

Municipality of Lakeshore

Minutes of the Regular Council Meeting

Tuesday, November 9, 2021, 5:30 PM

Electronically hosted from Town Hall, 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, Corporate Leader - Finance Justin Rousseau, Corporate Leader - Growth & Sustainability Tammie Ryall, Corporate Leader - Operations Krystal Kalbol, Corporate Leader - Strategic & Legal Affairs Kristen Newman, Division Leader - Capital Projects Wayne Ormshaw, Division Leader - Civic Affairs Brianna Coughlin, Division Leader – Community Planning Aaron Hair, Division Leader - Community Services Frank Jeney, Division Leader - Economic Development & Mobility Ryan Donally, Division Leader - Roads, Parks & Facilities Jeff Wilson, Division Leader - Water Management Albert Dionne, Division Leader - Workplace Development Lisa Granger, Drainage Superintendent Jill Fiorito, Fire Chief Don Williamson, Interim Division Leader - Information Management & Technology Solutions Mark Donlon

1. Call to Order

Mayor Bain called the meeting to order at 5:39 PM in Council Chambers. All other members of Council participated in the meeting through video conferencing technology from remote locations.

2. Closed Session

Council returned to open session at 6:15 PM.

362-11-2021

Moved By Councillor Kerr

Seconded By Councillor Santarossa

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

- a) Paragraph 239(2)(e) and (f) of the *Municipal Act, 2001* to discuss litigation before the Ontario Land Tribunal and advice that is subject to solicitor-client privilege regarding Ontario Land Tribunal Appeal of Zoning By-law Amendment ZBA-9-2020 (1654 Manning Road).

Carried Unanimously

3. **Moment of Reflection**
4. **Disclosures of Pecuniary Interest**
5. **Recognitions**
6. **Public Meetings under the *Planning Act***

1. **Zoning By-law Application ZBA-30-2021, 2730 County Road 42**

Mayor Bain opened the public meeting at 6:17 PM.

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

The Agent Jackie Lassaline was present electronically on behalf of the Applicant and spoke in favour of the application.

Resident Alexandra Sylvestre was present electronically and spoke in opposition to the application.

Mayor Bain closed the public meeting at 6:47 PM.

363-11-2021

Moved By Councillor Wilder

Seconded By Councillor Walstedt

Refuse Zoning By-law Application ZBA-30-2021 to permit the temporary use of 2730 County Road 42 to allow five (5) transport trailers as storage for three years.

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

Opposed (1): Mayor Bain

Carried

7. Public Presentations

1. Essex Windsor Solid Waste Authority - Regional Food and Organics Waste Management Project

General Manager Michelle Bishop and Manager of Waste Diversion Cathy Copot-Nepszy provided a PowerPoint presentation as overview of the Regional Food and Organics Waste Management Project.

364-11-2021

Moved By Councillor Santarossa

Seconded By Councillor Kerr

That the Municipality of Lakeshore support, in principle, a regional approach to food, organic and biosolid waste processing, and that this motion be sent to the County of Essex.

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

Opposed (2): Councillor Wilder, and Councillor Janisse

Carried

365-11-2021

Moved By Deputy Mayor Bailey

Seconded By Councillor Wilder

Direct Administration to prepare a report regarding when and how the Municipality of Lakeshore could participate in a regional food, organic and biosolid management project.

Carried Unanimously

8. Delegations

9. Completion of Unfinished Business

1. Reports for Direction

1. Draft Animal Care and Control By-law

366-11-2021

Moved By Councillor Walstedt
Seconded By Councillor Wilder

Remove reference to hens from the draft Animal Care and Control By-law.

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

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

Carried

367-11-2021

Moved By Councillor Wilder
Seconded By Councillor Walstedt

Defer consideration of the draft Animal Care and Control By-law to a special Council meeting and require that Council members submit their suggested changes in advance of the meeting.

In Favour (6): Mayor Bain, Councillor Wilder, Councillor Janisse, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (2): Deputy Mayor Bailey, and Councillor Santarossa

Carried

Mayor Bain called a recess at 8:10 PM and reconvened the meeting at 8:20 PM.

2. Consideration of By-laws

368-11-2021

Moved By Councillor Santarossa
Seconded By Deputy Mayor Bailey

By-law 86-2021, 87-2021 and 88-2021 be read a first and second time and provisionally adopted;

By-law 67-2021 be read a third and adopted; and

By-laws 95-2021, 96-2021 and 97-2021 be read and passed in open session on November 9, 2021.

Carried Unanimously

369-11-2021**Moved By** Councillor Walstedt**Seconded By** Councillor McKinlay

By-law 70-2021 be read and passed in open session on November 9, 2021.

