 77
STA 19+084 TO STA 19+436

LEA Consulting Ltd.
Consulting Engineers
and Planners
www.LEA.ca



SHEET
E1



DRAWING NAME: F:\9827\Phase 700 - Electrical\Design of Traffic Signals at Knapp Street\4.4 CAD Design\9827-EL-L-FERM-D-1500.dwg (46)
PLOT DATE: 2020/02/14 3:28:04 AM

PR-D-707 BR-05
MINISTRY OF TRANSPORTATION, ONTARIO

GENERAL NOTE:

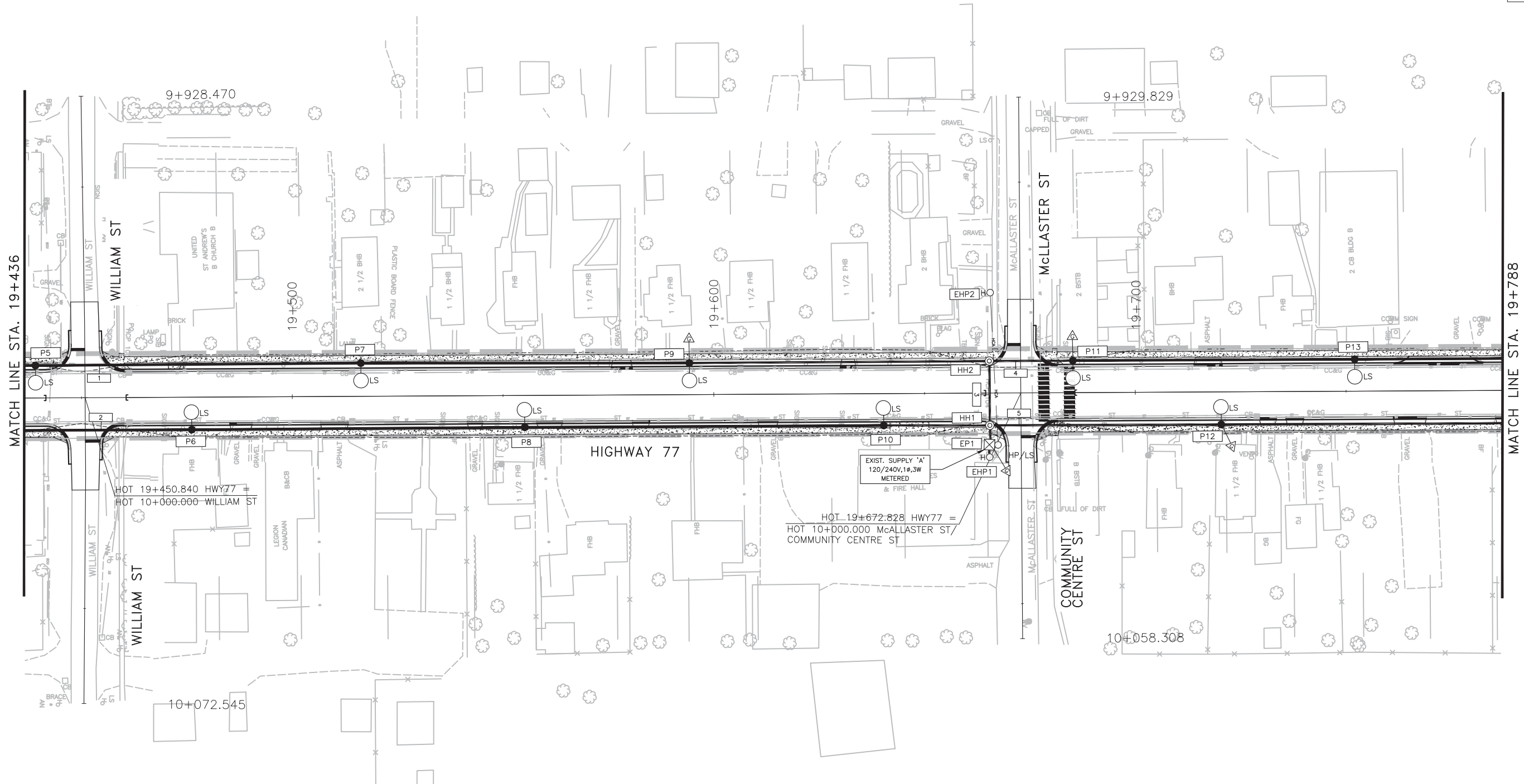
- A. CONTRACTOR TO REMOVE AND SALVAGE EXISTING STEEL POLES P1 TO P20 INCLUDING, LUMINAIRE, BRACKET AND FOOTING.
UPON COMPLETION OF SEWER WORK, SALVAGED EQUIPMENT SHALL BE RE-INSTALLED IN SAME LOCATION.

