

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

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



**Tuesday, August 11, 2020, 4:00 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 Building Services, Morris Harding, Manager of Development Services, Kim Darroch, Manager of Engineering Services, Tony DiCiocco, Manager of Human Resources, Lisa Granger, Manager of Information Technology, Pat Girard, Manager of Legislative Services, Brianna Coughlin, Manager of Recreation & Leisure, Frank Jeney, Manager of Water/Wastewater Services, Albert Dionne, Planner I, Ian Search

---

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

Mayor Bain called the meeting to order at 4:08 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**

## 5. Completion of Unfinished Business

### a. Reports for Direction

- a. Mayor's Arts Awards 2020

**264-08-2020**

**Moved By** Councillor Santarossa

**Seconded By** Deputy Mayor Bailey

Approve the Arts Advisory Committee request to direct the \$6,000 budgeted to a Mayor's Arts Award grant program, as described in the report of the Manager of Recreation and Leisure, presented August 11, 2020.

**Carried Unanimously**

- b. BIA Request to Redirect Sunsplash Grant for 2020

**265-08-2020**

**Moved By** Councillor Wilder

**Seconded By** Councillor Santarossa

Approve the request of the Belle River-on-the-Lake BIA to redirect the \$1,000 budgeted to the BIA for the Sunsplash Festival to purchase hand wash and sanitizer stations to be used at community events that would benefit Lakeshore residents.

**Carried Unanimously**

- c. Comber Agricultural Society Request to Redirect Grant for 2020

This matter was concluded at the July 28, 2020 Special Council Meeting by way of Motion #253-07-2020.

d. 2019-2020 MECP Drinking Water Inspections

**266-08-2020**

**Moved By** Councillor Janisse

**Seconded By** Councillor Kerr

Council receive the Ministry of Environment, Conservation and Parks (MECP) Drinking Water Inspections for the following systems:

1. Lakeshore Drinking Water System – Report dated November 12, 2019
2. Tecumseh Distribution System – Report dated October 28, 2019
3. Union Distribution System – Report dated November 12, 2019
4. Stoney Point Drinking Water System – Report dated February 5, 2020, as presented at the August 11, 2020 Council meeting.

**Carried Unanimously**

e. Tender Award – 2020 Inflow and Infiltration Remediation Program

**267-08-2020**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Santarossa

Award the tender for the 2020 Inflow and Infiltration Remediation-Cleanout Replacements to Phoenix Drainage Inc. in the total amount of \$300,132 plus HST, as presented at the August 11, 2020 Council meeting.

**Carried Unanimously**

**268-08-2020**

**Moved By** Councillor Wilder

**Seconded By** Councillor Walstedt

Receive the Reports for Direction.

**Carried Unanimously**

- f. Options for Mandatory Mask By-law

**269-08-2020**

**Moved By** Deputy Mayor Bailey

**Seconded By** Councillor Santarossa

Direct Administration to draft a mandatory mask by-law as described in Option #3 of the report presented at the August 11, 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**

- g. Permanent Closure, Stop Up and Declaration of Surplus for Plan 290 Laneways Unopened Road Allowances

**270-08-2020**

**Moved By** Councillor Janisse

**Seconded By** Councillor McKinlay

The portion of land known as Plan 290 Laneways and legally known as Lane Plan 290, Rochester, Abutting Lots 7 to 12, Plan 290, except R1463262; Lakeshore, being all of the Property Identifier Number 75049-0173(R), and Lane Plan 290, Rochester, Abutting Lots 1 to 6, Plan 290, except R1463262; Lakeshore, being all of the Property Identifier Number 75049-0174(R), be closed, stopped up and declared surplus;

Administration proceed with conveying the land pursuant to Town Policy CAD – 284, *Closing Sale and Disposition of Streets and Alleys*; and,

Adopt By-law 62-2020, all as presented in the report entitled, *Permanent Closure, Stop Up and Declaration of Surplus for Plan 290 Laneways Unopened Road Allowances*, presented at the August 11, 2020 Council meeting.