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

Opposed (2): Councillor Wilder, and Councillor Janisse

Carried**370-11-2021****Moved By** Councillor McKinlay**Seconded By** Councillor Kerr

By-law 83-2021 be read and passed in open session on November 9, 2021.

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

Opposed (1): Councillor Wilder

Carried**371-11-2021****Moved By** Councillor Santarossa**Seconded By** Councillor McKinlay

By-law 93-2021 be read and passed in open session on November 9, 2021.

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

Opposed (2): Councillor Wilder, and Councillor Janisse

Carried

1. By-law 67-2021, Being a By-law for the Brown Drain Enclosure

2. By-law 70-2021, Being a By-law to Amend By-law 97-2017 being a Comprehensive By-law to Provide Rules Governing the Proceedings of the Council of the Municipality of Lakeshore and the Conduct of its Members
3. By-law 83-2021, Being a By-law to Adopt an Employee COVID-19 Vaccination Policy for the Municipality of Lakeshore
4. By-law 85-2021, Being a By-law Respecting Animal Care and Control in the Municipality of Lakeshore
5. By-law-86-2021, Being a By-law for Access Bridge over the Ellis Drain
6. By-law 87-2021, Being a By-law for the South Talbot Road Bridge over the Hyland Drain
7. By-law 88-2021, Being a Bylaw for the Bridge over the West Townline Drain
8. By-law 93-2021, Being a By-law to Adopt a Paid Holiday Policy
9. By-law 95-2021, Being a By-law to Delegate Authority to the Mayor and Clerk to Execute a Lease Agreement for Municipal-owned Farmland on Lakeshore Road 115
10. By-law 96-2021, Being a By-law to Delegate Authority to the Mayor and Clerk to Execute a Lease Agreement for Municipal-owned Farmland on Columbus Drive
11. By-law 97-2021, Being a By-law Confirming the Proceedings of Council for the October 12, 2021 Meeting

10. Consent Agenda

372-11-2021

Moved By Councillor Janisse

Seconded By Councillor Santarossa

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

Carried Unanimously

1. **October 26, 2021 Regular Council Meeting Minutes**
2. **November 2, 2021 Special Council Meeting Minutes**

3. **City of Windsor - Food and Organic Waste Management**
4. **CUPE Ontario - Request for Independent Review of OMERS Investment Performance**

373-11-2021

Moved By Councillor Janisse

Seconded By Councillor Kerr

Request an Independent Review of OMERS Investment Performance as also requested by CUPE and advise CUPE.

Carried Unanimously

11. Reports for Information

374-11-2021

Moved By Councillor Wilder

Seconded By Councillor Santarossa

Receive the Report for Information as listed on the agenda.

Carried Unanimously

1. **Drainage Board minutes October 4, 2021**

12. Reports for Direction

1. **2nd Concession Road Drain South of Malden Road – Gavaert/Cavers Bridges – Roll No. 010.000.02600**

375-11-2021

Moved By Councillor Wilder

Seconded By Councillor Santarossa

Award the tender for the 2nd Concession Road Drain South of Malden Road – Gavaert/Cavers Bridges to Shepley Excavating & Road Maintenance Limited in the amount of \$93,305.00 (excluding HST) as presented at the November 9, 2021 Council meeting.

Carried Unanimously

2. Council Member COVID-19 Vaccination Policy

376-11-2021

Moved By Councillor Santarossa

Seconded By Councillor McKinlay

Direct the Clerk to read By-law 104-2021 adopting Council Policy – Council Member COVID-19 Vaccination Policy, as presented at the November 9, 2021 Council meeting.

Carried Unanimously

3. Beachside Development Ltd. Vacant Land Condominium Amendment Agreement

377-11-2021

Direct the Clerk to read By-law 99-2021 authorizing the Mayor and Clerk to execute the Vacant Land Condominium Amendment Agreement between Beachside Development Ltd. and the Municipality of Lakeshore, as presented at the November 9, 2021 Council meeting.

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

Opposed (1): Councillor Wilder

Carried

4. Mayor's Art Awards 2021 – Artist in a Pandemic Grant Recipients

378-11-2021

Moved By Deputy Mayor Bailey

Seconded By Councillor McKinlay

Direct the Clerk to read By-law 103-2021 to authorize grants to the 6 recipients of the 2021 Mayor's Art Awards – Artist in Pandemic Grant, as presented at the November 9, 2021 Council meeting.

Carried Unanimously

5. Atlas Tube Recreation Centre WFCU Pools Replacement of 22 Windows

379-11-2021

Moved By Deputy Mayor Bailey

Seconded By Councillor McKinlay

Direct Engineering to review whether a flat awning would deflect the heat from the Atlas Tube Recreation Centre windows.

