

# Municipality of Lakeshore

## Regular Council Meeting Agenda



Tuesday, February 15, 2022, 5:00 PM

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

Pages

### 1. Call to Order

### 2. Closed Session

#### Recommendation:

Council move into closed session in Council Chambers at 5:00 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.
- b. Paragraph 239(2)(b), (e) and (f) of the *Municipal Act, 2001* to discuss personal matters about an identifiable individual, including municipal or local board employees, litigation affecting the municipality and advice that is subject to solicitor-client privilege relating to employees of the Municipality.
- c. Paragraph 239(2)(b), (e) and (f) of the *Municipal Act, 2001* to discuss personal matters about an identifiable individual, including municipal or local board employees, litigation affecting the municipality and advice that is subject to solicitor-client privilege relating to employees of the Municipality.
- d. Paragraph 239(2)(e) and (f) of the *Municipal Act, 2001* to discuss litigation affecting the municipality and advice that is subject to solicitor-client privilege regarding an appeal of a decision of the Property Standards Committee.

### 3. Return to Open Session

If the closed session is finished prior to 6:00 PM, Council will continue with the matters listed on the open session agenda.

### 4. Land Acknowledgement

### 5. Moment of Reflection

6. Disclosures of Pecuniary Interest
7. Recognitions
8. Public Meetings under the Planning Act
9. Public Presentations
10. Delegations

1. Greenhouse Development Interim Control By-Law Extension

8

**Recommendation:**

Approve an amendment to By-law 13-2021 being a By-law to Establish an Interim Control By-law respecting Greenhouses in the Municipality of Lakeshore, to extend the period of time during which it will be in effect to March 9, 2023, to continue studying the effects of greenhouse development in Lakeshore; and

Direct Administration to advise Council should an application for greenhouse development be submitted during the extended interim control period; and

Direct the Clerk to read the By-law during the Consideration of By-laws at the at the February 15, 2022 Council meeting.

1. Tom Storey, Storey Samways Planning Ltd.

11. Completion of Unfinished Business

12. Consent Agenda

**Recommendation:**

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

1. February 1, 2022 Regular Council Meeting Minutes

17

2. City of Brantford - Addressing the Revolving Door of Justice - Accountability for Sureties

31

3. Multi Municipal Wind Turbine Working Group Invitation for New Membership

33

### 13. Reports for Information

#### **Recommendation:**

Receive the Reports for Information as listed on the agenda.

- |    |  |    |
|----|--|----|
| 1. | <b>Drainage Board Meeting-January 10, 2022</b>                   | 37 |
| 2. | <b>Police Services Board Meeting Minutes of January 31, 2022</b> | 43 |
| 3. | <b>Dedication of Cash-in-lieu of Parkland By-law Review</b>      | 48 |

### 14. Reports for Direction

- |    |  |    |
|----|--|----|
| 1. | <b>Appointment to Lower Thames Valley Conservation Authority</b> | 57 |
|----|--|----|

#### **Recommendation:**

Confirm the appointment of Councillor Linda McKinlay to the Lower Thames Valley Conservation Authority until the end of the current Council term, as presented at the February 15, 2022 Council meeting.

- |    |   |    |
|----|---|----|
| 2. | <b>Half Load Designation for Class B Roads – Addition of Gravel Roads</b> | 59 |
|----|---|----|

#### **Recommendation:**

Direct Administration to include gravel roads to By-Law 2-2002 being a By-Law to Regulate Traffic on Highways under the jurisdiction of the Municipality of Lakeshore, to include year round load restrictions on Municipal Class B Roads pursuant to section 122 of the *Highway Traffic Act* from January 1<sup>st</sup> to December 31<sup>st</sup> of each year; and

Approve the cost of \$8,500.00 (including applicable HST) to purchase and install signage for the additional gravel roads, as required, and as described in the report presented at the February 15, 2022 Council meeting.

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|----|---|----|
| 3. | <b>Changes to Regulation of Water Supply By-Law 97-2004</b> | 66 |
|----|---|----|

#### **Recommendation:**

Direct the Clerk to read By-Law 5-2022, which amends Section 3.10 of By-Law 97-2004 being the Regulation of Water Supply in the Town of Lakeshore By-law; and

Repeal By-Law 37-2005, as presented in the February 15, 2022 Council report.

### 15. Announcements by Mayor

**16. Reports from County Council Representatives**

**17. Report from Closed Session**

**18. Notices of Motion**

**1. Councillor Kerr - Bulk Water Hose at Fire Station #5**

68

**Recommendation:**

Whereas Fire station #5 in Comber will one day be expanding to the library area;

And whereas residents have raised concerns about having to block the firetruck doors to access the bulk water;

Be it resolved that by motion any future upgrades to Firehall #5 because of the library expansion space must include moving the bulk water service to the east side of the building.

**2. Councillor McKinlay - Community Hub in Stoney Point**

69

**Recommendation:**

Whereas Council has directed the purchase of a temporary accessible dwelling to be located in the Stoney Point Community Park;

Whereas Council has directed that the accessible dwelling host community services including library services;

Whereas Council has directed that Stoney Point Community Park visioning exercises commence on or before April 1, 2022;

Whereas the hamlet of Stoney Point is in the queue for their CIP;

Whereas Council desires a permanent Community/ Hub Centre in Stoney Point;

Therefore be it resolved that the Municipality of Lakeshore place \$2M in reserves to be used towards a Community/Hub to be built in the Community of Stoney Point.

And be it further resolved that a detailed design begin no later than 2023 with a target build commenced in 2025.



**Recommendation:**

Whereas Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy; and

Whereas an Official Plan is developed through months of public consultation to ensure, “that future planning and development will meet the specific needs of our community”; and

Whereas our Official Plan includes provisions that encourage development of the “missing middle” or “gentle density” to meet the need for attainable housing in our community; and

Whereas our Official Plan is ultimately approved by the province; and

Whereas it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the Municipality of Lakeshore Official Plan; and

Whereas it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the Municipality of Lakeshore Official Plan; and

Whereas municipal planning decisions may be appealed to the Ontario Land Tribunal (OLT; formerly the Ontario Municipal Board or “OMB”), an unelected, appointed body that is not accountable to the residents of the Municipality of Lakeshore; and

Whereas the OLT has the authority to make a final decision on planning matters based on a “best planning outcome” and not whether the proposed development is in compliance with municipal Official Plans; and

Whereas all decisions—save planning decisions—made by Municipal Council are only subject to appeal by judicial review and such appeals are limited to questions of law and or process; and

Whereas Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans; and

Whereas towns and cities across this Province are repeatedly forced to spend millions of dollars defending Official Plans that have already been approved by the province in expensive, time consuming and ultimately

futile OLT hearings; and

Whereas lengthy, costly OLT hearings add years to the development approval process and act as a barrier to the development of attainable housing;

1. Now Therefore Be It Hereby Resolved That the Municipality of Lakeshore requests the Government of Ontario to dissolve the OLT immediately thereby eliminating one of the most significant sources of red tape delaying the development of more attainable housing in Ontario; and
2. Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors' Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and
3. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

**19. Question Period**

**20. Non-Agenda Business**

**21. Consideration of By-laws**

**Recommendation:**

By-laws 5-2022, 17-2022, 18-2022 and 20-2022 be read and passed in open session on February 15, 2022.

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|----|--|----|
| 1. | By-law 5-2022, Being a By-law to Amend By-Law 97-2004, Being A By-Law to Provide for the Regulation of the Water Supply in the Municipality of Lakeshore             | 72 |
| 2. | By-law 17-2022, Being a By-law to Confirm Proceedings of Council for February 1, 2022  | 73 |
| 3. | By-law 18-2022, Being a By-law to Extend the Time for an Interim Control By-law, respecting the study of the effects of Greenhouses in the Municipality of Lakeshore | 74 |
| 4. | By-law 20-2022, Being a By-law to Adopt an Employee COVID-19 Vaccination Policy for the Municipality of Lakeshore  | 76 |

**22. Adjournment**

**Recommendation:**

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

# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### Community Planning



**To:** Mayor & Members of Council  
**From:** Urvi Prajapati, BEDP, MES, Planner 1  
**Date:** February 7, 2022  
**Subject:** Greenhouse Development Interim Control By-Law Extension

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### Recommendation

Approve an amendment to By-law 13-2021 being a By-law to Establish an Interim Control By-law respecting Greenhouses in the Municipality of Lakeshore, to extend the period of time during which it will be in effect to March 9, 2023, to continue studying the effects of greenhouse development in Lakeshore; and

Direct Administration to advise Council should an application for greenhouse development be submitted during the extended interim control period; and

Direct the Clerk to read the By-law during the Consideration of By-laws at the at the February 15, 2022 Council meeting.

### Background

At the December 15, 2020 Special Council meeting, the following motion was passed:

#### Effects of Greenhouse Development

450-12-2020

Direct Administration to prepare an interim control by-law to study the effects of greenhouse development in Lakeshore, as presented in the report of the Director of Community & Development Services presented at the December 15, 2020 Council meeting; and

Administration advise Council should an application for greenhouse development be submitted during the interim control period.

Carried

The Report associated with this motion is attached (Attachment 1).

Later, an Interim Control By-law was passed (Attachment 2) which came into effect on March 9, 2021 and which will expire on March 9, 2022. The effect of the By-law is to prohibit new greenhouse development while the Municipality is undergoing the study.

Storey Samways Planning Ltd. was retained to study the effects of greenhouse development in Lakeshore, including a study of the success of different approaches to control greenhouse operations, carry out land use planning studies which will include any deficiencies in the Municipality of Lakeshore Official Plan, and Zoning By-law; and, to research other by-laws that municipalities have passed to regulate the impacts of nuisances arising from greenhouse. This study will include a review of regulation of greenhouse cannabis operations.

### **Comments**

Tom Storey from Storey Samways Planning Ltd. will be providing an update at the Council meeting regarding the work that has been completed to date and next steps.

Administration is recommending that the Interim Control By-law be extended for one year, in order to complete the study.

Since the Interim Control By-law was passed in March 2021, there have been inquiries from landowners regarding greenhouses, and two pre-application consultation meetings have taken place. However, as of the writing of this report, no application for a greenhouse development has been formally submitted to Administration.

The extension of the Interim Control By-law may be appealed to the Ontario Land Tribunal.

### **Others Consulted**

A notice of the passing of the extension of the by-law will be given through the appropriate means in conformity with the regulations.

### **Financial Impacts**

The cost of the study estimated at \$53,000 will be funded from the approved Department's Consulting Services budget.

## Report Approval Details

Document Title:	Greenhouse Development Interim Control By-Law Extension.docx
Attachments:	<ul style="list-style-type: none"><li>- Attachment 1 Regulation of Effects of GreenhouseDevelopment Dec 7, 2020.pdf</li><li>- Attachment 2 By-law 13-2021, Being an Interim Control By-law regarding Greenhouses within the Municipality of Lakeshore.pdf</li></ul>
Final Approval Date:	Feb 10, 2022

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

Tammie Ryall

Justin Rousseau

Kristen Newman

Truper McBride

# The Corporation of the Town of Lakeshore

## Report to Council

### Community & Development Services

### Development Services



**To:** Mayor & Members of Council

**From:** Tammie Ryall, Director of Community & Development Services

**Date:** December 7, 2020

**Subject:** Effects of Greenhouse Development

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### Recommendation

Direct Administration to prepare an interim control by-law to study the effects of greenhouse development in Lakeshore, as presented in the report of the Director of Community & Development Services presented at the December 15, 2020 Council meeting.

### Background

On December 10, 2019, Council passed the following resolution:

Direct Administration to bring back a report regarding a light pollution by-law relating to greenhouses.

This report is provided in response to this resolution.

### Comments

#### ***Nuisance By-law***

Section 129 of the *Municipal Act, 2001*, permits a municipality to “prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors”. These are nuisance-type by-laws. Municipalities commonly use these powers to regulate noise.

The powers under section 129 also permit a municipality to create a permitting system under which a municipality can issue permits for the type of nuisance that is prohibited or regulated. The power includes the power “to impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans”. A nuisance by-law is one method of regulating such nuisances and may be considered along with other planning-related approaches to minimize these types of effects before they become a problem instead of after they become a problem.

## ***Planning Comments***

Storey Samways Planning Ltd. was retained to research the topic including: any deficiencies in the Town of Lakeshore Official Plan, and Zoning By-law; and, to research other by-laws that municipalities have passed to regulate the impacts of greenhouse including cannabis operations. Their report is attached as Attachment 1.

An Interim Control By-law is recommended in order to study the success of different approaches to control greenhouse operations.

An Interim Control is a special type of zoning by-law which can be enacted under Section 38 of the Planning Act.

Interim control by-laws put a temporary freeze on some land uses while the municipality is studying or reviewing its policies. The freeze can be imposed for up to one year, with a maximum extension of another year.

