

4:30 p.m.

November 12, 2013

THE CORPORATION OF THE TOWN OF LAKESHORE

MINUTES OF THE REGULAR COUNCIL MEETING

PRESENT:	Mayor	-	Tom Bain
	Councillors	-	Len Janisse
		-	Dave Monk
		-	Charles McLean
		-	Dan Diemer
		-	Steve Bezaire
		-	Linda McKinlay
		-	Kirk Foran
	Chief Administrative Officer		
	Director of Finance and		
	Performance Services	-	Sylvia Rammelaere
	Director of Community and		
	Development Services	-	Steve Salmons
	Director of Engineering and		
	Infrastructure Services	-	Tom Touralias
	Manager of Development Services	-	Kim Darroch
	Manager of Public Works	-	Chuck Chevalier
	Manager of Engineering Services	-	Tony DiCiocco
	Drainage Superintendent	-	Jill Fiorito
	Manager of Recreation and		
	Facility Services	-	Todd Shoemaker
	Town Solicitor	-	Jim Renick
	Clerk	-	Mary Masse
ABSENT:	Deputy Mayor	-	Al Fazio

1. CALL TO ORDER 4:30 P.M.

Councillor Bezaire suggested that it may not be necessary to meet in closed session with respect to the Sood appeal.

Councillor Diemer moved and Councillor McLean seconded:

That:

- 1. Council move into Closed Session at 4:30 p.m. in accordance with Section 239(2)(b)(e)(f) of the Municipal Act to obtain legal advice on the St. Clair Shores legal claim and the Drainage Tribunal decision related to the Sood appeal, East Pike Creek Drain and to discuss personal matters about an identifiable individual including municipal or local board employees.***

Motion Carried Unanimously

Councillor McKinlay moved and Councillor Janisse seconded:

That:

- 1. Council move out of Closed Session at 5:55 p.m.***

Motion Carried Unanimously

2. PRAYER

The Mayor asked the Clerk to lead in prayer.

3. APPROVAL OF SUPPLEMENTARY AGENDA

Councillor Janisse moved and Councillor McKinlay seconded:

That:

- 1. Council receive the Supplementary Agenda dated November 12, 2013.***

Motion Carried Unanimously

4. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted at this time.

5. RECOGNITION

- b) Councillor Charles W. McLean along with his wife Carol McLean presented a \$10,000 donation towards the MURF Capital Campaign.

6. DELEGATIONS

- a) **Public Meeting** – Planning Services Report – Zoning By-law Amendment – ZBA-21-2012 – Satwinder and Rajwinder Bassi – 951 Lakeshore Road 101

TOWN OF LAKESHORE COMMUNITY AND DEVELOPMENT SERVICES

TO: Mayor and Members of Council

FROM: Kim Darroch, B.A.(Hons.) M.PL., MCIP, RPP
Manager of Planning

DATE: October 25, 2013

SUBJECT: Planning Services Report
Application: Zoning By-law Amendment (ZBA-21-2012)
Applicants: Satwinder and Rajwinder Bassi
Location: 951 Lakeshore Road 101

(Community of Maidstone) Town of Lakeshore

RECOMMENDATION:

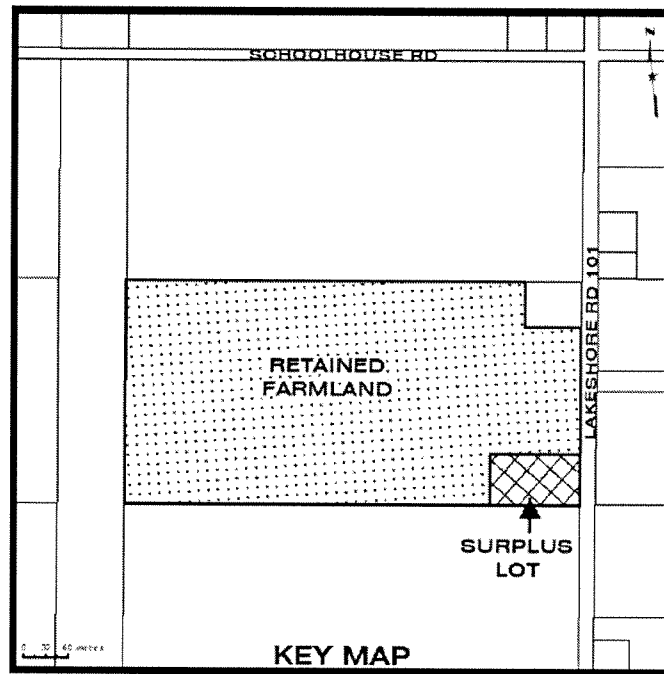
It is recommended that Council approve Zoning By-law Amendment Application ZBA-21-2012 (By-law 122-2013), to:


- 1) rezone a portion of the agricultural parcel, indicated as the "Retained Lot" on the Key Map, Figure 1, located at 951 Lakeshore Road 101, in the Town of Lakeshore, from "Agriculture (A) Zone to a Agriculture (A-77)" Zone, which shall prohibit a single detached dwelling and recognize a minimum lot area of 17.3 hectares.

DESCRIPTION OF PROPOSAL:

The parcel of land subject of this application is located at 951 Lakeshore Road 101 (See Figure 1), in the Community of Maidstone, now a portion of the Town of Lakeshore, and as shown on the Key Map (below):

The subject property is a 18.2 hectare (44.9 acre) parcel of farmland located on the west side of Lakeshore Road 101, south of Schoolhouse Road, in the former Township of Maidstone, known municipally as 951 Lakeshore Road 101.



Application: ZBA-21-2012 Applicants: Bassi Date: Oct. 25, 2013	Figure 1 – Key Map 951 Lakeshore Road 101 Consent File: B/35/2012	Town of Lakeshore Development Services  Lakeshore
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The subject property is designated 'Agricultural Area' and 'Surface Water Feature' in the Town of Lakeshore Official Plan and is zoned Agriculture Zone (A) in the Lakeshore Zoning By-law.

