

Municipality of Lakeshore

Minutes of the Regular Council Meeting

Tuesday, April 26, 2022, 6:00 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 - Capital Projects Wayne Ormshaw, Division Leader - Civic Affairs Brianna Coughlin, Division Leader - Community Planning Aaron Hair, Division Leader - Roads, Parks & Facilities Jeff Wilson, Division Leader - Water Management Albert Dionne, Planner I Ian Search, IT Technologist Mark Donlon, Planner II Urvi Prajapati, Team Leader - Development Approvals Kristina Brcic

1. Call to Order

Mayor Bain called the meeting to order at 6:04 PM in Council Chambers. All other members of Council participated in the meeting through video conferencing technology from remote locations.

2. Land Acknowledgement

3. Moment of Reflection

4. Disclosures of Pecuniary Interest

Councillor Wilder declared a conflict of interest relating to item 13.1, Tender Award – 2022 Mowing Tractor and Bush Hog Mower.

154-04-2022

Moved By Councillor Janisse

Seconded By Councillor Santarossa

Defer Item 13.5 until after the closed session.

Carried Unanimously

5. Recognitions

6. Public Meetings under the *Planning Act*

1. Zoning By-law Amendment ZBA-32-2021 – 2744 County Road 31

Mayor Bain opened the public meeting at 6:08 PM.

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

Dean Clarke, representing the applicant, was present electronically and spoke in favour of the application.

The public meeting concluded at 6:12 PM.

155-04-2022

Moved By Councillor Santarossa

Seconded By Deputy Mayor Bailey

Approve Zoning By-law Amendment Application ZBA-32-2021 (By-law 39-2022), Municipality of Lakeshore By-law 2-2012), to prohibit the construction of a residential dwelling on the remnant farmland by rezoning to agriculture uses only, as described in the April 26, 2022 Council meeting report.

Carried Unanimously

2. Zoning By-law Amendment Application ZBA-6-2022, Jean-Marc and Catherine Beneteau

Mayor Bain opened the public meeting at 6:13 PM.

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

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

Justin Standel, resident, was present electronically and spoke in opposition to the application.

Jean-Marc Beneteau, applicant, was present electronically and spoke in favour of the application.

The public meeting concluded at 6:46 PM.

156-04-2022

Moved By Councillor Wilder

Seconded By Councillor Janisse

Defer consideration of application ZBA-6-2022 to the May 10, 2022 Council meeting in order to seek legal advice regarding liability for the Municipality in approving the application and review any additional information provided by all parties.

Carried Unanimously

7. Public Meetings under the *Development Charges Act*

1. Development Charges Update Study Public Meeting

Mayor Bain opened the public meeting at 7:05 PM.

Daryl Abbs of Watson & Associates Economists Ltd., provided a PowerPoint presentation as overview of the proposed update to the Development Charges study.

157-04-2022

Moved By Councillor Santarossa

Administration circulate and publish the Development Charge Update Study for public consultation and prepare the Development Charges By-law amendment for Council's consideration at the May 31, 2022 Council meeting.

Carried Unanimously

8. Public Presentations

9. Delegations

10. Completion of Unfinished Business

11. Consent Agenda

158-04-2022

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

Approve the March 29 and April 5, 2022 Council meeting minutes as listed on the Consent Agenda.

Carried Unanimously

159-04-2022

Approve the minutes of the March 7, 2022 Special Council Meeting.

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. **March 7, 2022 Special Council Meeting Minutes**
2. **March 29, 2022 Regular Council Meeting Minutes**
3. **April 5, 2022 Special Council Meeting Minutes**

12. Reports for Information

160-04-2022

Moved By Deputy Mayor Bailey

Seconded By Councillor Wilder

Receive the Reports for Information as listed on the agenda.

Carried Unanimously

1. **Drainage Board Meeting - April 4, 2022**
2. **2021 MECP Drinking Water Inspections**

13. Reports for Direction

1. **Tender Award – 2022 Mowing Tractor and Bush Hog Mower**

Councillor Wilder declared a conflict of interest relating to this item and did not participate in the vote on the matter.

161-04-2022

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

Award the 2022 Mowing Tractor & Bush Hog Mower contract to Delta Power Equipment Essex Ltd (Essex) in the amount of \$137,884.80, including applicable HST, with a total budget overage of \$12,884.80 to be funded from the equipment reserve, as presented at the April 26, 2022 Council meeting.