There is no ability to appeal an interim control by-law when it is first passed; however, an extension to a by-law may be appealed.

The *Planning Act* provides that an interim control by-law remains in effect past the two-year period if the new zoning by-law which replaces the interim control by-law is appealed to the provincial Local Planning Appeal Tribunal.

Administration recommends that the approach of using an Interim Control By-law be used in order to carry out land use planning studies, including a review of using a nuisance by-law.

## **Others Consulted**

Storey Samways Planning Ltd.

## **Financial Impacts**

There are no immediate financial impacts resulting from the recommendations. If needed, this will be funded from the approved 2021 budget.

## **Attachment:**

Storey Samways Planning Report



## Report Approval Details

Document Title:	Effects of Greenhouse Development.docx
Attachments:	- Attachment 1, Lakeshore Options re Nuisance Effects Report (Revised December 9 2020).pdf
Final Approval Date:	Dec 10, 2020

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

Tammie Ryall

Kristen Newman

# **Municipality of Lakeshore**

## **By-law 13-2020**

### **Being a By-law to establish an Interim Control By-law, respecting Greenhouses in the Municipality of Lakeshore**

**Whereas** pursuant to the *Planning Act*, R.S.O. 1990 c. P.13, where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law;

**And whereas** the Council of the Municipality of Lakeshore directed Administration, by resolution #450-12-2020, to prepare an interim control by-law to study the effects of greenhouse development in Lakeshore, as presented in the report of the Director of Community & Development Services presented at the December 15, 2020 Council meeting;

**And whereas** the Municipality will be undertaking a study to examine the effects of greenhouse development within the entire municipal boundary of the Municipality of Lakeshore, so as to allow the Municipality to review and, if considered appropriate, implement the findings of the review and study referred to herein;

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

#### **Interpretation**

1. In this by-law:

“Accessory” has the same meaning as in the Zoning By-law;

“Council” means the municipal council of the Municipality;

“Greenhouse” has the same meaning as in the Zoning By-law;

“Greenhouse Farm” has the same meaning as in the Zoning By-law;

“Greenhouse Waste Processing Operation” has the same meaning as in the Zoning By-law;

“Interim Control Area” means all lands within the geographic area of the Municipality;

“Municipality” means the municipal corporation of the Municipality of Lakeshore or the geographic area, as the context requires; and,

“Zoning By-law” means The Corporation of the Town of Lakeshore Comprehensive Zoning By-law 2-2012, being a By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Lakeshore, as amended.

2. Headings are inserted for ease of reference only and are not to be used as interpretation aids.

### **Application**

3. This by-law applies to lands in the Interim Control Area.

### **Prohibition**

4. Notwithstanding any other by-law to the contrary and subject to section 5, no person shall:
  - (i) use any land, building, or structure for a Greenhouse, Greenhouse Farm or Greenhouse Waste Processing Operation, except for a use that lawfully existed on the date of the passing of this by-law if the land, building or structure continues to be used for such purpose;
  - (ii) be permitted to construct, alter, or expand any building or structure for a legally existing Greenhouse, Greenhouse Farm or Greenhouse Waste Processing Operation, except:
    1. if altering the interior or façade of a legally existing Greenhouse, Greenhouse Farm or Greenhouse Waste Processing Operation; or,
    2. repairing or restoring the Greenhouse, Greenhouse Farm or Greenhouse Waste Processing Operation or a part thereof to a safe condition, provided that such repair or restoration will not increase the height, area, volume or site coverage of such structure and that the building continues to be used for the same purpose and in the same manner as it was used on the effective date of this by-law.

## **Exemptions**

5. A Greenhouse is permitted where the Greenhouse is a temporary or seasonal Accessory use permitted by the Zoning By-law for a Retail Establishment and Retail Establishment, Large Format.

## **Transition**

6. If a building permit application filed in accordance with the *Building Code Act, 1992*, S.O. 1992, c.23, was filed with the Chief Building Official on or before the date of the passage of this by-law, then this by-law does not preclude the issuance of the building permit.

## **Severability/Conflict**

7. (a) If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, paragraph, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.  
  
(b) Nothing in this By-law relieves any Person from complying with any provision of any federal or provincial legislation or any other By-law of the Municipality.  
  
(c) Where a provision of this By-law conflicts with the provisions of another By-law of the Municipality, this by-law prevails.

## **Enactment**

8. (a) This by-law comes into force and effect upon passage.  
  
(b) This by-law shall be in effect for a period of one year from the date of passage.

Read and passed in open session on March 9, 2021.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

# Municipality of Lakeshore

## Minutes of the Regular Council Meeting

Tuesday, February 1, 2022, 5:00 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 – Chief Financial Officer Justin Rousseau, Corporate Leader - Growth & Sustainability Tammie Ryall, Corporate Leader - Operations Krystal Kalbol, Corporate Leader - Strategic & Legal Affairs Kristen Newman, Division Leader - Civic Affairs Brianna Coughlin, Division Leader - Community Planning Aaron Hair, Division Leader – Digital Transformation & Cloud Services Michael Martin, Division Leader - Economic Development & Mobility Ryan Donally, Division Leader - Financial Analysis & Planning Jessica Gaspard, Division Leader - Water Management Albert Dionne, Division Leader - Workplace Development Lisa Granger, Planner I Ian Search, Planner II Ayusha Hanif , Team Leader - Civic Engagement Alex Denonville, IT Technologist Mark Donlon

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### 1. Call to Order

Mayor Bain called the meeting to order at 5:11 PM in Council Chambers. All other members of Council participated in the meeting through video conferencing technology from remote locations.

### 2. Closed Session

**37-02-2022**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Wilder

Council move into closed session in Council Chambers at 5:00 PM in accordance with:

1. Paragraph 239(2)(b), (e) and (f) of the *Municipal Act, 2001* to discuss personal matters about an identifiable individual, including municipal or local board employees, litigation affecting the municipality and advice that is subject to solicitor-client privilege relating to employees of the Municipality.
2. Paragraph 239(2)(e) and (f) of the *Municipal Act, 2001* to discuss litigation affecting the municipality and advice that is subject to solicitor-client privilege relating to the Amy Croft area.
3. Paragraph 239(2)(e), (f) and (k) of the *Municipal Act, 2001* to discuss litigation affecting the municipality, advice that is subject to solicitor-client privilege 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 regarding Ontario Land Tribunal Appeal of Zoning By-law Amendment ZBA-30-2021 (2730 County Road 42).
4. Paragraph 239(2)(d), (e) and (f) of the *Municipal Act, 2001* to discuss labour relations or employee negotiations, litigation affecting the municipality and advice that is subject to solicitor-client privilege relating to mandatory vaccinations.

**Carried Unanimously**

**3. Return to Open Session**

Council returned to open session at 6:54 PM.

**4. Moment of Reflection**

**5. Disclosures of Pecuniary Interest**

**6. Recognitions**

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

**1. ZBA-26-2021 – Rene and Yvette Janisse c/o Jackie Lassaline**

Mayor Bain opened the public meeting at 6:55 PM.

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

Jackie Lassaline, representing the applicant, was present electronically and spoke in favour of the application.

The public meeting concluded at 7:00 PM.

**38-02-2022****Moved By** Councillor Walstedt**Seconded By** Councillor Wilder

Approve Zoning By-law Amendment Application ZBA-26-2021 (By-law 11-2022 Municipality of Lakeshore By-law 2-2012, as amended), to rezone a portion of the farm parcel, indicated as the “Retained Land” on the Key Map, Appendix A, located at 1457 County Road 31 from “Agriculture (A) Zone” to a site-specific “Agriculture Zone Exception (A-110)”, to prohibit a single detached dwelling, and to recognize the deficient lot area of the retained farmland, as presented at the February 1, 2022 Council meeting.

**Carried Unanimously**

**2. ZBA-19-2021 – Peter and Agatha Goertzen c/o Ricci, Enns, Rollier and Setterington LLP**

Mayor Bain opened the public meeting at 7:01 PM.

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

Simon Yared, representing the applicants, was present electronically and spoke in favour of the application.

The public meeting concluded at 7:05 PM.

**39-02-2022****Moved By** Councillor McKinlay**Seconded By** Councillor Janisse

Approve Zoning By-law Amendment Application ZBA-19-2021 (By-law 12-2022 Municipality of Lakeshore By-law 2-2012, as amended), to rezone a portion of the farm parcel, indicated as the “Retained Land” on the Key Map, Appendix A, located at 9755 Richardson Side Road from “Agriculture (A) Zone” to a site-specific “Agriculture Zone Exception (A-1)”, which prohibits a single detached dwelling, and to rezone a portion of the farm parcel, indicated as the “Surplus Lot” on the Key Map, Appendix A, from “Agriculture (A) Zone” to a site-specific “Agriculture Zone Exception (A-111)” to recognize the deficient front yard setback for an existing single detached dwelling, as presented at the February 1, 2022 Regular Council Meeting.

**Carried Unanimously**

**3. ZBA-20-2021 – Mark and Lynn Szarek c/o Ricci, Enns, Rollier and Setterington LLP**

Mayor Bain opened the public meeting at 7:06 PM.

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

Simon Yared, representing the applicants, was present electronically and spoke in favour of the application.

Applicants Mark and Lynn Szarek were present electronically to answer questions.

The public meeting concluded at 7:10 PM.

**40-02-2022**

**Moved By** Councillor Santarossa

**Seconded By** Deputy Mayor Bailey

Approve Temporary Zoning By-law Amendment Application ZBA-20-2021 (By-law 13-2022), to permit an existing accessory building on the subject land without a main building for a maximum period of three years, for a parcel of land, indicated as the “Subject Land” on the Key Map, Appendix A, located at 616 Talbot Road, and adopt the implementing by-law, as presented at the February 1, 2022, Regular Council Meeting

**Carried Unanimously**

**4. ZBA-33-2021 Removal of Holding Symbol, Marentette Wedding Venue**

Mayor Bain opened the public meeting at 7:11 PM.

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

Applicants Jillian and Erick Marentette were present electronically and spoke in favour of the application.

Residents Terry and Adrienne Lapain were present electronically and spoke in favour of the application.

The public meeting concluded at 7:18 PM.



**41-02-2022**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Wilder

Adopt By-law 6-2022 to rezone the subject property 2811 County Road 27 as shown on Appendix A – Key Map from Agricultural Zone Exception 108 Holding Zone (A-108)(h2) to Agricultural Zone Exception 108 (A-108) all as presented at the February 1, 2022 Regular Council Meeting.

**Carried Unanimously**

**8. Public Presentations**

**9. Delegations**

**1. Tecumseh-Lakeshore Shared Economic Development Strategy**

Nancy Johnston of McSweeny and Associates provided a PowerPoint presentation regarding the Tecumseh-Lakeshore Shared Economic Development Strategy.

**42-02-2022**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Santarossa

Adopt the Tecumseh-Lakeshore Economic Development Strategy and direct Administration to incorporate it into Lakeshore's Municipal-Wide Economic Development Plan to be presented to Council later in 2022.

**Carried Unanimously**

**2. 2022 Budget – Belle River on the Lake Business Improvement Area**

Chair Moe Mailloux and Janel Gagnier of the Belle River On The Lake BIA were present electronically to speak in favour of the budget as presented.

**43-02-2022**

**Moved By** Councillor Kerr

**Seconded By** Deputy Mayor Bailey

Approve the Budget as approved by the Belle River on the Lake Business Improvement Area Board for the year ending December 31, 2022; and

Approve the transfer of the year end surplus to the BIA reserve, as presented at the February 1, 2022 Council meeting.

**Carried Unanimously**

**3. Alexa Sylvestre, Mary Masse and Harley Meyerink - Petition for St. Joachim CWATS Path**

Residents Alexa Sylvestre, Mary Masse and Harley Meyerink presented the petition.

**44-02-2022**

**Moved By** Councillor Kerr

**Seconded By** Deputy Mayor Bailey

Direct Administration to forward the CWATS Paths on County Road 31 and East Ruscom River Road petition to County Council; and

Advise County Council that the petition has the full support of Lakeshore Council.

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

Opposed (1): Councillor Janisse

**Carried**

**10. Completion of Unfinished Business**

**11. Consent Agenda**

**45-02-2022**

**Moved By** Councillor Wilder

**Seconded By** Councillor Walstedt

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

**Carried Unanimously**

**1. January 18, 2022 Regular Council Meeting Minutes**

**2. Petition - Stoney Point Library**

**3. Petition - St. Joachim CWATS Path**

## 12. Reports for Information

**46-02-2022**

**Moved By** Councillor Santarossa

**Seconded By** Councillor McKinlay

Receive the Reports for Information as listed on the agenda.