Recently, a provisional consent (File: B/35/2012) was granted to sever a surplus dwelling from the farm parcel. In order to meet conditions of the provisional consent, the applicant, has submitted an application to rezone the retained lot to prohibit a single detached dwelling and recognize a minimum lot area of 17.3 hectares.

BACKGROUND:

951 Lakeshore Road 101	Overall Lot Area – 18.2 hectare (44.9 acre) Existing Use – farmland / residential
Retained Lot	Overall Lot Area – 17.3 hectares (42.74 acres) Existing Use – farmland Proposed Use – same Access – a new access bridge (through the Drainage Act process) is required Services – municipal water and private septic tank
Surplus Lot	Overall Lot Area – 8359.58 m ² (2.06 acres) Existing Use – residential Proposed Use – residential Access – existing Services – municipal water and private septic tank
Neighbouring Land Uses	All Directions – mix of agricultural and rural residential
Official Plan	'Agricultural Area' and 'Surface Water Feature'
Zoning By-law	Agriculture Zone (A)

ANALYSIS:

Provincial Policy Statement and County Official Plan

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

Lakeshore Official Plan

There are no issues of local municipal significance raised by this application.

Town of Lakeshore Comprehensive Zoning By-law

The subject lands are zoned Agriculture Zone (A) in the Town of Lakeshore Zoning By-law. The 'A' Zone permits agricultural uses, such as the farming of crops and the existing residential use.

In order to satisfy a condition of the provisional consent to sever the surplus lot (File: B/35/2012), the retained lot will be rezoned from "Agriculture (A) Zone to a Agriculture (A- 77)" Zone, which shall prohibit a single detached dwelling and recognize a minimum lot area of 17.3 hectares.

As a result of the surplus lot's lot area being under 4 hectares or 10 acres the implementing zoning by-law does not need to recognize the non-farm parcel and its

non-farm residential use (the existing zone classification in the (A) Zone only permits residential uses on lots under 4 hectares or 10 acres).

Conclusion

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

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

As part of the required prescribed information, the Notice of Refusal must also now contain a written explanation for the refusal.

Comment - In this particular instance, the Applicant would have the option of appealing Council's decision to the Ontario Municipal Board

2. Alternative 2 - Deferral - deferral of an application often occurs when further information or consultation is required, usually becoming apparent after the scheduled public meeting date has been set or after the planning report has been completed. Consequently, it is usually something that Administration will recommend either in the planning report or in lieu of the written recommendations. From Council's perspective, a deferral option is often considered should new issues arise at the public meeting or when Council feels that it requires further information in order to make an informed decision.

Comment - At the time of writing, no additional information or studies were deemed necessary.

3. Alternative 3 - Approve as modified or revised - this is an approach used where the planning review of the application or the consultation process reveals the need for mitigation measures or compromises. Often the planning report will recommend to approve the application, subject to certain modifications, conditions, etc., that are slightly different from what has been requested in the application. From Council's perspective it may also choose to approve the application, but also modify the approval to the recommendations as submitted.

Comment – there have been no modifications to the originally submitted proposal.

4. Alternative 4 - Approval - the application is approved as submitted without modifications.

Based on the foregoing, I support the proposal as submitted.

BUDGET IMPACTS:

There are no budget impacts resulting from the recommendation.

Prepared by:

Kim Darroch, M.P.L., MCIP, RPP
Manager of Planning
Development

Reviewed by:

Steve Salmons
Director of Community and
Services

Submitted by:

Kirk Foran
Chief Administrative Officer

The Manager of Development Services reviewed the report with Council regarding the request for zoning By-law amendment.

The Mayor inquired if there were any members of the public wishing to make comments on the application.

Mrs. Diane Lawhead who resides at 914 Lakeshore Road 101 inquired about the policy for severing a lot for surplus purposes. The Manager of Development Services responded to the inquiry presented by Mrs Lawhead.

Councillor McLean moved and Councillor Monk seconded:

That Council approve Zoning By-law Amendment Application ZBA-21-2012 (By-law 122-2013), to:

- 1) rezone a portion of the agricultural parcel, indicated as the "Retained Lot" on the Key Map, Figure 1, located at 951 Lakeshore Road 101, in the Town of Lakeshore, from "Agriculture (A) Zone to a Agriculture (A-77)" Zone, which shall prohibit a single detached dwelling and recognize a minimum lot area of 17.3 hectares.***

Motion Carried Unanimously

- b) **Public Meeting** – Planning Services Report – Zoning By-law Amendment – ZBA-13-2013 – Amico's Motel Ltd. c/o Peter Neice – 561 Talbot (County Road 34)

TOWN OF LAKESHORE
COMMUNITY AND DEVELOPMENT SERVICES

TO: Mayor and Members of Council

FROM: Kim Darroch, B.A.(Hons.), M.PL., MCIP, RPP
Manager of Planning

DATE: October 25, 2013

SUBJECT: Planning Services Report
Application: Zoning By-law Amendment (ZBA-13-2013)
Applicant / Agent: Amico's Motel Ltd.
c/o Peter Neice, MCIP, RPP
Location: 561 Talbot (County Road 34)

Community of Maidstone, Town of Lakeshore

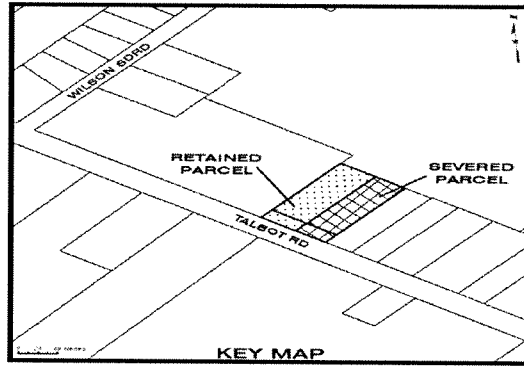
RECOMMENDATION:


It is recommended that:

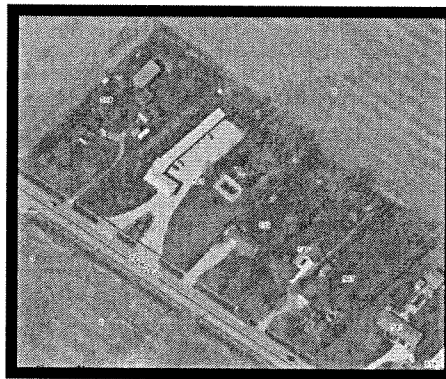
1. Council approve Zoning By-law Amendment Application ZBA-13-2013 (By-law 123 - 2013), to rezone the "Severed Parcel" from a Site Specific Exception Zone "CR-37, Rural Commercial / Employment Zone" to a Site Specific Exception Zone "CR-48(h16), Rural Commercial / Employment Zone - holding" to permit the uses associated with the CR Zone, in addition to a single detached dwelling and to permit an interior side yard setback of 3 metres (10 feet) for a single detached dwelling only, for a parcel of land, indicated as the "Severed Parcel" on the Key Map, Figure 1, located at 561 Talbot Road in the Community of Maidstone, Town of Lakeshore; and adopt the implementing by-law.


DESCRIPTION OF PROPOSAL:

The subject lands are located on the north side of Talbot Road (County Road 34) between Wilson Side Road and Lapointe Street, near the Town of Essex, in the Community of Maidstone, (now the Town of Lakeshore). The site currently contains a 10 unit motel and accessory attached dwelling unit which was constructed in 1964 and has been in continuous use for approximately 50 years. The site has an approximate lot area of .845 hectares (2.09 acres) (See Figure 1 and Figure 2).



<p>Application: ZBA-13-2013</p> <p>Applicant / Agent: Amico's Motel Ltd. c/o Peter Neice, MCIP, RPP</p> <p>Date: Oct. 25, 2013</p>	<p><u>Figure 1</u></p> <p><u>Subject Lands</u></p> <p>561 Talbot Road (County Road 34)</p>	<p>Town of Lakeshore Development Services</p> 
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<p>Application: ZBA-13-2013</p> <p>Applicant / Agent: Amico's Motel Ltd. c/o Peter Neice, MCIP, RPP</p> <p>Date: Oct. 25, 2013</p>	<p><u>Figure 2</u></p> <p><u>Air Photo</u></p> <p><u>Subject Lands</u></p> <p>561 Talbot Road (County Road 34)</p>	<p>Town of Lakeshore Development Services</p> 
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The current owner originally constructed the motel and has operated it all her life and now wishes to divest herself of the business, but desires the opportunity to build an accessible home on the vacant property next to the motel and remain in the community.

Recently, a provisional consent (File B/26/2013) was granted to create a new lot for a single detached dwelling and in order to meet the conditions of the provisional consent, the applicant, Amico's Motel Ltd. has submitted an application:

- to rezone the "Severed Parcel" from a Site Specific Exception Zone "CR-37, Rural Commercial / Employment Zone" to a Site Specific Exception Zone "CR-48(h16), Rural Commercial / Employment Zone - holding" to permit the uses associated with the CR Zone, in addition to a single detached dwelling and to permit an interior side yard setback of 3 metres (10 feet) for a single detached dwelling only.

An "h" or holding symbol is recommended to be applied to the new zone category which will permit existing uses in the interim on the "Severed Parcel", until the applicant provides the Town (Chief Building Official) with the following:

- documentation that the 8" pipe going to the ditch is not connected to the tile bed; and (i.e. retained parcel – motel lands)
- a site layout denoting where a new septic system will be located (when required) showing all required dimensions (i.e. retained parcel – motel lands).

BACKGROUND:

Subject Parcel	Overall Lot Area - .845 hectares (2.09 acres) Retained and Severed Parcels Existing Use – Motel and Accessory Dwelling Unit Proposed Use – Retained Parcel (Motel and Accessory Dwelling Unit), Severed Parcel (Single Detached Dwelling) Access – existing (Talbot Road, i.e. County Road 34) Services – municipal water and private septic tank
Neighbouring Land Uses	Mix of Rural Commercial, Rural Residential and Agriculture Uses
Official Plan	'Agricultural'
Existing Zoning	CR-37 Zone

OTHERS CONSULTED:

Administration and the Committee of Adjustment has reviewed the proposal and supports the recommendations contained in this report.

Committee of Adjustment

A Committee of Adjustment meeting was held on August 21, 2013 at the Town Hall and was attended by, the applicant and her agent. No area residents provided any correspondence in writing to the Committee or attend the public meeting to express their views on the proposal.

Notice of Complete Application and Open House

A Notice of Complete Application was sent to area residents and relevant agencies on October 9, 2013 to advise them that a formal application to permit the uses associated with the CR Zone, in addition to a single detached dwelling and to permit an interior side yard setback of 3 metres (10 feet) for a single detached dwelling only on the severed parcel. In addition an Open House was held on October 28, 2013. No area residents attended the Open House.

At the time of writing this report, written correspondence had been received from the Essex Region Conservation Authority and the County of Essex. No objections were noted to the Town from either agency regarding the re-zoning proposal.

Notice of Public Meeting

A Notice of Public Meeting was circulated to area residents / landowners and relevant agencies on October 22, 2013 advising them of the Statutory Public Meeting being held on November 12, 2013 and also advising them of their opportunity to further comment on this matter prior to Council's decision.

No further correspondence had been received at the time of writing this report.

ANALYSIS:

Provincial Policy Statement (PPS) and County Official Plan

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

Lakeshore Official Plan

The subject lands are designated 'Agricultural' in the Town of Lakeshore Official Plan. The corresponding policies for the Agricultural Designation do not permit a motel nor do they permit new residential dwellings. However, Section 8.3.6 (Existing Uses) of the Town of Lakeshore Official Plan does allow the zoning by-law to recognize "existing uses". These Official Plan policies permit applications to amend the Zoning By-law to permit a use that is as, or more compatible with the surrounding area, without requiring an amendment to the Plan, provided the proposed use satisfies the criteria below:

Criteria i) The buildings lawfully existed prior to the date of adoption of this Plan (2010);

- Comment: the motel and accessory attached dwelling unit has existed since 1964.

