

Municipality of Lakeshore

Minutes of the Regular Council Meeting

Tuesday, May 30, 2023, 5:00 PM

Council Chambers, 419 Notre Dame Street, Belle River



Members Present: Mayor Tracey Bailey, Deputy Mayor Kirk Walstedt, Councillor Ryan McNamara, Councillor Paddy Byrne, Councillor Kelsey Santarossa, Councillor John Kerr, Councillor Ian Ruston, Councillor Larissa Vogler

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 - Bylaw Robert Sassine, Division Leader - Capital Projects Wayne Ormshaw, Division Leader - Civic Affairs Brianna Coughlin, Division Leader - Community Services Frank Jeney, Division Leader - Digital Transformation & Cloud Services Michael Martin, Division Leader - Economic Development & Mobility Ryan Donally, Division Leader - Engineering and Infrastructure Services Marco Villella, Division Leader - Public Works Jeff Wilson, Planner I Ian Rawlings, Team Leader - Civic Engagement Alex Denonville, IT Infrastructure Specialist Matthew Mancina, Team Leader - Development Services Kristina Brcic, Team Leader – Sanitary and Stormwater Sarah Zaarour

1. Call to Order

Mayor Bailey called the meeting to order at 5:05 PM in Council Chambers.

2. Closed Session

134-05-2023

Moved By Councillor Vogler

Seconded By Councillor Santarossa

Council move into closed session in Council Chambers at 5:05 PM in accordance with:

- a. Paragraph 239(2)(c) of the *Municipal Act, 2001* to discuss a proposed or pending acquisition or disposition of land by the municipality, relating to Stoney Point Park.
- b. Paragraph 239(2)(e), (f) and (k) of the *Municipal Act, 2001* to discuss litigation or potential litigation, including matters before administrative tribunals, affecting the municipality, advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality regarding to infrastructure development in Lighthouse Cove.
- c. Paragraph 239(2)(e), and (f) of the *Municipal Act, 2001* to discuss litigation or potential litigation, including matters before administrative tribunals, affecting the municipality, and advice that is subject to solicitor-client privilege, including communications necessary for that purpose, regarding Committee of Adjustment application B/11/2023.
- d. Paragraph 239(2)(e), and (f) of the *Municipal Act, 2001* to discuss litigation or potential litigation, including matters before administrative tribunals, affecting the municipality, and advice that is subject to solicitor-client privilege, including communications necessary for that purpose, regarding the Amy Croft area.

Carried Unanimously

3. Return to Open Session

Council returned to open session at 6:02 PM.

4. Land Acknowledgement

5. Moment of Reflection

6. Disclosures of Pecuniary Interest

7. Recognitions

8. Public Meetings under the *Planning Act*

1. Zoning By-law Amendment ZBA-02-2022 – 1498 Walls Rd

Mayor Bailey opened the public meeting at 6:04 PM.

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

There were no members of the public present to speak to the matter.

The public meeting concluded at 6:07 PM.

135-05-2023

Moved By Deputy Mayor Walstedt

Seconded By Councillor Ruston

Approve Zoning By-law Amendment Application ZBA-02-2022 (Zoning By-law 2-2012, as amended), to rezone the lands known legally as, Part of Lot 16, Concession 2 West of Belle River, Maidstone, Lakeshore, and municipally as 1498 Walls Rd, from “Agriculture (A)” to “Agriculture Zone Exception 1 (A-1)” zone (Indicated on the Key Map, Attachment 1), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 34-2023 during the Consideration of By-laws, all as presented at the May 30, 2023 Council meeting.

Carried Unanimously

2. Zoning By-law Amendment ZBA-12-2022 – 865 Lakeshore Rd 115

Mayor Bailey opened the public meeting at 6:09 PM.

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

Edward Pavlakovich, applicant, was present electronically and spoke in favour of the application.

The public meeting concluded at 6:14 PM.