**Carried Unanimously**

**b. Consideration of By-laws**

- a. By-law 53-2020, Being a By-law to Confirm Proceedings of Council for June 23rd and June 29th Meetings
- b. By-law 56-2020, Being a By-law to Dedicate Certain Lands in the Town of Lakeshore as Part of Amy Croft Drive
- c. By-law 62-2020, Being a By-law to Deem, Permanently Close, Stop Up and Declare Surplus Two Unopened Road Allowances
- d. By-law 63-2020, Being a By-law to Confirm Proceedings of Council for July 14, 2020 Meeting

**271-08-2020**

**Moved By** Councillor McKinlay

**Seconded By** Councillor Kerr

By-laws 53-2020, 56-2020, 62-2020 and 63-2020 be read and passed in open session on August 11, 2020.

**Carried Unanimously**

**19. Closed Session**

**272-08-2020**

**Moved By** Councillor Kerr

**Seconded By** Councillor Wilder

Council move into closed session in Council Chambers at 4:40 PM in accordance with:

- a. Paragraph 239(2)(f) and (k) of the *Municipal Act, 2001* to discuss 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 an advertising agreement.
- b. Paragraph 239(2)(c) and (k) of the *Municipal Act, 2001* to discuss a proposed or pending acquisition or disposition of land by the municipality or local board, and a position, plan, 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 Town administrative facilities.
- c. Paragraph 239(2)(b), (d) and (f) of the *Municipal Act, 2001* to discuss personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations, and advice

that is subject to solicitor-client privilege, including communications necessary for that purpose, relating to a Town employee.

**Carried Unanimously**

## **20. Return to Open Session**

Council returned to open session at 5:40 PM and recessed until the scheduled public meetings at 6:00 PM.

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

Mayor Bain called the meeting back to order at 6:05 PM.

### **a. ZBA-3-2020, Cannabis Production Facility (CPF), 417 Jutras Dr. S.**

Mayor Bain opened the public meeting at 6:05 PM.

The Manager of Development Services provided a PowerPoint presentation as overview of the application.

Mike Quaggiotto, Applicant, answered questions relating to the application and advised that the proposed facility is not a greenhouse, rather it is growing cells only so the odour will be filtered and contained and there will be no light pollution.

Josette Eugeni, resident, advised that she had submitted written comments noting her concerns relating to the potential negative impacts of the proposal and that she would like to see more research done on similar facilities prior to the approval of the application.

Gayle Dale, co-owner of the adjacent property zoned Urban Reserve, requested clarification regarding the potential negative impacts that the proposal would have on the future use of her property.

Andreas Waller, resident, expressed concern regarding the notification process, noting he would like more time to research the concern relating to odour.

The Manager of Development Services answered questions relating to the application, noting that the proposal was for zoning and that matters relating to the odour filtration system would be considered during the site plan approval process, as well as approved by Health Canada as part of the applicant's licence to operate.

Due to technical issues bringing in the last delegate, the meeting was recessed at 7:00 PM. Council returned to the public meeting at 7:16 PM.

John Winzinger, resident, expressed concern regarding the notice process and requested that Council delay approval of the application.

**274-08-2020**

**Moved By** Councillor Wilder

**Seconded By** Councillor Janisse

Defer consideration of the application until the next Council meeting.

In Favour (2): Councillor Wilder, and Councillor Janisse

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

**Lost**

**275-08-2020**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Walstedt

Approve Zoning By-law Amendment Application ZBA-3-2020 (By-law 59-2020, Town of Lakeshore By-law 2-2012, as amended), to rezone the parcel, indicated as the "Subject Land", on the Key Map, Appendix 1, located at 417 Jutras Drive South, in the Town of Lakeshore, from "M1, General Employment Zone" to "M1- 7, General Employment Zone Exception 7, in Holding (h2)", to permit a Cannabis Production Facility (CPF):

"CANNABIS PRODUCTION FACILITY – shall mean lands, buildings or structures used for producing, processing or destroying of cannabis which is authorized by licence issued by the Federal Minister of Health, pursuant to the previous *Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19*, as amended from time to time, or any successor thereto. This includes micro-cultivation, standard cultivation and nursery licences issued under the current Government of Canada *Cannabis Regulations SOR/2018-144* that are enabled by the *Controlled Drugs and Substances Act, the Food and Drugs Act and the Cannabis Act.*";

And, adopt the implementing by-law.