Criteria ii) it is not the intention of the Town that the use cease to exist in time;

- Comment: The site cannot feasibly be returned to agriculture use.

Criteria iii) the use to be permitted does not interfere with the desirable development or enjoyment of neighbouring properties;

- Comment: The current motel operation has co-existed with the neighbourhood for nearly 50 years. There is sufficient acreage to adequately accommodate the proposed detached dwelling, leaving sufficient room and separation for the continued successful operation of the motel, so as not to impinge on the use and enjoyment of neighbouring properties, particularly residential. The existing building (motel) has deep setbacks from all the lot lines allowing opportunity for significant separation from abutting uses and incorporation of landscape buffer strips much wider than the minimum requirement of 4.5 metres. The large site also affords sufficient depths and variety of locations for required parking away from adjacent residences.

Criteria iv) the use does not constitute a danger to surrounding uses and persons because of its hazardous nature or traffic generated;

- Comment: None of the existing or proposed uses involve hazardous materials or activities or constitute a danger to the public. Traffic characteristics and volumes are not expected to change and will continue to be similar to what the neighbourhood currently experiences.

Criteria v) the by-law reasonably limits the amount of expansion that is to be permitted to ensure that the use does not become larger than would be appropriate for the area;

- Comment: The CR Zone provisions, such as yard setbacks and lot coverage, including site plan control should adequately regulate any further development or expansion on the property.

Zoning By-law

The subject lands are currently zoned "CR-37, Rural Commercial / Employment Zone". The CR-37 Zone permits an existing motel and eating establishment as an additional use to the CR zone. This classification does not permit a single detached dwelling nor does it permit an interior side yard setback of 3 metres (10 feet) for a single detached dwelling. Therefore, the property must be rezoned.

The applicant/agent is proposing to change the current zone category from a Site Specific Exception Zone "CR-37, Rural Commercial / Employment Zone" to a Site Specific Exception Zone "CR-48(h16), Rural Commercial / Employment Zone - holding"

to permit the uses associated with the CR Zone, in addition to a single detached dwelling and to permit an interior side yard setback of 3 metres (10 feet) for a single detached dwelling only. Existing uses will be permitted in the interim, until the holding symbol is removed.

An “h” or holding symbol is recommended to be applied to the new zone category which will permit existing uses in the interim on the “Severed Parcel”, until the applicant provides the Town (Chief Building Official) with the following:

- documentation that the 8” pipe going to the ditch is not connected to the tile bed; and (i.e. retained parcel – motel lands)
- a site layout denoting where a new septic system will be located (when required) showing all required dimensions (i.e. retained parcel – motel lands).

Conclusion

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

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

As part of the required prescribed information, the Notice of Refusal must also now contain a written explanation for the refusal.

Comment - In this particular instance, the Applicant would have the option of appealing Council's decision to the Ontario Municipal Board.

2. Alternative 2 - Deferral - deferral of an application often occurs when further information or consultation is required, usually becoming apparent after the scheduled public meeting date has been set or after the planning report has been completed. Consequently, it is usually something that Administration will recommend either in the planning report or in lieu of the written recommendations. From Council's perspective, a deferral option is often considered should new issues arise at the public meeting or when Council feels that it requires further information in order to make an informed decision.

Comment - At the time of writing, no additional information or studies were deemed necessary.

3. Alternative 3 - Approve as modified or revised - this is an approach used where the planning review of the application or the consultation process reveals the need for mitigation measures or compromises. Often the planning report will recommend to approve the application, subject to certain modifications, conditions, etc., that are slightly different from what has been requested in the application. From Council's perspective it may also choose to approve the application, but also modify the approval to the recommendations as submitted.

Comment – there have been no modifications to the originally submitted proposal.

4. Alternative 4 - Approval - the application is approved as submitted without modifications.

Based on the foregoing, I support the proposal.

BUDGET IMPACTS:

Should the development proceed, some change in the assessed value of the subject lands for property tax purposes is anticipated.

Prepared by:

Kim Darroch, M.PL, MCIP, RPP
and Manager of Planning

Reviewed by:

Steve Salmons, Director of Community
Development Services

Submitted by:

Kirk Foran, Chief Administrative Officer

The Manager of Development Services reviewed the report with Council for a Zoning By-law Amendment for Amico's Motel Ltd. to allow additional use of a single detached dwelling on the property and to permit the interior side yard setback to be reduced in order to accommodate the single detached dwelling.

The Mayor inquired if there were any members of the public wishing to make comments on the application.

Michael and Lynn Robinet of 555 Talbot Road questioned the ten foot variance and expressed concern with the potential for a future commercial use to be established in the single family dwelling. The Manager of Development Services responded that the parcel envelope is restricted for the construction of a single family dwelling on the property mainly in part due to the location of the entrances off of the County Road. The Manager also advised that the applicant has requested to maintain the existing uses of the commercial property with the addition of the single family dwelling use.

Mrs. Julliette St. Pierre questioned if a home occupation could be housed within the single family dwelling unit. The Manager of Development Services responded that the particular area does not allow for home occupations.

Mr. Peter Neice, Planner representing the applicant advised Council that his client wishes to remain living in the neighbourhood once she retires and noted the Committee of Adjustment approved the severance and minor variance on condition that a re-zoning be obtained for the residential use.

Councillor Diemer moved and Councillor Janisse seconded:

That:

- 1. Council approve Zoning By-law Amendment Application ZBA-13-2013 (By-law 123 - 2013), to rezone the "Severed Parcel" from a Site Specific Exception Zone "CR-37, Rural Commercial / Employment Zone" to a Site Specific Exception Zone "CR-48(h16), Rural Commercial / Employment Zone - holding" to permit the uses associated with the CR Zone, in addition to a single detached dwelling and to permit an interior side yard setback of 3 metres (10 feet) for a single detached dwelling only, for a parcel of land, indicated as the "Severed Parcel" on the Key Map, Figure 1, located at 561 Talbot Road in the Community of Maidstone, Town of Lakeshore; and adopt the implementing by-law.***

Motion Carried Unanimously

- c) Kevin DeVos – Senior Project Manager MTO – Re: Highway #3 Widening

Mr. Kevin DeVos , Senior Project Manager with the Ministry of Transportation Ontario as well as Mr. Mike Mooney representing Dillon Consulting reviewed the Highway #3 improvements with focus on the westerly portion of phase 3 as it affects the Ellis Sideroad.