136-05-2023

Moved By Councillor Santarossa

Seconded By Councillor Ruston

Approve Zoning By-law Amendment Application ZBA-12-2022 (Zoning By-law 2-2012, as amended), to rezone the lands known legally as, Part of Lot 14, Concession 2 West of Belle River, Maidstone designated as Parts 2 and 3 on Plan 12R11616; Lakeshore, and municipally as 865 Lakeshore Rd 115, from “Agriculture (A)” to “Agriculture Zone Exception 1 (A-1)” zone (Indicated on the Key Map, Attachment 1), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 35-2023 during the Consideration of By-laws, all as presented at the May 30, 2023 Council meeting.

Carried Unanimously

3. Zoning By-law Amendment ZBA-13-2022 – 1066 County Rd 42

Mayor Bailey opened the public meeting at 6:15 PM.

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

Gurcharan Dhaliwal and Hardeep Grewal, applicants, were present electronically and spoke in favour of the application.

The public meeting concluded at 6:19 PM.

137-05-2023

Moved By Councillor Vogler

Seconded By Councillor Ruston

Approve Zoning By-law Amendment Application ZBA-13-2022 (Zoning By-law 2-2012, as amended), to rezone the lands known legally as, Part of Lots 6 and 7, Plan 26, Maidstone, as in R1412055; Lakeshore, subject to an easement over Part 1 on Plan 12R22403 as in CE196410, and municipally as 1066 County Rd 42, from “Agriculture (A)” to “Agriculture Zone Exception 113 (A-113)” zone (Indicated on the Key Map, Attachment 1), in the Municipality of Lakeshore; and

Direct the Clerk to read By-law 36-2023 during the Consideration of By-laws, all as presented at the May 30, 2023 Council meeting.

Carried Unanimously

4. Zoning By-law Amendment ZBA-17-2022 – 2889 Lakeshore Rd 225

Mayor Bailey opened the public meeting at 6:19 PM.

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

There were no members of the public present to speak to the matter.

The public meeting concluded at 6:22 PM.

138-05-2023

Moved By Deputy Mayor Walstedt

Seconded By Councillor Ruston

Approve Zoning By-law Amendment Application ZBA-17-2022, (Zoning By-law 2-2012, as amended), to rezone lands known legally as, Part of Lot 28, Concession 1 East of Belle River, Rochester, Lakeshore, and municipally as 2889 Lakeshore Rd 225, from “Agriculture (A)” to “Agriculture Zone Exception 1 (A-1)” zone (Indicated on the Key Map, Attachment 1), in the Municipality of Lakeshore; and
Direct the Clerk to read By-law 37-2023 during the Consideration of By-laws, all as presented at the May 30, 2023 Council meeting.

Carried Unanimously

5. Zoning By-law Amendment file ZBA-06-2023 at 6804 County Road 8 by 1000048386 Ontario Inc. - Lisa Aronne

Mayor Bailey opened the public meeting at 6:22 PM.

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

Lisa Aronne and Dan Amicone, representing the applicant, provided a PowerPoint presentation in support of the application. Vincenzo Mastrogiamomo, legal counsel for the applicant, was present electronically.

Phil Hernandez, resident, was present and spoke in opposition to the application. Michael Stocks, legal counsel for Mr. Hernandez, was present electronically and spoke in opposition to the application.

Gordon McCracken, resident, was present and spoke in opposition to the application in addition to his written comments previously submitted.

The public meeting concluded at 7:08 PM.

139-05-2023

Moved By Deputy Mayor Walstedt

Seconded By Councillor Byrne

Defer, for no longer than 3 months, Zoning By-law Amendment Application ZBA-06-2023, to amend Zoning By-law 2-2012 for the lands known municipally as 6804 County Road 8, to permit a Group Home on the property and provide relief from the rear yard setback in accordance with the site plan provided.

Carried Unanimously

6. Zoning By-law Amendment file ZBA-08-2023 at 1258 County Road 22 by Taras Natyshak (Owner) Denis Buj (Agent)

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

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

Taras Natyshak and Jennifer Natyshak, applicants, as well as agent Denis Buj, were present to any questions of Council in relation to the application.