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DIMENSIONS ARE IN METRES
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UNLESS OTHERWISE SHOWN

PLATE No	
CONT	2017-3000
WP	3072-12-02
ELECTRICAL LAYOUT-MUNICIPAL	
HWY 77	
STA 19+436	TO STA 19+788
LEA Consulting Ltd.	
Consulting Engineers and Planners	
www.LEA.ca	



SHEET
E2



SCALE
5m 0 10m
Horizontal

NOTES:

1. CONTRACTOR TO PROTECT EXISTING LUMINAIRE MOUNTED ON HYDRO POLE DURING CONSTRUCTION.
2. CONTRACTOR SHALL INSTALL POLES P21 TO P25 PRIOR TO REMOVING THE EXISTING LIGHTING NORTH OF FORD STREET.
CONTRACTOR SHALL ENSURE THAT LIGHTING IS MAINTAINED AT ALL TIMES.

METRIC
DIMENSIONS ARE IN METRES
AND/OR MILLIMETRES
UNLESS OTHERWISE SHOWN

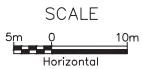
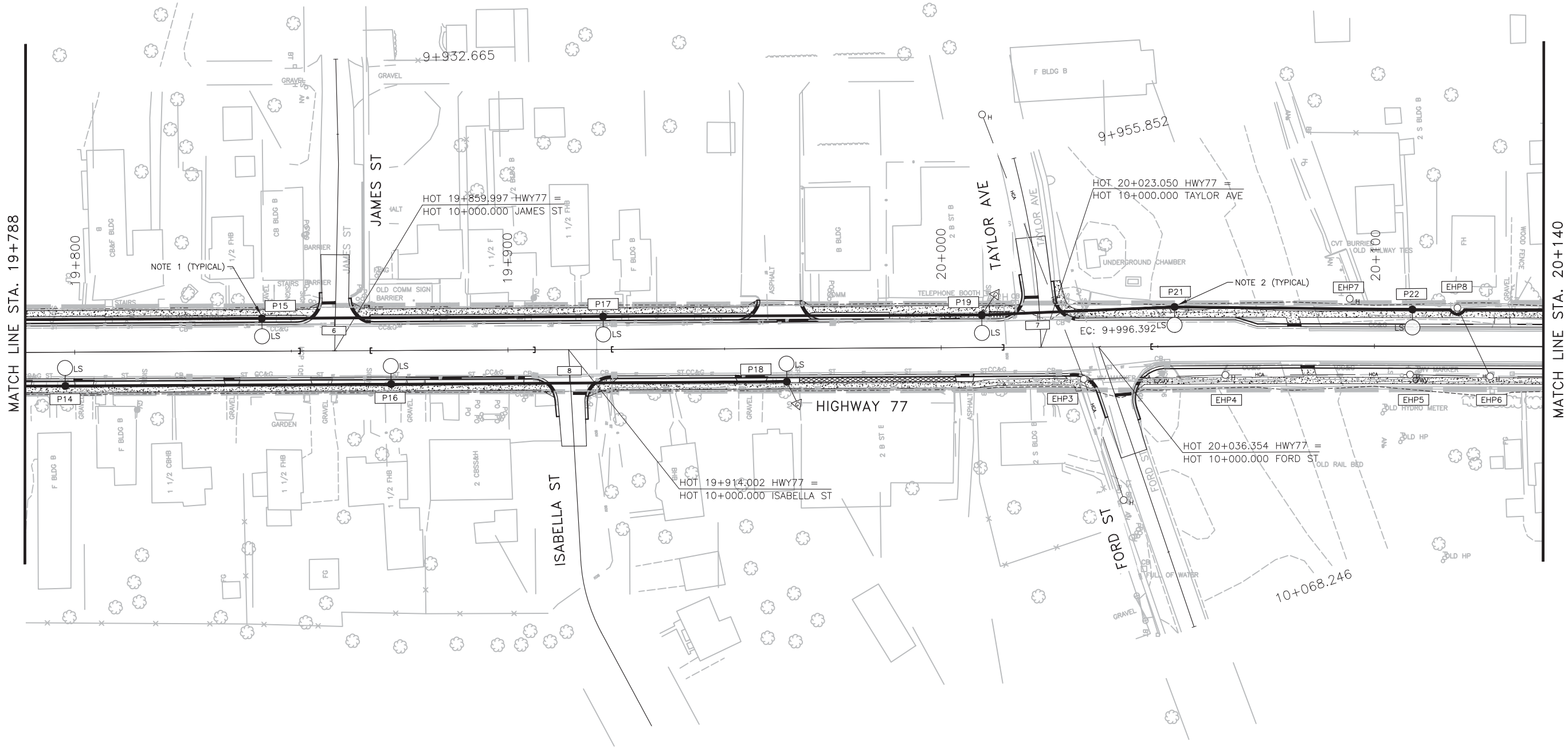
PLATE No
CONT 2017-3000
WP 3072-12-02