The Delegation noted that based on the findings of their study, it is recommended that the south leg of the Ellis Sideroad be closed.

Considerable discussion took place surrounding the future plan for the construction of a service road adjacent to Highway #3 and as it connects to the Ellis Sideroad. Council also questioned if roundabouts had been explored and requested a copy of the rationale for not including roundabouts in the project be provided to Council.

Councillor McLean moved and Councillor Diemer seconded:

That:

A letter be forwarded to the Ministry of Transportation requesting that the construction of the proposed service road from the Ellis Sideroad to County Road #8 and the closure of the Ellis Sideroad be implemented during the current phase of construction or at the very least at the next phase of construction for the Highway #3 improvements.

Motion Carried Unanimously

- d) Donna Roubos – Placement of a Memorial Cenotaph on the Millen Centre grounds

Mrs. Donna Roubos appeared before Council requesting permission for the newly formed Woodslee Millen Group to erect a Cenotaph on the Millen Centre grounds in order to honour war veterans as well as war brides. Mrs. Roubos indicated that the group is willing to fundraise for the Cenotaph and is only seeking permission of Council for use of the grounds.

Councillor Diemer moved and Councillor McKinlay seconded:

That:

Council agree with the placement of a Cenotaph on the Millen Centre grounds and that administration is directed to work with the Woodslee Millen Group in order to ensure that the designs are reviewed and the Cenotaph is sited properly on the Millen Centre grounds.

Motion Carried Unanimously

7. PUBLIC PRESENTATIONS – AGENDA ITEMS

Public presentations will be allowed by individuals who want to address Council on any matters listed on the agenda. A maximum of four minutes shall be allocated for each public presentation. Any person wishing to make a public presentation shall make application to the Clerk by 4:30 p.m. on the Monday preceding the Council meeting. A written brief is encouraged and will be copied for Council.

Mr. Terry Orr was present before Council on behalf of his father Melvin Orr with respect to the reduction of application fees for simple structures. Mr. Orr advised Council that there will be no utilities required for the structure to be erected on the property owned by his father as well as no footings for the structure noting that it is a canvas tent type

building. Mr. Orr further noted that he has undertaken a comparison of fees with the City of Windsor and Town of Tecumseh associated with a simple type structure and the fees are substantially lower than those in Lakeshore.

Councillor Diemer moved and Councillor McLean seconded:

That:

Council bring forward item 11e for discussion at this time.

Motion Carried Unanimously

e) Reduction of Application Fees for Simple Structures

TOWN OF LAKESHORE
COMMUNITY AND DEVELOPMENT SERVICES

TO: Mayor and Members of Council

FROM: Steve Salmons, Director

DATE: October 15, 2013

SUBJECT: Reduction of application fees for simple structures

RECOMMENDATIONS:

It is recommended that:

1. Council establish a new category of buildings called 'Accessory'; and,
2. Accessory shall describe a use, building, or structure that the use, building or structure is naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure located on the same lot therewith.
3. Development charges shall not apply to any unserviced, non-residential accessory 100s.m. or less (approximately 7000sf).

BACKGROUND:

At its September 24, 2013 meeting, Council received a report reviewing the number of fees and charges associated with the application for a simple storage structure in accordance with its industrial-urban land designation. All fees were in accordance with Council's Tariff of Fees and Development Charges By-law. ERCA charges are external and mandatory, but minor (2 X \$200).

In the example before Council, total net fees (after disbursements) were estimated to be \$20,517. Total estimated cost of the structure is \$25,000.

Site Plan and Zoning fees are permitted under the *Planning Act, RSO 1990*, whereby a municipality:

...may establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality... in respect of the processing of each type of application provided for in the tariff (*Planning Act*, 69(1))

Development Charges are charges imposed by municipalities on developers to pay for increased capital costs related to growth. Development charges provide municipalities with a tool to help fund the infrastructure needed to serve new growth. They help finance the growth-related capital costs of providing important services like roads, water and wastewater services, police, fire. They are permitted by the *Development Charges Act, 1997*.

Building permit fees for building, renovation, construction and other projects are used to recover the cost of servicing building permits and enforcing the *Building Code Act* and *Ontario Building Code*. The fees are determined on a square footage basis based on the classification of the building regardless of the nature or value of construction.

COMMENTS:

Other than the obvious fees imposed by external agencies (Lakeshore simply collects and remits), most other fees have legislated maximums, but no minimum. In fact, the Acts often expressly state that the municipality has the prerogative to reduce established fee schedules where it deem appropriate. For example, the *Planning Act* provides precisely this option:

69(2) Despite a tariff of fees established under subsection (1), the council of a municipality, a planning board, a committee of adjustment or a land division committee in processing an application may reduce the amount of or waive the requirement for the payment of a fee in respect of the application where the council, planning board or committee is satisfied that it would be unreasonable to require payment in accordance with the tariff.
R.S.O. 1990, c. P.13, s. 69 (2); 1996, c. 4, s. 35 (2)

Similarly, the development charge background study determines the maximum development charge a municipality is able levy. However, the municipality is free to charge less than the maximum charge payable

The same is true for Building Permit Fees.

DISCUSSION:

The challenge in establishing a schedule of development fees is to balance the need to ensure 'development pays for development'- that the municipality has the necessary resources to ensure all development and construction is in compliance with all codes and regulations, and that the Town has the necessary financial resources and capacity to service new growth. It also serves to ensure that servicing requirements for new development is not transferred to the general tax rate.

While the impact on demand for municipal services may not necessarily be obvious because of one structure, or the nature of a structure, the cumulative effect on roads, policing, fire and public works will eventually overwhelm and exceed existing capacity to service accumulated growth. At some point, roads will need to be improved, more police and fire added, etc, and it is only prudent to ensure the Town has made provisions to make those adjustments.