**Carried Unanimously**

1. **2020 Drinking Water Annual Summary Reports**
2. **Drainage Board meeting December 6, 2021**
3. **Council Requested Report Tracking - January 2022**
4. **Flood Prevention Task Force Committee Draft Minutes, December 8, 2021**

## 13. Reports for Direction

1. **Lakeshore New Centre Estates Phase 3 Request to Extend Draft Approval**

Ms. Newman departed from the meeting for this item.

**47-02-2022**

**Moved By** Councillor Santarossa

**Seconded By** Councillor McKinlay

The County of Essex be advised that Council for the Municipality of Lakeshore is in support of extending draft plan approval for the Lakeshore New Centre Estates Subdivision (File No. 37-T-18002) for a three-year period (February 1, 2025) all as presented at the February 1, 2022 Regular 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**

**2. Temporary Outdoor Patios authorized under the *Re-opening Ontario Act* for 2022**

**48-02-2022**

**Moved By** Councillor Kerr

**Seconded By** Councillor Wilder

The site plan control agreement fees and the encroachment agreement fees for the 2022 outdoor patio season be waived for outdoor patios, until January 1, 2023, as authorized under section 69 of the *Planning Act*, as Council recognizes the financial hardships faced by the restaurant industry, as a result of the COVID-19 pandemic.

**Carried Unanimously**

**3. Traditional Land Acknowledgement Statement**

**49-02-2022**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Janisse

Adopt the draft traditional land acknowledgement statement, as presented at the February 1, 2022 Council meeting, subject to further consultation with local indigenous groups; and

Support the inclusion of “Relationship Building with local First Nations and Indigenous Engagement, Education, & Reconciliation” as a strategic priority in the upcoming Civic Engagement Strategy.

**Carried Unanimously**

**4. 2022 Budget Adoption**

**50-02-2022**

**Moved By** Councillor Walstedt

**Seconded By** Councillor McKinlay

Approve the 2022 Budget and Municipal Tax Levy, as presented at the February 1, 2022 Council meeting;

Direct the Clerk to read By-Law 3-2021, adopting the 2022 Budget Estimates, during the Consideration of By-laws; and

Direct Administration to publish the 2022 Budget Book.

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**

**5. Digital Modernization and Efficiencies Strategy**

**51-02-2022**

**Moved By** Councillor Kerr

**Seconded By** Deputy Mayor Bailey

Direct Administration to proceed with the Digital Modernization Strategy and direct the Corporate Leader-Chief Financial Officer to transfer the Municipality's 35% share of the cost amounting to \$80,445 from the IT Lifecycle Reserve, as presented at the February 1, 2022 Council meeting.

**Carried Unanimously**

**6. Delegated Authority for Certificates of Approval and Permitting Entry on Municipal Lands**

**52-02-2022**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Santarossa

Direct the Clerk to read By-law 15-2022, delegating authority to authorize or permit entry on municipal land or premises for certain purposes and issue statements or comments for the purposes of environmental approvals for third parties, during the Consideration of By-laws at the February 1, 2022 Council meeting.

**Carried Unanimously**

**7. Revisions to the Employee COVID-19 Vaccination Policy**

**53-02-2022**

**Moved By** Councillor Kerr

**Seconded By** Councillor Walstedt

Direct Administration to revise the COVID-19 Vaccination Policy as described in Option 1 (vaccination or rapid antigen testing alternative) as presented at the February 1, 2022 Council meeting; and

Prepare the necessary by-law for reading during the Consideration of the By-laws at the February 15, 2022 meeting.

**Carried Unanimously**

**14. Announcements by Mayor**

**15. Reports from County Council Representatives**

Deputy Mayor Bailey provided an update regarding County Council matters.

**54-02-2022**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Janisse

Direct Administration to send a letter to the Essex-Windsor Solid Waste Authority regarding the status of remediation of the Landfill 3 on Puce Road and potential future use of the land as a passive park.

**Carried Unanimously**

**16. Report from Closed Session**

**17. Notices of Motion**

**1. Councillor Kerr - Waste Water**

Motion lost due to lack of seconder.

**2. Councillor Kerr - Public Budget Walkthrough**

**55-02-2022**

**Moved By** Councillor Kerr

**Seconded By** Councillor McKinlay

Whereas many speak fondly of openness and transparency;

And whereas these are only words and rhetoric until put into action;

And whereas other communities in the Windsor Essex County area have their Administration present their annual budget a week or more before its council deliberates on it;

And whereas the week in between allow residents to offer their input to Council;

Be it resolved the Lakeshore Council hold a Special Meeting of Council, where administration gives an uninterrupted verbal walkthrough of the upcoming Budget to Council and the residents at least 7 days prior to the first Special Council Meeting, Budget Deliberations.

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

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

**Carried**

**3. Councillor Kerr - Pop Up COVID-19 Vaccination Centre**

Councillor Kerr withdrew his motion relating to a pop-up COVID-19 vaccination clinic.

**4. Deputy Mayor Bailey - Batting Cages at Lions Park**

**56-02-2022**

**Moved By** Deputy Mayor Bailey

**Seconded By** Councillor Kerr

Reconsider motion #20-01-2022, which was approved at the January 12, 2022 Council meeting, as relates to Appendix II of the approved Draft Budget.

**Carried Unanimously**

**57-02-2022**

**Moved By** Deputy Mayor Bailey

**Seconded By** Councillor Kerr

Whereas Council deferred replacement of the batting cages for Lions Park as part of the 2022 budget deliberations;

And whereas Council deferred an amount of \$55k to 2023;

And whereas the batting cages are now in unsafe condition;

And whereas the Municipality formally or informally partnered the Lakeshore Minor Baseball group in a joint project to target this replacement around 2020;

And whereas Lakeshore Minor Baseball fundraised and sought donations and raised \$20-\$25k;

And whereas the fundraisers were held by families of players who are aging out of the Minor league;

Therefore, I am seeking support of the following motion:

That Lakeshore Minor Baseball come forward to Council to formally donate their raised monies and that the batting cage replacement project

move forward in 2022 for a total spend of no more than \$75,000 which includes the \$20,000 donation.

**Carried Unanimously**

**5. Councillor Walstedt - Pavilion Dedication**

**58-02-2022**

**Moved By** Councillor Walstedt

**Seconded By** Councillor McKinlay

Whereas Joe Croson, Councillor of the former Rochester Township and key member of the Township's Recreation Committee was a tireless advocate for all residents;

And whereas he was instrumental in the purchasing and upgrading of the Dr. Millen School property in 1980 by the Township of Rochester;

And whereas Joe worked diligently to ensure it became a Community Center and Park that all residents would be proud of;

Therefore Be It Resolved that the Municipality of Lakeshore take the necessary steps to officially name the existing Park Pavilion the Joe Croson Pavilion in his honour and that the said Official Dedication take place during the 2022 Canada Day celebrations that are to be held at the Millen Community Park.

**Carried Unanimously**

**59-02-2022**

**Moved By** Councillor Wilder

**Seconded By** Councillor Walstedt

Extend the meeting past the 9:30 PM deadline.

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

Opposed (2): Councillor Janisse, and Councillor Kerr

**Carried**

**18. Question Period**

**19. Non-Agenda Business**



## 20. Consideration of By-laws

**60-02-2022**

**Moved By** Councillor Santarossa

**Seconded By** Councillor McKinlay

By-laws 4-2022, 6-2022, 11-2022, 12-2022, 13-2022, 15-2022 and 16-2022 be read and passed in open session on February 1, 2022.

**Carried Unanimously**

**61-02-2022**

**Moved By** Councillor Walstedt

**Seconded By** Deputy Mayor Bailey

By-law 3-2022 be read and passed in open session on February 1, 2022.

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 3-2022, Being a By-law to Adopt the 2022 Budget**
2. **By-law 4-2022, Being a By-law to Authorize Grants by the Municipality of Lakeshore for 2022**
3. **By-law 6-2022, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-33-2021)**
4. **By-law 11-2022, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-26-2021)**
5. **By-law 12-2022, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-19-2021)**
6. **By-law 13-2022, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-20-2021)**
7. **By-law 15-2021, Being a By-law to Delegate Authority regarding Certificates of Approval and Authorizing Entry on Municipal Lands**
8. **By-law 16-2022, Being a By-law to Confirm Proceedings of January 18, 2022 Council Meeting.**

**21. Adjournment****62-02-2022****Moved By** Councillor McKinlay**Seconded By** Councillor Walstedt

Council adjourn its meeting at 9:45 PM.

**Carried Unanimously**

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Tom Bain  
Mayor

---

Kristen Newman  
Clerk



January 28, 2022

Association of Municipalities of Ontario (AMO)

Sent via email: [policy@amo.on.ca](mailto:policy@amo.on.ca)

To whom it may concern:

Please be advised that the Council of the Corporation of the City of Brantford adopted the following resolution at its City Council meeting held on January 25, 2022:

**12.5.2 Addressing the Revolving Door of Justice – Accountability for Sureties and Swift Justice – Resolution**

WHEREAS the City of Brantford has experienced a substantial increase in criminal activity leaving residents fearful for their personal safety and losing confidence in the criminal justice system; and

WHEREAS the City of Brantford strives to create vibrant, safe, livable neighbourhoods in its community; and

WHEREAS concerns continue to be raised by businesses, the post-secondary institutions in the downtown area and their student bodies, neighbourhood associations, citizens and others; and

WHEREAS bringing matters related to criminal charges more expeditiously through the court system will create a greater deterrence to such behaviour, and therefore improve the safety and security of citizens in this community; and

WHEREAS each year a significant sum of surety money is forfeited further to breaches of the conditions of judicial interim release orders ("bail"); however, the necessary steps are not taken to collect this forfeited money, thus leaving a substantial financial resource unavailable;

NOW THEREFORE BE IT RESOLVED:

- A. THAT Kevin Davis, Mayor of the City of Brantford, on behalf of the Council of The Corporation of the City of Brantford, correspond with the Honourable Prabmeet Sarkaria, President of the Treasury Board and the Honourable Doug Downie, Attorney General of Ontario, insisting that steps be taken immediately by the government to:

- i. provide additional judicial resources dedicated to Brantford to allow for matters to move as expeditiously through the court system as possible; and
  - ii. provide such additional space and/or technological resources for the local court to ensure there is adequate space and technological resources to most efficiently address the significant local caseload and consequently decrease the time a matter takes to be fully resolved; and
  - iii. dedicate the required resources to collect the forfeited surety monies and reinvest that money back into the provincial judicial system; and
- B. THAT the City Clerk BE DIRECTED to forward a copy of this resolution to the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM), Ontario Big City Mayors (OBCM) and the list of other Ontario Municipalities with a request that those municipalities pass similar resolutions; and
- C. THAT the City Solicitor BE DIRECTED to send the letter referenced in Clause A to Brant County, the Six Nations of the Grand River and the Mississaugas of the Credit First Nation to determine if they are willing to be signatories to the letter.

I trust this information is of assistance.

Yours truly,



Tanya Daniels  
City Clerk  
[tdaniels@brantford.ca](mailto:tdaniels@brantford.ca)

cc All Ontario municipalities  
Ontario Big City Mayors (OBCM)  
Federation of Canadian Municipalities (FCM)

## **MULTI-MUNICIPAL WIND TURBINE WORKING GROUP**

TOM ALLWOOD, COUNCILLOR, GREY HIGHLANDS, CHAIR

STEVE ADAMS, COUNCILLOR, BROCKTON, VICE-CHAIR

1925 BRUCE ROAD 10, BOX 70, CHESLEY, ON NOG 1L0

[519-363-3039](tel:519-363-3039) FAX: [519-363-2203](tel:519-363-2203) [deputyclerk@arran-elderslie.ca](mailto:deputyclerk@arran-elderslie.ca)

February 4, 2022

Greetings Members of Council,

As Municipal Leaders, we are mandated by the *Municipal Act, 2001*, as amended to provide measures necessary for the health, safety and well-being of citizens within our jurisdiction. The Multi-Municipal Wind Turbine Working Group (MMWTWG) collectively addresses concerns that are raised in relation to the various wind turbine projects across the province.

The list of concerns and implications is continually growing and many citizens are completely unaware of the effects, both short and long term that wind turbines pose. To provide some context to the complex matters that the MMWTWG continues to work to resolve, some principal issues are provided.

