

# Municipality of Lakeshore

## Regular Council Meeting Agenda



Tuesday, February 2, 2021, 5:15 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 at 5:15 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.

3. Return to Open Session

4. Recess

Council will recess after the closed session and will reconvene for the public meeting at 6:00 PM.

5. Moment of Reflection

6. Disclosures of Pecuniary Interest

7. Recognitions

8. Public Meetings under the Planning Act

<b>1.</b>	<b>Zoning By-law Amendment ZBA-15-2020 - King Developments</b>	<b>7</b>
	<b>Recommendation:</b>	
	Approve Zoning By-law Amendment Application ZBA-15-2020 (By-law 10-2021), to Lakeshore Zoning By-law 2-2012, as amended), to rezone 990 County Road 22 and 193 Puce Road, indicated as the "Subject Lands" on the Key Map, Appendix 1 from "Residential –Low Density (R1)" and "Mixed Use (MU)" to a site specific "Mixed Use Zone Exception 36 (MU-36)", with a holding provision regarding entering into a site plan agreement and the need for expansion at the Denis St. Pierre Water Pollution Control Plant.	
<b>2.</b>	<b>Zoning By-law Amendment ZBA-20-2020 - Manning Developments</b>	<b>19</b>
	<b>Recommendation:</b>	
	Defer Zoning By-law Amendment Application ZBA-20-2020 (By-law 9-2021, Municipality of Lakeshore Zoning By-law 2-2012, as amended), to rezone the "Subject Property", located at 1654 Manning Road, from "Mixed Use Zone (MU)" to "Mixed Use Zone Exception 35 (MU-35)(H25)" until April or May of 2021.	
<b>9.</b>	<b>Public Presentations</b>	
<b>10.</b>	<b>Delegations</b>	
<b>11.</b>	<b>Completion of Unfinished Business</b>	
<b>12.</b>	<b>Consent Agenda</b>	
<b>1.</b>	<b>January 12, 2021 Regular Council Meeting Minutes</b>	<b>51</b>
<b>2.</b>	<b>January 19, 2021 Special Council Meeting Minutes</b>	<b>59</b>
<b>3.</b>	<b>Belle River on the Lake BIA Board Meeting Minutes of November 16, 2020</b>	<b>66</b>
<b>4.</b>	<b>Essex Region Source Protection Committee - Municipal Representation</b>	<b>68</b>
<b>5.</b>	<b>Municipality of Leamington - Removal of Windsor International Airport From NAV Canada Closure List</b>	<b>70</b>
<b>6.</b>	<b>Region of Peel - Property Tax Exemptions for Veteran Clubs</b>	<b>73</b>
<b>7.</b>	<b>Town of Bracebridge - Infrastructure Funding</b>	<b>75</b>

- |     |   |    |
|-----|---|----|
| 8.  | Township of Augusta - Closure of Ontario Fire College   | 77 |
| 9.  | Township of South-West Oxford - Photo Radar Speed Enforcement   | 80 |
| 10. | Municipality of West Grey - Schedule 8 of the Provincial Budget 229, Protect, Support and Recover from COVID-19 Act | 81 |

**Recommendation:**

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

**13. Reports for Information**

- |    |  |    |
|----|--|----|
| 1. | Drainage board minutes for January 11th, 2021                | 83 |
| 2. | Quarterly Building Activity Report – As of December 31, 2020 | 89 |

**Recommendation:**

Receive the Reports for Information as listed on the agenda.

**14. Reports for Direction**

- |    |   |    |
|----|---|----|
| 1. | 2021 Fire Department Radio System Lease Agreement Extension | 93 |
|----|---|----|

**Recommendation:**

Authorize the Mayor and Clerk to execute the Master Digital Radio System Contract Extension-Feb 2021 Lakeshore, as described in the report of the Fire Chief presented at the February 2, 2021 Council meeting; and,

That the necessary by-law be prepared.

**15. Announcements by Mayor**

**16. Reports from County Council Representatives**

**17. Report from Closed Session**

**18. Notices of Motion**

**Recommendation:**

Whereas Lakeshore Council Regular Council Meetings run past 10 PM on a regular basis;

And Whereas, Lakeshore Councillors have a multitude of reasons from Municipal Committee meetings to personal reasons for not being able to attend the Mayor's selected additional Special Council Meeting date and time;

And Whereas, arbitrary in appearance meeting dates and times called by the Mayor to make up for meeting time over runs has caused considerable confusion on scheduling important Council and personal appointments;

And Whereas, once the date and time is selected, and is okay with some but then changed without reason makes individual Councillors resident concern planning impossible;

And Whereas, having a day selected to go along with the Regular Council Meeting Schedule for unfinished business will allow for better planning;

Be it resolved that Council direct Administration to draft an amendment to the Procedural By-law to incorporate the following changes:

- a. If the business of Lakeshore Council is not concluded by 10:00 PM, the Council may, by resolution with 2/3rd in favour vote, extend the meeting for a maximum of one (1) hour, after which time Council must adjourn, unless it is agreed to continue the meeting by a unanimous vote of Council.
- b. If Council does not agree to continue the meeting at either vote, they will meet again at the 10 AM hour on the following day.

19. Question Period

20. Non-Agenda Business

21. Consideration of By-laws

1. By-law 93-2020, Being a By-law for the T Renaud Drain (Trepanier Bridge) in the Municipality of Lakeshore

102

2. By-law 6, 2021, Being a By-law over the North Townline Drain in the Municipality of Lakeshore

103



3.	By-law 8-2021, Being a By-law to Confirm Proceedings of Council for the December 8th and 15th, 2020 Meetings	104
4.	By-law 10-2021, Being a By-law to amend By-law 2-2012, Zoning By-law for Municipality of Lakeshore (ZBA-15-2020)	105
5.	By-law 14-2021, Being a By-law to Confirm the Proceedings of Council for the January 12th & 19th, 2021 Meetings	109

**Recommendation:**

By-law 6-2021 be read a first and second time and provisionally adopted;

By-law 98-2020 be read a third and adopted; and

By-laws 8-2021, 10-2021 and 14-2021 be read and passed in open session on February 2, 2020.

## **22. Closed Session**

### **Recommendation:**

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

- a. Paragraph 239(2)(e), (f) and (k) of the *Municipal Act, 2001* to discuss litigation before the Local Planning Appeal Tribunal, advice that is subject to solicitor-client privilege, including communications necessary for that purpose and a position, plan, or instruction to be applied to negotiations carried on behalf of the Municipality regarding Local Planning Appeal Tribunal Appeal of Zoning By-law Amendment ZBA-9-2020 (1654 Manning Road);
- b. Paragraph 239(2)(e), (f) and (k) of the *Municipal Act, 2001* to discuss litigation before the Local Planning Appeal Tribunal, advice that is subject to solicitor-client privilege, including communications necessary for that purpose and a position, plan, or instruction to be applied to negotiations carried on behalf of the Municipality regarding Local Planning Appeal Tribunal Appeal of Consent B/6/2020 (0 Canadian Southern Railway Property);
- c. 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 municipal property on Main Street, Comber;
- d. Paragraph 239(2)(c) and (k) of the *Municipal Act, 2001* to discuss a proposed or pending acquisition or disposition of land by the municipality or local board, and a position, plan, or instruction to be applied to negotiations carried on behalf of the Municipality regarding plans to accommodate Municipality staff.

## **23. Return to Open Session**

## **24. Adjournment**

### **Recommendation:**

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

# Municipality of Lakeshore - Report to Council

## Community & Development Services

### Development Services



**To:** Mayor & Members of Council

**From:** Aaron Hair, Planner III

**Date:** January 15, 2021

**Subject:** Zoning By-law Amendment ZBA-15-2020 - King Developments

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#### Recommendation

Approve Zoning By-law Amendment Application ZBA-15-2020 (By-law 10-2021), to Lakeshore Zoning By-law 2-2012, as amended), to rezone 990 County Road 22 and 193 Puce Road, indicated as the “Subject Lands” on the Key Map, Appendix 1 from “Residential –Low Density (R1)” and “Mixed Use (MU)” to a site specific “Mixed Use Zone Exception 36 (MU-36)”, with a holding provision regarding entering into a site plan agreement and the need for expansion at the Denis St. Pierre Water Pollution Control Plant.

#### Background

The proposed site plan affects two properties located at the intersection of County Road 22 and Puce Road, as shown on the Key Map (Appendix A), in the Community of Maidstone. The applicant wishes to construct a 12 unit stacked town house and two detached garages. The proposed stacked townhouse, would require a new definition to be added to the Municipality’s Zoning By-law. The proposed stacked townhouse will consist of 6 units on the ground level, with 6 units on the second storey.

A re-zoning is required because the property located at 193 Puce Road is zoned R1, Residential - Low Density which does not permit townhouse dwellings, only single detached dwellings. The property located at 990 County Road 22, is zoned mixed use and does allow for townhouse, but the existing definition does not contemplate them being stacked.

Subject Land <i>Note: In December 2020 the proponent started the process to consolidate the property PIN's</i>	Lot Area - 4,350m <sup>2</sup> (1.07acres) Existing Use – residential – single detached dwellings Proposed Use – stacked townhouse dwellings (12 units) Access – access off of East Puce River Road Services – municipal water, municipal sewage system
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Neighbouring Land Uses	North – Single Detached Dwellings East – Single Detached and Commercial (Gas Station) South – Single Detached Dwellings & Public Utility West – Puce River and Single Detached Dwellings
Official Plan	Mixed Use, Floodplain, and Limit of Regulated Area (ERCA)
Existing Zoning	Residential – Low Density and Mixed Use

## Comments

### Provincial Policy Statement (PPS), County Official Plan and Lakeshore Official Plan

There are no issues of Provincial, County or municipal significance raised by this application.

The PPS, issued under Section 3 of the *Planning Act* provides policy direction on matters of provincial interest related to land use planning. All planning applications are required to be consistent with applicable policies. The applicable PPS policies are found in: 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns; 1.6 Infrastructure and Public Service Facilities; 2.1 Natural Heritage; 2.6 Cultural Heritage and Archaeology; and 3.0 Protecting Health and Safety.

This application promotes the development of healthy, livable and safe communities, and the efficient use of land and infrastructure through higher densities, mix of housing types, infill and intensification. Section 1.1.3.1 of the PPS states that settlement areas are to be the focus of growth. The site is within a settlement area, as designated in the County of Essex Official Plan and Municipality of Lakeshore Official Plan. The site is further designated 'Mixed Use' in the Municipality of Lakeshore Official Plan which promotes a variety of housing types to meet the demands and characteristics of the population. Medium residential land uses are permitted in the Residential designation, including townhouse dwellings subject to Section 6.6.1 b) of the Official Plan:

b) Medium density residential uses will be permitted including triplex dwellings, fourplex dwellings, row or block townhouse dwellings, converted dwellings containing more than two dwelling units, walk-up apartments and similar medium profile residential buildings, subject to the following criteria:

i) the density, height and character of the development will be compatible with adjacent uses;

ii) the height and massing of the buildings at the edge of the medium density residential development will have regard to the height and massing of the buildings in any adjacent low density residential area and may be subject to additional setbacks, or landscaping to provide an appropriate transition;

iii) the development will be encouraged to have direct access to an arterial or collector road, where possible and appropriate;

iv) the watermains and sanitary sewers will be capable of accommodating the development, or the proponent will commit to extending services at no cost to the Town, save and except where private septic systems will be permitted;

*Note: conveyance of the sanitary to the Dennis St. Pierre Pollution Control Plant (Sanitary treatment facility) is not an issue for the proposed development, that being said the existing Control Plant does not have capacity at this time to treat the sanitary. As such a Holding Provision is being proposed by administration, which would be lifted once capacity at the plant becomes available.*

v) the development is adequately serviced by parks and school facilities;

vi) the development will be designed and landscaped, and buffering will be provided to ensure that the visual impact of the development on adjacent uses is minimized;

vii) all required parking will be provided on the site, and cash-in-lieu of required parking in accordance with the policies of Section 7.2.2.2 of this Plan, will not be needed by the Town;

viii) in developments incorporating walk-up apartments, block townhouse dwellings and similar medium profile residential buildings, on-site recreational facilities or amenities such as private open space or playground equipment may be required;

ix) except for a triplex dwelling, fourplex dwelling or other similar small scale developments, a report on the adequacy of the road network to accommodate the expected traffic flows and the adequacy of water and sewer services may be required to be prepared by the proponent and approved by the Town; and

x) triplexes, fourplexes, freehold street townhouses or other similar small scale developments, may be subject to site plan control, in accordance with the policies of Section 8.3.4 of this Plan.

The subject lands are subject to Section 2.6 Cultural Heritage and Archaeology of the PPS. The subject lands are not designated under the *Heritage Act*, or listed in the Town of Lakeshore Municipal Register, nor are any adjacent properties. A Stage 1 Archaeology study has been prepared. Documentation from the Ministry of Tourism, Culture and Sport that the Archaeological report has been accepted into the Ontario Public Register of Archaeological reports was provided to the Municipality and according to the Ministry “The Stage 1 and 2 Archaeological Assessment did not result in the identification of any archaeological sites and as such, no further archaeological assessments are recommended for the Study Area.”

Section 3.0 of the PPS speaks to Protecting Public Health and Safety. The subject lands are located within a Floodplain and are within the Conservation Authorities Limit of Regulated Area. Permits are required from the Conservation Authority prior to

development in regulated areas. ERCA advises that the subject lands are subject to ERCA Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Puce River and East Puce River Rd Drain West Side. The property owner will be **required to obtain a Permit** from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

#### Noise and vibration

A Noise & Vibration report prepared by Valcoustics Canada Ltd. dated October 14, 2020 was completed for the proposed development due to the proximity to the rail line. VIA Rail has reviewed the report and has indicated that they run an additional two trains a day above what was contemplated in the assessment and requested that Valcoustic to review their calculations using the additional trains. VIA Rail has also requested that the following clause be inserted into future purchase agreements or leases.

*"Warning: VIA Rail Canada Inc. or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof: There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). VIA will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."*

*Note: The recalculation to include the additional trains can be finalized prior to the site plan being approved, and a site plan agreement being executed.*

#### Zoning By-law

The property located at 990 County Road 22 is currently zoned Mixed Use, which allows for Townhomes, the property located at 193 Puce Road is currently zoned "R1, Residential – Low Density" which permits the single detached dwellings. A re-zoning to "Mixed Use," zone will permit the townhouse development in a site specific zone. A new definition is also being proposed to allow for the townhouse units to share both horizontal and vertical common walls.

#### Official Plan

The Official Plan identifies the subject property for future mixed use development, therefore rezoning the subject land to mixed use would be consistent with the Official Plan's direction.

#### Concerns from Public Consultation

In October 2020 administration notified adjacent properties of the proposed development and requested comments or concerns to be returned to the Municipality. These comments were summarized and shared with the applicant.

These comments focussed around the following topics:

- Parking – will all the parking be onsite.
- Traffic – will the amount of units create traffic safety i.e. will vehicles be backing out of the driveway onto Puce Road.
- Stormwater Management/Drainage – with all the additional hard surfacing will that negatively impact adjacent properties.
- Sanitary capacity – can the sewers handle the additional capacity, as surcharging currently occurs.
- Privacy & enjoyment – will the number of units impact, the surrounding neighbours privacy and enjoyment of their property.

The applicant has advised that he has had conversations with the surrounding landowners and he believes their concerns have been addressed, where appropriate to do so.

The applicant has had a new break-wall installed which will address some of the existing drainage issues. The onsite parking is designed so vehicles can enter and exit the property in a forward motion. The applicant is proposing to locate the AC units away from adjacent dwellings to reduce noise impacts.

### Conclusion

Administration recommends Council approve Zoning By-law Amendment with the Holding Provision for Site Plan Approval and the need for the Dennis St. Pierre Pollution Control Plant be expanded prior to development proceeding.

### **Others Consulted**

In addition to the October public notification, a notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations.

### **Financial Impacts**

There are no budget impacts resulting from the recommendation.

### Attachments:

Appendix "A" Key Plan

Appendix "B" Site Plan & Elevations

Appendix "C" Sanitary Holding Provision

Appendix "D" Alternatives under the *Planning Act*

## Report Approval Details

Document Title:	Zoning By-law Amendment ZBA-15-2020 - King Developments.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix "A" Key Plan.pdf</li><li>- Appendix "B" Site Plan and Elevations.pdf</li><li>- Appendix "C" Sanitary Holding Provision.pdf</li><li>- Appendix "D" Alternatives under the Planning Act.pdf</li></ul>
Final Approval Date:	Jan 28, 2021

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

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride



# Key Map



## Legend

- Tax Parcel
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

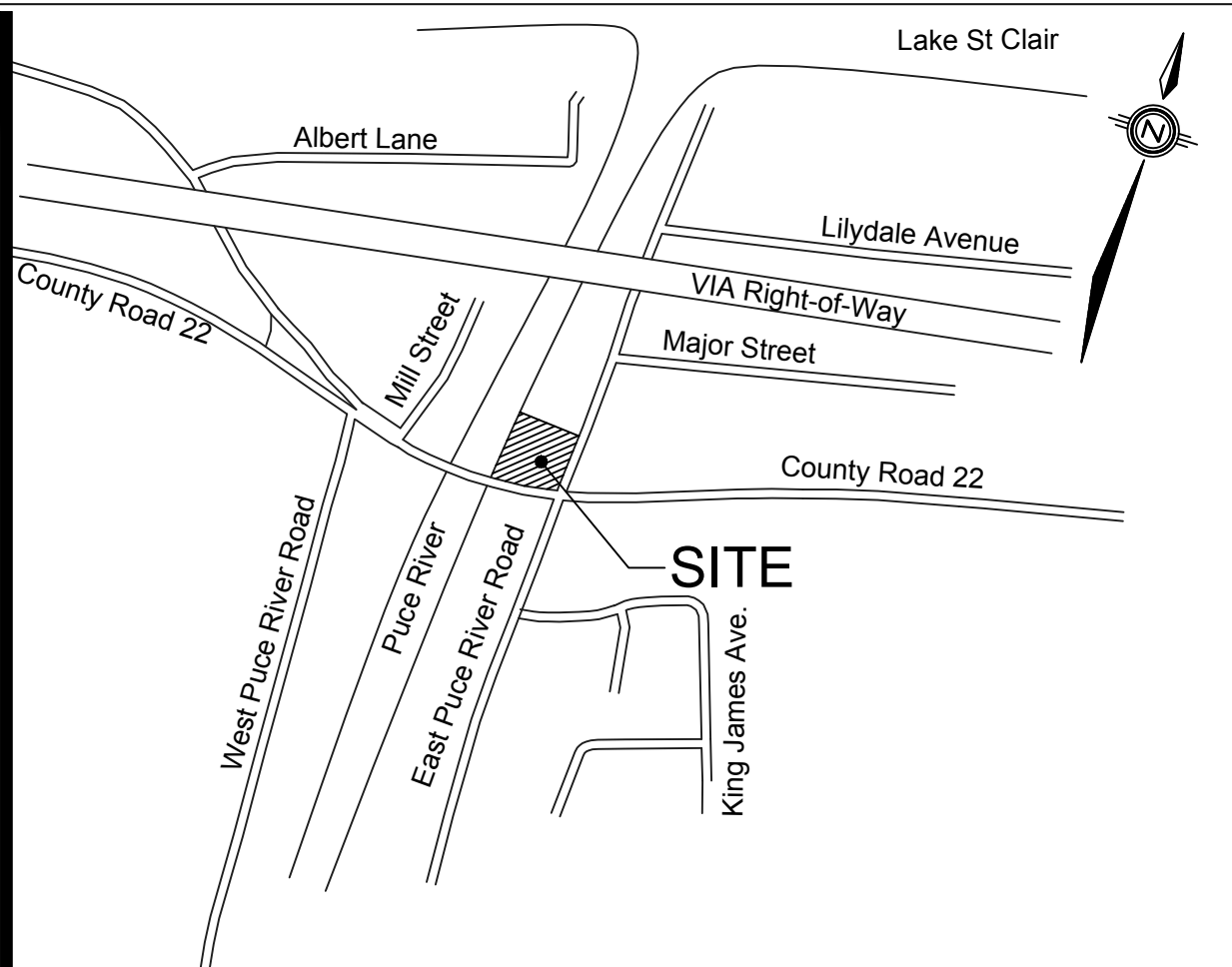
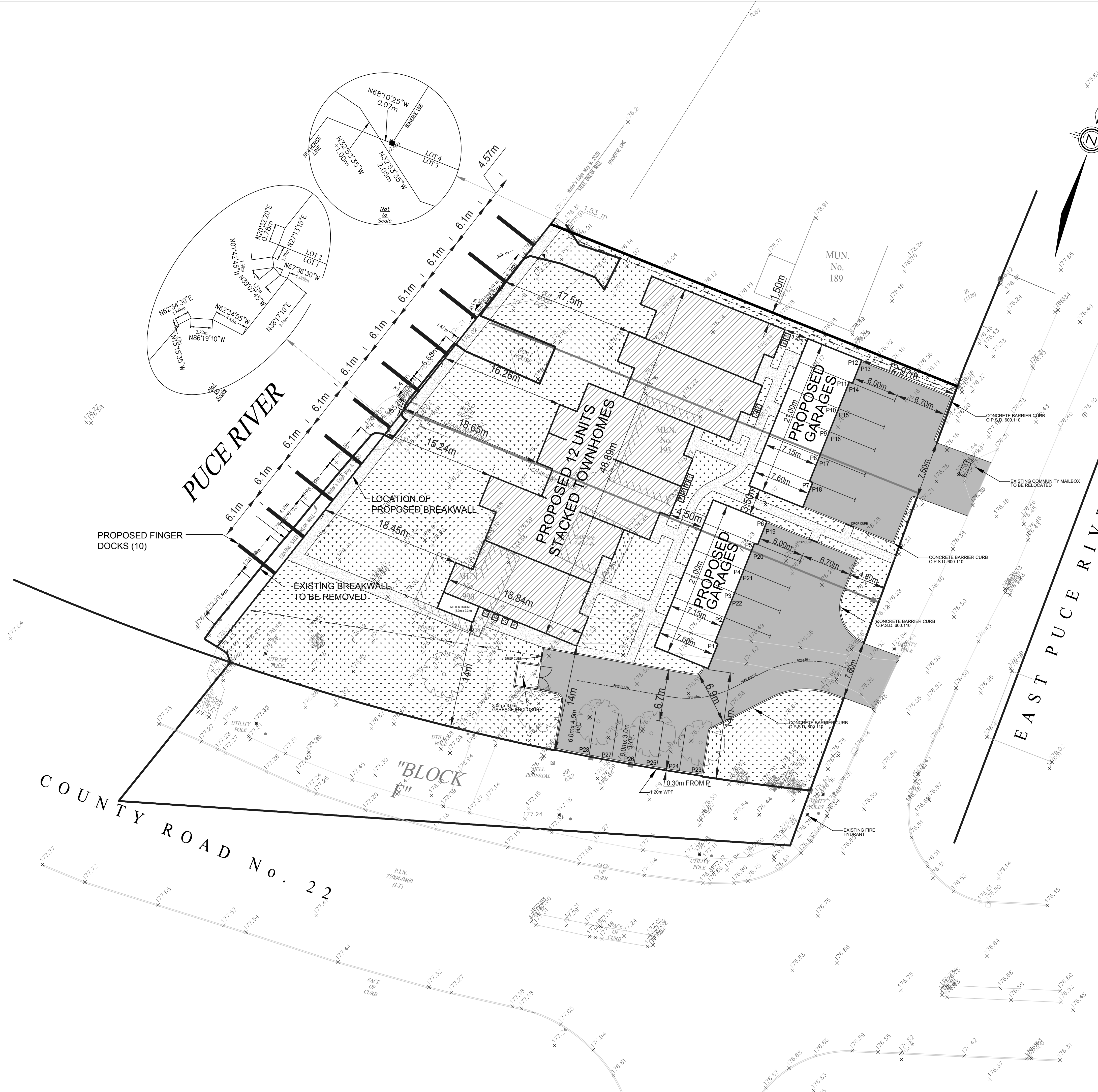
1: 1,530