ELECTRICAL LAYOUT-MUNICIPAL
HWY 77
STA 19+788 TO STA 20+140

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Consulting Engineers
and Planners
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SHEET
E3



DRAWING NAME: F:\9827\Phase 700 - Electrical\Design of Traffic Signals at Knapp Street\4.4 CAD Design\9827-EL-L-FERM-D-1500.dwg (48)
PLOT DATE: 2020/02/14 3:28:16 AM

PR-D-707 BR-05
MINISTRY OF TRANSPORTATION, ONTARIO

GENERAL NOTE:

- A. CONTRACTOR SHALL INSTALL POLES P21 TO P25 PRIOR TO REMOVING THE EXISTING LIGHTING NORTH OF FORD STREET.
CONTRACTOR SHALL ENSURE THAT LIGHTING IS MAINTAINED AT ALL TIMES.

METRIC
DIMENSIONS ARE IN METRES
AND/OR MILLIMETRES
UNLESS OTHERWISE SHOWN

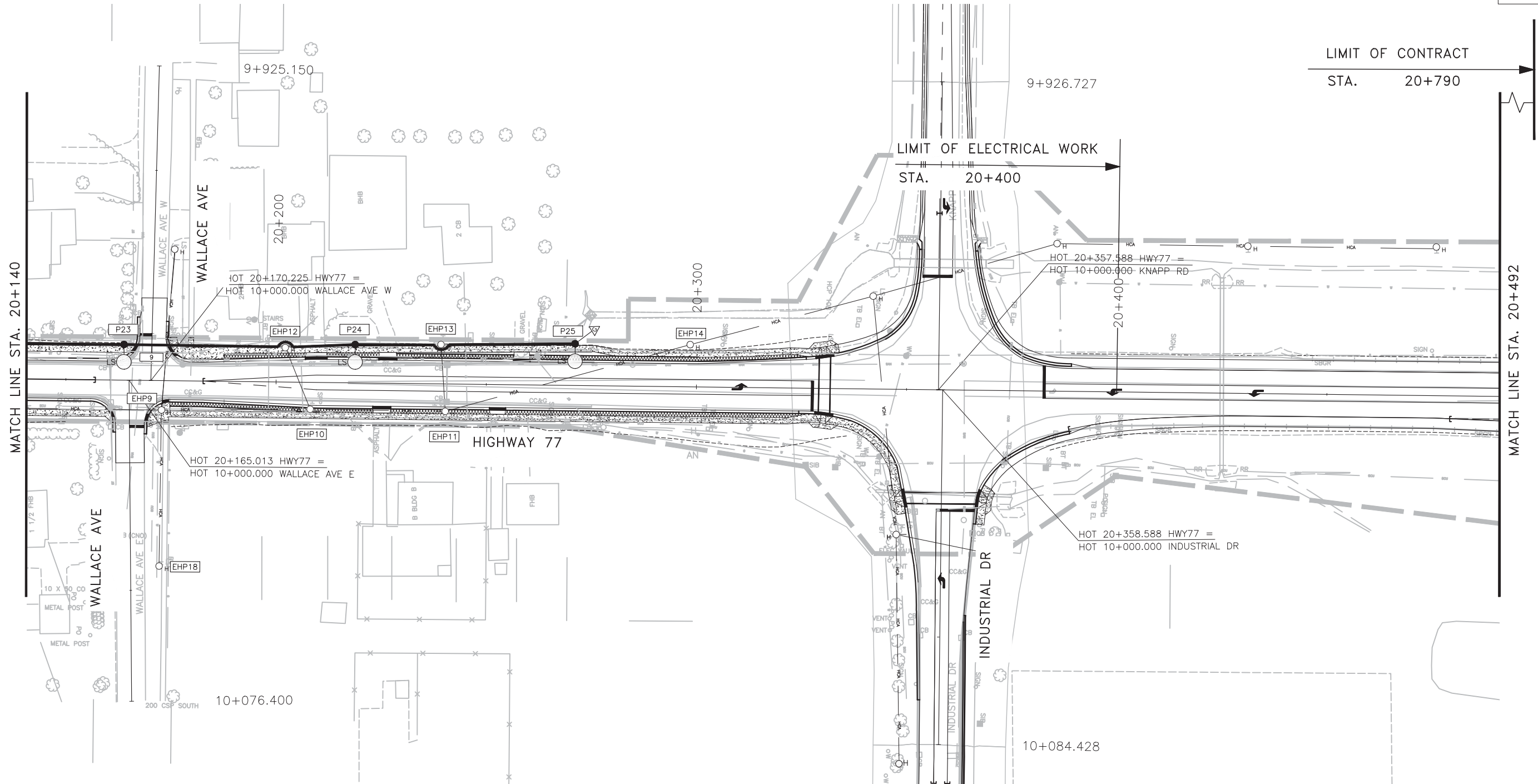
PLATE No
CONT 2017-3000
WP 3072-12-02

ELECTRICAL LAYOUT-MUNICIPAL
HWY 77
STA 20+140 TO STA 20+492

LEA Consulting Ltd.
Consulting Engineers
and Planners
www.LEA.ca



SHEET
E4



SCALE
5m 0 10m
Horizontal

THIS AGREEMENT is effective **this** ____ **day of** _____, **2020 (“Effective Date”)**

BETWEEN:

**HER MAJESTY THE QUEEN IN RIGHT OF
THE PROVINCE OF ONTARIO, REPRESENTED BY THE MINISTER OF
TRANSPORTATION FOR THE PROVINCE OF ONTARIO**
(hereinafter referred to as the "Ministry")

- and -

THE CORPORATION OF THE TOWN OF LAKESHORE
(hereinafter referred to as the "Corporation")

(Individually a “Party”, and collectively the “Parties”)

WHEREAS:

- A. The lands comprising a public highway, being the existing King’s Highway No. 77 (the “Highway”), are vested in the Ministry and are under the jurisdiction and control of the Ministry;
- B. The Corporation wishes, at its sole expense and cost, to have the Ministry design and construct a sidewalk for pedestrian purposes (the “Sidewalk”), as part of the Ministry work project reference GWP 3072-12-00 within the Highway on the west and east side of the Highway as shown on Schedule “A” attached hereto;