### **1. Public Safety**

- Setbacks for tower collapse are insufficient. The current blade length plus 10 metres requirement is not a strong enough protective measure. Ontario has seen collapses of GE Turbine at Raleigh and Vestas Turbine at Bow Lake. Public database details at least 95 collapses worldwide, including Enercon, Siemens, Nordex, and others. Bow Lake turbines were also permitted to restart by regulator without any public release of information of recent failure.
- Setbacks for blade failures are insufficient. The current blade length plus 10 metres requirement is not a strong enough protective measure. Ontario has seen debris at 560 metres with 51-metre setback, with failures from GE, Vestas, Suzlon/Repower. Regulator did inadequate safety review of post commissioning installation of "power cone" at Skyway 8 and is permitting turbine restart without public investigation into impact of failure on tower integrity.
- Setbacks for ice throw are also insufficient, as the blade length plus 10 metre setback is less than the ice throw distance witnessed in Ontario.
- Fire hazard – Ontario has witnessed turbine fire and flaming debris on the ground at 200 metres, while setback was 50 metres. Ministry review failed to recommend industry standard protective barriers for fire suppression in spite of examples of fires in similar turbines.
- Landholder leases give no setback protection for vulnerable citizens (children and other family members of lease holder, employees, couriers, etc.)

## **2. Health Impacts**

- Sleep deprivation – most common identified irritant.
- Stress – identified link from irritants to cardio vascular events.
- Unexplained cardiac events, diabetic events
- Cyclical noise (major irritant) not assessed by Ontario Compliance Protocol.
- Tonality (irritant at some projects) not adequately assessed by standards.
- Dominant, irritating, turbine noise signature dwarfs rural noise environment.
- Loss of enjoyment of property, contrary to Environmental Protection Act.

## **3. Municipal Finances**

- Tax base – Assessment of multi-million-dollar turbines capped at under \$50k per MW, adversely impacts tax base. Similar to unpermitted “bonusing” by permitting low taxation. Impacts ability to build on adjoining properties.
- Community impact grants – associated “gag-clauses” deny transparency.
- Impact on roadways – large component delivery cause damages to roads.
- Upcoming impact on landfill – Component End of Life – blades not recyclable.
- Decommissioning costs – no guarantee of cost coverage at many sites.

## **4. Community Cohesiveness**

- Rural neighbourhood – acrimony prevents neighbours working together, those profiting often not those who suffer impacts

## **5. Energy Supply Stability**

- Mismatch to consumer demand, turbine output falls as consumer load increases in morning, but rises as consumer load falls in the evening
- Seasonal mismatch a big concern as turbine output poorest when consumer demand is highest in summer air conditioning season, and in winter heating season, yet turbine output is highest when consumer demand is lowest in spring and fall
- Requires construction of backup generation, that must price output highly as only operated intermittently.

## **6. Consumer Energy Cost**

- First access to grid costs – force less costly generation off the grid. Ontario energy transitioned from least costly to most expensive in North America.
- Costs of required storage options will increase costs even further.
- Lowered electrical system reliability due to uncontrollable factors (weather).

## **7. Lack of response from responsible Ministry to complaints and professional input**

- Inconsistent Ministry response to complaints from impacted citizens
- Lack of Ministry response to professional input – no disposition of items, just neglect.

## **8. Lack of Respect of Impacted Citizens**

- Ministry failed to investigate the majority of complaints, took no action to correct, contrary to Renewable Energy Approvals regulations.

This Working Group shares municipal advice on by-laws, road use agreements, fire suppression requirements and other considerations that need to be considered before dealing with wind developers. We are striving to support municipalities and citizens and to become aware of issues and possible remedies regarding industrial wind turbines before it is too late to take proactive actions.

Our Working Group is currently comprised of municipalities from the Counties of Bruce, Grey, Huron and Niagara Region, but the issue of wind turbines is wider. By working together, can we share knowledge and provide a collective municipal response to protect our citizens. As a Working Group, it has given us the opportunity to invite participation at our meetings by Provincial MPPs and Ministry of the Environment Officials, and to hear technical and municipal planning presentations related to the subject.

The MMWTWG annual fee is set at the beginning of each year. This fee is used to cover the cost of a Recording Secretary, miscellaneous costs for preparation and circulation of materials as well as any fees related to space rentals for meetings. A small surplus is maintained for donation to a defence fund in case any municipal bylaw might be challenged by a developer. The yearly fee is paid to the "Municipality of Arran-Elderslie"; and sent directly to the Municipal Office c/o Clerk.

During 2021, the annual fees were waived as we navigated our way through the pandemic. We have resumed meeting in a "virtual" platform and anticipate this new format will continue in the future. This allows for participation across the province providing the convenience to join from wherever you are. The Working Group meets on the second Thursday of each month. Agendas and other materials are circulated to the Members by email as well as to the Clerk's of the Member Municipality's. Each member Municipality may appoint by resolution of Council, two (2) Working Group Members, one (1) Alternate Member and one (1) Citizen to provide additional expertise or information to the discussion. A copy of the Working Group Terms of Reference and Procedural Bylaw can be provided upon request.

Our annual fees are not due until June 1, 2022. At this time, we would like to extend this invitation to Members of your Council to participate in the Multi-Municipal Wind Turbine Working Group meetings to better understand the work that we do and the matters we stand for.

Our next meeting is scheduled for Thursday, February 10, 2022 at 7pm via Zoom.

Please contact our Recording Secretary to obtain a copy of the agenda as well as the Zoom link for the meeting.

We look forward to your participation and support of this critical matter. Size in numbers provides a louder voice to be heard.

Warm Regards,  
On behalf of the Chair, Tom Allwood

A handwritten signature in cursive script that reads "Julie Reid".

Julie Reid, Recording Secretary  
Deputy Clerk  
Municipality of Arran-Elderslie,  
1925 Bruce Road 10, PO Box 70  
Chesley, ON N0G 1L0  
519-363-3039 ext. 105  
[deputyclerk@arran-elderslie.ca](mailto:deputyclerk@arran-elderslie.ca)



# Municipality of Lakeshore – Report to Council

## Operations

## Capital Projects



**To:** Mayor & Members of Council  
**From:** Jill Fiorito, Drainage Superintendent  
**Date:** January 24, 2022  
**Subject:** Drainage Board Meeting-January 10, 2022

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### Recommendation

This report is for information only.

### Background

The draft minutes from the January 10, 2022, Drainage Board meeting are attached.

### Comments

Mr. Gerard Rood, P. Eng. was in attendance and outlined the key points of the assessment schedule in the Engineer's report for the Chauvin-Blanchette Drain and Kennedy Drain.

The Drainage Board recommended that By-law No. 101-2021 be approved and recommended for third reading.

### Others Consulted

Essex Region Conservation Authority has been consulted on this project.

### Financial Impacts

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

**Attachments:** Draft Drainage Board minutes dated January 10, 2022.

### Report Approval Details

Document Title:	Drainage board minutes January 10, 2022.docx
Attachments:	- 1 - January 10 2022 Drainage Board Minutes.docx
Final Approval Date:	Feb 9, 2022

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

Krystal Kalbol

Justin Rousseau

Kristen Newman

Truper McBride

## MUNICIPALITY OF LAKESHORE

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### **MINUTES OF THE DRAINAGE BOARD**

<b>PRESENT:</b>	Chairman	-	Dave Armstrong
	Board members	-	Horst Schmidt
		-	Maurice Janisse
		-	Norbert Poggio
	Engineer	-	Gerard Rood
	Drainage Superintendent	-	Jill Fiorito
	Asst. Drainage Superintendent	-	Kyle Emery

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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 6<sup>th</sup>, 2021.

Board Member Schmidt moved and Board Member Janisse seconded

***That:***

***The Board approve the minutes of the Drainage Board Meeting dated December 6<sup>th</sup>, 2021***

**Motion Carried**

## **4 ENGINEERING AND INFRASTRUCTURE SERVICES**

### **COURT OF REVISION**

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

Board Member Schmidt and Board Member Janisse seconded:

It is recommended that:

The Drainage Board move into Court of Revision to consider appeals respecting By-law No.101-2021 in the Municipality of Lakeshore, in the County of Essex.

**Motion Carried**

#### **Chauvin-Blanchette Drain & Kennedy Drain (Petition for Drainage)**

Mr. Gerard Rood, P.Eng was in attendance and briefly outlined the key points of the schedule of assessment in his report dated September 3<sup>rd</sup>, 2021.

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

The Chairman opened the floor for questions.

Mr. Rutledge stated that the allowances for land taken doesn't reflect market value and isn't appropriate for the property.

Mr. Rood stated the Court of Revision is to review and/or appeal the assessments contained within the drainage report not the allowances. Mr. Rood stated that the allowances for covered drain installation were based on the easement rate of 25% of the land value.

Mrs. Fiorito stated that a Notice of Appeal can be submitted to the Tribunal if Mr. Rutledge is dissatisfied with the allowances provided in the report. The project will stop until a decision is reached by the Tribunal and all cost associated with the appeal process shall be borne by the assessed landowners of the drain.

Mr. Rutledge questioned what is required to submit a Notice of Appeal to the Tribunal

Mrs. Fiorito stated that Mr. Emery will provide the appeal forms to Mr. Rutledge and once returned the Municipality of Lakeshore shall submit to the Tribunal on the behalf of Mr. Rutledge.

Mrs. Grant questioned if the amounts shown within the schedule of assessment are cost or allowances to the constituents.

Mr. Rood stated that the amounts shown in the schedule of assessment are an estimate of cost owed by the constituents to complete the proposed drainage works.

Mr. Samcevic questioned how and when cost is invoiced to the constituents of the drain.

Mrs. Fiorito stated the Municipality of Lakeshore invoices the constituents when works are completed. Debenture of cost is available for a 5- or 10-year period at the current interest rate, and request for 10-year debentures must be submitted to the Municipality in writing.

Mr. Samcevic asked how many estimates are going to be requested.

Mrs. Fiorito stated that capital projects are posted publicly to Bids & Tenders and any qualified contractors can submit a bid to complete said drainage works.

Mr. Samcevic questioned if this is the last board meeting regarding the Chauvin-Blanchette & Kennedy Drain

Mrs. Fiorito confirmed this is the last board meeting unless a Notice of Appeal is received and submitted to the Tribunal.

There were no other concerns.

Board Member Schmidt moved and Board Member Poggio seconded:

**That:**

*The Schedule of Assessment to provide for the Chauvin-Blanchette Drain & Kennedy Drain (Petition for Drainage) in the Municipality of Lakeshore, in the County of Essex as prepared Rood Engineering Inc., dated September 3<sup>rd</sup>, 2021, be approved and By-Law No. 101-2021 be recommended for third reading.*

**Motion Carried**

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

Board Member Janisse moved and Board Member Schmidt seconded:

***That:***

The Drainage Board moves to close the Court of Revision.

**Motion Carried**

### **5. ADJOURNMENT**

Board Member Schmidt 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**

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**JILL FIORITO  
DRAINAGE SUPERINTENDENT**

### **NEXT SCHEDULED MEETING**

The next Drainage Board Meeting is schedule for 5:00pm on February 7<sup>th</sup>, 2022 in the Municipality of Lakeshore.

# Municipality of Lakeshore – Report to Council

## Strategic & Legal Affairs

### Legal Services



**To:** Mayor & Members of Council

**From:** Kristen Newman, Corporate Leader – Strategic & Legal Affairs

**Date:** February 7, 2022

**Subject:** Police Services Board Meeting Minutes of January 31, 2022

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### Recommendation

This report is for information only.

### Background

The Police Services Board met on January 31, 2022. The draft minutes from the January 31, 2022 meeting are attached for Council's information.

### Comments

Provincial Constable Sarah Werstein, Crime Stoppers Co-ordinator provided a presentation for Crime Stoppers.

The Police Services Board conducted its election. Member Francis Kennette was acclaimed as Chair and Councillor Walstedt was acclaimed as Vice Chair.

At the January 31, 2022 meeting the following resolution was passed:

3-01-2022

Moved: Mayor Bain

Seconded: Member Hooker

Approve the signing of the R.I.D.E. quarterly report.

### Financial Impacts

There are no financial impacts as a result of this report.

**Attachments:** January 31, 2022 Police Services Board minutes.

## Report Approval Details

Document Title:	Police Services Board Meeting Minutes of January 31, 2022.docx
Attachments:	- Post-Meeting Minutes - PSB_Jan31_2022 - English.docx
Final Approval Date:	Feb 10, 2022

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

Kristen Newman

Justin Rousseau

Truper McBride



# Municipality of Lakeshore

## Minutes of the Police Services Board Meeting



**Monday, January 31, 2022, 10:00 AM**

Members Present: Mayor Tom Bain, Councillor Kirk Walstedt, Member John Quennell, Chair Francis Kennette, Member Ed Hooker

Staff Present: Corporate Leader - Strategic & Legal Affairs Kristen Newman, Inspector Glenn Miller, Board Secretary Cindy Lanoue, Sergeant Byron Hornick OPP, Sergeant Jamie Smith OPP

### 1. Call to Order

Chair Kennette called the meeting to order at 10:00 AM.

### 2. Disclosures of Pecuniary Interest

### 3. Public Presentations

#### a. Provincial Constable Sarah Werstein, Crime Stoppers Co-ordinator for Windsor - Essex County

Provincial Constable Werstein presented a brief history of Crime Stoppers explaining its conception and how it is funded.