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





LEGEND

- DENOTES 100mm THICK CONCRETE SIDEWALK
- DENOTES 75mm HL 3 on 250mm Granular "A"
- DENOTES 200mm THICK CONCRETE SIDEWALK
- DENOTES PROPOSED SWALE LOCATION
- DENOTES PROPOSED LANDSCAPED SURFACE

SUMMARY OF REQUIRED/PROVIDED ZONING REGULATIONS		
TOWN OF LAKESHORE ZONING BY-LAW Medium Density Residential-R2		
PERMITTED USE	REQUIRED AS PER R2 ZONING	PROVIDED
Minimum Lot Area	223m <sup>2</sup>	4,350m <sup>2</sup>
Minimum Lot Frontage	8.0m For Interior Units 9.5m For Exterior Units	56.42m
Maximum Lot Coverage	40%	27%
Minimum Landscaped Open Space	30%	52%
Minimum Setbacks		
Front Yard	6.0m	11.87m
Rear Yard	7.5m	15.24m
Interior Side Yard	1.5m where a private garage is attached to the main building	1.50m
Exterior Side Yard	4.5m	14.0m
Maximum Height of Buildings	10.5m	10.50m
Minimum Front Yard Landscaping Required	When frontage exceeds 30.0m, 40% of front yard shall be maintained as landscaping.	22%
Parking	1.5 spaces required for each unit 1.5 x 12 units = 18 Required Spaces	28 Spaces Provided 23 spaces for each unit.
County Road 22 Setback	14.0m	14.0m

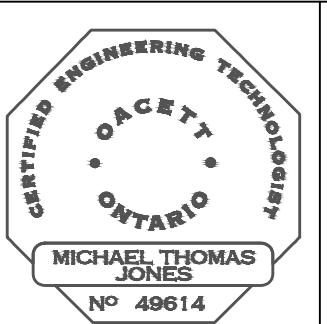
CLIENT:  
KING HOMES AND DEVELOPMENTS

PROJECT:  
EAST PUCE RIVER ROAD TOWNHOMES

GENERAL NOTES:	
ISSUED FOR:	DATE:
1. OWNER'S REVIEW	August 10, 2020
2. Site Plan and Zoning Application	September 9, 2020
3. Revised as per Town comments	November 22, 2020

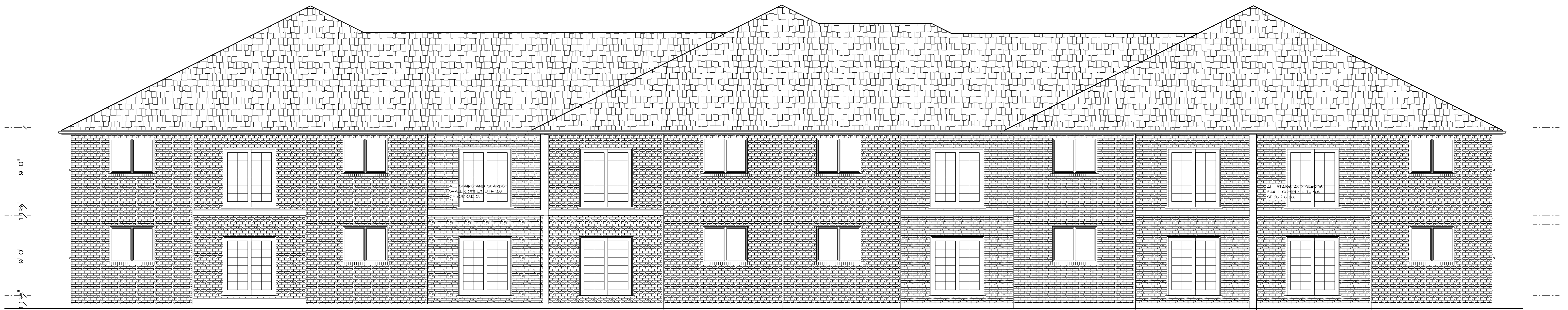
DRAWING TITLE:  
**SITE PLAN**

BLACKROCK PROJECT MANAGEMENT  
266 ST. LOUIS AVE.  
WINDSOR, ONTARIO  
N8S 2K3  
519-992-4280



CERTIFIED ENGINEERING TECHNOLOGIST  
ONTARIO  
MICHAEL THOMAS JONES  
No. 49614

DWN BY: MJ	DSGN BY: MJ
DATE: JUNE 22, 2020	SCALE: 1 : 250
CHKD BY: MJ	
PROJECT No: B20-06	DRAWING No: 1

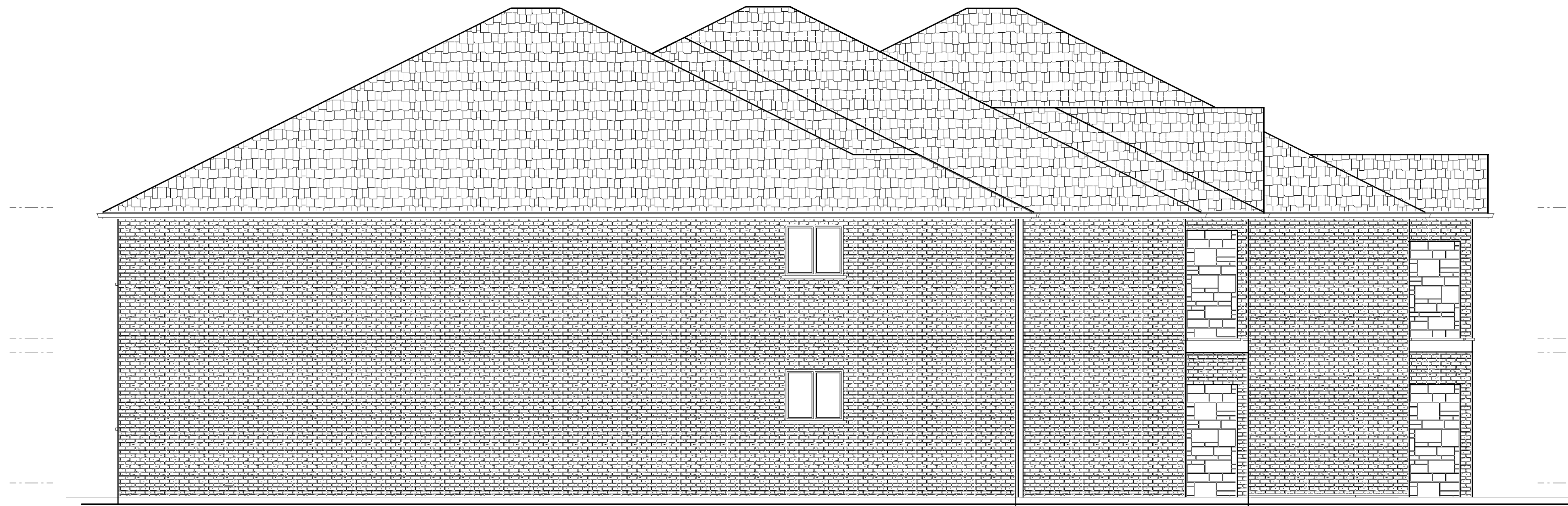


**REAR ELEVATION**  
SCALE: 1/4" = 1'-0"

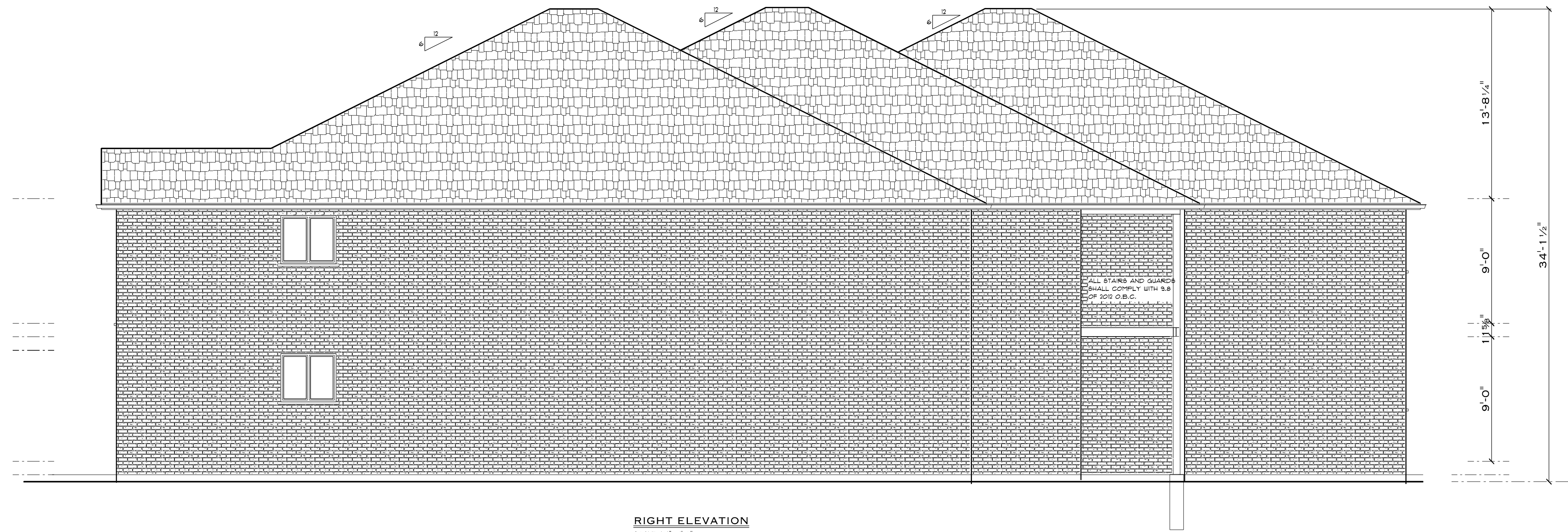


**FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"





**LEFT ELEVATION**  
SCALE: 1/4" = 1'-0"



**RIGHT ELEVATION**  
SCALE: 1/4" = 1'-0"

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**From:** Tony DiCiocco  
**Sent:** January 26, 2021 4:07 PM  
**To:** Tammie Ryall  
**Cc:** Krystal Kalbol; Aaron Hair; Sydnee Rivest  
**Subject:** RE: King Developments - zoning by-law amendment

Hi Tammie, we submitted comments to Aaron on the King Development this afternoon on the second submission. With regard to sewage treatment capacity at the Denis St Pierre I believe this application was in process before Administration reported to Council and as such it is our understanding we will complete the review and recommend for approval with a holding provision. The developer will be able to connect once the treatment plant expansion is commissioned which is estimated to be Spring of 2023.

Thanks Tony

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Under the Planning Act, when considering a Zoning By-law Amendment, Council has the following four alternatives when making its decision:

1. Alternative 1 - Refusal - should Council choose to refuse an application to amend a Zoning By-law, under Subsection 34(10.9) of the Planning Act, it is now required that a Notice of Refusal be issued, not later than 15 days after the day of the refusal, containing the prescribed information, to be given to:
  - (a) the person or public body that made the application;
  - (b) each person and public body that filed a written request to be notified of a refusal; and
  - (c) any prescribed person or public body.

As part of the required prescribed information, the Notice of Refusal must also contain a written explanation for the refusal with a brief explanation of the effect, if any, that the written and oral submissions had on the decision.

2. Alternative 2 - Deferral - deferral of an application often occurs when further information or consultation is required, usually becoming apparent after the scheduled public meeting date has been set or after the planning report has been completed. Consequently, it is usually something that Administration will recommend either in the planning report or in lieu of the written recommendations. From Council's perspective, a deferral option is often considered should new issues arise at the public meeting or when Council feels that it requires further information in order to make an informed decision.
3. Alternative 3 - Approve as modified or revised - this is an approach used where the planning review of the application or the consultation process reveals the need for mitigation measures or compromises. Often the planning report will recommend to approve the application, subject to certain modifications, conditions, etc., that are slightly different from what has been requested in the application. From Council's perspective it may also choose to approve the application, but also modify the approval to the recommendations as submitted.
4. Alternative 4 - Approval - the application is approved as submitted without modifications.

# Municipality of Lakeshore - Report to Council

## Community & Development Services

### Development Services



**To:** Mayor & Members of Council  
**From:** Aaron Hair, Planner III  
**Date:** January 15, 2021  
**Subject:** Zoning By-law Amendment ZBA-20-2020 - Manning Developments

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### Recommendation

Defer Zoning By-law Amendment Application ZBA-20-2020 (By-law 9-2021, Municipality of Lakeshore Zoning By-law 2-2012, as amended), to rezone the "Subject Property", located at 1654 Manning Road, from "Mixed Use Zone (MU)" to "Mixed Use Zone Exception 35 (MU-35)(H25)" until April or May of 2021.

### Background

The proposed site plan application affects a 1.3 ha (3.24 acre) parcel of land located east of County Road 19 (Manning Road) and north of Amy Croft Drive, as shown on the Key Map (Appendix A).

The applicant has applied for Zoning By-law Amendment and Site Plan Control for an 8 Storey Apartment Building, consisting of a 155 condo units and 10 Townhouses (including a semi-detached dwelling), and the associated, parking, civil and landscaping (Appendix B and C). The existing Mixed Use Zone does allow for these uses (excluding the semi-detached dwelling), but not at the scale (height and gross floor area) the developer is requesting. That is why the developer has applied for a zone exception.

A new holding provision for the subject lands is also being proposed to be placed on the lands, and removal will be subject to: site plan agreement approval; condominium agreement approval; final condominium approval by the County; that the Denis St. Pierre Sanitary Treatment Plant expansion has been tendered; and that the sanitary conveyance system is sized appropriately to accommodate the proposed development. (Appendix F, draft By-law).

<b>Subject Land:</b> (1654 Manning Road)	Lot Area — 1.3 ha (3.24 acre) Existing Use — vacant land, formerly driving range and mini golf Proposed Use – 8 storey apartment building and 10 townhouses (including a semi-detached dwelling)
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	Access — access off of a private road and the future Lanoue Street. Services — municipal water, municipal sewage <i>Note: the existing sanitary system cannot accommodate the proposed development from a treatment and conveyance perspective.</i>
<b>Neighbouring Land Uses:</b>	mix of commercial, light employment, and residential land uses, and Railway Right of-Way
<b>Official Plan:</b>	Mixed Use
<b>Existing Zoning:</b>	MU – Mixed Use <i>Note: a small portion of the subject property is zoned General Employment (M1, &amp; M1-3), these lands will become part of the future Lanoue Street extension.</i>

## Comments

### Provincial Policy Statement

The proposed development is consistent with the policies of the 2020 Provincial Policy Statement (PPS), including the following:

- Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (Section 1.1.1 a);
- Section 1.1.1, that healthy, liveable and safe communities are sustained by b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;
- Providing for a focus of growth in Settlement Areas by promoting their vitality and regeneration (Section 1.1.3.1);
- Providing land use patterns based on (Section 1.1.3.2):
  - a) densities and a mix of land uses which:
    - 1. efficiently use land and resources;
    - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  - b) a range of uses and opportunities for intensification and redevelopment (as identified by the Planning authorities);
- Promoting opportunities for intensification and redevelopment, taking into account the availability of suitable existing and planned infrastructure and public service facilities (Section 1.1.3.3);



- Providing a range and mix of housing types and densities to meet the projected requirements of current and future residents (Section 1.4.1);
- Promoting densities for new housing that support the use of alternative transportation modes and public transit, where it exists or is planned for (Section 1.4.3d); Planning public streets, spaces and facilities which meet the needs of pedestrians and facilitate community connectivity (Section 1.5.1a);
- Promoting intensification and redevelopment within settlement areas on existing municipal sewage and water services (Section 1.6.6.2).

#### Section 1.6.6.7 Stormwater Management (PPS, 2020)

ERCA has concerns with the potential impact of the quality and quantity of stormwater runoff in the downstream watercourse due to the proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

They further recommend that the stormwater management analysis be completed to the satisfaction of the Municipality and in line with the requirements set-up as prescribed by the regional facility.

#### Natural Heritage Policies of the PPS

ERCA noted that the subject property is adjacent to (within 120m) of a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."

Notwithstanding the above noted references to the PPS policies, ERCA noted that the proposed development is either adequately setback and/or physically separated from the natural heritage feature by existing development or infrastructure. Therefore, they do not anticipate any negative impacts associated with the proposal. Based on their review, they have no objection to the application with respect to the natural heritage policies of the PPS.

#### Noise

A Noise Feasibility Study was completed by HGC Engineering for the development area. According to the report residential development should include either setbacks or features to mitigate noise impacts on future residents. The noise study includes assessment of noise impact from surface transportation (road and rail). The nearby surface transportation sources are Amy Croft Drive, Manning Road and Lanoue Street and the CN rail spur line. Section 5 of the report has recommendations for acoustic barrier

requirements, ventilation requirements, upgraded building façade construction, and warning clauses to achieve the noise criteria. These recommendations can be incorporated into a site plan and/or condominium agreement, where appropriate.

### Traffic

A Traffic Impact & Parking Justification Study was prepared by Paradigm Traffic Solutions Ltd. to examine traffic implications of the proposed developments on traffic operations in the area. According to the study the traffic generated by the subject development will have negligible impact on the surrounding road network. It should be noted that the study does identify that several of the existing intersections are already exceeding their acceptable level of service.