- C. The Ministry has agreed to include the Sidewalk as part of the MTO Project at the sole expense and cost of the Corporation upon the terms and conditions as set out herein.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and the covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

DEFINITIONS

1. In this Agreement:

“cost” shall mean all the items of cost all howsoever styled inclusive of interest, inclusive of a cost sum or sums, and inclusive, but not limited to, out of pocket expenses, consultants, contractors, environmental remediation, surveyors, solicitor and his client costs. And includes the concept of expense and all the items of expense all howsoever styled, inclusive of an expense sum or sums, unless specified otherwise. The staff time of neither the Corporation nor Ministry shall be included as a cost and each Party shall be responsible for the cost of their own staff time related to the Works.

“costs” shall mean the same as "cost", but in plural.

“cost of construction” shall mean those costs payable for the construction of the Works, being all related hard costs, including without limitation costs for placement of fill, granular lifts, and concrete, material testing, material bonuses, and contract administration.

“Works” or “Sidewalk” shall mean with respect to Highway 77, the works to be effected by MTO, on behalf of the Corporation, pursuant to a tendered contract, as part of the Ministry work project reference GWP 3072-12-00:

- (a) the construction of the new sidewalk extending (59) meters on south side of the Highway to Knapp Road (From STA 20+275 LT to STA 20+334 LT), and (84) meters on the east side of the Highway to Industrial Drive (From STA 20+275 RT to 20+371 RT) as requested by the Corporation as part of GWP 3072-12-00; and
- (b) the replacement of the existing sidewalk within the project limits; and
- (c) in consultation with the Corporation all incidentals all howsoever styled to all the above; and
- (d) all above Works according to the warrants, criteria, standards, and incidentals of the Ministry pursuant to the design.