### 4. Delegations

### 5. Election of Chair and Vice Chair

Secretary Lanoue called for nominations of Chair and Vice Chair for the Municipality of Lakeshore Police Services Board for the 2022 term.

Councillor Kirk Walstedt nominated Member Francis Kennette for position of Chair. There were no other nominees. Member Kennette accepted the position of Chair. The position was acclaimed.

Member John Quennell nominated Councillor Walstedt for position of Vice Chair. There were no other nominees. Councillor Walstedt accepted the position of Vice Chair. The position was acclaimed.

### 6. Completion of Unfinished Business

## 7. Consent Agenda

**1-01-2022**

**Moved By** Mayor Bain

**Seconded By** Member Quennell

Approve the minutes of the November 29th meeting minutes and receive correspondence as listed on the Consent Agenda.

**Carried Unanimously**

**a. November 29, 2021 Meeting Minutes**

**b. Solicitor General - Acknowledgement of Letter of Support**

## 8. Reports for Information

Staff Sergeant Jamie Smith provided an overview of the Police reports for Lakeshore.

Member Quennell asked about the absence of Leamington's statistics from the reports. Officer Smith informed the Board that the Municipality of Leamington is currently operating with a month-by-month contract and does not qualify for a Police Services Board at this time.

**2-01-2022**

**Moved By** Member Hooker

**Seconded By** Councillor Walstedt

Receive the Reports for Information as listed on the agenda.

**Carried Unanimously**

**a. Police Services Board Report for Essex County - November 2021**

**b. Police Services Board Monthly Overview - November 2021**

**c. Police Services Report for Essex County - December 2021**

**d. Police Services Board Monthly Overview - December 2021**

**e. OPP 2022 Annual Billing Statement**

Kristen informed the Board that the draft statement provided is lower than that of the previous year.

A reconciliation by the OPP will take place at the end of the year as this billing statement is only a draft.

**9. Reports for Direction**

**a. OPP Lakeshore 2022 Festive Ride Program - Quarterly Report**

**3-01-2022**

**Moved By** Mayor Bain

**Seconded By** Member Hooker

Approve the signing of the R.I.D.E. quarterly report.

**Carried Unanimously**

**10. Notices of Motion**

**11. Question Period**

**12. Non-Agenda Business**

**13. Adjournment**

**4-01-2022**

**Moved By** Member Hooker

**Seconded By** Mayor Bain

The Police Services Board adjourn its meeting at 10:43 AM.

**Carried Unanimously**

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Francis Kennette  
Chair

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Cindy Lanoue  
Secretary

# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### Community Planning



**To:** Mayor & Members of Council  
**From:** Tammie Ryall, Corporate Leader, Growth and Sustainability  
**Date:** February 8, 2022  
**Subject:** Dedication of Cash-in-lieu of Parkland By-law Review

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### Recommendation

This report is for information only.

### Background

At the January 12, 2022, Special Council Budget Deliberation meeting, the following motion was passed:

17-01-2022

Direct Administration to prepare a report regarding review of the payment in lieu of parkland dedication fees to be presented to Council in February.

Carried

Parkland dedication in Lakeshore is carried out under Lakeshore By-law 42-2014 which was approved in May 2014 (Attachment 1). The By-law refers to Sections 42, 51.1 and 53 of the Planning Act which provides the legislated authority for parkland to be dedicated at the time of subdivision development, consent granting or the development or redevelopment of land through the site plan control process. The dedication is not to exceed two (2) percent of the land area to be used for Commercial and Industrial purposes or five (5) percent of the land in all other cases including land for Residential use. As an alternative, the Municipality can accept cash-in-lieu of the land dedication or require a conveyance of the land being developed or redeveloped at a rate of one (1) hectare for each three hundred (300) Dwelling Units proposed.

Cash-in-lieu of parkland dedication is collected and carried in the Parkland Dedication Reserve Fund. According to the Planning Act, this fund is to be used for “park or other public recreational purposes”. In Lakeshore, it is understood that this fund has been used for the purchase of park and recreational lands, parkland development, parks equipment and park development planning.

## **Comments**

It is recommended that the fees in the Parkland Dedication By-law be reviewed. The amount of cash-in-lieu of parkland needs to be updated to take into consideration current cost of land. As well, the By-law should refer to collecting for new “dwelling units” in addition to the current reference to new “lots”.

The need for review was recommended in the Lakeshore Parks and Recreation Master Plan, 2017. Recommendation 23, Parkland Dedication Policy, notes that the Municipality amend the parkland dedication and by-law policy for future parkland development.

As well, the consultant that undertook the Development Charges Study in 2020 noted that the Parkland Dedication By-law should be reviewed and updated. This review is needed to consider whether legislative changes which also permit the collection of cash-in-lieu of parkland and other facilities through a Community Benefits By-law should be used in Lakeshore. Under a Community Benefits By-law, charges may be imposed on residential development that is higher than six (6) stories and more than 10 units (subsection 37(4) of the Planning Act).

Accordingly, a capital budget request for \$30,000 to undertake an update of the Parkland Dedication By-law was included in the draft 2022 Budget. Council recently passed the budget with this project included.

Administration is currently preparing a terms of reference to engage a consultant to undertake the review. The intent is to award the project to a consultant in March and complete the project in 2022.

## **Others Consulted**

Watson and Associates

## **Attachments**

Attachment 1 – By-law 42-2014

## Report Approval Details

Document Title:	Dedication of Cash-in-lieu of Parkland By-law Review.docx
Attachments:	- Attachment 1 Parkland Dedication By-Law 42-2014.pdf
Final Approval Date:	Feb 10, 2022

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

Justin Rousseau

Kristen Newman

Truper McBride

# THE CORPORATION OF THE TOWN OF LAKESHORE

## BY-LAW NUMBER 42-2014

### BEING A BY-LAW TO PROVIDE FOR THE DEDICATION OF PARKLAND OR THE PAYMENT OF CASH IN LIEU THEREOF AS A CONDITION OF DEVELOPMENT OR REDEVELOPMENT

**WHEREAS** section 42 of the *Planning Act* provides that, as a condition of the Development or Redevelopment of land, the council of a local municipality may, by by-law, require that land in an amount not exceeding, in the case of land proposed for Development or Redevelopment for Commercial or Industrial purposes 2 per cent, and in all other cases 5 per cent, be conveyed to the municipality for park or other public recreational purposes;

**AND WHEREAS** section 51.1 of the *Planning Act* provides that an approval authority may impose, as a condition of the approval of a plan of subdivision, that land be conveyed to the local municipality for park or other public recreational purposes, such land not to exceed, in the case of a subdivision proposed for Commercial or Industrial purposes 2 per cent, and in all other cases 5 per cent;

**AND WHEREAS** section 53 of the *Planning Act* provides that section 51.1 of the *Planning Act* also applies to the granting of consents;

**AND WHEREAS** in the case of land proposed for Development or Redevelopment for residential purposes, pursuant to the *Planning Act*, a municipality may require that such land be conveyed at the rate of up to one hectare for each 300 Dwelling Units, provided that the municipality has specific policies dealing with the provision of lands for park or other public recreational purposes, and the use of this alternative requirement is included within its Official Plan;

**AND WHEREAS** the Town of Lakeshore has such specific policies dealing with the provision land to be conveyed at the rate of up to one hectare for each 300 Dwelling Units;

**AND WHEREAS** the Council for the Corporation of the Town of Lakeshore wishes to use the provisions of the *Planning Act* for the purposes of acquiring and providing parkland for the use and enjoyment of the residents of the Town of Lakeshore.

**NOW THEREFORE**, the Council of the Corporation of the Town of Lakeshore hereby enacts as follows:

#### Definitions

1. In this by-law:
  - a) **"Agricultural Uses"** has the same meaning as in Lakeshore's Comprehensive Zoning By-law.
  - b) **"Board of Education"** has the same meaning as "board", as defined in the Education Act, R.S.O. 1990, c.E.2, as amended;
  - c) **"CIL"** means cash-in-lieu of parkland otherwise required to be conveyed.
  - d) **"Commercial"** means the use of land, buildings, or structures for a use which is not industrial, and which are used in connection with:
    - i) the selling of commodities to the general public; or
    - ii) the supply of services to the general public; or
    - iii) office or administrative facilities.
  - e) **"Council"** means the Council for the Corporation of the Town of Lakeshore;
  - f) **"Development"** means the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a

building or structure that has the effect of substantially increasing the size or usability thereof;

- g) **“Dwelling Unit”** means one or more habitable rooms each of which is accessible from the others and which function as an independent and separate housekeeping unit in which separate kitchen and sanitary facilities are provided for the use of the occupants, with a private entrance from outside the building of from a common hallway or stairway inside the building;
- h) **“Gross Floor Area”** has the same meaning as in Lakeshore's Development Charges By-law, as amended.
- i) **“Industrial”** means the use of land, buildings, or structures in connection with:
  - i. manufacturing, producing, or processing of raw goods;
  - ii. warehousing or bulk storage of goods;
  - iii. a distribution centre;
  - iv. a truck terminal; or
  - v. research or development in connection with manufacturing, producing or processing of raw goods;

and includes office uses and the sale of commodities to the general public where such office or retail uses are ancillary to an industrial use, but does not include a building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined above, and does not include a retail warehouse;

- j) **“Institutional”** means the use of land, buildings, or structures for hospitals, correctional institutions and associated facilities, municipal facilities, elementary and secondary schools, colleges, universities, places of worship and ancillary uses, military and cultural buildings, daycare centres, residential care facilities for more than ten persons and long term care centres;
- k) **“Lakeshore”** means the Corporation of the Town of Lakeshore;
- l) **“Mixed Use”** means the physical integration of two or more of the following uses within a building or structure or separate buildings or structures on the lands proposed for Development or Redevelopment: Commercial; Industrial; Institutional; Residential; or any other use not noted herein;
- m) **“Net Area of the Lands”** means the total area of the lands being Developed or Redeveloped, less the area of any lands to be conveyed gratuitously to Lakeshore, the County of Essex, the Essex Region Conservation Authority or the Lower Thames Region Conservation Authority, pursuant to an approval or provisional consent issued in accordance with the *Planning Act*, in support of natural heritage systems, including but not limited to, wetlands, valley and watercourse corridors, tableland woodlands and other environmentally sensitive lands as determined by Lakeshore;
- n) **“Official Plan”** means the Lakeshore Official Plan, as amended.
- o) **“Planning Act”** means the *Planning Act*, R.S.O. 1990, c.P.13, as amended,
- p) **“Redevelopment”** means the removal of a building or structure from land and the further Development of the land or, the expansion or renovation of a building or structure which results in a change in the character or density of the use in connection therewith;
- q) **“Residential”** means the use of land, buildings, or structures for human habitation;
- r) **“Rural Area”** means those areas designated as not being within a settlement area by the Official Plan;
- s) **“Temporary Building or Structure”** means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight (8) months, or an addition or alteration to a building or structure that has



the effect of increasing the total floor area thereof for a continuous period not exceeding eight (8) months;

- t) “**Urban Area**” means those areas designated as being within a settlement area by the Official Plan;

### **Conveyance of Land for Park Purposes**

2. As a condition of Development or Redevelopment of land pursuant to the *Planning Act*, Lakeshore shall require the conveyance of land for park purposes as follows:
  - a) In the case of lands proposed for Residential uses, at a rate of five per cent (5%) of the land being Developed or Redeveloped, or one (1) hectare for each three hundred (300) Dwelling Units proposed, whichever is greater;
  - b) In the case of lands proposed for Commercial, Industrial or Institutional uses, land in the amount of two per cent (2%) of the land to be Developed or Redeveloped;
  - c) In the case of lands proposed for Development or Redevelopment for a use other than those referred to in subsections 2(a) and 2(b) of this by-law, land in the amount of five per cent (5%) of the land to be Developed or Redeveloped;
  - d) In the case of a Mixed Use Development or Redevelopment, land in the aggregate, calculated as follows:
    - i) the Residential component, if any as determined by Lakeshore, of the lands being Developed or Redeveloped, shall require the conveyance of land as determined in accordance with subsection 2(a) of this by-law; plus
    - ii) the Commercial, Industrial, or Institutional component of the lands being Developed or Redeveloped, if any as determined by Lakeshore, shall require the conveyance of land as determined in accordance with subsection 2(b) of this by-law; plus
    - iii) the component of the lands proposed for any use other than Residential, Commercial, Industrial or Institutional, if any as determined by the City, shall require the conveyance of land as determined in accordance with subsection 2(c) of this by-law.