### Servicing

At the pre-application consultation meeting, the proponent was advised that the existing conveyance system and supporting infrastructure is not sized to accommodate the additional flows generated by the proposal. Past planning review of this site anticipated commercial development on the property which generates less sewage than the sewage generated from a high density residential development.

The original Functional Servicing Study (September 30, 2020) was submitted to Lakeshore for review and comment, which proposes a method of handling sanitary that is not contemplated within the Official Plan or the Lakeshore Development Manual. As such the Municipality engaged Stantec Consulting to review the proposal and to advise the Municipality of any concerns and/or risks with allowing the proposed system. The proposed system would be located on the subject lands and work similar to a holding tank, but instead of having to be vacuumed out like a holding tank, it would discharged into the Municipality's sanitary system during non-peak times at a controlled rate. On behalf of the Municipality, Stantec investigated the risks of accepting this type of private system and their comments are incorporated into the EIS comments (Appendix D – Engineering Memo). The EIS comments indicate the risks involved in using the proposed holding tank and it is not recommended for either a short term or long term solution, based on technical reasons.

The Functional Servicing Report was revised twice - October 30, 2020 and November 9, 2020. These versions of the Functional Servicing Report take out the reference to the holding tank and state that the Municipality must find a solution to the sewage conveyancing issue. Lakeshore has engaged Jacobs Consulting to undertake this review. The Report is expected at the end of March 2021.

It is noted that the Denis St. Pierre Water Pollution Control Plant (sanitary treatment facility) will not have the capacity to treat the effluent until the expansion of the plant has occurred. It is anticipated that the timing of the expansion (plant operational in the spring of 2023) will coincide with the timing of the completion and occupation of the apartment building. If the application is approved, a holding provision is proposed which addresses the timing of the development with the capacity of the sewage treatment plant.

### Environmental Assessment

Pursuant to the Environmental Protection Act, a Phase 1 and Phase 2 EA was submitted to the Municipality and the Ministry of Environment and Climate Change. Based on the findings of Amec Foster Wheeler's Phase Two ESA at the time of reporting, no further environmental site assessment work was warranted. The Record of Site Condition (RSC) number 224719 has been filed in the Environmental Site Registry on July 17, 2018.

### County of Essex Official Plan

The subject site is located within an urban, settlement area in the County of Essex Official Plan and is considered part of the "built boundary" of the Municipality of Lakeshore. Accordingly, the proposed development constitutes intensification of an under-utilized site within the existing built-up area of the municipality and would represent cost-effective development. The subject site is suitably located within an existing built up commercial corridor on a suitable road (Amy Croft Drive / Manning Road intersection) for the proposed use. The ability to adequately service the site to accommodate intensified development still needs to be determined.

### Municipality of Lakeshore Official Plan

The site is designated Mixed Use in the Municipality's Official Plan. The Mixed Use Designation applies to lands within the Mixed Use Nodes, including the Lakeshore West Mixed Use Node, and certain lands with frontage along County Road 22, which are located within the County Road 22 Mixed Use Corridor. Commercial and retail establishments which are destination oriented or are intended to serve the travelling public will be permitted, including automobile service stations, vehicle sales and service, public garages, repair service and rental establishments, motels, hotels, restaurants, animal hospitals, commercial recreation uses, private clubs, funeral homes, day care centres, food stores, drug stores, personal service shops, hardware, automotive, highway commercial uses and residential uses, such as apartments and townhouses. The Mixed Use Official Plan policies are discussed in more detail below.

The servicing policies of the Official Plan do not support the use of a holding tank for sewage disposal. Section states:

#### Section 7.3.1.2 h)

"Holding tanks will not be permitted for new development. Holding tanks will only be permitted for existing development where the Town is satisfied that there is no other alternative to solving a deficiency with an existing septic system."

The proponent was advised that an Official Plan amendment would be needed for a holding tank solution. No application for an Official Plan amendment has been submitted, as at the time of submission of the zoning by-law application, the holding tank proposal was not included in the Functional Servicing Report.

The servicing policies also state that if there is no sewage capacity available, development should be deferred. The policy wording of "capacity" refers to both conveyancing and capacity at the sewage treatment plant.

### Section 7.3.2 Servicing Allocation and Phasing

“The following will be the policy of the Town:

- (a) When unallocated servicing capacity does not exist for a proposed development, the Town will defer the processing of the planning application until capacity is available, or until a servicing agreement is in place to ensure that such capacity will be available to service the development within one year of the granting of the planning approval. Draft approved plans of subdivision may only proceed to registration if sufficient servicing capacity continues to exist.”

Based on the policies of Section 7.3.2 of the Official Plan, the zoning by-law application should be deferred.

### Zoning By-law

The subject property is zoned MU, Mixed Use Zone, in Zoning By-law 2-2012, as amended, which permits townhouses and apartments in accordance with the MU, Mixed Use Zone provisions. A Zoning By-law Amendment Application has been submitted to permit the following exceptions from Zoning By-law 2-2012, as amended:

	Current Regulations	By-Law	Proposed Regulations
Maximum Height	10.5m		32.2m as it relates to the apartment use;
Maximum gross floor area	3000m <sup>2</sup>		19,331.45m <sup>2</sup> as it relates to the apartment use
Setback on Private Streets	14.5m from centre line		12.40m from centre line for the apartment use
Setback on Private Streets	14.5m from centre line		10.m from centre line for all other permitted uses
Parking Requirements	Total 233 (1.25/unit + visitor @ 0.25/Unit)		Total 215 (1.39/unit including visitor)
Loading Spaces	3 Loading Spaces		2 Loading Spaces

### 9.15.35 Mixed Use Zone Exception 35 (MU-35) as shown on Map 3, Schedule “A” of this By-law.

#### a) Permitted Uses:

- i. An *Semi-Detached Dwelling* shall be an additional permitted use

#### b) Zone Regulations:

- i. A maximum height of 32.2 metres as it relates to the apartment use;

- ii. A maximum gross floor area of 19,331.45m<sup>2</sup> as it relates to the apartment use;
  - iii. Section 6.52, Setbacks on Streets shall be a minimum of 12.40 metre setback from the centre line of private roads for the apartment use;
  - iv. That the minimum required setback from the centre of the internal private road from 14.5 m to 10.0 m (exterior side yard) for all other permitted uses;
  - v. Section 6.41.1, Parking Requirements shall be a minimum of 215 parking spaces for the apartment use;
  - vi. Section 6.41.3(a), Loading Regulations shall be a minimum of 2 loading spaces.
- c) All other building requirements for apartments shall be in accordance with the requirements of the General Provisions and Mixed Use Zone.  
(Appendix F, Draft By-law)

Holding removal will be subject to; site plan agreement approval, extension of Lanoue, stormwater management facility being operational, condominium agreement and final approval by the County.

The Mixed Use Designation in the Official Plan permits residential uses including triplex dwellings, fourplex dwellings, row or block townhouse dwellings, converted dwellings containing more than two dwelling units, walk-up apartments, hotels, motels and similar medium profile residential buildings, subject to the following criteria:

- i. the residential use is located within the Urban Area;
- ii. the density, height and character of the development will be compatible with adjacent uses;
- iii. the height and massing of the buildings at the edge of the medium density residential development will have regard to the height and massing of the buildings in any adjacent low density residential area and may be subject to additional setbacks, or landscaping to provide an appropriate transition;
- iv. the development will be encouraged to have direct access to an arterial or collector road, where possible and appropriate;
- v. the water mains and sanitary sewers will be capable of accommodating the development, or the proponent will commit to extending services at no cost to the Municipality;
- vi. the development is adequately serviced by parks and school facilities;

- vii. the development will be designed and landscaped, and buffering will be provided to ensure that the visual impact of the development on adjacent uses is minimized;

Although the required infrastructure is not in place yet, the inclusion of the holding provision requiring the new infrastructure be available before the removal of the H, would be consistent with the general intent of the Official Plan.

### Conclusion

Administration recommends Council defer the zoning by-law application. This option would allow the developer to consider any potential comments or concerns raised at the public meeting, and would allow the Municipality time to further investigate the sewage conveyance issue. The sewage conveyance report (Jacobs) is anticipated to be completed at the end of March 2021, at such time the conveyance issue will be better understood. Administration recommends that consideration of this matter be brought back to Council in April or May of 2021. The approach to defer the application is in conformity with Section 7.3.2, Allocation and Phasing, of the Official Plan.

Should the holding tank solution be considered by Council, Administration notes, as stated above, that an Official Plan amendment would be required under Section 7.3.1.2 (h).

The proponent has requested that this amendment not wait, but proceed to the public meeting and Council for review (Attachment E). Therefore this application was scheduled for a public meeting under the *Planning Act* at the February 2 Council meeting to accommodate this request. This report has been completed in order to inform Council of the issues, and provide the rationale for the Recommendation of deferral.

It should be noted that a deferral does raise the risk that this matter may be appealed to the Local Planning Appeal Tribunal ("LPAT") because Council has not rendered a decision during the time required by the *Planning Act*. Should Council choose to defer the matter and the Applicant appeal the non-decision then the matter would go to the LPAT for a decision. Should this occur, Administration would prepare a report to Council, seeking instructions as to how to proceed in relation to the appeal.

### **Others Consulted**

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations. As of the writing of this report, no comments were received from the public, other than comments related to participating in the public meeting, and no concerns were expressed from any agencies.

### **Financial Impacts**

There are no budget impacts resulting from the recommendation.

**Attachments:**

Appendix A – Key Plan  
Appendix B – Draft Site Plan  
Appendix C – Elevation Drawings  
Appendix D – Engineering Memo  
Appendix E – Proponent's request for the February 2 meeting  
Appendix F – By-law 9-2021  
Appendix G – Alternatives under the *Planning Act*

**Report Approval Details**

Document Title:	Zoning By-law Amendment ZBA-20-2020 Manning Developments.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A – Key Plan.pdf</li><li>- Appendix B – Draft Site Plan.pdf</li><li>- Appendix C – Elevation Drawings.pdf</li><li>- Appendix D – Engineering Memo.pdf</li><li>- Appendix E – Proponent's request for the February 2 meeting.pdf</li><li>- Appendix F - By-law 9-2021.docx</li><li>- Appendix G – Alternatives under the Planning Act.docx</li></ul>
Final Approval Date:	Jan 28, 2021

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

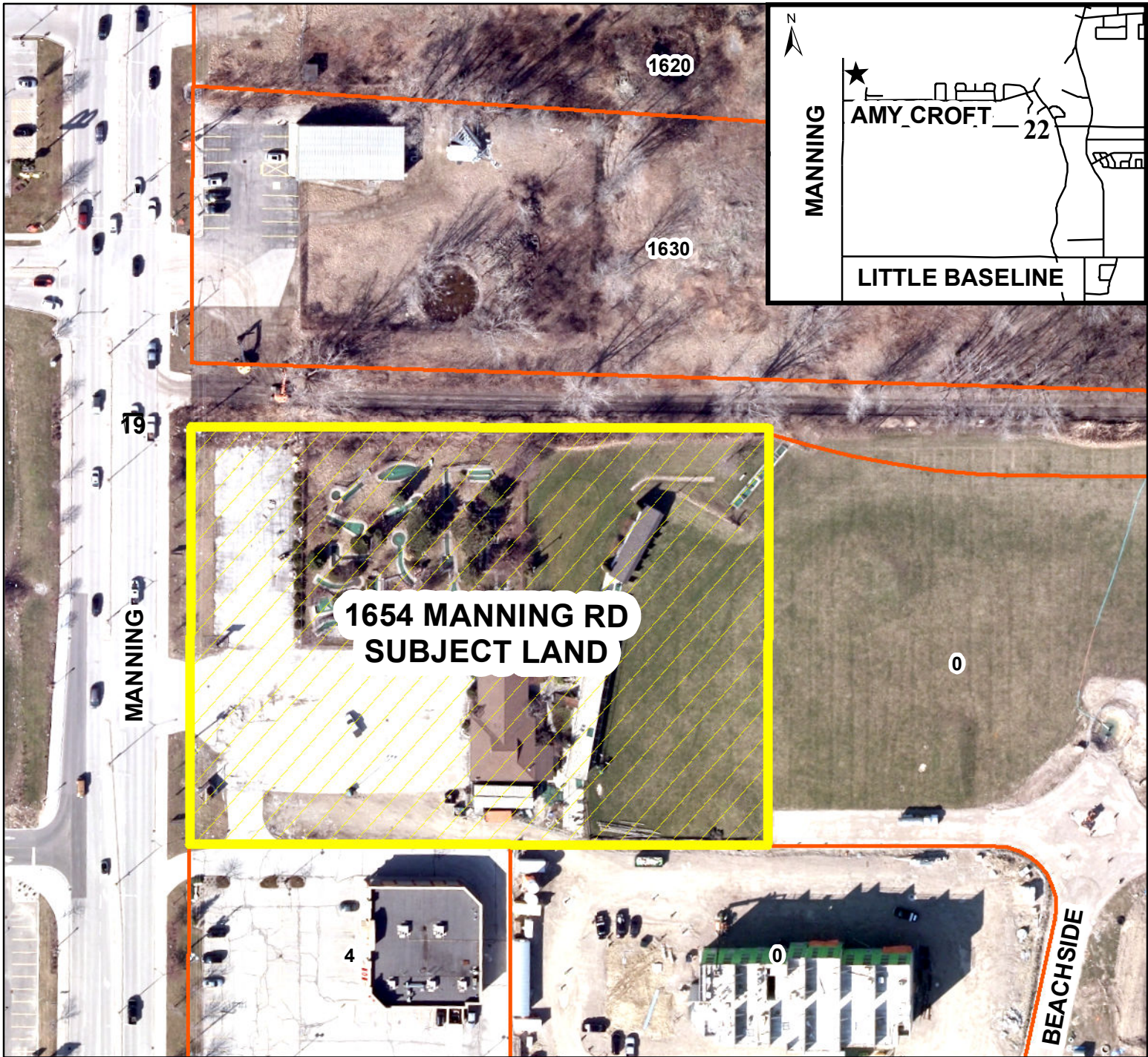
Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride

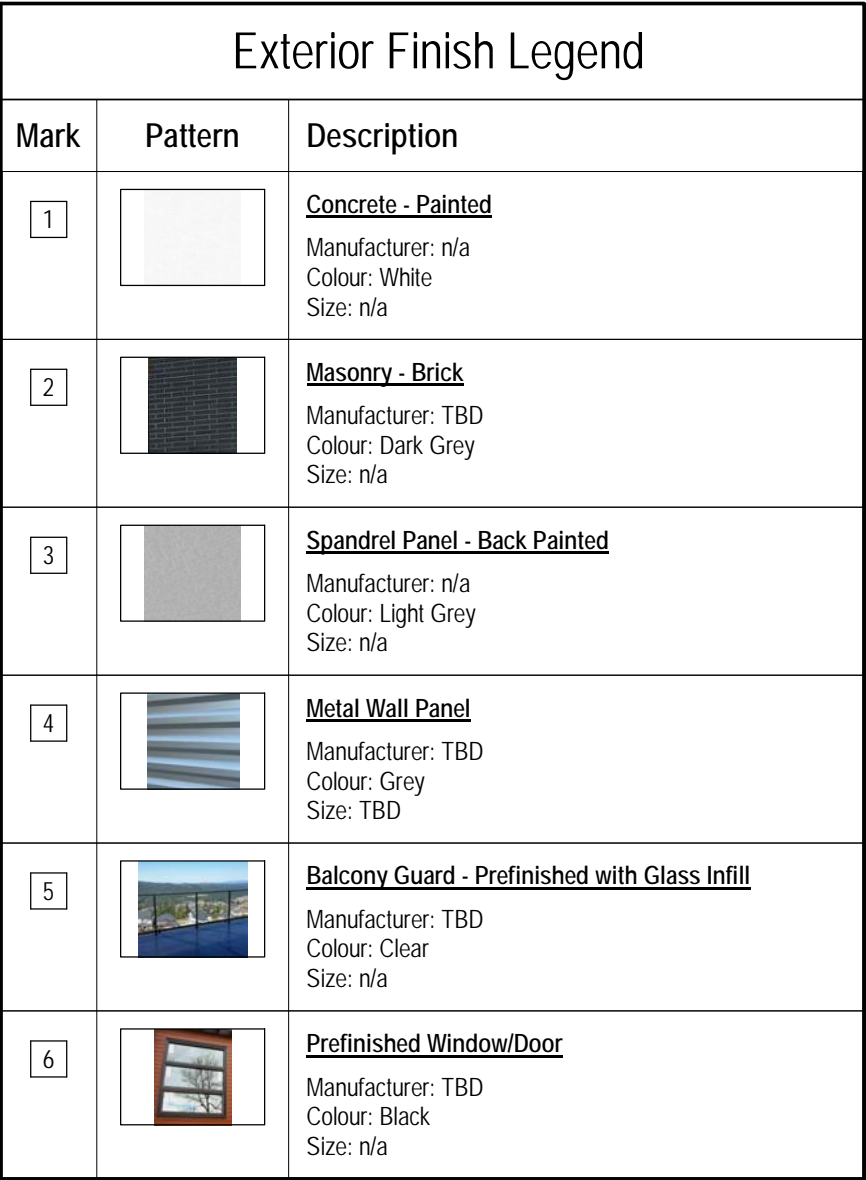












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# MEMORANDUM

**To:** Aaron Hair  
**From:** Tony DiCiocco, Manager of Engineering Services  
**Date:** January 18, 2021  
**Subject:** Review Comments  
Proposed Residential Development- 1654 Manning Road, Municipality of Lakeshore

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## Introduction

The proponent submitted a Functional Servicing Report dated September 30, 2020 (which has since been revised twice) forming part of the supporting documentation for a rezoning application to permit the development of an 8 story condominium building and 10 townhouse units located at 1654 Manning Road.

Preliminary comments were submitted to the proponent by Planning Department on November 30, 2020 which included comments from Engineering (dated November 4, 2020) related to the sanitary servicing of the site. This memo is intended to build on those preliminary engineering comments.

Currently there are two main concerns with the above noted proposal for rezoning of the site:

- 1) Sanitary sewage capacity conveyance from the site to the Denis St. Pierre Sewage Treatment Plant; and
- 2) Sanitary sewage treatment capacity at the Denis St. Pierre Sewage Treatment Plant.

It is understood by the proponent that the Municipality's expansion of the Denis St. Pierre Sewage Treatment Plant is expected to be completed in the spring of 2023 which coincides with the expected sanitary sewer connection to this site. Therefore this memo deals specifically with item 1) above, the sanitary sewage conveyance from the site to the treatment plant.

All three versions of the Functional Servicing Report (dated November 9, 2020, October 30, 2020, and September 30, 2020) have been reviewed by Engineering. The Municipality's engineering consultants, both Stantec and Jacobs were consulted throughout this process.

The comments are summarized below.

## Functional Servicing Report dated November 9, 2020 (Updated #2)

In the above functional servicing report dated November 9, 2020, the residential density put forth in the original proposal is reduced and continues to state that *"The Town of Lakeshore will also have to undertake further studies and analysis to ensure the Amy Croft sanitary sewer and downstream infrastructure is adequate for the subject development."*

In the above functional servicing report, based on the original proposed use (commercial), the report identifies the approved allocation of sewage for this site is to accommodate approximately 56 people (37 persons/hectare).

This functional servicing report identifies a proposed density for residential use of 404 people (one bedroom condominium units at 54 people, two bedroom condominium units at 320 people and 10 townhouse units at 30 people).

The comments below pertaining to the review of the October 30, 2020 Functional Servicing Report remain applicable.

### **Functional Servicing Report October 30, 2020 (Updated #1)**

In the above functional servicing report dated October 30, 2020, the proponent is stating *"The Town of Lakeshore will also have to undertake further studies and analysis to ensure the Amy Croft sanitary sewer and downstream infrastructure is adequate for the subject development."*

In the above functional servicing report, based on the original proposed use (commercial), the report identifies the approved allocation of sewage for this site is to accommodate approximately 56 people (37 persons/hectare).

The proposal is requesting to accommodate a residential use of 450 people (168 condominium units at 420 people and 10 townhome units at 30 people).

Based on a technical memorandum received from Jacobs dated August 11, 2020, there is insufficient conveyance capacity in the sanitary sewer system on Amy Croft to accommodate the increased flows brought forward under the rezoning application (multi story condominium and 12 townhomes).

Based on the results of this memo, the Municipality has since commissioned Stantec Consulting Ltd. to explore and present options to provide additional sewage conveyance capacity to this property, as well as the entire area in the Amy Croft Secondary Plan to accommodate further applications wishing to increase density and conveyance beyond that identified in the approved Plan.