Jeff Donais, resident, was present and spoke in opposition to the application.

The public meeting concluded at 7:25 PM.

140-05-2023

Moved By Deputy Mayor Walstedt

Seconded By Councillor Byrne

Approve Zoning By-law Amendment Application ZBA-08-2023 to amend Zoning By-law 2-2012 for the lands known municipally as 1258 County Road 22, to increase both the permitted home occupation floor area to 33% and the maximum parking spaces to 10; and

Direct the Clerk to read By-law 49-2023 during the Consideration of By-laws, all as presented at the May 30, 2023 Council meeting.

In Favour (6): Mayor Bailey, Deputy Mayor Walstedt, Councillor Byrne, Councillor Santarossa, Councillor Kerr, and Councillor Ruston

Opposed (2): Councillor McNamara, and Councillor Vogler

Carried

9. Public Presentations

10. Delegations

1. 2021 Year-End Reporting: Audited Consolidated Financial Statements, Building Services Annual Statement, Development Charge Reserve Funds Statement, and 2021 Parkland Dedication Reserve Statement

Cynthia Swift, KPMG, was present electronically and spoke in support of the report by the Corporate Leader - Chief Financial Officer.

141-05-2023

Moved By Councillor Vogler

Seconded By Councillor McNamara

The Audited Consolidated Financial Statements for the year ended December 31, 2021, be approved;

The Audit Findings Report of KPMG for the year ended December 31, 2021, be received;

Administration be authorized to post the 2021 Consolidated Financial Statements on the Municipality of Lakeshore website;

The Statement of Revenue and Expenses and Accumulated Net Expense for Building Services for the year ended December 31, 2021, be received;

The Development Charges Reserve Funds Statement, for the year ended December 31, 2021, be received; and,

The Parkland Dedication Reserve Statement, for the year ended December 31, 2021, be received.

Carried Unanimously

Mayor Bailey called a recess at 7:52 PM and reconvened the meeting at 8:04 PM.

11. Completion of Unfinished Business

12. Consent Agenda

142-05-2023

Moved By Councillor Vogler

Seconded By Councillor Ruston

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

1. May 2, 2023 Regular Council Meeting Minutes
2. May 11, 2023 Special Council Meeting Minutes
3. The Women of Ontario Say No - Bill 5, Stopping Harassment and Abuse by Local Leaders Act

Carried Unanimously

13. Reports for Information

143-05-2023

Moved By Councillor McNamara

Seconded By Councillor Santarossa

Receive the Reports for Information as listed on the agenda.

1. 2022 Major Accomplishments
2. 2021 Year- End Financial Ratios and Indicators
3. Flood Mitigation and Protection Framework Update

Carried Unanimously

14. Reports for Direction

1. **Tender Award – Leffler Stormwater Pumping Station Upgrades**

144-05-2023

Moved By Councillor McNamara

Seconded By Councillor Vogler

Award the tender for the Leffler Stormwater Pumping Station Upgrades to Kingdom Construction Ltd. for a total project cost of \$662,793.86 including applicable HST, with the excess amount of \$352,793.86 funded from the stormwater reserve, as presented at the May 30, 2023 Council Meeting

Carried Unanimously

2. Request for Temporary Licence Extension – Mr. BIGGS Restaurant & Sportsbar (Sunsplash) – July 13-16, 2023

145-05-2023

Moved By Councillor Kerr

Seconded By Councillor Santarossa

Direct the Division Leader – Civic Affairs to provide a letter stating that the Municipality of Lakeshore has no objection to the temporary extension of the liquor licence of Mr. BIGGS Restaurant & Sportsbar, 405 Notre Dame Street for Sunsplash event, scheduled for July 13-16 2023 from 11:00 AM to 1:00 AM, on the condition that the conduct of the event is in compliance with the provision of the *Liquor Licence Act* and associated rules and directive of the Alcohol and Gaming Commission of Ontario.