### **Location of Conveyance and Condition of Title**

3. The location and configuration of land required to be conveyed pursuant to this by-law shall be as determined by Lakeshore and all such lands shall be free of all encumbrances, including but not limited to such easements which Lakeshore, in its sole and absolute discretion, is not prepared to accept and shall be free of any contamination, including but not limited to any toxic, noxious or dangerous contaminants, and shall otherwise be in a condition satisfactory to Lakeshore.
4. The conveyance of any valleyland or watercourse corridors, woodlands, natural heritage system lands and associated buffers, easements, vista blocks and storm water management ponds, as defined in the Official Plan or any secondary plan adopted under the Official Plan, shall not be considered a conveyance of land for park purposes pursuant to the requirements of section 2 of this by-law.

### **Timing of Conveyance**

5. Where land is required to be conveyed in accordance with section 2 of this by-law, the lands shall be conveyed as follows:
  - a) In the case of Development or Redevelopment to be approved pursuant to sections 51.1 or 53 of the *Planning Act*, the conveyance of land may be required as a condition of approval, and said lands shall be conveyed to Lakeshore either prior to or immediately upon registration of the plan of subdivision or upon the

consent being given, as determined by Lakeshore;

- b) In the case of Development or Redevelopment where land has not been conveyed or has not been required pursuant to sections 51.1 or 53 of the *Planning Act*, Lakeshore shall require the conveyance of land as a condition of Development or Redevelopment prior to building permit issuance in accordance with section 42 of the *Planning Act*.

### **Cash-in-Lieu of Parkland**

- 6. In lieu of requiring the conveyances referred to in section 2 of this by-law, Lakeshore may require the payment of cash to the value of the lands otherwise required to be conveyed, calculated in accordance with the following:
  - a) Where the payment of CIL has been required as a condition of an approval or consent pursuant to sections 51.1 or 53 of the Act, CIL shall be calculated as follows:
    - i. Residential uses in an Urban Area - \$1,200 per lot;
    - ii. Residential uses in a Rural Area - \$600 per lot;
    - iii. Agricultural Uses (eg farm split) - \$600.00 per lot.
  - b) For Residential Development or Redevelopment CIL shall be calculated as follows:
    - i. Residential uses in an Urban Area - \$1,200 per lot; and
    - ii. Residential uses in a Rural Area - \$600 per lot.

### **Timing of CIL Payment**

- 7. CIL shall be paid as follows:
  - a) For Development or Redevelopment where the payment of CIL is required as a condition of an approval or a consent pursuant to either sections 51.1 or 53 of the *Planning Act*, CIL shall be paid prior to registration of the plan of subdivision or prior to the consent being given, as the case may be;
  - b) For Development or Redevelopment where the payment of CIL is not required as a condition of an approval or a consent, pursuant to either sections 51.1 or 53 of the *Planning Act*, CIL shall be paid on a per lot basis prior to the issuance of the building permit for such lot in respect of the Development or Redevelopment in accordance with Section 42 of the *Planning Act*.

### **Credits for Previous Conveyances**

- 8. Notwithstanding sections 2 and 6 of this by-law, if land has been conveyed or is required to be conveyed to Lakeshore for park or other public recreational purposes or CIL has been received by Lakeshore or is owing to it pursuant to a condition imposed pursuant to sections 42, 51.1 or 53 of the *Planning Act*, no additional conveyance or payment in respect of the lands subject to the earlier conveyance or payment will be required by Lakeshore in respect of subsequent Development or Redevelopment unless:
  - a) There is a change in the proposed Development or Redevelopment which would increase the density of the development; or
  - b) Land originally proposed for Development or Redevelopment for Commercial, Industrial, or Institutional uses is now proposed for Development or Redevelopment for other uses.
- 9. Where there is a claim of previous conveyance or CIL payment, it is the applicant's/owner's responsibility to provide suitable evidence of such previous conveyance or CIL payment, to Lakeshore's satisfaction.
- 10. Land or CIL required to be conveyed or paid to Lakeshore for park or other public recreation purposes pursuant to sections 2 or 6 of this by-law shall be reduced by

the amount of land or CIL previously received by Lakeshore pursuant to sections 42, 51.1 or 53 of the *Planning Act* in respect of the lands being Developed or Redeveloped.

### **Limits of the Lands to be Developed or Redeveloped**

11. For the purposes of calculating the land conveyance or CIL requirements of sections 2 or 6 of this by-law, the following shall be used as the area of the lands being Developed or Redeveloped:
  - a) For Development or Redevelopment of land which does not occur pursuant to section 51 or 53 of the *Planning Act*, the Net Area of the Lands denoted within the plan or drawings;
  - b) For Development or Redevelopment of land which occurs pursuant to section 51 of the *Planning Act*, and for which the conveyance of land or the payment of CIL is required as a condition of approval, the Net Area of the Lands denoted within the approved draft plan of subdivision;
  - c) For Development or Redevelopment of land which occurs pursuant to section 53 of the *Planning Act*, and for which the conveyance of land or the payment of CIL has been required as a condition of approval, the Net Area of the Lands to be severed pursuant to the consent;
  - d) In all other cases, the area of the lands to be Developed or Redeveloped shall be determined by Lakeshore in accordance with the *Planning Act*, and the Net Area of the Lands as determined by Lakeshore shall be used for the purposes of calculating land conveyance or CIL requirements pursuant to sections 2 or 6 of this by-law.

### **Phased Development**

12. Notwithstanding sections 5 and 7 of this by-law, for Development or Redevelopment for which approvals are issued in phases, Lakeshore shall calculate and require the conveyance of land for park purposes or the payment of CIL, in accordance with the provisions of sections 2 and 6 of this by-law, on a phase by phase basis.

### **Parkland Conveyance Agreements**

13. Nothing in this by-law shall limit Lakeshore's ability to enter into a parkland conveyance agreement with one or more landowners for the purposes of assembling parkland. Parkland conveyance agreements entered into by Lakeshore shall include provisions for the conveyance of land for park purposes or CIL, the calculation of which shall be as provided in this by-law.

### **Exemptions**

14. This by-law shall not apply to any of the following:
  - a) Development or Redevelopment of land, buildings or structures owned by and used for the purposes of Lakeshore;
  - b) Development or Redevelopment of land, buildings or structures owned by and used for the purposes of a Board of Education;
  - c) The replacement of any building that is a direct result of destruction due to accidental fire or other accidental cause provided that no intensification or change of use is proposed, including but not limited to an increase in total Dwelling Unit count or Gross Floor Area;
  - d) The enlargement of an existing Dwelling Unit provided that the enlargement does not result in additional Dwelling Units;
  - e) The enlargement of an existing Commercial, Industrial, or Institutional building or structure if the Gross Floor Area is enlarged by 50% or less. The area of the existing building or structure shall be calculated by reference to the first building permit which was issued in respect of the building or structure for which the exemption is sought;

- f) A Temporary Building or Structure; or
- g)Where the total CIL payable for Development or Redevelopment is less than \$100.

**General**

- 15. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
- 16. The headings in this By-law are for convenience only and do not form part of this By-law.
- 17. This By-law shall come into force and take effect upon the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13<sup>th</sup> DAY OF MAY 2014.**

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

\_\_\_\_\_  
**Mary Masse, Clerk**

# Municipality of Lakeshore – Report to Council

## Strategic & Legal Affairs

### Civic Affairs



**To:** Mayor & Members of Council  
**From:** Brianna Coughlin, Division Leader – Civic Affairs  
**Date:** February 4, 2022  
**Subject:** Appointment to Lower Thames Valley Conservation Authority

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### Recommendation

Confirm the appointment of Councillor Linda McKinlay to the Lower Thames Valley Conservation Authority until the end of the current Council term, as presented at the February 15, 2022 Council meeting.

### Background

At its meeting of January 15, 2019, Council passed resolution #10-01-2019 as follows:

That Council approve the Council Committee Appointments for the 2019-2022 Term of Council.

Carried Unanimously

Included in this confirmation was the appointment of Councillor Linda McKinlay as representative for Lakeshore on the Board of Directors of the Lower Thames Valley Conservation Authority (LTVCA).

Unlike many boards and committees which run the full term of municipal councils, the LTVCA term is a 3-year cycle. The current appointment is set to expire February 24, 2022.

### Comments

To stay consistent with Council's 2019 resolution, Administration recommends that Council confirm the appointment of Councillor McKinlay. Council may choose one of three options:

Option 1 – confirm the appointment until the end of the 2019-2022 term of Council, as per resolution #10-01-2019 (recommended),

Option 2 – confirm the appointment for a 1-year term or until such time as an appointment is made by the new Council, or

Option 3 – confirm the appointment for a 3-year term.

### **Financial Impacts**

There is no financial impact to the confirmation of appointment to the LTVCA Board of Directors.

### **Report Approval Details**

Document Title:	Appointment to Lower Thames Valley Conservation Authority.docx
Attachments:	
Final Approval Date:	Feb 10, 2022

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

Kristen Newman

Justin Rousseau

Truper McBride

# Municipality of Lakeshore – Report to Council

## Operations

### Roads, Parks & Facilities



**To:** Mayor & Members of Council

**From:** Jeff Wilson, Division Leader of Roads, Parks & Facilities

**Date:** February 15, 2022

**Subject:** Half Load Designation for Class B Roads – Addition of Gravel Roads

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### Recommendation

Direct Administration to include gravel roads to By-Law 2-2002 being a By-Law to Regulate Traffic on Highways under the jurisdiction of the Municipality of Lakeshore, to include year round load restrictions on Municipal Class B Roads pursuant to section 122 of the *Highway Traffic Act* from January 1<sup>st</sup> to December 31<sup>st</sup> of each year; and

Approve the cost of \$8,500.00 (including applicable HST) to purchase and install signage for the additional gravel roads, as required, and as described in the report presented at the February 15, 2022 Council meeting.

### Background

At the January 18, 2022 Council meeting a report was received related to Half Load Designation for Class B roads. The initial report included Class B roadways that were surface treated.

At that meeting Council passed the following notice of motion:

33-01-2022

Direct Administration to prepare an amendment to By-Law 2-2002 being a By-law to Regulate Traffic on Highways under the jurisdiction of the Municipality of Lakeshore, to include year round load restrictions on Municipal Class B Roads pursuant to section 122 of the Highway Traffic Act from January 1<sup>st</sup> to December 31<sup>st</sup> of each year; and

Direct Administration to bring back a report regarding the inclusion of gravel roads as designated Municipal Class B Roads requiring signage.

## Comments

Based on the above Council notice of motion and the addition of Class B gravel roadways, the attached map and list have been updated to include all Class B roadways for purposes of the By-law.

It should be further noted that based on the addition of the gravel roads, this by-law will continue to protect these roadways when conversion takes place.

## Financial Impacts

The cost to supply and install an additional 74 signs in the amount of \$8,500.00 (including applicable HST). This cost includes signs, posts, and hardware along with the cost of a contractor for hydro excavation services. This will be funded from the Roads Reserve.

Therefore, the total cost for signage (for a total of 408 signs) on all identified Class B roads would be \$46,500 (including applicable HST) for all applicable signage, all funded from the Roads Reserve.

When required, the maintenance and/or the replacement costs for these signs will be included through the budget process.

## Attachments

Attachment 1 - Schedule 'K' Class B Roads.

Attachment 2 - Class B Roads Map, Half Load Designation.