A draft report from Stantec outlining options is expected to be received by March 2021. This report will assess conventional conveyance options for this site that will address long term needs (and in addition consider additional sites in and around this area).

Formal Engineering comments related to the above were submitted to planning on November 4, 2020 (attached) and were incorporated into the formal response to the proponent dated November 20, 2020 as indicated in the Introduction section of this memo.

It was also noted in the attached November 4, 2020 comments that Engineering did not review the rest of the submission and would not do so until such time as the sanitary sewer conveyance concerns have been addressed.

### **Functional Servicing Report September 30, 2020 (Original)**

In the above functional servicing report, based on the original proposed use (commercial), the report identifies an allocation of sewage to accommodate approximately 56 people (37 persons/hectare) for this site.

The proposal is requesting to accommodate a residential use of 450 people (168 condominium units at 420 people and 10 townhome units at 30 people).

The townhome units are being proposed to drain freely into the municipal sanitary system.

To accommodate the additional flows (related to the condominium units), the developer is proposing to install a sanitary sewage holding tank and release sewage to the municipal sewer system during off peak hours (from 11 pm to 5 am). The holding tank was proposed to be sized to accommodate a peak day flow plus an additional 27% capacity with a proposed storage capacity of 240,000 Liters (63,400 gallons).

The proposed holding tank would be directly connected to the Municipal sanitary system. It is understood that the proponent is willing to enter into agreements with the Municipality to operate such a system, and decommission it in the future, at such a time as there is capacity in the Municipal sanitary sewage conveyance system.

This initial submission was never formally commented on in writing. The proponent was verbally told by the Municipality that this system was not supported and a subsequent submission was made on October 30, 2020 eliminating this system as a solution.

Since this time, the proponent has asked to revisit the original proposal.

Based on a comprehensive review, the following has been noted:

#### **MUNICIPAL STANDARDS**

The Municipality of Lakeshore's Development Standards Manual does not contemplate this type of system (either in a temporary and/or in a permanent nature).

#### **SIZE & LOCATION OF THE TANK**

The existing sanitary sewer conveyance system that currently services the Amy Croft Secondary Planning Area experiences surcharging downstream during storm events. As a result, discharge from the holding tank to the sanitary sewer system during off peak hours cannot be guaranteed to avoid overwhelming the system, resulting in flooding downstream (residential area). These conditions can last anywhere between 24 to 48 hours.

Based on this, the tank would need to be sized to accommodate multiple days of sewage (larger than proposed). This would be equivalent to the size of the Atlas Tube Centre swimming pool (lap pool).



The Municipality has been made aware of one other private/municipal hybrid sewage system (holding tank connected to a municipal system) of this magnitude located in Leamington. This system has not yet been placed into operation (currently under construction), is located in a more rural area with the surrounding land use being residential, greenhouse and highway.

The Developer's consultant was asked to provide additional examples of this type of hybrid system used in other parts of Ontario. No other examples have been provided for consideration that have used this type of system within a similar area (high density) or for a similar use (high rise condominium).

#### **SYSTEM OPERATION AND MAINTENANCE**

It is proposed that this system would be privately maintained, therefore certified, competent staff would be required to be retained and available to operate this system. This system would require daily inspection and/or maintenance to ensure operation of the system continues to be adequate.

With this proposed system, sewage accumulates and settles in the tank for a day and/or more extended periods of time requiring flushing after discharge to remove any and all solids and grit that settles in the tank.

The Municipality would require documentation of the above noted maintenance activities, and access to the site to review and further ensure that the system is operating properly to avoid impact on the Municipal system. It is anticipated that the municipality would need to enter into agreements with the proponent to ensure the ongoing operation and limit the risk to the municipality should the facility not operate properly.

Although this system is privately owned, the Municipality would require additional staff and resources to undertake reviews and inspections (potentially third party consultant(s)) based on this proposed hybrid system. Compensation to support this would be required.

#### **CONTINGENCY PLAN**

As identified, under certain wet weather conditions, the off peak flows could not be accepted into the Municipal system. If a wet weather event were to occur, this system could never recover based on the continuous flows being generated and the limitations of the off peak hours therefore, the proposed holding tank system would require reliance on a contingency plan which would involve pumping and hauling of the sewage to a treatment facility.

Under these conditions, the holding tank system would operate as a Class 5 Sewage System- A sewage system which requires or uses a holding tank for the storage or retention of hauled sewage at the site where it is produced prior to its collection. These types of systems are not permitted by the Ministry of the Environment, Conservation and Parks (MOECP) unless temporary in nature (less than 12 months) based on the impact to human health and the environment.



Further, the proponent would have to enter into a contract with a third party in order to accommodate this plan during times when the Municipality cannot accept the sewage, the system fails or the holding tank is overwhelmed (to avoid overflow).

The Municipality has concerns locally to be able to accommodate the hauling of this magnitude of sewage based on the limited trucks and/or time restrictions.

The hauled sewage would need to follow testing procedures and strict protocols before any Municipality accepts the sewage at any licensed treatment facility. Time restrictions are also applicable in this case.

Although this is noted as a contingency plan, it will inevitably be required with this type of system (hybrid). The frequency of the system having to operate in this manner is unknown and extremely unpredictable with associated time constraints.

### **COMMUNITY IMPACTS**

Odor and sediment accumulation in the tank with this type of system can be a serious problem. The sewage in the proposed holding tank could go septic if it cannot be discharged within an appropriate amount of time. This accumulation of solids and grit that settles out in the bottom of the holding tank generates odorous substances (i.e. hydrogen sulfide (H<sub>2</sub>S)). This concern is magnified based on the proposed location and surrounding area use (i.e. hotel, restaurants and grocery stores).

This will create concerns and complaints on an ongoing basis for the residents surrounding the site within the Municipality of Lakeshore. In addition and based on the proximity to the Town of Tecumseh, this concern has the potential to impact their residents as well.

The accumulation of solids and grit could also cause the presence of methane gas. This can create the risk of explosion.

There is the potential for overflow and/or sanitary sewage flooding with this type of system at the site and potentially downstream if under the contingent plan, hauling cannot be accommodated fast enough.

### **CLOSING REMARKS**

Based on the risks, the complexity and the impact to the Municipality with this type and size of system, Engineering does not support the use of a holding tank/pumping system for the collection and conveyance of sanitary sewage located in an intensified, urban area based on the following:

- The Municipality of Lakeshore's Development Manual does not contemplate this type of system.
- These types of holding tanks are not only expensive to operate they are not considered a reliable system for dealing with raw sewage on an ongoing basis.
- This system raises significant concerns to both human health and the environment if it is unable to operate as intended (i.e. under wet weather conditions and/or under failure of the system).

- A contingency plan for a system of this magnitude in order to support the sewage in an instance where the conveyance system cannot accommodate the off peak hour pumping and/or the holding tank should fail is insufficient, unreliable and not predictable.
- If there is a failure in the private sewage system, it is likely that both the proponent and the Municipality will be held responsible (as this is a hybrid system). There is significant risk and liability associated with this proposal as a permanent sewage conveyance system, including the potential to impact to the Municipality's system. Currently the Municipality has no plan to provide additional capacity to service this area.
- This is not a conventional system. A more conventional alternative should be investigated and considered in order to accommodate the rezoning of this property. This investigation is currently being undertaken by the Municipality.

Further, this application is considered in process based on the recent report to Council (dated December 4, 2020) and this request for additional sanitary sewage capacity would be placed with holding provisions based on the current treatment capacity concerns at the Denis St. Pierre Treatment Plant.

#### **RECOMMENDATION**

As a result, EIS recommends that a decision on the rezoning application be deferred, pending the results of a draft report outlining options to provide additional sanitary conveyance capacity to the site, expected to be received by March 2021. As mentioned above, this report will assess conventional conveyance options that will address the long term needs for this site (and also consider additional sites in and around this area).

If you have any questions or require additional information, please contact the undersigned.



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Tony DiCiocco, C.E.T.,  
Manager of Engineering Services



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Krystal Kalbol, P.Eng.,  
Director of Engineering and Infrastructure Services

# MEMORANDUM

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**Date:** November 4, 2020  
**To:** Aaron Hair  
**From:** Tony DiCiocco, C.E.T., Manager of Engineering Services Division  
**Re:** 1st Submission Site Plan Review [SPC-16-2020] re: Manning Developments

---

We received the following document on November 3, 2020:

- Revised Functional Servicing Report – Dated October 30, 2020

**General:**

- 1) The Town of Lakeshore currently does not have the sanitary sewage conveyance capacity within its collection system for an eight story multi-unit high rise residential building and 10 townhomes.
- 2) The Town of Lakeshore has commissioned a consultant to study the downstream sanitary sewer conveyance system to determine if additional capacity can be provided to the Amy Croft Secondary Plan area. We will contact the proponent once the study is complete. The study will be completed as soon as possible.
- 3) Please note, we have not reviewed the rest of the submission and will not do so until we can confirm that we can accommodate this development in our sanitary sewer collection system.

If you have any questions, please contact the undersigned.



---

Tony DiCiocco, C.E.T., Manager  
Engineering Services Division

**From:** Patrick Harrington  
**To:** Tammie Ryall; Rocco Tullio  
**Cc:** Scott Stoll; Steve Zakem; Piero Aleo; Truper McBride; Krystal Kalbol; Tom Bain; Kristen Newman; Aaron Hair  
**Subject:** RE: Manning Road - Sewage Storage Reservoir  
**Date:** December 30, 2020 3:25:47 PM

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Hi Tammie:

As you are aware, Aird & Berlis LLP is counsel to Rock Developments / Manning Developments in respect of their lands within the Town of Lakeshore. I write in response to your e-mail outlined below.

We are pleased to see that the Town will be providing a timely response (week of January 4) to our client's holding tank proposal, which we confirmed in our letter dated December 18, 2020 does not require MECF approval. Please ensure our office is copied on the Town's response.

You have also noted that staff is working to bring our client's rezoning application to the February 2, 2021 meeting. Please ensure our office is copied on any notices or reports respecting this meeting.

Finally, you have set out a timeline respecting our client's application. On this point, I am compelled to remind you of the Divisional Court's findings concerning complete applications and appeal timelines in *The Corporation of the Town of Oakville v. Clublink corporation ULC, ClubLink Holdings Limited, 2018 ONSC 589*, which can be found here:

<https://www.canlii.org/en/on/onsc/doc/2018/2018onsc589/2018onsc589.html#>

The key passage concerning the commencement of the relevant appeal period (in our client's case, 90 days for a rezoning appeal) is found at para. 32 of the Decision:

... the date that triggers the period for filing an appeal is the date that the applications are received... While subsection (6) suspends that time period until further material is received by the Town pursuant to a request under subsection (5), in this case no such further material was received and thus the suspension provided for in subsection (5) does not arise. Nowhere does the *[Planning Act]* contain a provision that time periods in paragraphs 1 and 2 of subsection (7.02) are suspended until such time as the Board has made a determination under subsection (6.2). **As the Board has pointed out, the focus of the *[Planning Act]* for the purposes of triggering the time period for appeal to the Board is on when the Town *receives* all of the information it is entitled to receive.** In this case that happened on November 10, 2016. Thus, as Board found in its Review Decision, its interpretation is consistent with the plain wording of the *[Planning Act]*..

As confirmed in your timeline below, the Town "received" the information it was entitled to receive on October 1, 2020. The application fee was paid as of October 14, 2020. No further information was required or received before the Town itself declared the application to be complete in November.

Applying the relevant sections of the *Planning Act* (ss. 34(10.3) and (11)) and the Divisional Court's decision in *ClubLink* to our client's rezoning application, our client will be in a position to appeal its application for non-decision as of January 12, 2021. Having our client's application considered by Council on February 2, 2021 would accord a three-week extension to the statutory time period. Under the circumstances, we believe this is agreeable; however, our client's intention would be to appeal to the LPAT on grounds of non-decision if the matter is not considered at the February 2 meeting.

Thanks and Best Regards,

Patrick Harrington

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**From:** Tammie Ryall <tryall@lakeshore.ca>  
**Sent:** December 23, 2020 4:55 PM

**To:** Rocco Tullio <rtullio@rockdevelopments.ca>

**Cc:** Scott Stoll <sstoll@airdberlis.com>; Patrick Harrington <pharrington@airdberlis.com>; Steve Zakem <szakem@airdberlis.com>; Piero Aleo <paleo@aleoassociates.com>; Truper McBride <tmcbride@lakeshore.ca>; Krystal Kalbol <kkalbol@lakeshore.ca>; Tom Bain <tbain@lakeshore.ca>; Kristen Newman <knewman@lakeshore.ca>; Aaron Hair <ahair@lakeshore.ca>

**Subject:** Manning Road - Sewage Storage Reservoir

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Good evening Rocco:

Unfortunately we will not be able to respond to the sewage holding tank aspect of the proposal until the week of January 4, at the earliest.

We are on track to take the rezoning application to Council for the meeting scheduled for February 16<sup>th</sup>. I respectfully remind you that further information was submitted on December 10 which triggered further circulation and review of the proposal. As I mentioned in a previous email, we will attempt to bring this to the February 2<sup>nd</sup> regular Council meeting, but I cannot guarantee that we will meet that date.

Tammie

Here is a brief timeline of the project.

- Application Received on October 01, 2020
- Payment was receipted on October 14, 2020
- Notified on November 02, 2020, that the application was deemed complete.
- Notice of Complete was circulated to adjacent landowners within 120m and Tecumseh on November 09, 2020.
- Site Plan & ZBA were circulated on November 03, 2020 with comments being requested back by November 17, 2020.
- Comments were received by November 26, 2020.
- Status Report was prepared on November 30, 2020, and was sent to you and authorized agent on December 02, 2020.
- Further information as requested in the status report was submitted by Zelinka Priamo – December 10, 2020.
- As per the Section 34(11) of the Planning Act a decision is required within 90 days or the applicant can appeal the non-decision. (December 30, 2020).

---

**From:** Rocco Tullio [<mailto:rtullio@rockdevelopments.ca>]

**Sent:** December 22, 2020 6:51 PM

**To:** Tammie Ryall <[tryall@lakeshore.ca](mailto:tryall@lakeshore.ca)>

**Cc:** Scott Stoll <[ssoll@airdberlis.com](mailto:ssoll@airdberlis.com)>; Patrick Harrington <[pharrington@airdberlis.com](mailto:pharrington@airdberlis.com)>; Steve Zakem <[szakem@airdberlis.com](mailto:szakem@airdberlis.com)>; Piero Aleo <[paleo@aleoassociates.com](mailto:paleo@aleoassociates.com)>; Truper McBride <[tmcbride@lakeshore.ca](mailto:tmcbride@lakeshore.ca)>; Krystal Kalbol <[kkalbol@lakeshore.ca](mailto:kkalbol@lakeshore.ca)>; Tom Bain <[tbain@lakeshore.ca](mailto:tbain@lakeshore.ca)>; Kristen Newman <[knewman@lakeshore.ca](mailto:knewman@lakeshore.ca)>

**Subject:** Re: Manning Road - Sewage Storage Reservoir

Thank you!

Sent from my iPhone

On Dec 22, 2020, at 6:45 PM, Tammie Ryall <[tryall@lakeshore.ca](mailto:tryall@lakeshore.ca)> wrote:

Hello Rocco-thank you for your response. I will confirm the timing tomorrow. Tammie

Sent from my iPhone

On Dec 22, 2020, at 5:43 PM, Rocco Tullio <[rtullio@rockdevelopments.ca](mailto:rtullio@rockdevelopments.ca)> wrote:

Tammie in speaking with our legal team the town is obligated to respond to our application 90 days from October 1, 2020 which brings this to end of December for the rezoning application

I'm fine with early January as long as we are committed to the February 2, 2021 council date

Please confirm

Sincerely  
Rock

Rocco Tullio **I President/Owner**  
<image001.jpg>  
<image002.jpg>  
**2015 MEMORIAL CUP CHAMPIONS**  
<image003.jpg> <image004.jpg>  
<image005.png>

OSHAWA GENERALS HOCKEY CLUB  
Tel: 519.739.3900 I Cell: 519.566.7625  
19 Amy Croft Dr. Unit 201  
Lakeshore, ON N9K 1C7  
Email: [rtullio@rockdevelopments.ca](mailto:rtullio@rockdevelopments.ca)  
Web: [www.oshawagenerals.com](http://www.oshawagenerals.com)  
Web: [www.rockdevelopments.ca](http://www.rockdevelopments.ca)

---

**From:** Tammie Ryall <[tryall@lakeshore.ca](mailto:tryall@lakeshore.ca)>  
**Sent:** Tuesday, December 22, 2020 5:34 PM  
**To:** Rocco Tullio <[rtullio@rockdevelopments.ca](mailto:rtullio@rockdevelopments.ca)>  
**Cc:** Scott Stoll <[ssoll@airdberlis.com](mailto:ssoll@airdberlis.com)>; Patrick Harrington <[pharrington@airdberlis.com](mailto:pharrington@airdberlis.com)>; Steve Zakem <[szakem@airdberlis.com](mailto:szakem@airdberlis.com)>; Piero Aleo <[paleo@aleoassociates.com](mailto:paleo@aleoassociates.com)>; Truper McBride <[tmcbride@lakeshore.ca](mailto:tmcbride@lakeshore.ca)>; Krystal Kalbol <[kkalbol@lakeshore.ca](mailto:kkalbol@lakeshore.ca)>; Tom Bain <[tbain@lakeshore.ca](mailto:tbain@lakeshore.ca)>; Kristen Newman <[knewman@lakeshore.ca](mailto:knewman@lakeshore.ca)>  
**Subject:** Manning Road - Sewage Storage Reservoir

Good evening Rocco – I can advise that we are still reviewing the information.  
Tammie

---

**From:** Rocco Tullio [<mailto:rtullio@rockdevelopments.ca>]  
**Sent:** December 22, 2020 10:42 AM  
**To:** Tammie Ryall <[tryall@lakeshore.ca](mailto:tryall@lakeshore.ca)>; Kristen Newman <[knewman@lakeshore.ca](mailto:knewman@lakeshore.ca)>; Krystal Kalbol <[kkalbol@lakeshore.ca](mailto:kkalbol@lakeshore.ca)>; Tom Bain <[tbain@lakeshore.ca](mailto:tbain@lakeshore.ca)>  
**Cc:** Scott Stoll <[sstoll@airdberlis.com](mailto:sstoll@airdberlis.com)>; Patrick Harrington <[pharrington@airdberlis.com](mailto:pharrington@airdberlis.com)>; Steve Zakem <[szakem@airdberlis.com](mailto:szakem@airdberlis.com)>; Piero Aleo <[paleo@aleoassociates.com](mailto:paleo@aleoassociates.com)>  
**Subject:** RE: Manning Road - Sewage Storage Reservoir

Tammi just checking in to get an update on the letter and Towns position if we can move this forward?