Carried Unanimously

13. Announcements by Mayor

14. Reports from County Council Representatives

15. Report from Closed Session

16. Notices of Motion

1. Councillor Walstedt - Speed Limit on County Road 34

380-11-2021

Moved By Councillor Walstedt

Seconded By Councillor Wilder

Whereas the residents who reside on Dawson Road and those who reside on County Road 34, from Dawson Road west to Manning Road, have petitioned the Municipality of Lakeshore and the County of Essex to have the speed limit reduced from 80 kilometers per hour to 50 kilometers per hour from Dawson Road to Manning Road due to safety concerns for all residents, young and old; and

Whereas the speed limit from Manning Road westerly to the Essex County Bypass is currently 50 kph;

Therefore be it resolved that that the Council of the Municipality of Lakeshore hereby directs the Mayor and Deputy Mayor of Lakeshore to put before Essex County Council a resolution to lower the aforementioned speed limit of 80 kph to 60kph from Dawson Road to Manning Road as requested by 100% of the residents who reside in this area.

Carried Unanimously

2. Councillor McKinlay - Hydro One Chatham to Lakeshore Line

381-11-2021

Moved By Councillor McKinlay

Seconded By Councillor Walstedt

Whereas Hydro One's Chatham to Lakeshore preferred line cuts through 220 acres of prime employment land situated on the 401 interchange, restricting the use of this land and strongly interfering with the Community of Comber;

Whereas this engagement done by Hydro One in selecting their preferred route was insufficient;

Whereas hydro lines in close proximity to residential districts lowers property value and creates health concerns;

Whereas hydro lines seriously impede farm machinery from operating their GPS equipment;

Whereas the proposed 2A line chosen by Hydro One affects far more commercial and residential stakeholders than the existing line north of the 401;

Therefore, be it resolved that the Council of the Municipality of Lakeshore will only accept an alignment travelling west along the existing Hydro One corridor North of the 401 to the West side of the Rochester Townline Road. From here, travel south to the Substation.

Carried Unanimously

19. Consideration of By-laws

Note: By-law 98-2021 was read in error and removed from resolution #382-11-2021.

382-11-2021

Moved By Councillor Wilder

Seconded By Councillor Santarossa

By-laws 94-2021, 99-2021, 103-2021, 104-2021 and 106-2021 be read and passed in open session on November 9, 2021.

Carried Unanimously

383-11-2021**Moved By** Councillor Walstedt**Seconded By** Councillor Santarossa

It was noted by the Clerk that By-law 99-2021 was read in error above so a new motion was presented.

By-law 99-2021 be read and passed in open session on November 9, 2021.

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

Opposed (1): Councillor Wilder

Carried

1. **By-law 94-2021, Being a By-law Imposing Special Annual Drainage Rates Under the Tile Drainage Act**
2. **By-law 98-2021, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-30-2021)**
3. **By-law 99-2021, Being a By-law to Authorize the Execution of a Condominium Amending Agreement pertaining to Beachside Condos**
4. **By-law 103-2021, Being a By-law to Authorize Grants by the Municipality of Lakeshore for the 2021 Mayor's Art Awards: Artist in a Pandemic Grant Program**
5. **By-law 104-2021, Being a By-law to Adopt a Council Member COVID-19 Vaccination Policy**
6. **By-law 106-2021, Being a By-law to Confirm Proceedings of Council for October 26th and November 2nd, 2021**

Moved By Councillor Wilder**Seconded By** Councillor Janisse

Extend the meeting past the 9:30 PM deadline.

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

Opposed (3): Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Carried

17. Question Period**384-11-2021****Moved By** Councillor Wilder**Seconded By** Councillor Janisse

Waive notice required of Section 9.15(b) of the Procedural By-law, which requires a notice of a motion to reconsider to be in writing and given at least ten days prior to the meeting of Council at which the motion to reconsider will be voted upon.

In Favour (3): Mayor Bain, Councillor Wilder, and Councillor Janisse

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

Lost

Councillor Wilder provided notice that he would bring forward the motion of reconsideration at the next Council meeting.

385-11-2021**Moved By** Councillor McKinlay**Seconded By** Councillor Kerr

Direct Administration to look, through the Stoney Point Park Planning Process, at a centre through which various community services, including library services could be offered.

Carried Unanimously**386-11-2021****Moved By** Councillor McKinlay**Seconded By** Councillor Wilder

Direct Administration to bring a report regarding a pilot program for the use of golf carts on roads in Lighthouse Cove.

Carried Unanimously

20. Adjournment**387-11-2021****Moved By** Councillor McKinlay**Seconded By** Councillor Janisse

Council adjourn its meeting at 9:59 PM.

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

Opposed (1): Councillor Wilder

Carried

Tom Bain
Mayor

Kristen Newman
Clerk