## Report Approval Details

Document Title:	Half Load Designation for Class B Roads .docx
Attachments:	- Schedule K Class B Roads.xlsx - Class B Roads Map Half Load Designation Revised.pdf
Final Approval Date:	Feb 10, 2022

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

Justin Rousseau

Kristen Newman

Truper McBride



## **SCHEDULE "K"**

<b>ROAD NAME</b>	<b>FROM</b>
AUCTION SDRD	ROCHESTER TOWNLINE RD
BASELINE RD	EAST END
BYRNEDALE RD	LAKESHORE RD 125
BYRNEDALE RD	MYERS RD
BYRNEDALE RD	LAKESHORE RD 123
CAZABON LANE	LAKESHORE RD 131
COUNTRYVIEW LANE	LAKESHORE RD 241
COUNTRYVIEW LANE	COUNTY RD 31
CREEKSIDE RD	TECUMSEH RD
DESIMPEL RD	GRAY LINE
DESIMPEL RD	RICHARDSON SDRD
DESIMPEL RD	EAST END
FINN LANE	HIGHWAY 401
FRONTIER RD	TECUMSEH RD
FRONTIER RD	EAST END
GOLFVIEW DR	COUNTY RD 2
GOODREAU LINE	ESSEX KENT RD
GRAY LINE	DESIMPEL RD
HICKS RD	HICKS RD
KNAPP RD	ROCHESTER TOWNLINE RD
LAFORÉ BEACH RD	EAST END
LAKESHORE RD 111	WALLS RD
LAKESHORE RD 111	COUNTY RD 42
LAKESHORE RD 115	WALLS RD
LAKESHORE RD 115	COUNTY RD 42
LAKESHORE RD 125	COUNTY RD 42
LAKESHORE RD 129	TREPANIER RD
LAKESHORE RD 131	TREPANIER RD
LAKESHORE RD 131	COUNTY RD 42
LAKESHORE RD 131	CAZABON LANE
LAKESHORE RD 209	COUNTY RD 46
LAKESHORE RD 231	COUNTY RD 46
LAKESHORE RD 233	S MIDDLE RD
LAKESHORE RD 235	S MIDDLE RD
LAKESHORE RD 241	COUNTRYVIEW LANE
LAKESHORE RD 241	COUNTY RD 46
LAKESHORE RD 243	S MIDDLE RD
LAKESHORE RD 245	S MIDDLE RD
LAKESHORE RD 308	S MIDDLE RD
LAKESHORE RD 309	RICHARDSON SDRD
LAKESHORE RD 309	GRACEY SDRD
LAKESHORE RD 309	S MIDDLE RD
LAKESHORE RD 310	RICHARDSON SDRD
LAKESHORE RD 311	ROCHESTER TOWNLINE RD

LAKESHORE RD 311	GRACEY SDRD
LIONS CLUB RD	COUNTY RD 27
MITCHELL RD	NORTH END
MITCHELL RD	COUNTRYVIEW LANE
N MIDDLE RD	N MIDDLE RD
N MIDDLE RD	MYERS RD
N MIDDLE RD	LAKESHORE RD 123
ORIOLE PARK DR	NORTH END
ORIOLE PARK DR	N REAR RD
S MIDDLE RD	LAKESHORE RD 308
S MIDDLE RD	HIGHWAY 77
S MIDDLE RD	ROCHESTER TOWNLINE RD
S MIDDLE RD	LAKESHORE RD 309
S MIDDLE RD	GRACEY SDRD
SCHOOLHOUSE RD	LAKESHORE RD 103
SCHOOLHOUSE RD	LAKESHORE RD 101
SCHOOLHOUSE RD	SCOTT SDRD
STRONG RD	COUNTY RD 2
TILBURY W AND ROMNEY TLINE	GOODREAU LINE
TILBURY W AND ROMNEY TLINE	LAKESHORE RD 310
TREPANIER RD	LAKESHORE RD 131
TREPANIER RD	LAKESHORE RD 129
TREPANIER RD	COUNTY RD 31
WALLACE LINE RD	COUNTY RD 22
WHEATFIELD RD	NORTH END

**TO**

KNAPP RD  
COUNTY RD 27  
COUNTY RD 31  
LAKESHORE RD 123  
LAKESHORE RD 125  
ROCHESTER TOWNLINE RD  
MITCHELL RD  
LAKESHORE RD 241  
ESSEX KENT RD  
ESSEX KENT RD  
GRAY LINE  
RICHARDSON SDRD  
N REAR RD  
ESSEX KENT RD  
TECUMSEH RD  
COUNTY RD 42  
ESSEX KENT RD  
ESSEX KENT RD  
N REAR RD  
AUCTION SDRD  
CRYSTAL BEACH RD  
SOUTH END  
WALLS RD  
SOUTH END  
ROGERS RD  
BYRNEDALE RD  
SOUTH END  
SOUTH END  
CAZABON LANE  
TREPANIER RD  
S MIDDLE RD  
S MIDDLE RD  
COUNTY RD 8  
COUNTY RD 8  
COUNTY RD 46  
S MIDDLE RD  
COUNTY RD 8  
COUNTY RD 8  
GRACEY SDRD  
ESSEX KENT RD  
RICHARDSON SDRD  
HIGHWAY 77  
TILBURY W AND ROMNEY TLINE  
HIGHWAY 77

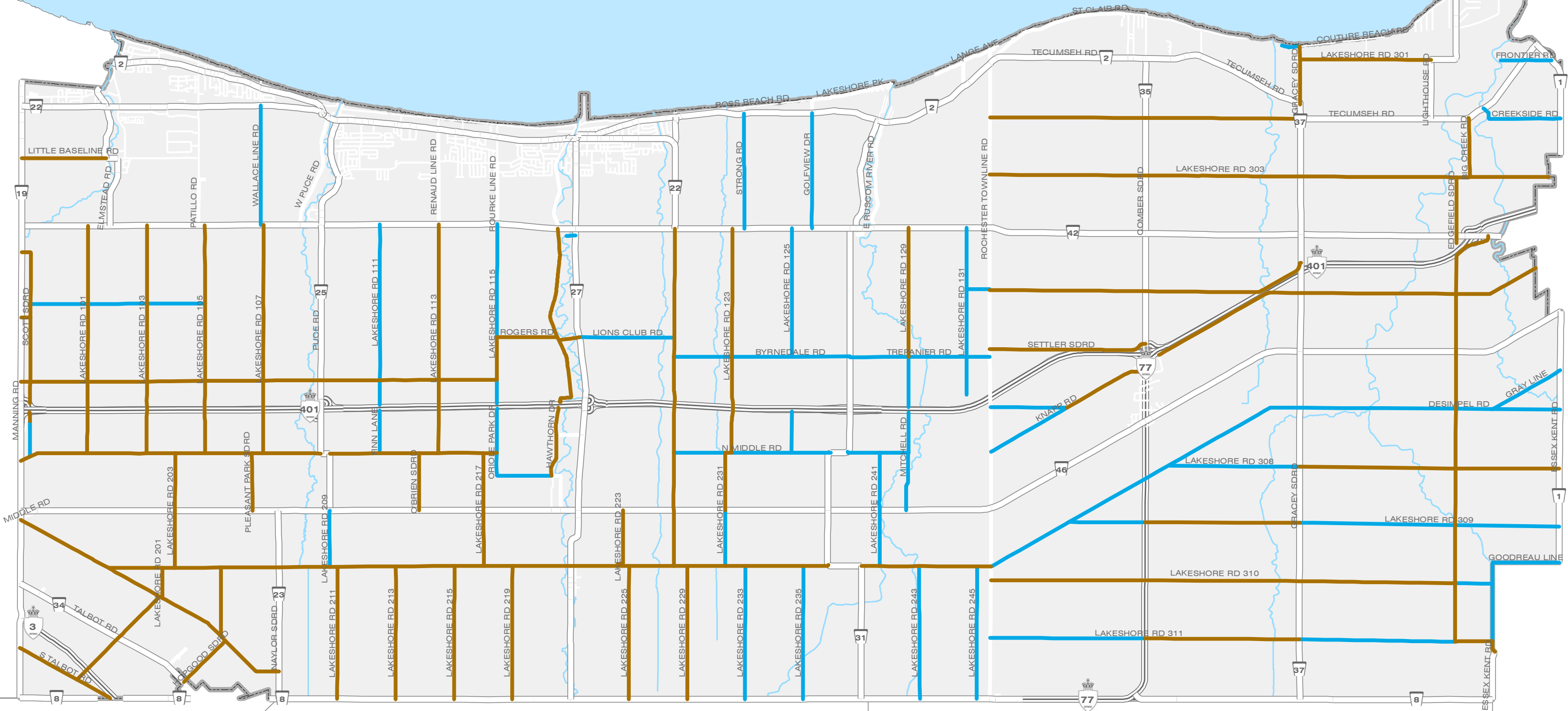
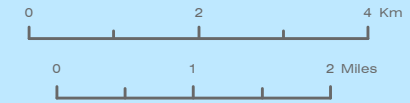
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N REAR RD  
MULLINS DR  
GRACEY SDRD  
LAKESHORE RD 308  
LAKESHORE RD 309  
HIGHWAY 77  
EAST END  
LAKESHORE RD 105  
LAKESHORE RD 103  
LAKESHORE RD 101  
COUNTY RD 42  
LAKESHORE RD 310  
ESSEX KENT RD  
ROCHESTER TOWNLINE RD  
LAKESHORE RD 131  
LAKESHORE RD 129  
COUNTY RD 42  
N MIDDLE RD



# MUNICIPALITY OF LAKESHORE

## CLASS B ROADS

- CLASS B SURFACE TREATED ROADS
- CLASS B GRAVEL ROADS



This map was produced by the Municipality of Lakeshore GIS Department and is intended for illustrative purposes only. February 2022

# Municipality of Lakeshore – Report to Council

## Finance & Technology

## Accounting & Revenue



**To:** Mayor & Members of Council  
**From:** Michelle Heslop, Team Leader-Revenue  
**Date:** December 17, 2021  
**Subject:** Changes to Regulation of Water Supply By-Law 97-2004

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### Recommendation

Direct the Clerk to read By-Law 5-2022, which amends Section 3.10 of By-Law 97-2004 being the Regulation of Water Supply in the Town of Lakeshore By-law; and

Repeal By-Law 37-2005, as presented in the February 15, 2022 Council report.

### Background

On April 26, 2005, Council adopted By-Law 37-2005 amending section 3.10 of By-Law 97-2004. The removal of the phrase “at the time when the water service is connected to the municipal water system” and replace with, “90 days after the time when the water service is connected to the municipal water supply system”. This ninety (90) days were made to be a grace period so no water charges would be billed to the builder until the project was completed.

However, with the large amount of growth in Lakeshore, this procedure has caused complication and confusion for both the residents and administrative staff of Lakeshore.

### Comments

The Water Distribution, Building and Revenue departments identified improvements to this process to define timelines, reduce resident confusion and increase administrative efficiencies. This process improvement requires By-Law 37-2005 to be repealed and Section 3.10 of by-law 97-2004 to be amended to allow for the following procedure changes:

- Fee added to the building permit for water used in the construction phase, approved in User Fee By-Law 113-2021;
- Billing to start when water meters are picked up;
- Water meters are to be picked up, installed and inspected prior to building granting occupancy.

Changing this process has significant benefits from a customer service perspective as well as an administrative perspective. It provides clear and defined timelines and tracking of meter inspections as they will be required to be granted occupancy. An additional benefit is this will force final occupancy inspections to happen prior to home sale so indemnity deposit can be returned to builders in a timely manner. It will provide a predictable revenue stream for the municipality. It will provide clear and defined billing procedures for staff and residents to follow.

### **Financial Impacts**

The financial impact is the revenue for the flat rate water fee charged at the time of building as per the tariff of fees. This will be posted to the water revenue account.

### **Report Approval Details**

Document Title:	Changes to Regulation of Water Supply By-Law 97-2004.docx
Attachments:	
Final Approval Date:	Feb 10, 2022

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

Kate Rowe

Justin Rousseau

Kristen Newman

Truper McBride

**Notice of Motion submitted by Councillor Kerr regarding the Bulk Water Hose at Fire Station #5**

Whereas Fire station #5 in Comber will one day be expanding to the library area;

And whereas residents have raised concerns about having to block the firetruck doors to access the bulk water;

Be it resolved that by motion any future upgrades to Firehall #5 because of the library expansion space must include moving the bulk water service to the east side of the building.



**Notice of Motion submitted by Councillor McKinlay regarding the Community Hub in Stoney Point**

Whereas Council has directed the purchase of a temporary accessible dwelling to be located in the Stoney Point Community Park;

Whereas Council has directed that the accessible dwelling host community services including library services;

Whereas Council has directed that Stoney Point Community Park visioning exercises commence on or before April 1, 2022;

Whereas the hamlet of Stoney Point is in the queue for their CIP;

Whereas Council desires a permanent Community/ Hub Centre in Stoney Point;

Therefore be it resolved that the Municipality of Lakeshore place \$2M in reserves to be used towards a Community/Hub to be built in the Community of Stoney Point.

And be it further resolved that a detailed design begin no later than 2023 with a target build commenced in 2025.