Rocco Tullio | **President/Owner**  
<image001.jpg>  
<image002.jpg>  
**2015 MEMORIAL CUP CHAMPIONS**  
<image003.jpg> <image004.jpg>  
<image005.png>

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Web: [www.oshawagenerals.com](http://www.oshawagenerals.com)  
Web: [www.rockdevelopments.ca](http://www.rockdevelopments.ca)

---

**From:** Tammie Ryall <[tryall@lakeshore.ca](mailto:tryall@lakeshore.ca)>  
**Sent:** Monday, December 21, 2020 9:21 AM  
**To:** Rocco Tullio <[rtullio@rockdevelopments.ca](mailto:rtullio@rockdevelopments.ca)>; Kristen Newman <[knewman@lakeshore.ca](mailto:knewman@lakeshore.ca)>; Krystal Kalbol <[kkalbol@lakeshore.ca](mailto:kkalbol@lakeshore.ca)>; Tom Bain <[tbain@lakeshore.ca](mailto:tbain@lakeshore.ca)>  
**Cc:** Scott Stoll <[sstoll@airdberlis.com](mailto:sstoll@airdberlis.com)>; Patrick Harrington <[pharrington@airdberlis.com](mailto:pharrington@airdberlis.com)>; Steve Zakem <[szakem@airdberlis.com](mailto:szakem@airdberlis.com)>; Piero Aleo <[paleo@aleoassociates.com](mailto:paleo@aleoassociates.com)>  
**Subject:** Manning Road - Sewage Storage Reservoir

Good morning Rocco:  
Further to our call this morning, I can confirm that staff are reviewing the letter, including our Chief Building Official. I appreciate the timely response of your team.  
Tammie

---

**From:** Rocco Tullio [<mailto:rtullio@rockdevelopments.ca>]  
**Sent:** December 18, 2020 12:00 PM  
**To:** Tammie Ryall <[tryall@lakeshore.ca](mailto:tryall@lakeshore.ca)>; Kristen Newman <[knewman@lakeshore.ca](mailto:knewman@lakeshore.ca)>; Krystal Kalbol <[kkalbol@lakeshore.ca](mailto:kkalbol@lakeshore.ca)>; Tom Bain <[tbain@lakeshore.ca](mailto:tbain@lakeshore.ca)>  
**Cc:** Scott Stoll <[sstoll@airdberlis.com](mailto:sstoll@airdberlis.com)>; Patrick Harrington <[pharrington@airdberlis.com](mailto:pharrington@airdberlis.com)>; Steve Zakem <[szakem@airdberlis.com](mailto:szakem@airdberlis.com)>; Piero Aleo <[paleo@aleoassociates.com](mailto:paleo@aleoassociates.com)>  
**Subject:** FW: Manning Road - Sewage Storage Reservoir  
**Importance:** High

Tammie see attached letter  
I believe this now clarifies and confirms we are good here

Please advise next steps  
thanks Rock

Rocco Tullio | **President/Owner**  
<image001.jpg>

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Tel: 519.739.3900 | Cell: 519.566.7625  
19 Amy Croft Dr. Unit 201  
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Web: [www.oshawagenerals.com](http://www.oshawagenerals.com)  
Web: [www.rockdevelopments.ca](http://www.rockdevelopments.ca)

---

**TAMMIE RYALL**

<image006.jpg>

Director of Community and Development Services  
**Town of Lakeshore**  
519-728-1975-292

g, By-law and Engineering departments continue to operate at another location and are not available for counter inquiries.  
[For further information about the pandemic](#), its impact on Town services and to receive emails on updates, [subscribe](#) to our webpage or check out our [Facebook](#) and [Twitter](#) accounts.

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**TAMMIE RYALL**

<2021NameChange\_dbc39f31-5805-4101-9d3c-d6c281b4ba70.jpg>

Director of Community and Development Services  
**Town of Lakeshore**  
519-728-1975-292



NOTICE: Due to COVID-19, Our Town hall is open to the public with limited services. In-person payments for municipal bills including tax, water, permits and applications will now be permitted with a limit of 1 customer at the counter at a time. The Building, By-law and Engineering departments continue to operate at another location and are not available for counter inquiries.

[For further information about the pandemic](#), its impact on Town services and to receive emails on updates, [subscribe](#) to our webpage or check out our [Facebook](#) and [Twitter](#) accounts.

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**TAMMIE  
RYALL**

Director of  
Community  
and  
Development  
Services  
**Town of  
Lakeshore**  
519-728-  
1975-292



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# Municipality of Lakeshore

## By-law 9-2021

### Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-20-2020)

**Whereas** By-law 2-2012 is the Municipality's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Municipality of Lakeshore;

**And whereas** the Council of the Municipality of Lakeshore deems it expedient and in the best interest of proper planning to further amend By-law 2-2012;

**And whereas** this amendment is in conformity with the Lakeshore Official Plan;

**Now Therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. That Section 5.5, Holding Zone (h) Provisions, is hereby further amended by adding the following holding zone provision and to read as follows:

Holding Symbol	Permitted Use Until the holding symbol is removed.	Conditions for removal of the Holding Symbol.
h25	Existing uses shall be the only uses permitted in the interim.	<p>The holding symbol shall not be removed until such time as the following have been completed to the satisfaction of the Municipality of Lakeshore:</p> <ul style="list-style-type: none"><li>- That the applicant enters into a site plan agreement with the Municipality of Lakeshore; and</li><li>- That the Denis St. Pierre Water Pollution Control Plant, sanitary sewage capacity expansion has been tendered and construction has been commenced; and</li><li>- That the Developer enter into an agreement (conditional building permit) that occupancy will not be granted until the Denis St. Pierre Water Pollution Control Plant is put into operation; and</li></ul>

		- That the Sanitary Waste Conveyance System is sized appropriately to handle the flows.
--	--	---

2. That Schedule "A", Map 3 to By-law No. 2-2012, as amended, is hereby further amended by changing the zoning classification on a portion of Maidstone CON WPC PT Lots 2 and 3 PR 12R27957 PART 1, shown on Schedule "A" attached hereto and forming part of this By-law from "Mixed Use Zone (MU)" to "Mixed Use Zone Exception 35 (MU-35)(h25)".
3. That Section 9.15, Mixed Use (MU) Zone Exceptions is hereby further amended by adding Subsection 9.15.35 to immediately follow Subsection 9.15.34 and to read as follows:

9.15.35 Mixed Use Zone Exception 35 (MU-35) as shown on Map 3, Schedule "A" of this By-law.

a) Permitted Uses:

- i. An *Semi-Detached Dwelling* shall be an additional permitted use

b) Zone Regulations:

- i. A maximum height of 32.5 metres as it relates to the apartment use;
- ii. A maximum gross floor area of 19,331.45m<sup>2</sup> as it relates to the apartment use;
- iii. Section 6.52, Setbacks on Streets shall be a minimum of 12.40 metre setback from the centre line of private roads for the apartment use;
- iv. That the minimum required setback from the centre line of the internal private road is 10.0 m for all other permitted uses;
- v. Section 6.41.1, Parking Requirements shall be a minimum of 215 parking spaces for the apartment use;
- vi. Section 6.41.3(a), Loading Regulations shall be a minimum of 2 loading spaces.

c) All other building requirements for apartments shall be in accordance with the requirements of the General Provisions and Mixed Use Zone.

4. That the table of content, sections numbers and page numbers be renumbered as required.
5. This by-law shall come into force in accordance with Sections 34 and 36 of the *Planning Act*, R.S.O. 1990, c. P. 13.

Read and passed in open session February 2, 2021.

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**Mayor  
Tom Bain**

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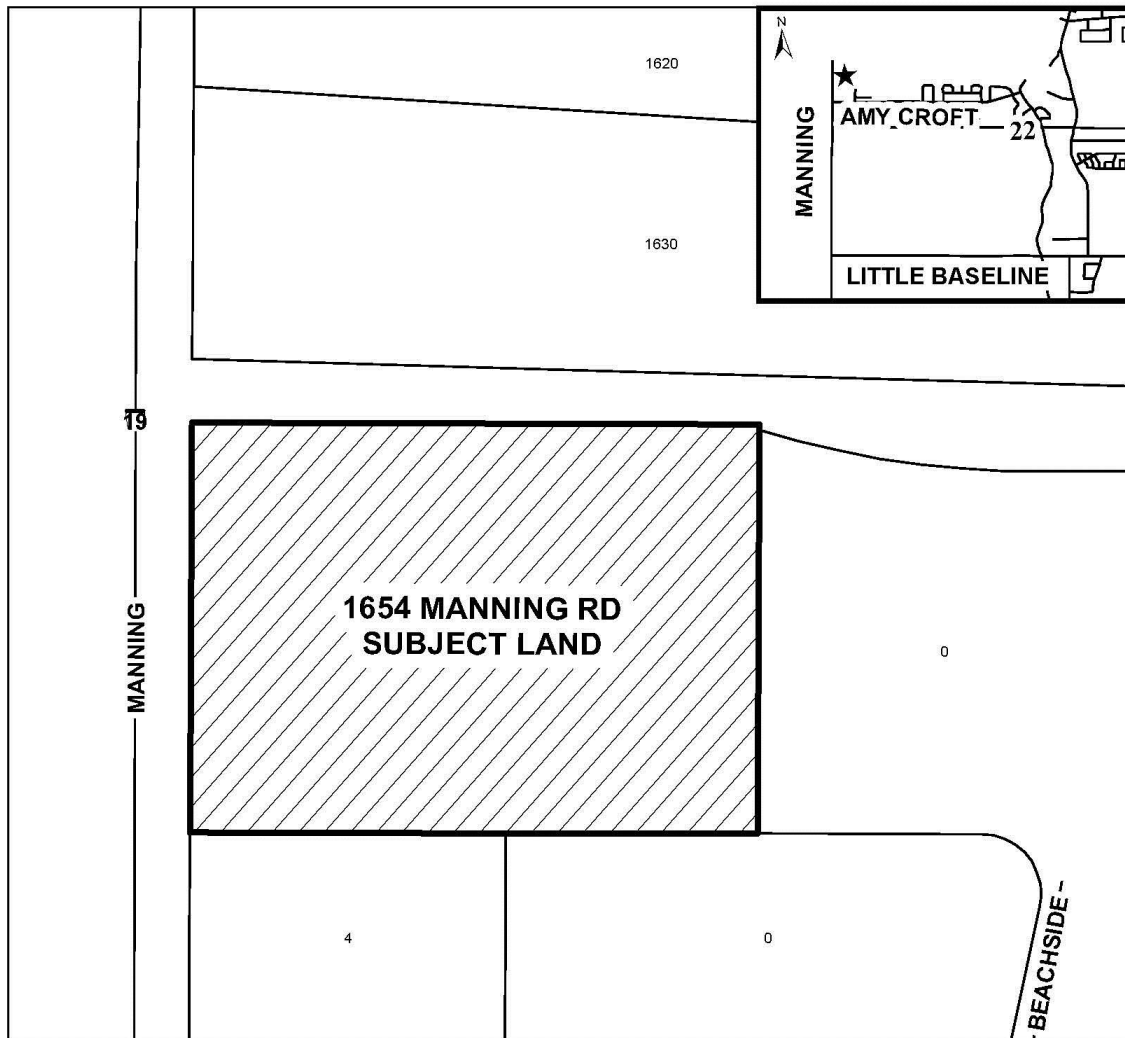
**Clerk  
Kristen Newman**

DRAFT

**Schedule “A”  
to By-law 9-2021**

Maidstone CON WPC PT Lots 2 And 3 PR 12R27957 Part 1

In the Municipality of Lakeshore



Amend from “Mixed Use Zone (MU)” to “Mixed Use Zone Exception 35 (MU-35)(h25)”.

Under the Planning Act, when considering a Zoning By-law Amendment, Council has the following four alternatives when making its decision:

1. Alternative 1 - Refusal - should Council choose to refuse an application to amend a Zoning By-law, under Subsection 34(10.9) of the Planning Act, it is now required that a Notice of Refusal be issued, not later than 15 days after the day of the refusal, containing the prescribed information, to be given to:
  - (a) the person or public body that made the application;
  - (b) each person and public body that filed a written request to be notified of a refusal; and
  - (c) any prescribed person or public body.

As part of the required prescribed information, the Notice of Refusal must also contain a written explanation for the refusal with a brief explanation of the effect, if any, that the written and oral submissions had on the decision.

2. Alternative 2 - Deferral - deferral of an application often occurs when further information or consultation is required, usually becoming apparent after the scheduled public meeting date has been set or after the planning report has been completed. Consequently, it is usually something that Administration will recommend either in the planning report or in lieu of the written recommendations. From Council's perspective, a deferral option is often considered should new issues arise at the public meeting or when Council feels that it requires further information in order to make an informed decision.
3. Alternative 3 - Approve as modified or revised - this is an approach used where the planning review of the application or the consultation process reveals the need for mitigation measures or compromises. Often the planning report will recommend to approve the application, subject to certain modifications, conditions, etc., that are slightly different from what has been requested in the application. From Council's perspective it may also choose to approve the application, but also modify the approval to the recommendations as submitted.
4. Alternative 4 - Approval - the application is approved as submitted without modifications.

# Municipality of Lakeshore

## Minutes of the Regular Council Meeting

Tuesday, January 12, 2021, 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 Services, Krystal Kalbol, Director of Finance, Rosanna Pellerito, Director of Legislative & Legal Services, Kristen Newman, Manager of Communications & Strategic Initiatives, Rita Chappell, 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 Operations, Jeff Wilson, Manager of Recreation & Leisure, Frank Jeney, Manager of Water/Wastewater Services, Albert Dionne, Economic Development Officer, Ryan Donally, Engineering & Infrastructure Services Advisor, Nelson Cavacas, Supervisor of Operations, Chad Drummond

---

### 1. Call to Order

Mayor Bain called the meeting to order at 6:02 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. Public Meetings under the Planning Act

## 6. Public Presentations

### a. **Elise Harding-Davis - Formal Apology from Canadian Government to African Canadians for Slavery**

Elise Harding-Davis presented a letter sent to the Prime Minister requesting a formal apology to African Canadians on behalf of the Canadian Government for slavery.

**1-01-2021**

**Moved By** Councillor Kerr

**Seconded By** Councillor Santarossa

Direct Administration to send a letter of support to Prime Minister Trudeau regarding a formal apology from the Canadian Government to African Canadians for slavery.

**Carried Unanimously**

### b. **Edward and Denise Pavlakovich - Gravel Conversion Criteria**

Edward Pavlakovich presented a request to Council regarding updating the gravel road conversion criteria and that Road 115 be added to the list for gravel conversion.

**2-01-2020**

**Moved By** Councillor Walstedt

**Seconded By** Deputy Mayor Bailey

Direct Administration to bring back a report regarding options for addressing density in the gravel road conversion criteria and how the request for gravel conversion for Road 115 can be addressed.

**Carried Unanimously**



**3-01-2020**

**Moved By** Councillor Wilder

**Seconded By** Councillor Janisse

Direct Administration to include in the forthcoming report regarding gravel conversion, a list of the top 5 roads based on density and the top 5 roads based on number of homes and the cost to convert those roads from gravel.

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

Opposed (4): Deputy Mayor Bailey, Councillor Santarossa, Councillor Kerr, and Councillor McKinlay

**Lost**

**c. Jessica Koper and Audrey Allan Caffarena - Old Tecumseh Road Safety Improvements**

Jessica Koper and Audrey Allan Caffarena provided a presentation on behalf of the resident action group Friends of Old Tecumseh Road regarding a petition submitted to the Municipality of Lakeshore relating to the safety of the multi-use CWATS trail.

**4-01-2021**

**Moved By** Councillor Walstedt

**Seconded By** Deputy Mayor Bailey

Defer consideration of the matter until Administration confers with the County of Essex.

In Favour (4): Deputy Mayor Bailey, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

Opposed (4): Mayor Bain, Councillor Wilder, Councillor Janisse, and Councillor Kerr

**Lost**

**5-01-2021**

**Moved By** Deputy Mayor Bailey

**Seconded By** Councillor Santarossa

Support changes to Old Tecumseh Road and CWATS from East Pike Creek to County Road 22 in an effort to improve the safety of the area, roadway and pathway and that County Administration prepare a report regarding this issue.

**Carried Unanimously**

**6-01-2021**

**Moved By** Councillor Wilder

**Seconded By** Councillor Janisse

Support the creation of a Community Safety Zone along Old Tecumseh Road and a reduction of the speed limit.

**Carried Unanimously**

**7-01-2021**

**Moved By** Councillor Wilder

**Seconded By** Councillor Janisse

The County of Essex investigate installing pedestrian crossing lights and signs at Patillo Road and Old Tecumseh Road, Elmgrove Drive and Old Tecumseh Road and Wallace Line and Old Tecumseh Road.

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

Opposed (1): Councillor McKinlay

**Carried**

**7. Delegations**

**8. Completion of Unfinished Business**

**a. Town of Lakeshore Official Plan Review**

Greg Bender of WSP was present to answer questions relating to the Official Plan review process.

**8-01-2021**

**Moved By** Councillor Wilder

**Seconded By** Councillor Janisse

Property at 205 West Pike Creek Road, portion fronting West Pike Creek Road, be designated as residential in the Official Plan in conformity with the residential area.

In Favour (1): Councillor Wilder

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

**Lost**

Mayor Bain called a recess at 8:25 PM and reconvened the meeting at 8:45 PM.

**9-01-2021**

**Moved By** Councillor Walstedt

**Seconded By** Deputy Mayor Bailey

Move forward items 11.2, 11.4, 18 and 19a).

**Carried Unanimously**

## **11. Reports for Direction**

### **b. Municipal Access Agreement - TekSavvy**

**10-01-2021**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Kerr

Direct the Clerk to present for reading By-law 5-2021, as presented at the January 12, 2021 Council Meeting to authorize the execution of the Municipal Access Agreement between the Municipality of Lakeshore and TekSavvy Solutions Inc.

**Carried Unanimously**

**d. Municipal Asset Management Plan Grant Application**

**11-01-2021**

**Moved By** Councillor Wilder

**Seconded By** Councillor McKinlay

Direct the Director of Finance to apply for a grant opportunity from the Federation of Canadian Municipalities' Municipal Asset Management Program to fund the approved asset management review project at a cost of \$65,000 for consulting fees to review and update the Municipality's Asset Management Plan, as described in the report presented at the January 12, 2021 Council meeting; and,

Confirm that the Municipality of Lakeshore commits to conducting the activities proposed in the application to the Federation of Canadian Municipalities, should the application be approved.

**Carried Unanimously**

**18. Consideration of By-laws**

- a. By-law 80-2020, Being a By-law for the Goatbe Drain**
- b. By-law 82-2020, Being a By-law for the Bridge Over the 7th Concession Road Branch of Base Line Drain**
- c. By-law 83-2020, Being a By-law for the Bridge Over the McKeown Drain**
- d. By-law 1-2021, Being a By-law to Authorize Temporary Borrowing from Time to Time to Meet Current Expenditures during the Fiscal Year Ending December 31, 2021**
- e. By-law 2-2021, Being a By-law to Raise Five Hundred Thousand Dollars (\$500,000) to Aid in the Construction of Drainage Works under the Tile Drainage Act**
- f. By-law 3-2021, Being a By-law to Authorize Grants by the Municipality of Lakeshore for 2021**
- g. By-law 4-2021, Being a By-law for the 3rd Concession Road Drain (Olson Bridge)**
- h. By-law 5-2021, Being a By-law to Delegate Authority to the Mayor and the Clerk to Execute a Municipal Access Agreement with Teksavvy Solutions Inc.**

- i. **By-law 7-2021, Being a By-law to Repeal By-law 99-2020, Being a By-law to amend By-law 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-18-2020)**
- j. **By-law 8-2021, Being a By-law to Confirm Proceedings of Council for December 8th and 15th 2020 Meetings**

**12-01-2021**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Walstedt

By-law 4-2021 be read a first and second time and provisionally adopted;

By-laws 80-2020, 82-2020 and 83-2020 be read a third time and adopted;  
and

By-laws 1-2021, 2-2021, 3-2021, 5-2021 and 7-2021 be read and passed in open session on January 12, 2021.

**Carried Unanimously**

## **19. Closed Session**

**13-01-2021**

**Moved By** Councillor Janisse

**Seconded By** Councillor Walstedt

Council move into closed session in Council Chambers at 9:04 PM in accordance with:

- a. Paragraphs 239(2)(a), (e), (f) and (k) of the Municipal Act, 2001 for discussions relating to the security of the property of the municipality or local board, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, 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, regarding sewage capacity in the Denis St. Pierre Water Treatment Plant servicing area (unfinished business from December 15, 2020 meeting).

**Carried Unanimously**

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

A resolution was passed in closed session to extend the meeting past the 9:30 PM deadline.

Council returned to open session at 9:54 PM.

**21. Adjournment**

The meeting adjourned at 10:00 PM.

---

Tom Bain  
Mayor

---

Kristen Newman  
Clerk

# Municipality of Lakeshore

## Minutes of the Special Council Meeting

Tuesday, January 19, 2021, 10:00 AM

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



Members Present: Deputy Mayor Tracey Bailey, Councillor Kelsey Santarossa, Councillor John Kerr, Councillor Kirk Walstedt, Councillor Linda McKinlay

Members Absent: Mayor Tom Bain, Councillor Steven Wilder, Councillor Len Janisse

Staff Present: Chief Administrative Officer, Truper McBride, Director of Community & Development Services, Tammie Ryall, Director of Engineering & Infrastructure Services, Krystal Kalbol, Director of Finance, Rosanna Pellerito, Director of Legislative & Legal Services, Kristen Newman, Manager of Communications & Strategic Initiatives, Rita Chappell, 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 III, Aaron Hair

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### 1. Call to Order

Deputy Mayor Bailey called the meeting to order at 10:00 AM. All members of Council participated in the meeting through video conferencing technology from remote locations.

### 2. Moment of Reflection

### 3. Disclosures of Pecuniary Interest

### 4. Completion of Unfinished Business

#### 1. Unfinished Business from December 15, 2020 Meeting

##### 1. Town of Lakeshore Official Plan Review

**14-01-2021**

**Moved By** Councillor Santarossa

**Seconded By** Councillor McKinlay

The compiled comments submitted from the public regarding the Official Plan review be received (Attachments 1 and 2);

The changes and amendments as recommended in this report, and as directed by Council, be incorporated into the final version of the Official Plan, as presented at the December 15, 2020, January 12, 2021 and January 19, 2021 Council Meetings; and,

Administration prepare a final version of the Official Plan review and adopting By-law, to be presented at a future Council meeting.