“Permit” shall mean any applicable permit(s) issued by the Ministry to the Corporation under the PTHIA in relation to the Sidewalk, including but not limited to encroachment permit.

TERM

2. The term of this Agreement shall commence on the Effective Date set out on top of this Agreement and shall expire on the second anniversary of the Effective Date.

Prior to any expiry of the Agreement herein, the term of this Agreement shall be automatically renewed for further periods of one year term unless a Party gives the other not less than sixty (60) days prior written notice of its intention to terminate this Agreement at the end of the term or current renewal term.

USE

3. Upon execution of this Agreement by both Parties, the Corporation may repair, maintain and use the Sidewalk as a pedestrian walkway in general subject to the conditions herein and any other conditions as required in such Permit(s) that may be issued by the Ministry from time to time.

APPROVAL

4. The Ministry grants only permission pursuant to the provisions of the PTHIA, and the Corporation shall be solely responsible for obtaining all other approvals required, if any, from any other authority in order to carry out any activity with respect to the Sidewalk.

MINISTRY RESPONSIBILITIES AND CONTRACT WORKS

5. The Ministry will, at the cost and expense of the parties as set out in this Agreement:

- (a) undertake an environmental assessment in accordance with the Ministry Class Environmental Assessment for Provincial Transportation Facilities, obtain the necessary environmental approvals, undertake utility relocations as necessary, and complete the design;
- (b) effect and administer the Works including all required tendering and contract administration in accordance with Ministry of Transportation standard specifications, design and construction criteria.

CORPORATION'S RESPONSIBILITIES

6. The Corporation shall:

- (a) be solely responsible for the provision of any and all maintenance and repair of the Sidewalk, including but not limited to the removal of debris, garbage, vegetation and snow; and shall carry out Sidewalk maintenance and any and all other work or services incidental to maintenance and repair, and for any and all costs for said maintenance and repair;
- (b) ensure that any maintenance and repair performed with respect to the Sidewalk is performed promptly and in accordance with all appropriate industry and statutory standards and in such a manner so as to cause no interference with the Highway or the use of the Highway by the public;
- (c) compensate the Ministry in full for any and all damage caused or any harm done to the Highway and associated structures and road equipment as a result of maintenance and repair performed, or not performed, as the case may be, by the Corporation with respect to the Sidewalk;
- (d) complete any future modifications of access points to the Sidewalk as per Ministry standards as set out in any Permits;
- (e) take all reasonable steps required to ensure the Sidewalk is used for public leisure uses such as walking and cycling uses and no other uses within the Highway property limits. The Corporation shall be responsible for enforcing and ensuring Motorized vehicles are not permitted on the Sidewalk;
- (f) supervise the use of the Sidewalk within the Highway property limits as reasonably required to protect the public and adjacent property owners from vandalism and other criminal acts;
- (g) not permit the placement of any Sidewalk signs within the Highway property limits without the prior written approval and/or a Permit from the Ministry. The Corporation shall be responsible for enforcing and removing any non-compliant signs with the Sidealk. Notwithstanding the above, the Ministry may, at its sole discretion, remove and

dispose of any non-compliant Sidewalk signs. Such disposal by the Ministry of any non-compliant signs is not a waiver of the Corporation's responsibility herein;

- (h) obtain prior written approval in the form of a Permit from the Ministry and comply with the terms and conditions therein for work, other than routine annual or periodic maintenance, that is to be undertaken on the Sidewalk by non-Ministry personnel. The Ministry may renew the Permit upon request of the Corporation. After obtaining the Ministry's approval, the Corporation shall notify the Ministry at least seven days before commencing any such work; and
- (i) be responsible for the costs and maintenance of any modifications to the Highway or its structures necessitated because of the Sidewalk system.