## **Notice of Motion submitted by Councillor Wilder regarding the Ontario Land Tribunal**

Whereas Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy; and

Whereas an Official Plan is developed through months of public consultation to ensure, “that future planning and development will meet the specific needs of our community”; and

Whereas our Official Plan includes provisions that encourage development of the “missing middle” or “gentle density” to meet the need for attainable housing in our community; and

Whereas our Official Plan is ultimately approved by the province; and

Whereas it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the Municipality of Lakeshore Official Plan; and

Whereas it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the Municipality of Lakeshore Official Plan; and

Whereas municipal planning decisions may be appealed to the Ontario Land Tribunal (OLT; formerly the Ontario Municipal Board or “OMB”), an unelected, appointed body that is not accountable to the residents of the Municipality of Lakeshore; and

Whereas the OLT has the authority to make a final decision on planning matters based on a “best planning outcome” and not whether the proposed development is in compliance with municipal Official Plans; and

Whereas all decisions—save planning decisions—made by Municipal Council are only subject to appeal by judicial review and such appeals are limited to questions of law and or process; and

Whereas Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans; and

Whereas towns and cities across this Province are repeatedly forced to spend millions of dollars defending Official Plans that have already been approved by the province in expensive, time consuming and ultimately futile OLT hearings; and

Whereas lengthy, costly OLT hearings add years to the development approval process and act as a barrier to the development of attainable housing;

1. Now Therefore Be It Hereby Resolved That the Municipality of Lakeshore requests the Government of Ontario to dissolve the OLT immediately thereby eliminating one of the most significant sources of red tape delaying the development of more attainable housing in Ontario; and
2. Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors' Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and
3. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

# **Municipality of Lakeshore**

## **By-law 5-2022**

### **Being a By-law to Amend By-Law 97-2004, Being A By-Law to Provide for the Regulation of the Water Supply in the Municipality of Lakeshore**

**Whereas** By-law 97-2004, a By-law to provide for the regulation of water supply in the Municipality of Lakeshore, was adopted July 19, 2004;

**And Whereas** By-Law 37-2005, a By-Law to amend Section 3.10 of By-law 97-2004 to eliminate the phrase “at the time when the water service is connected to the municipal water system”, was adopted April 26, 2005;

**And whereas** Council deems it necessary to amend Section 3.10 By-law 97-2004 to eliminate the phrase “90 days after the time when the water service is connected to the municipal water supply system. For customers in the sanitary sewer service area, sewage charges shall also apply”, and resolved to do so at the January 18, 2022 Council meeting;

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

1. By-law 37-2005 is repealed.
2. Section 3.10 of By-law 97-2004 is repealed and replaced by the following:

“3.10 Water used during the construction phase of building, prior to occupancy, will be recovered by charging a flat rate fee for both water and sewage., according to the tariff of fees by-law to be included in the building permit.”

3. This By-law comes into force and effect upon passage.

Read and passed in open session on February 15, 2022.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

**Municipality of Lakeshore**

**By-law 17-2022**

**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 these sessions 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 actions passed and taken by the Council of the Municipality of Lakeshore, documents and transactions entered into during the February 1<sup>st</sup>, 2022 session 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 15<sup>th</sup>, 2022.**

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

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

/cl

## **Municipality of Lakeshore**

### **By-law 18-2022**

#### **Being a By-law to Extend the Time for an Interim Control By-law, respecting the study of the effects of Greenhouses in the Municipality of Lakeshore**

**Whereas** the *Planning Act*, R.S.O. 1990 c. P.13 provides that where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law;

**And whereas** the Council of the Municipality of Lakeshore directed Administration, by resolution #450-12-2020, to prepare an interim control by-law to study the effects of greenhouse development in Lakeshore

**And whereas** on March 9, 2021, Council passed By-law 13-2021 being a Being a By-law to Establish an Interim Control By-law, respecting Greenhouses in the Municipality of Lakeshore and the by-law came into force and effect immediately upon passage;

**And whereas** the Municipality is undertaking a study to examine the effects of greenhouse development within the entire municipal boundary of the Municipality of Lakeshore, so as to allow the Municipality to review and, if considered appropriate, implement the findings of the review and study referred to herein;

**And whereas** subsection 38(2) of the *Planning Act* provides that the council of the municipality may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law;

**And whereas** the Municipality desires to amend the Interim Control By-law to extend the period of time during which the by-law will be in effect pursuant to subsection 38(2) of the *Planning Act* in order to complete the study;

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

1. Section 8 of By-law 13-2021 Being a By- law to establish an Interim Control By- law, respecting Greenhouses in the Municipality of Lakeshore is repealed and replaced with the following:

“8. This by-law shall come into force and effect upon passage and remain in force and effect until March 8, 2023 at 11:59 pm.”

**Enactment**

1. (a) This by-law comes into force and effect upon passage.

Read and passed in open session on February 15, 2022.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

# **Municipality of Lakeshore**

## **By-law 20-2022**

### **Being a By-law to Adopt an Employee COVID-19 Vaccination Policy for the Municipality of Lakeshore**

**Whereas** section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality has the authority to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** the Council of the Municipality of Lakeshore passed a resolution directing the Clerk read a by-law to adopt an Employee COVID-19 Vaccination Policy for the Municipality of Lakeshore, as recommended by the Division Leader – Workforce Development at the October 26, 2021 Council meeting;

**And whereas** the Council of the Municipality of Lakeshore passed a resolution directing the Clerk read a by-law to adopt a revised Employee COVID-19 Vaccination Policy for the Municipality of Lakeshore, as recommended by the Division Leader – Workforce Development at the February 1, 2022 Council meeting;

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

1. Schedule "A" to this By-Law is adopted and shall be referred to as the "Employee COVID-19 Vaccination Policy".
2. By-law 83-2021, including the policy attached thereto, is repealed.
3. This By-law comes into force upon passage.

Read and passed in open session on February 15, 2022.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**





# Schedule A to By-law 20-2022 **Employee COVID-19 Vaccination Policy**

Policy #C - HS - 432

Date Last Reviewed: February 15, 2022

## **1.0 Purpose and Scope**

- 1.1** The Municipality of Lakeshore is committed to taking every reasonable precaution in the circumstances for the protection of the health and safety of workers from the hazard of COVID-19 as required by the *Occupational Health and Safety Act* (OHSA).
- 1.2** Vaccination in accordance with federal and provincial directives has been shown to be effective in reducing COVID-19 virus transmission and protecting unvaccinated individuals from severe consequences of COVID-19 and COVID-19 variants. Therefore, it is critical for employees to be vaccinated in order to protect themselves from COVID-19 as well as to provide indirect protection to others during service delivery.
- 1.3** The Municipality is committed to a workplace free from discrimination and harassment. The Municipality will accommodate employees qualifying for medical exemption or who qualify based on one or more of the protected grounds of discrimination in the Human Rights Code up to the point of undue hardship.
- 1.4** This policy applies to all Municipal employees including those employed on a permanent, part-time or contract basis (for example contracted by the Municipality directly or those employed by an employment agency), co-op and placement students whether in receipt of compensation or salary or not, volunteers.
- 1.5** Where employees are subject to an Ontario provincial directive with respect to COVID-19 vaccination that is more strict than this policy, an employee vaccination policy for those employees will be established in accordance with such directive and that specific policy will prevail over this policy. In addition, where an employee's departmental COVID-19 vaccination policy is more stringent than this policy, such departmental policy will prevail over this policy.

## **2.0 Definitions**

- 2.1 COVID-19:** coronavirus disease is an infectious disease caused by the SARS-CoV-2 virus and includes variants of this disease.



# Employee COVID-19 Vaccination Policy

Policy #C - HS - 432

Date Last Reviewed: February 15, 2022

- 2.2 Fire Call:** means a call from the Municipality's Fire Dispatch provider to dispatch Volunteer Firefighters.
- 2.3 Exemption:** means a Medical or Protected Ground Exemption.
- 2.4 Fully Vaccinated and Full Vaccination:** means 14 days after having received the completed series of 2 doses of an accepted COVID-19 vaccine as recommended by Chief Medical Officer of Health for the Province of Ontario.
- 2.5 Lab-Based Test:** This a polymerase chain reaction (PCR) test taken through a medical laboratory that detects SARS-CoV-2 genetic material and is used to diagnose an active COVID-19 infection.
- 2.6 Medical Exemption:** This is a situation in which an employee has provided written proof in a form satisfactory to the Municipality from an appropriately qualified physician or nurse practitioner of a medical reason for not being Fully Vaccinated.
- 2.7 Protected Ground Exemption:** This is a situation in which an employee has provided written proof in a form satisfactory to the Municipality of a valid exemption from the requirement to be Fully Vaccinated based on a protected ground under the *Human Rights Code*.
- 2.8 Rapid Antigen Test:** This is a COVID-19 test administered using a nasal swab to identify positive cases in asymptomatic individuals. This test safely yields a result within 15 minutes.
- 2.9 Workplace:** Any location that a Municipal employee performs tasks, jobs or projects for the Municipality, but does not include a person's home if working remotely.
- 2.10 Vaccine:** a preparation that is administered (as by injection) to stimulate the body's immune response against a specific infectious agent or disease. A vaccine approved by Health Canada for use in Canada in relation to COVID-19.



# Employee COVID-19 Vaccination Policy

Policy #C - HS - 432

Date Last Reviewed: February 15, 2022

## 3.0 Policy

- 3.1** Subject to 3.2, all employees are required to become Fully Vaccinated in accordance with the COVID-19 Vaccination/Rapid Antigen Testing Procedures approved by the Chief Administrative Officer.
- 3.2** The Municipality respects its obligations pursuant to the Human Rights Code and OHSA. As such, to ensure the health and safety of its employees, the Municipality will accommodate those employees that are not able to be Fully Vaccinated for a reason relating to an Exemption. Employees seeking any such exemption shall provide valid written proof of evidence as required by the Municipality COVID-19 Employee Vaccination Policy.
  - 3.2.1** An Employee that has been granted an Exemption or is awaiting a decision with respect to an Exemption must participate in rapid antigen testing twice per week which shall be performed at the cost of the Municipality.
- 3.3** An Employee that is not eligible for an Exemption and is not Fully Vaccinated shall not enter the Workplace without engaging in a Rapid Antigen Testing two times per week in accordance with Municipal procedures.
- 3.4** Despite anything to the contrary in this policy, Volunteer Firefighters that are not Fully Vaccinated shall not respond to a Fire Call.
- 3.5** In addition to COVID-19 screening results collected by the Municipality, the Municipality will maintain the confidentiality of an employee's vaccination status. The collection of personal health information will be limited to:
  - 3.5.1** Rapid Antigen Test results;



# Employee COVID-19 Vaccination Policy

Policy #C - HS - 432

Date Last Reviewed: February 15, 2022

**3.5.2** Lab-based Test Results;

**3.5.3** Proof of Exemption;

**3.5.4** Ministry of Health Dose Administration Receipts or other Provincially-sanctioned proof of vaccination; and

**3.5.5** Personnel records associated with Exemptions, administration of this policy and vaccination, where necessary.

**3.5.6** The personal health information collected in accordance with this policy may be used for the purpose of administering this policy. The personal health information may be disclosed only for the purpose of this purpose or for otherwise permitted in accordance with applicable law.

**3.5.7** Notwithstanding an Employee having received a vaccine or Exemption, all Employees shall continue to comply with COVID-19 preventative measures including COVID-19 screening, donning a mask, maintaining a physical distance and the use of barriers where possible.

## **4.0 Responsibilities**

**4.1** Workforce Development is responsible for developing administrative procedures to accompany this policy.

**4.2** Workforce Development and all levels of supervisors are responsible for ensuring the administration of this policy in accordance with applicable law.

**4.3** All employees are responsible for compliance with this policy, and shall comply with all applicable legal obligations in doing so, including with respect to public health measures such as physical distancing, wearing a mask, and staying home if they are sick.



# Employee COVID-19 Vaccination Policy

Policy #C - HS - 432

Date Last Reviewed: February 15, 2022

## 5.0 Consequences

**5.1** No employee will be permitted to attend a Workplace unless:

**5.1.1** The employee is Fully Vaccinated and has provided proof of vaccination to the Municipality in accordance with the COVID-19 Vaccination/Rapid Antigen Testing Procedures; or

**5.1.2** The employee has been granted an Exemption and has complied with Municipal testing requirements in accordance with the COVID-19 Vaccination/Rapid Antigen Testing Procedures; or

**5.1.3** The employee has submitted the employee's request for an Exemption and is awaiting a decision from the Municipality with respect to the request and has complied with Municipal testing requirements in accordance with the COVID-19 Vaccination/Rapid Antigen Testing Procedures; or

**5.1.4** The employee has provided Rapid Antigen Testing in accordance with the COVID-19 Vaccination/Rapid Antigen Testing Procedures.

**5.2** Employees who refuse to disclose their vaccination status in accordance with this policy may be subject to certain health and safety measures and progressive discipline, including without limitation, restricting access to the workplace, placing the individual on an unpaid leave of absence, and/or modifying or terminating their contract of employment.

**5.3** Employees failing to follow this policy may be subject to disciplinary action up to and including termination of employment.

## 6.0 Reference Documents

**6.1** *Occupational Health and Safety Act*

**6.2** Human Rights Code



# Employee COVID-19 Vaccination Policy

Policy #C - HS - 432

Date Last Reviewed: February 15, 2022

## 6.3 Employee COVID-19 Vaccination/Rapid Antigen Testing Procedures

## 7.0 Communication and Training

7.1 All employees will be notified of this policy through email or employees meetings.

## 8.0 Review/Revisions

8.1 The Municipality will review this policy and update it as required and as reasonable in the evolving nature of the pandemic, vaccine availability and government and public health authority direction.

#	Date Revised	Author	Section	Details of Change
1	Sept 2021	Workforce Development		New draft policy
2	October 2021	Workforce Development		Revised draft policy
3	October 2021	Workforce Development		Policy approved
3	January 2022	Workforce Development		Revised to address procedural deadlines and presented in draft to Council; subsequently revised to remove booster requirement
4				

Refer policy questions to: Workforce Development