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

Carried Unanimously

2. Tender Award – 2022 Asphalt Roads Resurfacing Program

162-04-2022

Moved By Councillor Wilder

Seconded By Councillor Walstedt

Award the tender for the 2022 Asphalt Road Resurfacing Program to Mill-Am Corporation in the of amount of \$1,277,210.11, including applicable HST, with the excess amount of \$134,651.11 to be funded from the roads reserve (Option 1), as presented at the April 26, 2022 Council meeting.

Carried Unanimously

3. Rourke Line Road Reconstruction and Denis St. Pierre Sewer Outfall Tender Award

163-04-2022

Moved By Deputy Mayor Bailey

Seconded By Councillor McKinlay

Approve the tender amount of \$7,960,406.99, including applicable HST, and award the Rourke Line Reconstruction and Denis St Pierre Sewer Outfall construction tender to J&J Lepera Infrastructures Inc. subject to further negotiations with the successful proponent with a contract reduction in the amount of \$1,039,247.41, including HST; and,

Authorize an additional \$791,438.99, including applicable HST to be funded from the roads reserve, as presented at the April 26, 2022 Council meeting.

Carried Unanimously

4. Award for Professional Services for Bridge Rehabilitation at Lakeshore Road 309 over Big Creek

164-04-2022

Moved By Councillor McKinlay

Seconded By Councillor Wilder

Award for Professional Services for Bridge Rehabilitation at Lakeshore Road 309 over Big Creek to Landmark Engineers Inc. for a total cost of \$99,724.80 including applicable HST, as presented at the April 26, 2022 Council meeting

Carried Unanimously

5. Water & Wastewater Master Plan Update

165-04-2022

Moved By Councillor Walstedt

Seconded By Councillor Janisse

Move into closed session at 8:07 PM in accordance with Paragraph 239(2)(f) of the *Municipal Act, 2001* to receive advice that is subject to solicitor-client privilege, including communications necessary for that purpose, regarding the Water and Wastewater Master Plan.

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

Opposed (1): Councillor Santarossa

Carried

Council returned to open session at 8:35 PM.

166-04-2022

Moved By Councillor Santarossa

Seconded By Councillor Walstedt

Direct Administration to redirect the approved 2022 budget allocated to complete the Transportation Master Plan in the amount of \$150,000 to undertake an update to the 2018 Water & Wastewater Master Plan, as presented at the April 26, 2022 Council meeting.

Carried Unanimously

6. Great Lakes Waterfront Trail, Closing the Gap – Caille Avenue

167-04-2022

Moved By Councillor Santarossa

Seconded By Deputy Mayor Bailey

Support the application made by the Waterfront Regeneration Trust, on behalf of Great Lakes Waterfront Trail, to receive funding through Infrastructure Canada under the Active Transportation Fund (ATF) for the construction of an asphalt pathway along Caille Avenue, as presented at the April 26, 2022 Council meeting; and

Direct Administration to follow the local improvement charge process and communicate with residents as required.

Carried Unanimously

7. Maidstone and Area Historical Society Grant Support – Mini-Barn

168-04-2022

Moved By Councillor Walstedt

Seconded By Councillor Wilder

Support the Maidstone & Area Historical Society's 2022 grant application to Farm Credit Canada's Agri-Spirit Fund for the purchase and installation of a mini-barn;

Direct Administration to act as the trustee for the grant funding, if approved; and

Authorize the Corporate Leader - Chief Financial Officer, in consultation with the Corporate Leader – Strategic & Legal Affairs, to execute any agreements or instruments required in support of or to receive the funding, all as further described in the April 26, 2022 Council meeting report.

Carried Unanimously

8. Bill 109 and Proposed Changes to the *Planning Act*

169-04-2022

Moved By Councillor Santarossa

Seconded By Councillor Wilder

Direct Administration to submit official comments on behalf of the Municipality of Lakeshore to inform the Ministry of Municipal Affairs and Housing that the Municipality of Lakeshore does not support the incremental refund scale for land use planning applications as proposed in the *More Homes for Everyone Act, 2022*, due to the negative impact on municipal revenue, as presented at the April 26, 2022 Council meeting, and request funding for municipalities to implement Bill 109; and

Direct Administration to prepare a report for consideration during the 2023 Budget to respond to the requirements of Bill 109.