**Carried Unanimously**

**15-01-2021**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Walstedt

Move forward Wallace Woods Secondary Report.

**Carried Unanimously**

### **3. Reports for Information**

7. Wallace Woods Secondary Plan Status Update

**16-01-2021**

**Moved By** Councillor McKinlay

**Seconded By** Councillor Walstedt

Receive the Report for Information.

**Carried Unanimously**

### **2. Consent Agenda**

1. December 8, 2020 Regular Council Meeting Minutes
2. December 15, 2020 Special Council Meeting Minutes
3. AGCO - Application for a Cannabis Retail Store Authorization
4. City of Kitchener Cannabis Retail
5. City of Hamilton Cap on Gas Plant and Greenhouse Gas Pollution



6. City of Hamilton Temporary Cap on Food Delivery Services Charges
7. Lower Thames Valley Conservation Authority Passing Bill 229
8. Municipality of Charlton and Dack Insurance
9. Municipality of Southwest Middlesex CN Rail Drainage
10. Town of Essex Support for Town of Essex Small Businesses
11. Town of Essex Support for Small Businesses

**17-01-2021**

**Moved By** Councillor McKinlay

**Seconded By** Councillor Santarossa

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

**Carried Unanimously**

**18-01-2021**

**Moved By** Councillor McKinlay

**Seconded By** Councillor Kerr

Support the resolution of the City of Hamilton Cap regarding Gas Plant and Greenhouse Gas Pollution.

In Favor (4): Deputy Mayor Bailey, Councillor Santarossa, Councillor Kerr, and Councillor McKinlay

Opposed (1): Councillor Walstedt

**Carried**

**19-01-2021**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Kerr

Support the resolution by the Lower Thames Valley Conservation Authority regarding the passing of Bill 229.

**Carried Unanimously**

**20-01-2021**

**Moved By** Councillor Kerr

**Seconded By** Councillor Walstedt

Support the resolution of the Town of Essex regarding Town of Essex Small Businesses and produce a similar letter on behalf of the Municipality of Lakeshore.

**Carried Unanimously**

### **3. Reports for Information**

1. Drainage Board Meeting draft Minutes for December 7, 2020
2. Bulk Water System at Comber Fire Station
3. Council Question - Steps taken to Investigate Concerns Relating to Water Billings
4. Rock Arena Air Conditioning Report
5. Legislative Services – 2020 Annual Report
6. 2020 Council Meetings Annual & Closed Meeting Report
8. Council Assignments Monthly Tracking Report - December 2020

**21-01-2021**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Kerr

Prepare a survey for users of the Comber bulk water station regarding the proposal to move the bulk water fill station to the Rochester Public Works Yard.

**Carried Unanimously**

**22-01-2021**

**Moved By** Councillor McKinlay

**Seconded By** Councillor Walstedt

Receive the Report for Information regarding the Rock Rink Arena.

In Favor (4): Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Deputy Mayor Bailey

**Carried**

**23-01-2021**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Walstedt

Receive the Reports for Information as listed on the agenda.

**Carried Unanimously**

**4. Reports for Direction**

1. 2019 Repair to Emergency Light at Fire Station 1

**24-01-2021**

**Moved By** Councillor Santarossa

**Seconded By** Councillor McKinlay

Approve the payment of \$18,489.79 to the County of Essex for the installation of warning lights at Fire Station 1; and

The expenditure be funded from the Street Lights reserve and accrued to 2020.

**Carried Unanimously**

2. Tender Award – Waste Collection Tender (2021 & 2022)

**25-01-2021**

**Moved By** Councillor Walstedt

**Seconded By** Councillor McKinlay

Award the tender for waste collection (for both 2021 and 2022) with an option for two, one year extensions to Green For Life (GFL) Environmental Inc. in the amount of \$1,493,665 (excluding HST), as described in the report presented at the January 12, 2021 Council meeting.

**Carried Unanimously**

**5. Announcements by Mayor**

**6. Reports from County Council Representatives**

**7. Notices of Motion**

1. Notice of Motion submitted by Councillor Walstedt - Conversion of Gravel Roads to Tar and Chip

The notice of motion was withdrawn by Councillor Walstedt.

- 8. **Question Period**
- 9. **Non-Agenda Business**
- 10. **Closed Session**

**26-01-2021**

**Moved By** Deputy Mayor Bailey

**Seconded By** Councillor Santarossa

Defer item (b) of the closed session agenda to the February 2, 2021 meeting.

**Carried Unanimously**

**27-01-2021**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Walstedt

Council move into closed session in Council Chambers at 11:00 AM in accordance with:

- a. Paragraph 239(2)(f) of the *Municipal Act, 2001* for discussions relating to advice that is subject to solicitor-client privilege, including communications necessary for that purpose, regarding portable construction cranes.

**Carried Unanimously**

## 5. **Return to Open Session**

Council returned to open session at 11:18 AM. The Deputy Mayor announced that Council discussed advice received regarding regulation of portable cranes.

## 6. **Adjournment**

**28-01-2021**

**Moved By** Councillor McKinlay

**Seconded By** Councillor Walstedt

Council adjourn its meeting at 11:24 AM.

**Carried Unanimously**

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Tracey Bailey  
Deputy Mayor

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Kristen Newman  
Clerk

## Minutes of the BIA ZOOM Board Meeting November 16, 2020 8:30 am - 9:30 am

<b>BIA Board</b>	<p><u>Ward 4 Council Representative:</u> John Kerr</p> <p><u>Chairman:</u> Moe Mailloux, Moe Mailloux Financial Services Inc</p> <p><u>Vice Chair:</u> Laura Tremblay, National Bank</p> <p><u>Directors:</u> Tina Roy, TRU Real Estate Group Ltd. Sandy Pepper, The Treasure Nook Shawn Sauve, RONA Sauvé's Home Centre</p> <p><u>Absent:</u> Rachelle Crevatin, Mike Sutton, Ray Tetreault</p> <p><u>Associate Members:</u></p> <p><u>REGRETS:</u> Jay Coulter Software Inc</p> <p><u>Absent:</u> Dale Sanger, Derek Trepanier</p>
	<p>BIA Office Coordinator Janel Gagnier</p> <p><b>Lakeshore Director of Community and Development Services - Tammie Ryall</b></p> <p><b>Introduction of NEW Economic Director Ryan Donally who will be able to assist the BIA and will be include in our board meetings and business correspondence.</b></p>
	<p><u>Agenda Items</u></p> <p><u>Declaration Of Conflict of Interest - None</u></p>
<b>#1</b>	<p><b>Stroll the Street on Nov 20 will be cancelled due to the new COVID Regulations in place today. We feel it is important to do our part and stop the spread.</b></p>
<b>#2</b>	<p><b>Adoption of the Minutes of the BIA Board Meeting on October 26, 2020</b></p> <p>Laura Moved and Shawn Seconded: That the minutes from the BIA Board Meeting of Sept 14, 2020 be adopted as presented.</p> <p><b>Motion # 2020 – 13 All in favour. Motion approved.</b></p>
<b>#3</b>	<p><b>Budget Discussion and Approval – All surplus money from the 2020 budget will be moved to reserves and used to beautify and promote the town.</b></p> <p><b>Adoption of the 2021 Budget as presented.</b></p> <p>Sandy Moved and Shawn Seconded: That the 2021 Budget be approved as presented.</p> <p><b>Motion # 2020 – 14 All in favour. Motion approved.</b></p>
<b>#4</b>	<p><b>BIA Holiday Dollar Program</b></p> <p>a) Start on Nov 16<sup>th</sup> with \$50,000 on sale at Libro Credit Union Drive Thru.</p>
<b>#5</b>	<p><b>Coordinator Contract for 2021 Approval</b></p> <p>Laura Moved and Sandy Seconded: That the 2021 Coordinator Contract be approved as presented.</p> <p><b>Motion # 2020 – 15 All in favour. Motion approved.</b></p>

#6	<p>Updates – New Businesses – grand openings and ribbon cuttings that were taking place during stroll the street have been postponed.</p> <p>Exquisite Detailing – Ribbon Cutting  The Drive – Pre owned Cars – Ribbon Cutting  BR Auto Bros – Total Renovation</p> <p>Bubble Tea Express - New Business that opened during Covid</p> <p>Floral Passion – New Owner</p> <p>BR Vape – Ribbon Cutting</p>
#7	Next BIA Zoom Board Meeting TBD
#8	<b>Meeting Adjournment</b>
	<p>Meeting  Minute  Approval</p> <div style="text-align: right;">   Moe Mailloux  JAN 19/2021. </div>

25 January, 2021

Sent to all Clerks of Member Municipalities

## **Re: Essex Region Source Protection Committee – Municipal Representation**

As required by the Clean Water Act, 2006, the Essex Region Source Protection Authority (ERSPA) has an established Source Protection Committee (SPC), which follows the guidance of Ontario Regulation 288/07 (O.Reg 288/07). The SPC is composed of 15 members, including five (5) representatives from the municipal sector. The remaining two-thirds of the SPC are representatives of key industries (e.g. agriculture, greenhouse operations, and fuel suppliers) and members of the public at large.

In 2007, the ERSPA striking committee proposed the following composition of municipal representation on the SPC.

- City of Windsor – 2 members
- Union Water Supply System – 1 member
- Town of Lakeshore – 1 member
- Town of Amherstburg – 1 member

The striking committee felt that those municipalities responsible for the Water Treatment Plants that provide the largest water supplies should have the opportunity to have representation on the SPC. A letter was sent to all Clerks of Member Municipalities on July 30, 2007 to this effect, and this distribution of representation was subsequently endorsed by all municipalities in 2007. At this time, the term of appointment is expiring for one municipal member, one municipal member is retiring and one municipal member has taken a new position and can no longer sit on the SPC in this role.

Ian Wilson, a member of the SPC since 2014 first in the Economic Sector and then filling an interim position for the City of Windsor since September 2020, will be stepping down from his position. Mr. Wilson was a valued member of the SPC, and will be missed. The City of Windsor has nominated Kevin Webb as their representative to the SPC. Mr. Webb is the City's Manager of Environmental Quality, which was previously held by Paul Drca. Mr. Webb brings a background of human health, laboratory analysis, and a passion for safe drinking water. We are pleased to have Mr. Webb join the SPC.

Municipal Councils are asked to endorse Mr. Webb prior to his formal appointment by the Essex Region Source Protection Authority as a regular SPC member. In keeping with our previous practices, at this time we are asking that all member Municipalities endorse the following individuals' appointment to the Essex Region Source Protection Committee:

- **Kevin Webb, City of Windsor**, appointment date: April 14, 2021; expiration of appointment: April 14, 2026



Responses in the form of Council Resolutions are kindly requested by **1 March, 2021**. The Essex Region Source Protection Authority is scheduled to address this matter at their meeting on April 14, 2021

This letter is sent under separate cover to municipal staff who have been appointed by their municipality to assist with Source Water Protection. Please contact me if you require any further information.

Sincerely,



Katie Stamm, PhD  
Water Quality Scientist and Source Water Project Manager  
Essex Region Conservation Authority



January 22, 2021

SENT VIA EMAIL

**RE: Support of Resolution Regarding Removal of Windsor International Airport from NAV Canada Closure List**

Please be advised that the Council of The Corporation of the Municipality of Leamington, at its meeting held Tuesday, January 12, 2021 enacted the following resolution:

**No. C-06-21**

That Administration BE DIRECTED to send correspondence in support of the County of Essex requesting that Navigation Canada (NAV Canada) remove Windsor International Airport from their list of airports currently being studied for possible removal of air traffic controllers, and noting the economic impact that loss of air traffic would have on the region.

**Carried**

Enclosed is a copy of the County of Essex correspondence for convenience and reference purposes.

Sincerely,  
Brenda M. Percy, Clerk

cc: Hon. Marc Garneau, Minister of Transport  
Rick Nichols, MPP, Chatham-Kent-Essex  
David Epp, MP, Chatham-Kent-Leamington  
Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Town of Essex  
Jennifer Astrologo, Director of Corporate Services/Clerk - Town of Kingsville  
Agatha Robertson, Director of Council Services/Clerk - Town of LaSalle  
Kristen Newman, Director of Legislative and Legal Services/Clerk - Town of Lakeshore  
Paula Parker, Municipal Clerk- Town of Amherstburg  
Laura Moy, Director of Corporate Services/Clerk - Town of Tecumseh  
Mary Birch, Director of Council and Community Services/Clerk -County of Essex  
Valerie Critchley, City Clerk - City of Windsor  
Association of Municipalities of Ontario (AMO)

December 2, 2020

Neil R. Wilson  
President and Chief Executive Officer  
Nav Canada  
77 Metcalfe Street  
Ottawa ON K1P 5L6

**Sent via email:** wilsonn@navcanada.ca

Dear Mr. Wilson,

**Re: Removal of Windsor International Airport from NAV Canada closure list**

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Essex County Council, at its Wednesday, December 2, 2020 meeting, adopted the following resolution:

**263-2020**

**Moved By:** Tom Bain

**Seconded by:** Richard Meloche

**That** County Council send a letter to Transportation Minister Garneau, requesting that Navigation Canada (NAV Canada) remove Windsor International Airport from their list of airports currently being studied for possible removal of air traffic controllers, and noting the economic impact that loss of air traffic would have on the region.

**Carried**

The Windsor International Airport is a popular point of entry into Canada, providing business and general aviation options, and serving Essex County as well as the City of Windsor and surrounding communities.

Removal of the air traffic controllers would result in a closure of the Windsor International Airport, which would have a detrimental economic impact on the region.

On behalf of Essex County Council, I am writing to express our strong opposition to the review by Navigation Canada (NAV Canada) for the possible removal of Windsor International Airport air traffic controllers.

Further, on behalf of Essex County Council and by copy of this letter, we formally request that the local MP's and MPP's support the above motion.

Your consideration on this resolution is greatly appreciated.

Sincerely,



Gary McNamara  
Warden, County of Essex  
Mayor, Town of Tecumseh

CC:

- Hon. Marc Garneau, Minister of Transport ([marc.garneau@parl.gc.ca](mailto:marc.garneau@parl.gc.ca))
- Taras Natyshak, MPP, Essex ([tnatyshak-gp@ndp.on.ca](mailto:tnatyshak-gp@ndp.on.ca))
- Rick Nicholls, MPP, Chatham-Kent-Essex ([rick.nicholls@pc.ola.org](mailto:rick.nicholls@pc.ola.org))
- Percy Hatfield, MPP, Windsor-Tecumseh ([Phatfield-gp@ndp.on.ca](mailto:Phatfield-gp@ndp.on.ca))
- Chris Lewis, MP, Essex ([chris.lewis@parl.gc.ca](mailto:chris.lewis@parl.gc.ca))
- David Epp, MP, Chatham-Kent-Leamington ([dave.epp@parl.gc.ca](mailto:dave.epp@parl.gc.ca))
- Irek Kusmierczyk, MP ([irek.kusmierczyk@parl.gc.ca](mailto:irek.kusmierczyk@parl.gc.ca))
- Drew Dilkens, Mayor, City of Windsor ([mayoro@citywindsor.ca](mailto:mayoro@citywindsor.ca))
- Local Area Municipalities

**Nando Iannicca**  
Regional Chair & CEO

10 Peel Centre Dr.  
Suite A, 5th Floor  
Brampton, ON L6T 4B9  
905-791-7800 ext. 4310

November 26, 2020

The Honourable Rod Phillips  
Minister of Finance  
95 Grosvenor St.  
Toronto, ON M7A 1Y8

Dear Minister Phillips:

**Re: Motion Regarding Property Tax Exemptions for Veteran Clubs**

Each year on November 11<sup>th</sup> we pause to remember the heroic efforts of Canadians who fought in wars and military conflicts and served in peacekeeping missions around the world to defend our freedoms and secure our peace and prosperity. One way that the Province and Ontario municipalities have recognized veterans and veteran groups is by exempting their properties from property taxation.

In late 2018, your government introduced a change to the *Assessment Act* that exempted Royal Canadian Legion Ontario branches from property taxes effective January 1, 2019. Veterans clubs however were not included under this exemption. While veterans' clubs in Peel are already exempt from Regional and local property taxes, they still pay the education portion of property taxes.

To address this gap, your government has proposed in the 2020 budget bill (*Bill 229*) to amend the *Assessment Act* that would provide a full property tax exemption to veterans' clubs retroactive to January 1, 2019. The Region of Peel thanks you for introducing this change in recognition of our veterans.

At its November 12, 2020 meeting, Peel Regional Council approved the attached resolution regarding this exemption and look forward to this change coming into effect as soon as possible after Bill 229 is passed. This would ensure that veteran clubs benefit from the exemption in a timely way.

I thank your government for moving quickly to address this gap and for your support of veterans.

Kindest personal regards,



Nando Iannicca,  
Regional Chair and CEO

CC: Peel-area MPPs  
Ontario Municipalities  
Stephen Van Ofwegen, Commissioner of Finance and CFO

## **Resolution Number 2020-939**

Whereas each year on November 11, Canadians pause to remember the heroic efforts of Canadian veterans who fought in wars and military conflicts, and served in peacekeeping missions around the world to defend our freedoms and democracy so that we can live in peace and prosperity;

And whereas, it is important to appreciate and recognize the achievements and sacrifices of those armed forces veterans who served Canada in times of war, military conflict and peace;

And whereas, Section 6.1 of the Assessment Act, R.S.O. 1990, c. A31 as amended, Regional Council may exempt from Regional taxation land that is used and occupied as a memorial home, clubhouse or athletic grounds by persons who served in the armed forces of His or Her Majesty or an ally of His or Her Majesty in any war;

And whereas, through By-Law Number 62-2017 Regional Council has provided an exemption from Regional taxation to Royal Canadian Legions and the Army, Navy and Air Force Veterans Clubs that have qualified properties used and occupied as a memorial home, clubhouse or athletic grounds;

And whereas, local municipal councils in Peel have provided a similar exemption for local property taxes;

And whereas, Royal Canadian Legion branches in Ontario are exempt from all property taxation, including the education portion of property taxes, under Section 3 (1) paragraph 15.1 of the Assessment Act, and that a municipal by-law is not required to provide such an exemption;

And whereas, the 2020 Ontario Budget provides for amendments to the Assessment Act to apply the existing property tax exemption for Ontario branches of the Royal Canadian Legion, for 2019 and subsequent tax years, to Ontario units of the Army, Navy and Air Force Veterans in Canada;

Therefore, be it resolved, that the Regional Chair write to the Minister of Finance, on behalf of Regional Council, to request that upon passage of the 2020 Ontario Budget, the amendment to the Assessment Act be implemented as soon as possible;

And further, that copies of this resolution be sent to Peel-area Members of Provincial Parliament as well as to all Ontario municipalities for consideration and action.

January 22, 2021

**RE: Item for Discussion – Infrastructure Funding**

At its meeting of January 20, 2021, the Council of the Corporation of the Town of Bracebridge ratified motion 21-GC-024, regarding Infrastructure Funding, as follows:

“WHEREAS the Association of Municipalities of Ontario (AMO) has reported that municipal governments own more of Ontario’s infrastructure than any other order of government, and most of it is essential to economic prosperity and quality of life;

AND WHEREAS municipalities deliver many of the services that are critical to residents in every community, and these services rely on well-planned, well-built and well-maintained infrastructure;

AND WHEREAS the Ontario Provincial Government has stated that universal asset management will be the foundation of its municipal infrastructure strategy because effective asset management planning helps ensure that investments are made at the right time to minimize future repair and rehabilitation costs and maintain assets;

AND WHEREAS Federal and Provincial infrastructure funding models now contain requirements for recipients to demonstrate that comprehensive asset management planning principles are applied when making decisions regarding infrastructure investment;

AND WHEREAS infrastructure funding limits need to be large enough to support significant projects that have a lasting community impact over multiple generations;

AND WHEREAS targeted funding for critical infrastructure is inconsistent with the principle foundation of an asset management strategy which prioritizes needs over wants and has resulted in underfunding of the wide range of infrastructure that municipalities are responsible for maintaining, such as arenas and libraries;

AND WHEREAS the Community, Culture and Recreation Stream of the Investing in Canada Infrastructure Program received demand of almost \$10 billion for a \$1 billion funding envelope;

AND WHEREAS broad eligibility for funding is more appropriate as municipalities best understand their infrastructure needs together with the needs of their community;

AND WHEREAS no and/or insufficient funding programs currently exist to fund the demonstrated need for the building, restoration and enhancement of community, culture and recreation assets;



AND WHEREAS funding the replacement of these needed capital assets is beyond the financial capacity of most communities;

AND WHEREAS the age of the Town of Bracebridge arena is greater than 70 years old, and the Library greater than 110 years old, requiring immediate replacement;

AND WHEREAS the Town of Bracebridge was recently denied any funding under the Community, Culture and Recreation stream of the Investing in Canada Infrastructure Program, despite clearly meeting the tests of proper asset management and identifying needs over wants;

AND WHEREAS the economy of Ontario has been negatively impacted by the ongoing measures implemented to reduce the spread of COVID-19;

NOW THEREFORE the Council of The Corporation of the Town of Bracebridge resolves as follows:

1. THAT the Federal and Provincial Governments provide immediate broad and substantial municipal funding opportunities for well-planned, shovel-ready projects already prioritized under municipal asset management plans to provide immediate stimulus to the local, provincial and the federal economies in order to rebound from the impact of the COVID-19 pandemic.
2. AND THAT this resolution be forwarded to the Right Honourable Prime Minister of Canada; the Federal Minister of Infrastructure and Communities; the Honourable Premier of Ontario; the Ontario Minister of the Finance; the Ontario Minister of Infrastructure; the Ontario Minister of Municipal Affairs and Housing; the Association of Municipalities of Ontario (AMO); the Federation of Canadian Municipalities (FCM); the Local Member of Parliament (MP); the Local Member of Provincial Parliament (MPP); and all Municipalities in Ontario.