Carried Unanimously

3. 2023 Gravel Conversion Program – Reallocation of Funds

146-05-2023

Moved By Councillor Ruston

Seconded By Deputy Mayor Walstedt

Approve the gravel conversion of Oriole Park Drive that was identified in the 10-year gravel conversion program for completion in 2024, in the amount \$187,087.79 (including applicable HST), to be funded from the approved 2023 budgeted amount that was originally allocated for the conversion of Lakeshore Road 111, as presented at the May 30, 2023 Council Meeting.

Carried Unanimously

4. Internet Services for the Atlas Tube Centre

147-05-2023

Moved By Councillor Ruston

Seconded By Councillor Byrne

Authorize the Mayor and Clerk to enter into an agreement with Cogeco Connexion Inc via Connecting Windsor Essex to provide the Atlas Tube Recreation Centre with Internet Services for a period of five (5) years at a cost of \$810 per month;

Approve administration to run an operating variance to an upset limit of \$6,000 dollars on the telecommunication budget; and

Direct Administration to increase the Internet Service budget in 2024 by \$10,000.00 to account for the increased service level being provided to the Atlas Tube Centre, all as described in the report presented at the May 30, 2023 Council meeting.

Carried Unanimously

5. Crossing Guard Program

148-05-2023

Moved By Deputy Mayor Walstedt

Seconded By Councillor Ruston

Approve an agreement with PROSTAFF Employment Services to provide services for the Crossing Guard Program and that the Mayor and Clerk be authorized to execute the agreement, as presented at the May 30, 2023 Council meeting.

In Favour (6): Mayor Bailey, Deputy Mayor Walstedt, Councillor McNamara, Councillor Byrne, Councillor Santarossa, and Councillor Ruston

Opposed (2): Councillor Kerr, and Councillor Vogler

Carried

6. Lakeshore Canada Day

149-05-2023

Moved By Councillor Kerr

Seconded By Deputy Mayor Walstedt

Approve the Canada Day festivities agenda described in the May 30, 2023 Council meeting Lakeshore Canada Day Report, at page 225, only.

In Favour (7): Mayor Bailey, Deputy Mayor Walstedt, Councillor McNamara, Councillor Byrne, Councillor Santarossa, Councillor Kerr, and Councillor Ruston

Opposed (1): Councillor Vogler

Carried

150-05-2023

Moved By Councillor Kerr

Seconded By Councillor Vogler

The location rotation for Canada Day festivities take place as follows:

2024: Lakeview Park/West Beach

2025: Stoney Point Community Park

2026: Millen Park

2027: Atlas Tube Recreation Centre

2028: Lakeview Park/West Beach

2029: Stoney Point Community Park

2030: Millen Community Park

2031: Atlas Tube Recreation Centre

With the organization of the events under the leadership of the recreational team and that Administration will invite community and service groups to participate in the celebrations going forward, as appropriate to the locations where the celebrations are taking place; and

That Council consider paying the cost of the activities through the budget process.

In Favour (7): Mayor Bailey, Deputy Mayor Walstedt, Councillor McNamara, Councillor Byrne, Councillor Kerr, Councillor Ruston, and Councillor Vogler

Opposed (1): Councillor Santarossa

Carried

7. Temporary Patio and Temporary Patio Extension Report

151-05-2023

Moved By Councillor McNamara

Seconded By Deputy Mayor Walstedt

Direct Administration to implement the application for approval to authorize temporary patios and temporary patio extensions, and an application fee of \$250, all as presented at the May 30, 2023 Council meeting; and

Direct the Clerk to prepare the necessary by-laws for implementation.

In Favour (6): Mayor Bailey, Deputy Mayor Walstedt, Councillor McNamara, Councillor Santarossa, Councillor Kerr, and Councillor Ruston

Opposed (2): Councillor Byrne, and Councillor Vogler

Carried

8. Municipality of Lakeshore, 2023 Flood Rapid Response Plan (FRRP)

152-05-2023

Moved By Councillor Kerr

Seconded By Councillor Byrne

Adopt the Municipality of Lakeshore's 2023 Flood Rapid Response Plan as presented at the May 30, 2023 Regular Council Meeting.