EMERGENCY AND HIGHWAY PURPOSES

- 7. Notwithstanding any other provision of this Agreement, the Ministry may suspend or terminate this Agreement at any time before the expiry of its term, if the Ministry deems, at its sole discretion, that;
 - (a) it requires the lands under the Highway occupied by the Sidewalk for an emergency or for the purposes of installing, repairing or maintaining the Highway, or other public needs; or
 - (b) emergency work must be carried out by the Ministry on the Highway in order to protect the travelling public and/or preserve the integrity of the Highway right-of- way;

on the condition that the Ministry give the Corporation oral or written notice of such emergency or need to install, repair or maintain the Highway. The Ministry shall not be liable to the Corporation for any costs whatsoever, incurred by the suspension or termination of this Agreement, or any costs whatsoever, incurred by the Corporation to restore the Sidewalk by reason of this Section.

LIABILITY

- 8. The Corporation shall indemnify and save harmless at all times, including after the termination of this Agreement, the Ministry, its Minister, servants, employees, and agents ("Indemnified Parties") from and against any and all demands, losses, costs (including reasonable legal costs), damages, injuries (including death), claims, actions or causes of action, proceedings, in any manner arising due to, out of, from, or in connection with the existence of this Agreement unless caused by the negligence of the Indemnified Parties.
- 9. The Corporation shall reimburse the Ministry for all costs reasonably incurred by the Ministry to design, construct, repair and maintain the Highway when the need for such design, construction, repair and maintenance arises as a result of any fault of the Corporation or can be reasonably attributed to the negligence and/or failure of the Corporation to comply with the provisions of this Agreement.
- 10. The Ministry shall not be liable in any manner whatsoever for any loss, injury, or damage to person or property including loss of life, by whosoever suffered, that in any way is

connected to the establishment, use or the operation of the Sidewalk save except for negligence and/or the wilful misconduct of the Ministry. The Ministry shall not be liable for any incidental, indirect, special or consequential damages or loss of use, revenue or profit suffered by any Party arising out of or in any way connected to this Agreement. Sections 8, 9, and 10 shall survive the termination or expiry of this Agreement.

11. The terms of this Agreement are hereby deemed to be terms of a Permit from the Ministry to the Corporation, pursuant to section 34(16) of the PTHIA, allowing the Sidewalk to be located within the Highway property limits, and the Sidewalk shall be subject to the authority of the Ministry accordingly.
12. The Corporation warrants that it has taken all necessary steps, done all acts, passed all by-laws and obtained all approvals within its power required to give it authority to enter into this Agreement.

TITLE IN THE MINISTRY PROPERTY LIMITS / PTHIA SECTION 33(1) UNDERTAKING

13. The Parties agree that:

- (a) no provision of this Agreement, nor any construction, repair, maintenance or use of the Sidewalk is to be construed as creating in the Corporation any right, title or interest in the Ministry's property limits or fixtures erected thereon other than the right to repair, maintain and use the Sidewalk in accordance with the terms of this Agreement; and
- (b) pursuant to s.33 of the PTHIA, the Corporation agrees that the Sidewalk is hereby deemed to be, also a municipal undertaking of the Corporation within the Highway property limits whereby the Corporation is solely liable for want of repair of the Sidewalk whether the want of repair is the result of nonfeasance or misfeasance, in the same manner and to the same extent as in the case of any other like work constructed by the Corporation.

INSURANCE

14. The Corporation, at its own expense, shall obtain and maintain, during the term of this Agreement, with insurers having a secure A.M. Best rating of B+ or greater or the equivalent, all the necessary and appropriate insurance that a prudent person engaged in the operation and maintenance of the Sidewalk under this Agreement would maintain including, but not limited to, the requirements set out in Section 15 below.
15. The Section 15 insurance policies shall include:
 - a. commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than \$5,000,000. The policy is to include the following:
 - i. the Ministry as an additional insured with respect to liability arising in the course of operation and maintenance of the Sidewalk, or otherwise in connection with this Agreement;
 - ii. contractual liability coverage;
 - iii. cross-liability clause; and
 - iv. 30-day written notice of cancellation, termination or material change.

16. Upon request by the Ministry, the Corporation shall provide the Ministry with proof of insurance required by this Agreement in the form of valid certificates of insurances that reference this Agreement.