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

Opposed (1): Councillor Wilder

**Carried**

The meeting concluded at 7:44 PM.

**b. ZBA-10-2020, Chad Thomas, 408 County Road 2**

Mayor Bain opened the public meeting at 7:00 PM.

The Planner I provided a PowerPoint presentation as overview of the application.

Chad Thomas, Applicant, was present electronically to speak to the application.

**273-08-2020**

**Moved By** Councillor Santarossa

**Seconded By** Deputy Mayor Bailey

Approve Zoning By-law Amendment Application ZBA-10-2020 (By-law 57-2020), to re-zone the current zone category from R1-16, Residential Type 1 Zone Exception 16 to a R1-36, Residential Type 1 Zone Exception 36, to permit a 178.38 m<sup>2</sup> (1,920 ft<sup>2</sup>) accessory building that is 5.33 metres (17.5 feet) in height, for a parcel of land, indicated as the "Subject Land" on the Key Map, Figure 1 (Appendix 1) located at 408 County Road 2, in the Community of Rochester, Town of Lakeshore and adopt the implementing by-law.

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

Opposed (1): Councillor Kerr

**Carried**

The meeting concluded at 7:15 PM.

**c. ZBA-11-2020, Ryan Marentette, 970 West Belle River Road**

Mayor Bain called the public meeting to order at 7:44 PM.

The Planner I provided a PowerPoint presentation as an overview of the application.

Ryan Marentette, Applicant, was present electronically to speak to the application and confirmed that the proposed building would be 40 feet from the lot line.



**276-08-2020**

**Moved By** Councillor McKinlay

**Seconded By** Councillor Walstedt

Approve Zoning By-law Amendment Application ZBA-11-2020 (By-law 58-2020), to re-zone the current zone category from RW1, Residential Waterfront - Watercourse to a RW1-19, Residential Waterfront – Watercourse Zone Exception 19 (RW1-19), to permit a 118.92 m<sup>2</sup> (1,280 ft<sup>2</sup>) accessory building for a parcel of land, indicated as the “Subject Land” on the Key Map, Figure 1 (Appendix 1) located at 970 West Belle River Road, in the Community of Maidstone, Town of Lakeshore and adopt the implementing by-law.

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

Opposed (1): Councillor Kerr

**Carried**

The meeting concluded at 7:52 PM.

## **7. Public Presentations**

### **a. City of Windsor - Windsor Essex Housing and Homelessness Master Plan**

Kelly Goz, Jennifer Tanner, Debbie Cercione and Sonia Bajaj of the City of Windsor provided a PowerPoint presentation regarding the results of the Windsor Essex Housing and Homelessness Master Plan.

## **8. Delegations**

### **a. Lakeside Estates Phase 2 Subdivision Agreement**

Cindy Prince, delegate for this matter, was present on behalf of the applicant Amico Affiliates to answer any questions relating to the application.

**277-08-2020**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Santarossa

The Mayor and Clerk be authorized, by By-law 64-2020, to execute a Subdivision Agreement with the Owner, subject to the inclusion of the following provision:

- a. The agreement covers a total of seventy-one lots for single detached residential dwellings, three blocks for sight triangles (73, 75, 76) and one block for road widening (74) and one block for parkland purposes (72), as shown on the draft plan of subdivision, approved by the County of Essex, for Lakeside Estates Phase 2, prepared and certified by Roy Simone, O.L.S., dated April 24, 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**

**b. Options for New Animal Control By-law**

Rob Henry, delegate for this matter, requested that Council limit the number of cats per household and allow a process for residents to deal with stray cats on their properties.

**278-08-2020**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Kerr

Defer consideration of the Options for New Animal Control report until the next Council meeting.

In Favour (4): Mayor Bain, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (4): Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, and Councillor Santarossa

**Lost**

**279-08-2020**

**Moved By** Councillor Santarossa

**Seconded By** Deputy Mayor Bailey

Direct Administration to prepare a draft by-law to present to Council, prior to further public consultation, that includes Option 3 with respect to limiting cats and Option 3 with respect to chickens as described in the report of the Manager of Legislative Services at the August 11, 2020 Council meeting.