Carried Unanimously

9. Delegation of Authority during Restricted Period

170-04-2022

Moved By Councillor Wilder

Seconded By Councillor Janisse

Receive the report.

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

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

Lost

171-04-2022

Moved By Councillor Walstedt

Seconded By Councillor Santarossa

Direct the Clerk to read By-law 38-2022, Being a By-law to Delegate Authority during a Restricted Council Period, during the "Consideration of By-laws", as presented at the April 26, 2022 Council meeting.

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

10. Adoption of Animal Care and Control By-law

172-04-2022

Moved By Councillor Santarossa

Seconded By Councillor McKinlay

Direct the Clerk to read By-law 27-2022, known as the draft Animal Care and Control By-law, during the “Consideration of By-laws”, as presented at the April 26, 2022 Council meeting.

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

Opposed (1): Councillor Janisse

Carried

11. Notice of Action under Ontario Regulation 199/03, West Nile Virus Response – Larviciding

173-04-2022

Moved By Councillor Santarossa

Seconded By Councillor Wilder

Authorize the Mayor and Clerk to execute the resolution in support the Windsor Essex County Health Unit (WECHU) West Nile Virus Response – Larviciding annually, subject to the annual approval in the budget, as presented at the April 26, 2022 Council meeting.

Carried Unanimously

12. Assumption of Developed Roadways - Lakeshore New Centre Estates Phase 2d, Woodslee Estates Phases 2 & 3, and Lakeside Estates Phase 1

174-04-2022

Moved By Councillor Wilder

Seconded By Councillor Walstedt

Direct the Clerk to read By-law 31-2022 during the Consideration of By-laws, for the assumption of developed roadways and municipal services for Lakeshore New Centre Estates Phase 2d, Woodslee Estates Phases 2 & 3, and Lakeside Estates Phase 1 , as presented at the April 26, 2022 Council meeting.

Carried Unanimously

20. Consideration of By-laws

175-04-2022

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

By-laws 31-2022, 39-2022 and 43-2022 be read and passed in open session on April 26, 2022.

Carried Unanimously

176-04-2022

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

By-law 27-2022 be read and passed in open session on April 26, 2022.

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

Opposed (1): Councillor Janisse

Carried

177-04-2022

Moved By Councillor Walstedt

Seconded By Deputy Mayor Bailey

By-laws 30-2022 and 38-2022 be read and passed in open session on April 26, 2022.

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

Opposed (1): Councillor Wilder

Carried

1. **By-law 27-2022, Being a By-law Respecting Animal Care and Control in the Municipality of Lakeshore**
2. **By-law 30-2022, Being a By-law to Confirm the Proceedings of the Council of the Municipality of Lakeshore for February 15, March 7 and March 15, 2022**
3. **By-law 31-2022, Being a By-law for the Assumption of Municipal Services in the Municipality of Lakeshore – Woodslee Estates Phases 2&3, Lakeshore New Centre Estates Phase 2D and Lakeside Estates Phase 1**

4. **By-law 38-2022, Being a By-law to Delegate Certain Authorities During a Restricted Period During the 2022 Municipal Election**
5. **By-law 39-2022, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-32-2021)**
6. **By-law 40-2022, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-6-2022)**
7. **By-law 43-2022, Being a By-law to Confirm the Proceedings of the Council of the Municipality of Lakeshore for March 29 and April 5, 2022**
8. **By-law 44-2022, Being a By-law to Repeal an Employee COVID-19 Vaccination Policy for the Municipality of Lakeshore**
9. **By-law 45-2022, Being a By-law to Amend the Hiring of Employees and Employment of Family Members Policy**
10. **By-law 46-2022, Being a By-law to Amend By-law 107-2007 (Sign By-law)**

178-04-2022

Moved By Councillor Wilder

Seconded By Councillor McKinlay

Extend the meeting past 9:30 PM.

In Favour (4): Mayor Bain, Councillor Wilder, Councillor Santarossa, and Councillor McKinlay

Opposed (4): Deputy Mayor Bailey, Councillor Janisse, Councillor Kerr, and Councillor Walstedt

Lost

23. Adjournment

The meeting was adjourned at 9:30 PM.

Tom Bain
Mayor

Kristen Newman
Clerk