TERMINATION

17. The Ministry may terminate this Agreement at any time, without cause, upon sixty (60) days written notice being provided to the Corporation.
18. Notwithstanding Section 17, the Ministry may terminate this Agreement, at any time, immediately upon providing notice to the Corporation, if the Corporation breaches or fails to fulfil any of the terms and conditions of this Agreement.
19. Notwithstanding Section 18, the Ministry may, in its reasonable discretion, give written notice to the Corporation of a breach of the terms and conditions of this Agreement and allow the Corporation a reasonable period of time in which to remedy the breach.
20. The Ministry's rights under Sections 18 and 19 shall not in any manner be prejudiced even if the Ministry has overlooked or condoned any non-compliance with the terms and conditions of this Agreement by the Corporation.

MINISTRY'S RIGHTS ON TERMINATION

21. In the event of the termination of this Agreement, the Ministry shall be under no further obligation to the Corporation, except to recover from the Corporation any damages, costs and expenses incurred as a result of such termination.
22. Upon the termination of this Agreement, the Corporation shall, at its sole cost and expense, remove entirely any fixtures, unless otherwise instructed by the Ministry, and restore the lands upon which the Sidewalk is located to a condition at least as good as their former condition, including the replacement of any fences or other barriers present at the commencement of this Agreement.
23. Should the Corporation fail to comply with Section 22 of this Agreement, the Ministry may undertake to do anything that will remedy the default and may, without foregoing any other remedies, perform the removal, restoration or replacement work and the Corporation shall be required to pay the Ministry for all reasonable costs to perform the said work.

COSTS

24. It is agreed that the costs associated with the Works are one hundred percent (100%) the responsibility of the Corporation for the sidewalk extensions and twenty (20%) the responsibility of the Corporation for the sidewalk replacement.
25. It is agreed that the estimated cost of the Works that the Corporation is responsible for is eighty-eight thousand dollars (\$88,000.00). Twenty-two thousand, four hundred dollars (\$22,400.00) for the extension Works and sixty-five thousand, six hundred dollars (\$65,600.00) for the replacement Works.

26. Despite Section 25 estimated cost, the Corporation is responsible for the actual cost of the Works as described in Section 24 and all incidentals howsoever styled of the Works.
27. The Ministry, upon completion of the Works will at that time invoice the Corporation at the Section 31 address for the outstanding costs associated with the Works. The Corporation shall pay by cheque submitted to the Ministry, made payable to the order of “Minister of Finance” within 30 calendar days after receipt of said invoice, the sum set forth as payable in that invoice.
28. Costs and responsibility for costs associated with any additional works identified or requested, during the Works, beyond those illustrated in Schedule A and defined as the Works, will be agreed upon between the Ministry and the Corporation prior to initiation of those additional works.

CONFLICTS

29. Where there is a conflict between this Agreement and the terms and conditions contained in a Permit issued to the Corporation, the terms and conditions contained in this Agreement shall govern. Such Permit shall have annotated on it:

“this Permit is subject to the terms of an Agreement dated the _____ day of _____, 2020 between the Ministry of Transportation and the Corporation.”

30. Where there is a conflict between this Agreement and the terms and conditions of other agreements that the Corporation may have entered into with another party, this Agreement shall govern.

NOTICES

31. Any notices to be given under the provisions of this Agreement shall be in writing and shall be given by personal delivery or sent by facsimile or mailed by prepaid registered mail. Subject to change by either Party with written notice, notice shall be addressed as follows:

The Ministry: Corridor Management Section
 Ministry of Transportation
 659 Exeter Road
 London, ON
 N6E 1L3

Corporation: The Corporation of the Town of Lakeshore
 419 Notre Dame St.
 Belle River, ON
 N0R 1A0
 Attention: Clerk

Such notices, invoices, demands, or correspondence as aforesaid shall be deemed to have been received by the Party to whom it is mailed on the third business day following the day of posting, or on the day of delivery or transmission if provided by personal delivery, or facsimile, unless delivered or transmitted on a weekend or a holiday, in which case such

notice shall be deemed to have been received on the next business day. In the event in an interruption in the postal service, notice shall be given by personal delivery or facsimile.

SUCCESSORS AND ASSIGNS

32. This Agreement shall enure to the benefit of, and be binding upon, the Parties hereto and their respective successors and permitted assigns.
33. This Agreement may not be assigned by the Corporation without the prior written consent of the Ministry.