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

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

**Carried**

**280-08-2020**

**Moved By** Councillor Wilder

**Seconded By** Councillor Santarossa

Extend the meeting past the 9:30 PM deadline.

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**

**281-08-2020**

**Moved By** Councillor Janisse

**Seconded By** Councillor McKinlay

Return to closed session to consider Item (c).

**Carried Unanimously**

## 21. Return to Open Session

Council returned to open session at 10:10 PM.

**282-08-2020**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Wilder

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

Opposed (2): Councillor Janisse, and Councillor Kerr

**Carried**

## 11. Reports for Direction

### b. Tender Award – Lanoue Street Extension from Manning Road to Amy Croft Drive

**283-08-2020**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Wilder

The Lanoue Street Extension from Manning Road to Amy Croft Drive project be awarded to Sterling Ridge Infrastructure Inc. in the amount of \$5,670,830, plus applicable taxes.

**Carried Unanimously**

### c. Tender Award – Hawthorne Gravel Road Conversion

**284-08-2020**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Janisse

Award the Hawthorne Gravel Road Conversion tender to Rudak Excavating Inc. in the amount of \$470,900 plus applicable taxes.

**Carried Unanimously**

## 18. Consideration of By-laws

- a. By-law 54-2020, Being a Rating By-law - Tile Drainage Act
- b. By-law 55-2020, Being a By-law to Delegate Authority to Execute Cost Sharing Agreements Relating to the Amy Croft Secondary Plan
- c. By-law 57-2020, Being a By-law to Amend By-law 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-10-2020)
- d. By-law 58-2020, Being a By-law to Amend By-law 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-11-2020)
- e. By-law 59-2020, Being a By-law to Amend By-law 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-3-2020)
- f. By-law 60-2020, Being a By-Law to Regulate Site Alterations of Land or Private Drain Alterations in the Town of Lakeshore
- g. By-law 64-2020, Being a By-law to authorize the execution of a Subdivision Agreement Pertaining to Lakeshore Estates Phase 2
- h. By-law 65-2020, Being a By-law for the Little Creek Drain Dykes & Mongeon Drain and Pumping Scheme Improvements in the Town of Lakeshore
- i. By-law 66-2020, Being a By-law for the Gagnier Drain (Tremblay Enclosure Replacement) in the Town of Lakeshore
- j. By-law 67-2020, Being a By-law for the Bridge Over the Alexander Drain in the Town of Lakeshore
- k. By-law 68-2020, Being a By-law to Confirm the Proceedings of Council for the July 28th Meeting

**285-08-2020**

**Moved By** Councillor Wilder

**Seconded By** Councillor Walstedt

Direct Administration to bring a report relating to a grant program for small businesses affected by COVID-19.

In Favour (6): Mayor Bain, Councillor Wilder, Councillor Janisse, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay  
 Opposed (2): Deputy Mayor Bailey, and Councillor Santarossa

**Carried**

**286-08-2020****Moved By** Councillor Santarossa**Seconded By** Councillor Walstedt

By-laws 65-2020, 66-2020 and 67-2020 be read a first and second time and provisionally adopted; and

By-laws 54-2020, 55-2020, 60-2020, 64-2020 and 68-2020 be read and passed in open session on August 11, 2020.

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

Opposed (1): Councillor Wilder

**Carried****287-08-2020****Moved By** Councillor Santarossa**Seconded By** Councillor McKinlay

By-laws 57-2020 and 58-2020 be read and passed in open session on August 11, 2020.

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

Opposed (1): Councillor Kerr

**Carried****288-08-2020****Moved By** Councillor McKinlay**Seconded By** Councillor Santarossa

By-law 59-2020 be read and passed in open session on August 11, 2020.

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

Opposed (1): Councillor Wilder

**Carried**

**22. Adjournment****289-08-2020****Moved By** Councillor Janisse**Seconded By** Councillor Kerr

Council adjourn its meeting at 10:27 PM.

In Favour (5): Mayor Bain, Councillor Janisse, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (3): Deputy Mayor Bailey, Councillor Wilder, and Councillor Santarossa

**Carried**

---

Tom Bain  
Mayor

---

Kristen Newman  
Clerk