Carried Unanimously

15. Announcements by Mayor

16. Reports from County Council Representatives

17. Report from Closed Session

18. Notices of Motion

1. Councillor Kerr - Marina Fencing

153-05-2023

Moved By Councillor Kerr

Seconded By Councillor Byrne

Whereas the month of May 2023 has seen another night time incident with racing motor vehicles and unlawful discharging of fireworks over the boats at the northern end of the Belle River Marina;

And whereas the marina slips renters have been asking Lakeshore in implement security measures to keep the Marina parking lot and boat slips safe;

And whereas to date, the current security plan has not been as successful as desired;

Now be it resolved that Administration quickly develops a parking lot and marina area plan for security. The slip renters preferred plan includes east to west fencing in addition to a security officer-controlled entrance of barrier gate arms at the parking lot entrance just north of the boat trailer section of the parking lot; and

Be it further resolved that the fencing have pedestrian gates along the walkways that can be shut by security when the Lakeshore Park and Marina area are closed.

Carried Unanimously

Councillor Ruston advised that he would be bringing forward a motion at the next meeting to contract an external by-law enforcement company to proactively enforce the top 2 enforcement files for a period of 6 months.

19. Question Period

20. Non-Agenda Business

Councillor Santarossa declared a conflict of pecuniary interest regarding the motion brought forward by the Deputy Mayor.

154-05-2023

Moved By Deputy Mayor Walstedt

Seconded By Councillor Ruston

Waive the rules of procedure to allow for the consideration of a motion without the required notice.

In Favour (7): Mayor Bailey, Deputy Mayor Walstedt, Councillor McNamara, Councillor Byrne, Councillor Kerr, Councillor Ruston, and Councillor Vogler

Conflict (1): Councillor Santarossa

Carried

155-05-2023

Moved By Deputy Mayor Walstedt

Seconded By Councillor Byrne

Direct the Mayor to send a letter of support on behalf of Council with respect to the expansion of the Lakeshore Community Nurse Practitioner-led Clinic in Belle River and Stoney Point.

In Favour (7): Mayor Bailey, Deputy Mayor Walstedt, Councillor McNamara, Councillor Byrne, Councillor Kerr, Councillor Ruston, and Councillor Vogler

Conflict (1): Councillor Santarossa

Carried

156-05-2023

Moved By Councillor Byrne

Seconded By Councillor Vogler

Extend the meeting past the 9:30 PM deadline.

Carried Unanimously

21. Consideration of By-laws

157-05-2023

Moved By Councillor Vogler

Seconded By Councillor McNamara

By-laws 44-2023, 45-2023, 46-2023 and 47-2023 be read a first and second time and provisionally adopted; and

By-laws 34-2023, 35-2023, 36-2023, 37-2023, 49-2023 and 55-2023 be read and passed in open session on May 30, 2023.

Carried Unanimously

1. **By-law 34-2023, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-02-2022)**
2. **By-law 35-2023, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-12-2022)**
3. **By-law 36-2023, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-13-2022)**
4. **By-law 37-2023, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-17-2022)**
5. **By-law 44-2023, Being a By-law for the Beattie Drain South Branch (Ellis Drain Outlet)**
6. **By-law 45-2023, Being a By-law for the East 11th Concession Drain Enclosure Improvements**
7. **By-law 46-2023, Being a By-law for the Girard Drain (Damphouse Bridge)**
8. **By-law 48-2023, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-06-2022)**
9. **By-law 47-2023, Being a By-law for the T. Renaud Drain North Branch**

10. **By-law 49-2023, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-08-2023)**

11. **By-law 55-2023, Being a By-law to Confirm the Proceedings of the May 2 and May 11, 2023 Council Meetings**

22. Return to Closed Session

158-05-2023

Moved By Councillor McNamara

Seconded By Councillor Santarossa

Council move into closed session in Council Chambers at 9:38 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.

Carried Unanimously

23. Adjournment

The meeting was adjourned in closed session at 9:58 PM.

Tracey Bailey
Mayor

Kristen Newman
Clerk