SEVERABILITY

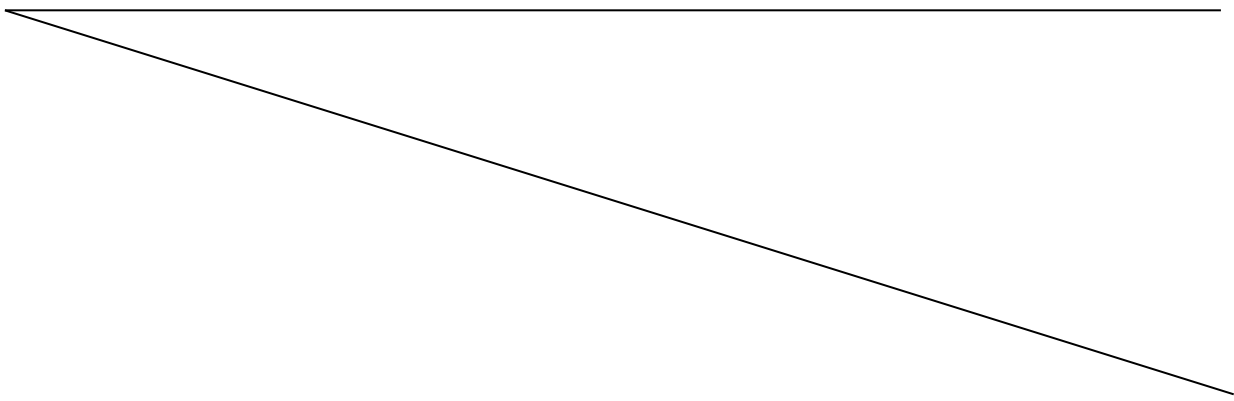
34. If any provision of this Agreement or portion thereof or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable:
- (a) the remainder of this Agreement and its application to any person or circumstances shall not be affected thereby; and
 - (b) the Parties hereto will negotiate in good faith to amend this Agreement to implement the intentions set forth herein.
35. Each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

NO PARTNERSHIP

36. The parties understand and agree that nothing contained in this Agreement shall constitute or be deemed to create a partnership or joint venture between the parties hereto.

OTHER PROVISIONS

37. The rights, duties and powers of the Minister under this Agreement may be exercised by the Regional Director of the Ministry's West Region.
38. Any changes, alterations or amendments to this Agreement shall be made in writing signed by the Municipality's authorized signing officers and by the Regional Director of the Ministry's West Region.
39. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.



APPLICABLE LAW

40. This Agreement shall be governed by the laws of the Province of Ontario and the federal laws of Canada.

IN WITNESS OF ALL contained in this Agreement:

Dated this ____ day of _____, 2020.

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO,
REPRESENTED BY THE MINISTER OF TRANSPORTATION FOR THE PROVINCE
OF ONTARIO**

Regional Director (West Region)

Dated this ____ day of _____, 2020.

THE CORPORATION OF THE TOWN OF LAKESHORE

I/We have authority to bind the Corporation

Schedule "A"
to an Agreement between the Ministry of Transportation and the Town of Lakeshore
HIGHWAY 77, COMBER
GWP 3072-12-00



LEGEND

PROPOSED SIDEWALK

Notice of Motion submitted by Councillor Wilder Re: Elimination of Internet Overage Charges

Motion

Whereas there has been a recent and sudden influx in the number of Canadians who are working or attending school remotely;

Whereas access to reliable, high-speed internet is a vital component in enabling Canadians to work and attend school remotely;

Whereas many parts of Canada, especially rural communities, have a limited number of providers to obtain an internet connection from, resulting in a higher cost for service than more urbanized areas, as well as data usage caps and overage fees;

Whereas the recent and sudden influx of Canadians who are working or attending school remotely has necessitated an increase in the amount of data being transmitted through their internet connections, leading to unprecedented overage fees for Canadians that do not have internet connections with unlimited data.

Now Therefore Be It Resolved that the Government of Canada be urged to immediately work with internet connection providers to ensure that all Canadians are paying a fair and similar price for their internet connections, including the elimination of data usage caps and overage fees;

Be It Further Resolved that that a copy of this motion be sent to the Right Honourable Justin Trudeau, Prime Minister of Canada, the Honourable Andrew Sheer, Leader of the Official Opposition, and all MPs in Canada; and

Be It Further Resolved that a copy of this Motion be sent to the Federation of Canadian Municipalities, and all Canadian municipalities for their consideration.

The Corporation of the Town of Lakeshore

By-law 45-2020

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 May 26th and June 4th 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 June 9th 2020.

**Mayor
Tom Bain**

**Kristen Newman
Clerk**