In accordance with Council's direction I am forwarding you a copy of the resolution for your attention.

Please do not hesitate to contact me if I can provide any additional clarification in this regard.

Yours truly,



Graydon Smith  
Mayor



## TOWNSHIP OF AUGUSTA

Moved By: TANYA HENRY

Date: January 25, 2021

Seconded By: JEFF SHAWEN

Resolution No: 4

**WHEREAS** the Ontario Fire College has been in existence since 1949; and

**WHEREAS** the Ontario Fire College is one of the primary sources of certified training for Ontario Firefighters; and

**WHEREAS** the Ontario Fire College has built a reputation of integrity, credibility, and reliability in providing some of the best training to our Fire Services within the Province of Ontario; and

**WHEREAS** the Ontario Fire College has been used to train and certify both Volunteer, Part-Time and Career firefighters throughout Ontario; and

**WHEREAS** the Ontario Fire College gives Ontario Firefighters another option other than Regional Training Centers to obtain National Fire Protection Association (NFPA) certifications; and

**WHEREAS** the Ontario Fire College is the most cost-effective method to certify Firefighters to NFPA Standards in Ontario; and

**WHEREAS** the Ontario Government enacted and revoked O. Reg. 379/18: Firefighter Certification in 2018; and

**WHEREAS** when the Ontario Government revoked O. Reg. 379/18: Firefighter Certification, it was made known by the Office of the Solicitor General that the act would be amended and brought back in the future; and

**THEREFORE, BE IT RESOLVED THAT** the Township of Augusta requests that the Province of Ontario reverse their decision to close the Ontario Fire College as the OFC is one of the best and most cost-effective methods for municipalities to train their firefighters which assists us in protecting our residents; and

**BE IT FURTHER RESOLVED THAT** this Resolution is forwarded to the Honourable Doug Ford Premier of Ontario, the Honourable Sylvia Jones; Ontario Solicitor General, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Ontario Fire Marshal; Jon Pegg, and all municipalities within the Province of Ontario.

**RECORDED VOTE:**

	<b>FOR</b>	<b>AGAINST</b>
Councillor Bowman	_____	_____
Councillor Henry	_____	_____
Mayor Malanka	_____	_____
Councillor Schapelhouman	_____	_____
Deputy Mayor Shaver	_____	_____

CARRIED: Donna  
MAYOR

DEFEATED: \_\_\_\_\_  
MAYOR

Declaration of pecuniary interest by: \_\_\_\_\_

Nature of interest: \_\_\_\_\_

- ☐ Disclosed His/Her/Their Interest
- ☐ Vacated His/Her/Their Seat
- ☐ Abstained from discussion and did not vote on the question

**RECORDED VOTE:**

	<b>FOR</b>	<b>AGAINST</b>
Councillor Bowman	_____	_____
Councillor Henry	_____	_____
Mayor Malanka	_____	_____
Councillor Schapelhouman	_____	_____
Deputy Mayor Shaver	_____	_____

CARRIED: *Dan Malanka*  
MAYOR

DEFEATED: \_\_\_\_\_  
MAYOR

Declaration of pecuniary interest by: \_\_\_\_\_

Nature of interest: \_\_\_\_\_

- ☐ Disclosed His/Her/Their Interest
- ☐ Vacated His/Her/Their Seat
- ☐ Abstained from discussion and did not vote on the question



312915 Dereham Line  
R. R. # 1, Mount Elgin, ON N0J 1N0  
Phone: (519) 877-2702; (519) 485-0477;  
Fax: (519) 485-2932  
www.swox.org

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January 11, 2021

Premier Doug Ford  
Legislative Building, Queens Park  
Toronto, ON M7A 1A1

Dear Premier Ford:

Speeding on provincial, county and municipal roadways continues to put the lives of Ontarians at risk. While we have access to several tools to help mitigate speeding traffic, the one tool that is currently not fully available to us is Automatic Speed Enforcement (ASE) (aka Photo Radar). Over the past decade, in South West Oxford the vast majority of charges laid are for drivers travelling well in excess of the posted speed limit. The cost of providing police time for something that could be done through the use of technology is disturbing to our council. The Council feels that it would be far more effective to have police concentrate on other problems such as Break and Enters, illegal drugs and domestic problems.

We need a way to address the poor behaviours and habits that are putting our citizens at risk and tying up much needed first responder resources that could be better utilized to improve the well-being of our communities. Speeding, particularly through our small villages, creates community concerns for the safety and wellbeing of our children and other vulnerable members. We need your help.

In keeping with this The Council of the Township of South-West Oxford duly moved and carried the following resolution at the regular meeting held on January 5, 2021:

*...RESOLVED that the Council of the Township of South-West Oxford provide direction to the Clerk to send a letter to the Premier, MPP Ernie Hardeman, AMO and all Ontario municipalities in support of the use of Automatic Speed Enforcement (photo radar) by municipalities.*

Please help municipalities in the Province by passing the necessary regulations for municipalities to use ASE (if they choose) that will bring about the driving behavioural changes we need.

We look forward to your help with this issue.

Yours truly,

A handwritten signature in black ink that reads 'Mary Ellen Greb'.

Mary Ellen Greb, CAO

c.c. AMO, Honourable Ernie Hardeman, Ontario Municipalities



**Corporation of the  
Municipality of West Grey**

402813 Grey Road 4  
RR 2 Durham, ON N0G 1R0  
519-369-2200

**January 13, 2021**

**Re: Schedule 8 of the Provincial Budget Bill 229, Protect, Support and Recover from COVID-19 Act**

WHEREAS the Ontario Government proposes amendments to the Crown Forest Sustainability Act in Schedule 8 of the Provincial Budget Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020;

WHEREAS the Crown Forest Sustainability Act applies to almost two thirds of Ontario's land base which amounts to over 70 million hectares of land that is habitat for many species at risk;

WHEREAS Bill 229 schedule 8 amends the Crown Forest Sustainability Act in order to exempt all forestry operations from mandatory consideration of species at risk protection and recovery as mandated by the Endangered Species Act;

WHEREAS Bill 229 schedule 8 removes the ability to issue orders in circumstances when there is imminent danger to a species at risk;

THEREFORE BE IT RESOLVED THAT West Grey council requests the Province of Ontario repeal schedule 8 of Bill 229 and that a copy of this resolution be forwarded to:

Premier Ford

Minister Philips, Minister of Finance

Minister Yakabuski, Minister of Natural Resources and Forestry

Minister Yurek, Minister of the Environment, Conservation and Parks

MPP Bill Walker, Bruce-Grey-Owen Sound

MPP Ian Arthur, NDP Environment Critic

Grey County Council  
Ontario municipalities  
Association of Municipalities of Ontario  
Conservation Ontario  
Saugeen Valley Conservation Authority  
Grey Sauble Conservation Authority

Respectfully,

Genevieve Scharback,  
Director of Administration / Clerk  
Municipality of West Grey

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**[www.westgrey.com](http://www.westgrey.com)**

# **Municipality of Lakeshore - Report to Council**

## **Engineering & Infrastructure Services**

### **Drainage Services**



**To:** Mayor & Members of Council  
**From:** Jill Fiorito, Drainage Superintendent  
**Date:** January 21, 2021  
**Subject:** Drainage board minutes for January 11th, 2021

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#### **Recommendation**

This report is for information only.

#### **Background**

The draft minutes from the January 11<sup>th</sup> Drainage Board meeting are attached.

#### **Comments**

Mr. Gerard Rood from Rood Engineering was in attendance to give a brief summary of his drainage report dated October 30<sup>th</sup>, 2020 (T. Renaud Drain – Trepanier Bridge).

The Drainage Board recommended that By-law No. 093-2020 be recommended for third reading.

Mr. Tony Peralta from Peralta Engineering Limited was in attendance to give a brief summary of his drainage report dated March 10<sup>th</sup>, 2020 (North Townline Drain).

The Drainage Board recommended that By-law No. 006-2021 be recommended for first and second reading.

#### **Others Consulted**

Essex Regional Conservation Authority has been consulted on these projects.

#### **Financial Impacts**

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

**Attachment(s):** (Draft Drainage Board minutes dated January 11<sup>th</sup>, 2021)

**Report Approval Details**

Document Title:	Drainage board minutes for January 11, 2021.docx
Attachments:	- 1 - Jan.11, 2021 Drainage Board Minutes.docx
Final Approval Date:	Jan 28, 2021

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

Krystal Kalbol

Rosanna Pellerito

Kristen Newman

Truper McBride



**THE CORPORATION OF  
THE  
TOWN OF LAKESHORE**

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**MINUTES OF THE DRAINAGE BOARD**

**PRESENT:**

Chairman	-	Dave Armstrong
Board members	-	Horst Schmidt
	-	Graeme Carter
	-	Jeremy Reaume
	-	Maurice Janisse
	-	Norbert Poggio
Asst. Drainage Superintendent	-	Kyle Emery
Engineers	-	Tony Peralta
		Gerard Rood
Drainage Superintendent	-	Jill Fiorito

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**1. CALL TO ORDER AT 5:00 PM**

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

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

There were no disclosures of conflicts of interest.

**3. APPROVING THE MINUTES OF PREVIOUS DRAINAGE BOARD MEETING**

Drainage Board Meeting Minutes of December 7<sup>th</sup> 2020.

Board Member Reaume moved and Board Member Carter seconded

***That:***

***The Board approve the minutes of the Drainage Board Meeting dated December 7<sup>th</sup>, 2020***

**Motion Carried**

#### **4 ENGINEERING AND INFRASTRUCTURE SERVICES**

##### **COURT OF REVISION**

##### **Opening of the Court of Revision.**

Board Member Carter and Board Member Janisse seconded:

It is recommended that:

The Drainage Board move into Court of Revision to consider appeals respecting By-law No. 093-2020 in the Town of Lakeshore, in the County of Essex.

**Motion Carried**

##### **T. Renaud Drain (Trepanier Bridge)**

Mr. Gerard Rood, P.Eng was in attendance and briefly outlined the key points of the assessment schedule in his report dated October 30<sup>th</sup>, 2020.

Mr. Rood explained that he had not received any concerns from landowner's regarding this bridge replacement. The Drainage board has not received any questions, or appeals for this assessment.

The Chairman opened the floor for questions.

There were no concerns.

Board Member Janisse moved and Board Member Carter seconded:

***That:***

***The Schedule of Assessment to provide for the T. Renaud Drain (Trepanier Bridge) in the Town of Lakeshore, in the County of Essex as prepared Rood Engineering Inc., dated October 30<sup>th</sup>, 2020 be approved and By-Law No. 093-2020 be recommended for third reading.***

**Motion Carried**

## **Closing of the Court of Revision**

Board Member Carter moved and Board Member Reaume seconded:

***That:***

The Drainage Board moves to close the Court of Revision.

**Motion Carried**

## **READING OF THE REPORT**

### **North Townline Drain**

Mr. Tony Peralta, P.Eng was in attendance and briefly outlined the key points of the report dated March 10<sup>th</sup> 2020.

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

The Chairman opened the floor for questions.

There were no concerns.

Board Member Reaume moved and Board Member Carter seconded:

***That:***

*The Engineer's considered report prepared by N.J. Peralta Engineering Ltd., dated March 10<sup>th</sup>, 2020 for the North Townline Drain in the Town of Lakeshore, in the County of Essex be adopted and By-Law No. 006-2021 be recommended for the first and second reading.*

**Motion Carried**

## **5. ADJOURNMENT**

Board Member Reaume moved and Board Member Janisse seconded:

***That:***

The Drainage Board adjourn its meeting at 6:00 p.m.

**Motion Carried**

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**DAVID ARMSTRONG**  
**CHAIRMAN**

---

**JILL FIORITO**  
**DRAINAGE SUPERINTENDENT**

**NEXT SCHEDULED MEETING**

The next Drainage Board Meeting is schedule for 5:00pm on February 1<sup>st</sup>, 2021 in the Municipality of Lakeshore.

# Municipality of Lakeshore - Report to Council

## Community & Development Services

### Building Services



**To:** Mayor & Members of Council

**From:** Morris Harding, Chief Building Official

**Date:** January 21, 2021

**Subject:** Quarterly Building Activity Report – As of December 31, 2020

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### Recommendation

This report is for information only.

### Background

The Building Activity Report is a quarterly report prepared to provide a comparison of building activity with the same periods in 2018, 2019 and 2020. The report also provides a comparison of construction value for the same periods at similar quarter ends.

### Comments

Include any relevant information on the matter.

Year to Date Totals	2020	2019	2018
Number of Permits as of December 31	924	777	939
This comprises the following units:			
New Single Family Dwellings	183	141	218
New Homes (Semi Detached 2 Units)	8	0	0
New Homes (Multi-Unit Buildings)	115	28	3
Total Dwelling Units Created	306	169	221

Type of Permit	2020	2019	2018
Home Additions / Renovations	75	53	69
Commercial (New)	5	5	3
Commercial (Renovations & Additions)	14	14	17
Industrial (New)	1	1	4
Industrial (Renovations and Additions)	3	5	1
Institutional (New)	0	0	0
Institutional (Renovations and Additions)	3	7	4
Agricultural Structures	25	18	8
Garages & Sheds	84	103	89
Swimming Pools	122	88	116
Fences	87	111	135
Decks	21	28	33
Plumbing/Waterline	62	29	91
Septic Systems	59	51	44
Demolition	19	34	28
Fills	1	1	3
Tents	3	23	23
Signs	7	7	7
Solar Panels	2	4	5
Wind Turbines	0	0	1

Construction Value to Date (as of December 31)	2020	2019	2018
All Permit Types	\$177,040,931.15	\$105,557,255.00	\$127,665,312.00
New Residential	\$149,224,354.00	\$71,551,631.00	\$86,143,400.00
New Non-Residential	\$8,630,000.00	\$16,852,000.00	\$21,009,635.00

#### Building Department Activity (as of December 31)

Building Inspections: 5849

Zoning Letters: 121

#### By-law Enforcement (as of December 31)

Complaints in Queue: 56

Complaints in Progress: 32

Complaints Closed: 521

#### **Financial Impacts**

The anticipated building permit revenue for 2020 was \$775,000. At Q3 the projection was \$992,000 or a surplus of \$147,000. As of December 31, 2020 the actual revenue realized was \$1,226,214 resulting in a better than expected surplus of approximately \$451,214. This is partially due to an increase in new home construction and an influx in applications prior to the increase in development charges coming into effect on January 1, 2021.

## Report Approval Details

Document Title:	Quarterly Building Activity Report – As of December 31, 2020.docx
Attachments:	
Final Approval Date:	Jan 28, 2021

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

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride



## **Municipality of Lakeshore - Report to Council**

### **Legislative & Legal Services**

### **Fire Services**



**To:** Mayor & Members of Council  
**From:** Don Williamson, Fire Chief  
**Date:** January 21, 2021  
**Subject:** 2021 Fire Department Radio System Lease Agreement Extension

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### **Recommendation**

Authorize the Mayor and Clerk to execute the Master Digital Radio System Contract Extension-Feb 2021 Lakeshore, as described in the report of the Fire Chief presented at the February 2, 2021 Council meeting; and,

That the necessary by-law be prepared.

### **Background**

The intent of this report is to provide some insight on the fire service radio system history, the challenges moving forward, that work is being done to investigate collaborative options, and that Lakeshore needs to extend the expiring radio lease agreement for another 3 years into February 2024.

From 1962 through to the early 2000s most of the Essex County fire departments communicated on one VHF radio channel that was used for both pager activation and 2 way radio communications. Multiple fire departments responding to emergencies at the same time created confusion, radio congestion and safety concerns on the single channel.

Following the 1999 amalgamation of several county municipalities into the present group of 7, a Regional Radio System Advisory Committee was established to review options and costs for a multi-channel, interoperable radio system. While this study was occurring some departments decided to stay with their own systems (Leamington, Kingsville and LaSalle). In 2005 after presenting several regional radio system opportunities and associated costs, County Council consensus could not be reached.

Lakeshore had its own VHF system at the time and could not provide 100% street level

radio coverage across the municipality, firefighter pager activation was inconsistent based on one's location and staff responding from outside the municipality could not hear or communicate because signal coverage was limited to our own geographical area.

It was decided that each municipality would determine their own solution. Lakeshore, Tecumseh, Essex and Amherstburg all agreed to work together. A UHF system through Kelcom infrastructure was approved and provided interoperability between the 4 departments with separate channels to communicate. Kelcom also improved the paging system from the single broadcast tower site located in the Town of Essex and tied it into multiple sites across Essex-Windsor providing regional paging coverage and 100 percent street level radio network coverage.

That new system in 2005 required each of the four municipalities to replace all their radio equipment and commit to a 10 year lease with Kelcom until February 2016. The 4 fire services paid a monthly radio fee under the lease agreement that covered the infrastructure operational costs and included radio maintenance.

In 2013 the system required upgrading to modernize the dated communication network. The following system enhancements were implemented at no additional cost;

- a) Updated the existing analog system to a digital network,
- b) Replaced the existing radios and hardware with new digital equipment,
- c) All radio maintenance and a lifetime equipment warranty were included

In February 2016 the 10 year lease agreement ended and Council approved a 3 year extension that included a 15% rate reduction for the monthly network radio cost.

In February 2019 an additional lease agreement was approved by Council to extend another 2 years into February 2021 with additional rate reductions of 20% on the paging side and 34% on the network radio side.

This now brings us to the February 2021 lease agreement expiry.

## **Comments**

The intent of the short 2 year term (2019 to 2021 with an option to extend) was to provide the 4 participating County fire services, the chance to collectively review other radio system options. Consideration would be based on fire service health and safety requirements, Next Generation 911 technology, advances in radio infrastructure, fire service user needs, provincial radio network possibilities, and indirect discussions with the City of Windsor regarding potential connection into their radio network.

Kelcom has confirmed that our existing radio network infrastructure continues to be supported by Motorola through 2024. Beyond that is what the industry calls "best effort"

support. Our current radio hardware which Lakeshore owns, is supported for 3 more years with “best effort” support in 2024 and 2025. In other words the time on our current Motorola supported system is running out.

The participating 4 county fire service discussions have been limited on other radio solutions. The 4 municipalities realize the benefit of a cost shared system that provides the geographical coverage and ability to talk to each other and the dispatch center on the same radio network. However the complexity of potential options that are not equal to all, the associated costs and yet to be determined factors create a challenge to any one common solution.

The fire departments of Kingsville and LaSalle each have their own different radio systems and are dispatched by The LaSalle Police Service.

Lakeshore, Tecumseh, Amherstburg and Essex share a common radio system, Leamington has their own system, and the City of Windsor has their own radio network and these 6 departments are all dispatched by the Windsor Fire Department.

Finding a common radio solution agreeable to everyone is challenging and involves many decision makers. The current 4 fire service system has the capacity and coverage area for the other Essex County municipal fire services to connect. The system would still require modernization as explained above and would provide a common, cost shared county fire services radio network as a potential solution.

Lakeshore is the most disadvantaged in that our geographical size and location present signal coverage challenges not experienced as much by others. That’s why the current Kelcom tower placements across the region provide us the regional paging and network radio coverage for our volunteer firefighting staff that travel around Essex-Windsor and throughout the Lakeshore area.

There are ongoing informal discussions regarding the direction of fire service radio communications but no concrete direction or costing as of yet. It would be in Lakeshore’s interests to partner with other municipalities on a regional cost shared radio approach. Lakeshore’s current radio system costs are based on the 4 fire service user groups. If one or more municipalities move off into other solutions, our costs goes up and the sustainability of that system could be in question.

In 2020 Council approved a 5 year, \$100,000 per year commitment to reserves in preparation for the impending fire radio network/ hardware modernization. It is administration’s intent, to continue discussions with our regional partners and that a solution with or without them will be identified before 2025.

For now, we need to continue status quo and extend our current radio system agreement

for the next 3 years with the included option to extend further if required.

### **Others Consulted**

Tim Schweyer – Service Director Kelcom Radio

Town of Essex Fire Chief Rick Arnel

Town of Amherstburg Fire Chief Bruce Montone

Town of Tecumseh Fire Chief Wade Bondy

### **Financial Impacts**

There are no additional financial impacts from this report. The Municipality would continue to pay for the services as established in the 2019 agreement. The rates are approximately \$46,000 annually for the network portion of the radio system and \$16,000 annually for paging system.

**Attachment(s):** Master Digital Radio System Contract Extension Feb 2021 Lakeshore

### **Report Approval Details**

Document Title:	2021 Fire Department Radio System Lease Extension.docx
Attachments:	- Master Digital Radio System Contract Extension Feb 2021 Lakeshore.pdf
Final Approval Date:	Jan 28, 2021

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

Kristen Newman

Rosanna Pellerito

Truper McBride



## DIGITAL RADIO-COMMUNICATION SYSTEM CONTRACT EXTENSION

This agreement made this 1st day of February 2021

BETWEEN:

RadioCo Ltd. o/a KELCOM (hereinafter called "KELCOM")

and

Town of Lakeshore Fire Department (hereinafter called "Lakeshore")

### OVERVIEW

This Agreement between KELCOM and Lakeshore is designed to enable access to the Digital Essex County Wide Radio-Communication System utilized by multiple agencies.

By executing this Agreement, KELCOM and Lakeshore agree to an additional three (3) years of current service delivery based on the following terms and conditions. This contract will take effect March 1, 2021 thru Feb 28<sup>th</sup>, 2024 with an option to review and extend for an additional term(s) in the final year of this extension.

### AIRTIME SERVICES PROVIDED – VOICE AND OPTIONAL DATA

Monthly service fees, as outlined below, will include flat-rate, unlimited use. Multiple talk-groups will be included and interoperability access to other system users will also be included.

In addition to voice services, Users can also make use of data services such as GPS / AVL and Text Messaging, if desired, at no additional cost.

### SERVICE AND SUPPORT

The monthly fee also includes full user equipment maintenance for as long as the equipment remains active on the network (Lifetime Warranty). This warranty program also includes coverage for physical damage, as well as regular use, and portable battery replacement as required. Parts and labour are included in these repairs. Any onsite service for mobile/base station repairs will also be covered in this agreement. The above rates also include all Industry Canada licence fees, network maintenance fees, site rental fees and site linking fees, generator maintenance/repairs.

## MONTHLY FEES

See attached Solution Proposal for service schedule (1).

## TERM OF AGREEMENT

This agreement will take effect once executed and remain in force through February 28<sup>th</sup>, 2024. Lakeshore will keep a minimum of 65 active units on the network for the duration of this agreement.

## SYSTEM COVERAGE AND CAPACITY

KELCOM agrees to maintain the system including regular maintenance, repairs and enhancements required to continue to ensure the stated coverage levels throughout the municipal boundaries of Lakeshore and make reasonable efforts to overcome coverage deviation from the stated required levels due to changes in the built environment or identifiable sources of harmful interference, where such solutions are within their control. It is understood by the parties however, that signal coverage may fluctuate due to circumstances beyond the parties' control. The system was designed to provide street level coverage throughout Essex County. In building coverage is not guaranteed two (2) "talk around" conventional channels have been dedicated for this purpose. Some examples, but not limited to, that may cause signal variances are Industry Canada or FCC nearby frequency allocation and outside radio frequency interference.

## UPTIME

Kelcom will make all reasonable efforts to ensure the radio system is functional and available for reliable use at all times. Planned maintenance will be scheduled in advance with minimal down-time and/or alternate system coverage plans agreeable between the parties. Emergency service and repairs will be available at all times to immediately address operational failures within the system without delay.

## Channel Capacity

1. The digital radio system provides priority access for Lakeshore Fire Department on multiple channels (talk paths). The radio system is designed to provide connection with Essex, Tecumseh, Amherstburg and LaSalle Fire Services for any multi-agency event and includes a direct link to Windsor Fire Dispatch. The system design includes a dedicated channel to access The Town of Lakeshore Roads and Water Department any other additional users for special events as approved by the town.

### Paging Network Support

The existing County wide paging system will also be supported and maintained during the contract extension period.

### ENTIRE AGREEMENT

This agreement and all attached schedules constitute the entire agreement between the parties to this agreement pertaining to the subject matter hereof and supersede all prior agreements, understandings, negotiations and discussions, whether oral or written, of the parties and there are no warranties, representations, or other agreements between the parties in connection with the subject matter of this agreement except as specifically set forth herein.

### GOVERNING LAW

This agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.

Proposal for service schedule (1).

### RADIO MONTHLY FEES

The monthly fee for each two-way radio active unit on the system will be \$39.00 for the duration of this agreement.

### PAGING MONTHLY FEES

The monthly fee for paging support will be a flat rate of \$1072 for the duration of this agreement.

**IN WITNESS WHEREOF** the parties have executed this agreement the day, month and year first written above.

**RadioCo Ltd. o/a KELCOM**

Per: \_\_\_\_\_

Tim Schweyer

I have the authority to bind the Corporation.

**Town of Lakeshore**

Per: \_\_\_\_\_

Print Name: \_\_\_\_\_

I have the authority to bind the Corporation.



## **Notice of Motion submitted by Councillor Kerr regarding Unfinished Business**

Whereas Lakeshore Council Regular Council Meetings run past 10 PM on a regular basis;

And Whereas, Lakeshore Councillors have a multitude of reasons from Municipal Committee meetings to personal reasons for not being able to attend the Mayor's selected additional Special Council Meeting date and time;

And Whereas, arbitrary in appearance meeting dates and times called by the Mayor to make up for meeting time over runs has caused considerable confusion on scheduling important Council and personal appointments;

And Whereas, once the date and time is selected, and is okay with some but then changed without reason makes individual Councillors resident concern planning impossible;

And Whereas, having a day selected to go along with the Regular Council Meeting Schedule for unfinished business will allow for better planning;

Be it resolved that Council direct Administration to draft an amendment to the Procedural By-law to incorporate the following changes:

- a) If the business of Lakeshore Council is not concluded by 10:00 PM, the Council may, by resolution with 2/3<sup>rd</sup> in favour vote, extend the meeting for a maximum of one (1) hour, after which time Council must adjourn, unless it is agreed to continue the meeting by a unanimous vote of Council.
- b) If Council does not agree to continue the meeting at either vote, they will meet again at the 10 AM hour on the following day.

**CORPORATION OF THE TOWN OF LAKESHORE  
BY-LAW 093 - 2020**

**BEING A BY-LAW FOR THE T RENAUD DRAIN (TREPANIER BRIDGE)  
IN THE TOWN OF LAKESHORE - IN THE COUNTY OF ESSEX.**

**WHEREAS**, the Council of the Town of Lakeshore in the County of Essex in accordance with the provisions of the Drainage Act, R.S.O. 1990 C.D. 17 deems it expedient that the following drain be repaired and improved in accordance with Section 78 of the said Act.

**T RENAUD DRAIN (TREPANIER BRIDGE)  
IN THE TOWN OF LAKESHORE - IN THE COUNTY OF ESSEX.**

**AND WHEREAS**, the estimate cost of repairing and improving the drainage works is \$23,500.00.

**THEREFORE** the Council of the Town of Lakeshore pursuant to the Drainage Act, 1990 enacts as follows:

1. The considered report dated October 30<sup>th</sup>, 2020 and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. The Corporation of the Town of Lakeshore may borrow on the credit of the Corporation the amount of \$23,500.00 being the amount necessary for construction of the drainage works.
3. The Corporation may issue debentures for the amount borrowed less the total amount of,
  - (a) Grants received under Section 85 of the Act;
  - (b) Commuted payments made in respect of the lands and roads assessed within the municipality;
  - (c) Monies paid under subsection 61 (3) of the Act, and;
  - (d) Monies assessed in and payable by another municipality.
4. Such debentures shall be made payable within five (5) years from the date of the debentures. If greater than \$10,000 and upon request for a ten (10) year debenture term, such debentures shall be made payable within a ten (10) year period from the date of the debentures. Debentures shall bear interest at a rate established at the date of issuance of such debentures.
5. A special equal annual rate sufficient to redeem the principal and interest on the debentures, shall be levied upon the lands and roads identified in the engineers report and will be collected in the same manner and at the same time as other taxes are collected in each year for five (5) and/or ten (10) years after the passing of this By-law.
6. All assessments of \$750.00 or less are payable in the year in which the assessment is imposed.
7. This By-law comes into force on the passing thereof and may be cited as T Renaud Drain (Trepanier Bridge).

First Reading: December 15<sup>th</sup>, 2020  
Second Reading: December 15<sup>th</sup>, 2020  
Provisionally adopted this 15<sup>th</sup> day of December, 2020

\_\_\_\_\_  
Tom Bain,  
Mayor

\_\_\_\_\_  
Kristen Newman,  
Director of Legislative and Legal  
Services

Third Reading this                      day of                      , 2020.  
Enacted this                      day of                      , 2020.

\_\_\_\_\_  
Tom Bain,  
Mayor

\_\_\_\_\_  
Kristen Newman,  
Director of Legislative and Legal  
Services

**MUNICIPALITY OF LAKESHORE  
BY-LAW 6 - 2021**

**BEING A BY-LAW FOR THE BRIDGE OVER THE NORTH TOWNLINE DRAIN  
IN THE MUNICIPALITY OF LAKESHORE - IN THE COUNTY OF  
ESSEX.**

**WHEREAS**, the Council of the Municipality of Lakeshore in the County of Essex in accordance with the provisions of the Drainage Act, R.S.O. 1990 C.D. 17 deems it expedient that the following drain be repaired and improved in accordance with Section 78 of the said Act.

**BRIDGE OVER THE NORTH TOWNLINE DRAIN  
IN THE MUNICIPALITY OF LAKESHORE –  
IN THE COUNTY OF ESSEX.**

**AND WHEREAS**, the estimate cost of repairing and improving the drainage works is \$46,960.00.

**THEREFORE** the Council of the Municipality of Lakeshore pursuant to the Drainage Act, 1990 enacts as follows:

1. The considered report dated March 10<sup>th</sup>, 2020 and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. The Municipality of Lakeshore may borrow on the credit of the Municipality the amount of \$46,960.00 being the amount necessary for construction of the drainage works.
3. The Municipality may issue debentures for the amount borrowed less the total amount of,
  - (a) Grants received under Section 85 of the Act;
  - (b) Commuted payments made in respect of the lands and roads assessed within the municipality;
  - (c) Monies paid under subsection 61 (3) of the Act, and;
  - (d) Monies assessed in and payable by another municipality.
4. Such debentures shall be made payable within five (5) years from the date of the debentures. If greater than \$10,000 and upon request for a ten (10) year debenture term, such debentures shall be made payable within a ten (10) year period from the date of the debentures. Debentures shall bear interest at a rate established at the date of issuance of such debentures.
5. A special equal annual rate sufficient to redeem the principal and interest on the debentures, shall be levied upon the lands and roads identified in the engineers report and will be collected in the same manner and at the same time as other taxes are collected in each year for five (5) and/or ten (10) years after the passing of this By-law.
6. All assessments of \$750.00 or less are payable in the year in which the assessment is imposed.
7. This By-law comes into force on the passing thereof and may be cited as Bridge over the North Townline Drain

First Reading: February 2<sup>nd</sup>, 2021

Second Reading: February 2<sup>nd</sup>, 2021

Provisionally adopted this 2<sup>nd</sup> day of February, 2021

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Tom Bain,  
Mayor

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Kristen Newman,  
Director of Legislative and Legal  
Services

Third Reading this                      day of                      , 2021.  
Enacted this                      day of                      , 2021.

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Tom Bain,  
Mayor

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Kristen Newman,  
Director of Legislative and Legal  
Services

**Municipality of Lakeshore**

**By-law 8-2021**

**Being a By-law to Confirm the Proceedings of the  
Council of the Municipality 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 municipality 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 Municipality of Lakeshore at this session be confirmed and adopted by By-law.

**Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

- 1. The actions of the Council of the Municipality 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 Municipality of Lakeshore, documents and transactions entered into during the December 8<sup>th</sup> and 15<sup>th</sup> 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 Seal of the Municipality of Lakeshore to all documents referred to in said paragraph 1 above.

**Read and passed in an open session on February 2<sup>th</sup> 2021.**

\_\_\_\_\_  
**Mayor  
Tom Bain**

\_\_\_\_\_  
**Kristen Newman  
Clerk**

/cl

# Municipality of Lakeshore

## By-law 10-2021

### Being a By-law to amend By-law 2-2012, Zoning By-law for Municipality of Lakeshore (ZBA-15-2020)

**Whereas** By-law 2-2012 is the Municipality's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Municipality of Lakeshore;

**And whereas** the Council of the Municipality of Lakeshore deems it necessary and desirable and in the best interest of proper planning to amend By-law 2-2012;

**And whereas** this amendment is in conformity with the Lakeshore Official Plan;

**Now Therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. That Section 5.5, Holding Zone (h) Provisions, is further amended by adding the following holding zone provision and to read as follows:

Holding Symbol	Permitted Use Until the holding symbol is removed.	Conditions for removal of the Holding Symbol.
h26	Existing uses shall be the only uses permitted in the interim.	<p>The holding symbol shall not be removed until such time as the following have been completed to the satisfaction of the Municipality of Lakeshore:</p> <ul style="list-style-type: none"><li>- The applicant enters into a site plan agreement with the Municipality of Lakeshore; and</li><li>- That the Denis St. Pierre Water Pollution Control Plant, sanitary sewage capacity expansion has been tendered and construction has been commenced; and</li><li>- That the Developer enter into an agreement (conditional building permit) that occupancy will not be granted until the Denis St. Pierre Water Pollution Control Plant is put into operation.</li></ul>

2. That Schedule "A", Map 15 to By-law 2-2012, as amended, is hereby further amended by changing the zoning classification on Plan 1517 Block G Lots 1, 2 and 3, shown on Schedule "A" attached hereto and forming part of this By-law from "Mixed Use Zone (MU)" and "Residential - Low Density (R1)" to "Mixed Use Zone Exception 36 (MU-36)(h26)".
3. That Section 9.15, Mixed Use (MU) Zone Exceptions is hereby further amended by adding Subsection 9.15.36 to immediately follow Subsection 9.15.35 and to read as follows:

9.15.36 Mixed Use Zone Exception 36 (MU-36) as shown on Map 15, Schedule "A" of this By-law.

  - a) Permitted Uses:
    - i. An *Stacked Townhouse Dwelling* shall be an additional permitted use
  - b) Zone Regulations:
    - i. Notwithstanding Section 6.17(c) the front lot line shall be East Puce River Road.
    - ii. Notwithstanding Section 6.5 a) v) an accessory building may built closer to the front lot line than the main building.
    - iii. Notwithstanding Section 6.5 a) ix) an accessory building shall not exceed 153.5m<sup>2</sup>
    - iv. Notwithstanding Section 6.5 d) i) air conditioning units may be permitted in the front year and exterior side yard, when screening is provided.
4. That Part 4 Definitions of Zoning By-law 2-2012 be amended to add the following definition:

Dwelling, Stacked Townhouse - Shall mean a dwelling containing three or more dwelling units in a building vertically configured to be two dwelling units high - ground units below upper units, exclusive of basements – where ground units are attached side-by-side and share a common vertical dividing wall, and where upper units are attached side-by-side and share a common vertical dividing wall.
5. That the table of content, sections numbers and page numbers be renumbered as required.
6. This by-law shall come into force in accordance with Sections 34 and 36 of the *Planning Act*, R.S.O. 1990, c. P. 13.

Read and passed in open session February 2, 2021.

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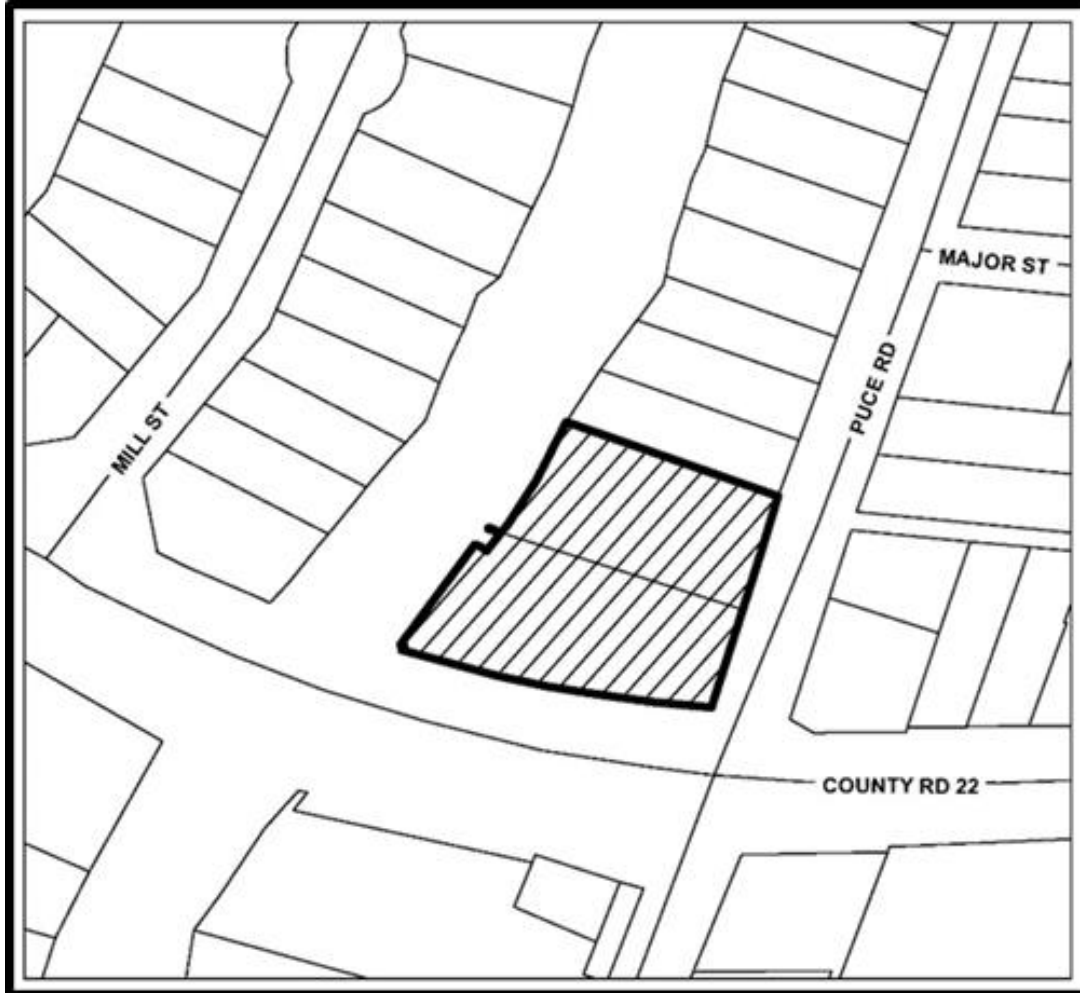
**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

**Schedule “A”  
to By-law 10-2021**

Plan 1517 Block G Lots 1, 2 and 3 In the Municipality of Lakeshore



Amend from “Mixed Use Zone (MU)” and “Residential – Low Density (R1)” to “Mixed Use Zone Exception 36 (MU-36)(h26)”.



**Municipality of Lakeshore**

**By-law 14-2021**

**Being a By-law to Confirm the Proceedings of the  
Council of the Municipality 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 municipality 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 Municipality of Lakeshore at this session be confirmed and adopted by By-law.

**Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. The actions of the Council of the Municipality 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 Municipality of Lakeshore, documents and transactions entered into during the January 12<sup>th</sup> and 19<sup>th</sup> 2021 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 Seal of the Municipality of Lakeshore to all documents referred to in said paragraph 1 above.

**Read and passed in an open session on February 2<sup>th</sup> 2021.**

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**Mayor  
Tom Bain**

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**Kristen Newman  
Clerk**

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