The most critical risk to the municipality's growth capacity is a loss of development charges for future infrastructure investments in response to demand created by that very growth. It leaves the municipality exposed to options of higher general taxes, increased debt, or insufficient infrastructure. For these reasons, Administration cannot recommend a reduction in Development Charges from its current schedule.

However, Council could consider whether an accessory use building is the same as the principal industrial or commercial use facility on the same site. Where the facility is unserviced and less than 100s.m. it could be reasonably argued that it has limited to no impact on municipal services but exists solely to service the main activity on site.

As stressed in the previous report, the creation of a new lower-cost category may also cause some applicants to seek out the new classification, and challenge the definition of a 'simple structure'. Furthermore, it could have the unintended consequence of spurring the construction of these simpler structures because of the lower fee, resulting in less durable, less permanent structures in an urban industrial/commercial zone.

Shortly, Administration will be bringing reports to Council recommending amendments to the Site Plan Control By-law and the Tariff of Fees Schedule to formalize a delegation of authority for staff to provide an ability for staff to adjust fees where circumstances warrant.

PROPOSAL:

Minor classification could be used for all Site Plan and ZBA applications for simple structures.

External flow-through charges remain unchanged.

The introduction of an 'accessory' classification would recognize the minimal impact of simple structures without municipal services.

The outcome of such an approach would result in a potential reduction of fees in the current example from \$20,517 to \$5285. While the fees would still constitute a significant portion of the project, the owner's savings is in the cost of the structure and the fees reduced to a level necessary to support the Town's reviews and approvals.

Calculations are:

Minor Zoning Bylaw Amendment	\$1587 (minimum)
ERCA ZBA review	\$ 200 (flow through)
Major Site Plan Application	\$1587 (charged at Minor level)
ERCA Site Plan review	\$ 200 (flow through)
Building Permit fee	\$1711 (reduced 50% from 3421)
Development Charge	Exempt
Total	<hr/> \$5285

OTHERS CONSULTED:

- Ministry of Municipal Affairs
- Ministry of Housing

BUDGET IMPACTS:

There would be some loss of revenue, but it is not anticipated to be significant at this time due to the very few applications of this nature.

Prepared by:

Steve Salmons
Director, CDS

Submitted by:

Kirk Foran
CAO

The Director of Community and Development Services presented a revised recommendation to Council noting that Council can choose not to collect the development charges however the funds would have to be taken from the general tax base. The Director of Community and Development Services further noted that when the development charges By-law is reviewed, charges to accommodate simple structures can be reviewed at that time.

Considerable discussion took place regarding the implications of forgiving development charges and the impact it would have on the general rate. Council requested clarification as to what Mr. Orr would be charged based on the review undertaken by administration and the development charges being forgiven by Council. Administration confirmed that the fees that would be payable by Mr. Orr would total \$5,285.00.

Councillor Bezaire moved and Councillor McKinlay seconded:

That:

- 1. Council consider the establishment a new category of buildings called 'Accessory' in its next scheduled review of its Development Charges Bylaw; and,***
- 2. Accessory shall describe a use, building, or structure that the use, building or structure is naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure located on the same lot therewith, whose definition will be more fully developed at the next review of development charges; and,***
- 3. Development charges shall not apply to any unserviced, non-residential accessory 100s.m. or less (approximately 7000sf); and,***
- 4. Council charge the forgiven portion to the general tax rate to ensure the reserve is fully funded to meet anticipated development expenses.***

Motion Carried

In Favour

Mayor Bain
Councillor Janisse
Councillor Monk
Councillor Bezaire
Councillor McKinlay

Opposed

Councillor McLean
Councillor Diemer

8. CONSENT AGENDA

All items listed on the Consent Agenda shall be the subject of two motions. One motion to adopt the minutes and one motion to receive items listed on the Consent Agenda. Any member may ask for any item(s) included in the consent Agenda to be separated from that motion, whereupon the Consent Agenda without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

- a) Regular Council Meeting Minutes of October 22, 2013

Councillor McLean moved and Councillor Monk seconded:

That:

Council approve Item 8a as listed on the Consent Agenda dated November 12, 2013.

Motion Carried Unanimously

- b) Engineering and Infrastructure Services – Drainage Board Minutes of October 15, 2013
- c) Ontario Good Roads Association – Nominating Committee
- d) Community and Development Services – Fire Services Activity Report to Council

TOWN OF LAKESHORE
COMMUNITY and DEVELOPMENT SERVICES
FIRE SERVICES

TO: Mayor and Members of Council

FROM: Don Williamson, Fire Chief

DATE: October 29, 2013

SUBJECT: Fire Services Activity Report to Council

RECOMMENDATION:

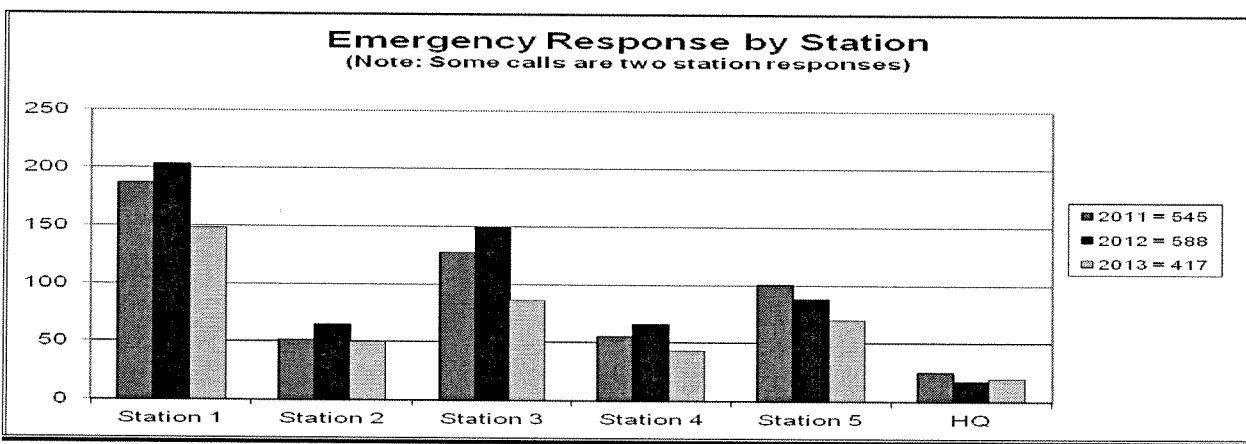
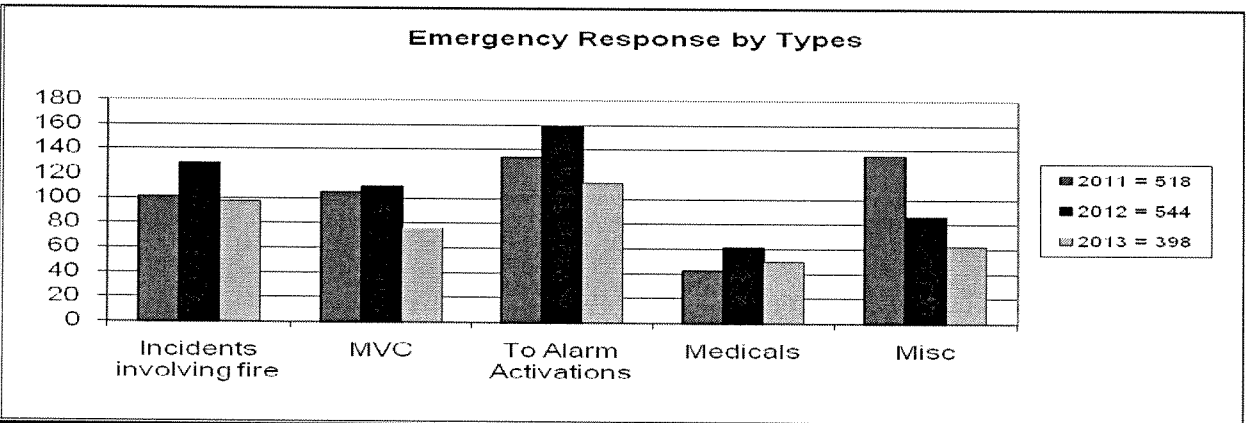
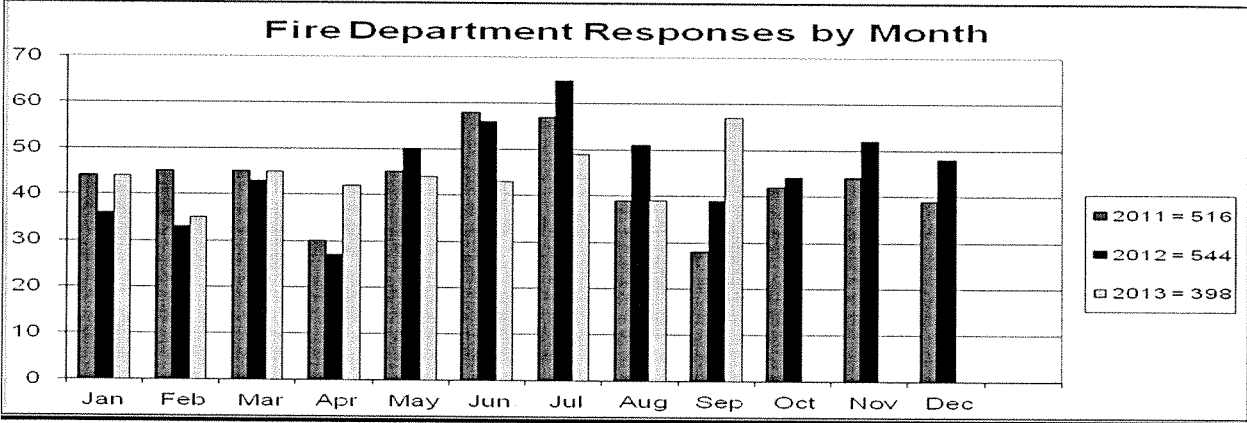
It is recommended that:

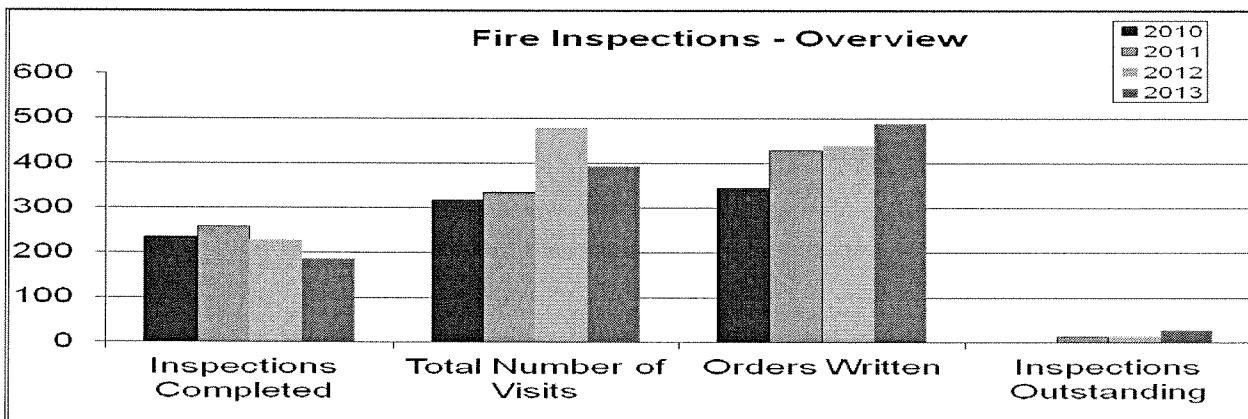
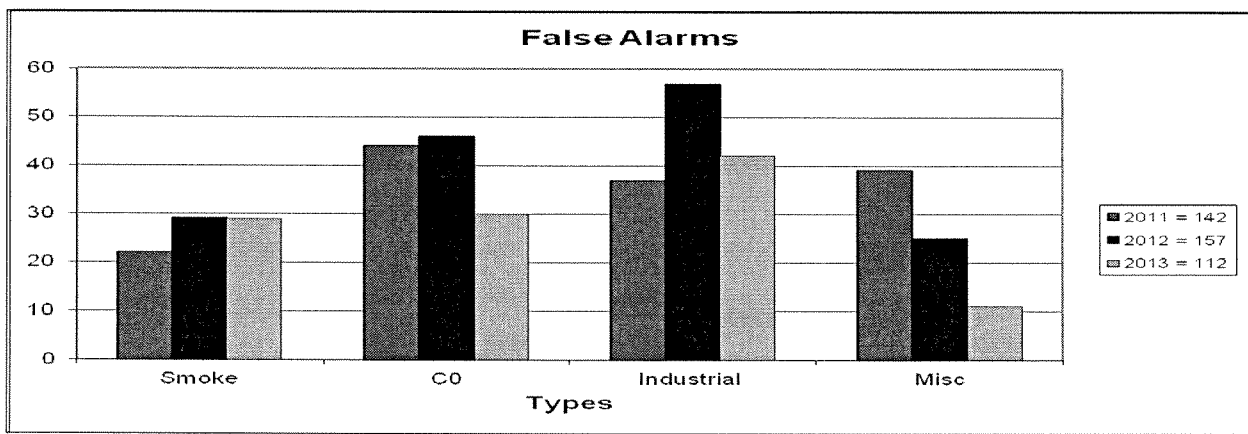
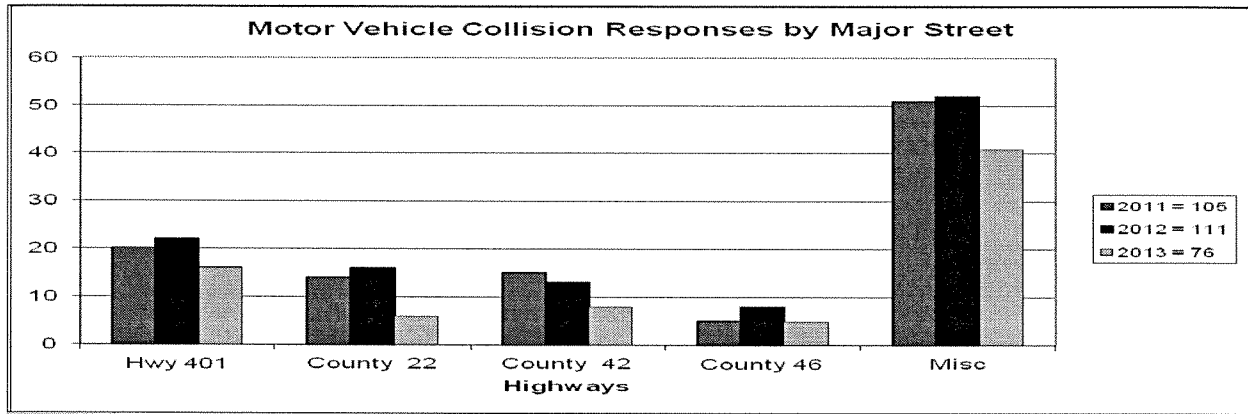
1. Council receive the Fire Services Activity Report as of October 29, 2013.

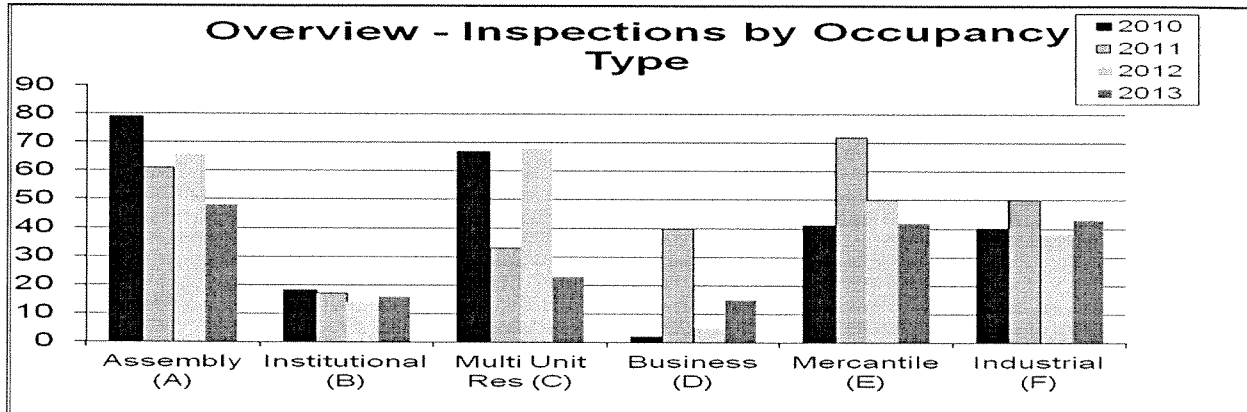
BACKGROUND:

This is a report that provides a three year comparison of emergency responses and fire inspection statistics. Present day totals are year to date, compared against historical year end totals.

COMMENTS:







OTHERS CONSULTED:

No consultation required.

BUDGET IMPACTS:

There are no budget impacts resulting from the recommendations.

Prepared by:

Don Williamson
Fire Chief

Reviewed by:

Steve Salmons
Director of Community & Development
Services

Submitted by:

Kirk Foran
Chief Administrative Officer

e) Community and Development Services – Building Activity Report – October 2013

TOWN OF LAKESHORE
COMMUNITY AND DEVELOPMENT SERVICES

TO: Mayor and Members of Council

FROM: Morris Harding, Chief Building Official

DATE: November 12, 2013

SUBJECT: Building Activity Report – October 2013

RECOMMENDATION

It is recommended that:

1. Council receive the Building Activity Report as of October 31, 2013.

BACKGROUND

The Building Activity Report is a monthly report prepared to provide a comparison of building activity with the same periods in 2011, 2012 and 2013.

COMMENTS

The report also provides a comparison of construction value for the same periods, and delineates bylaw enforcement and other building activity for the 2012 period.

<u>YEAR TO DATE TOTALS:</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>
Number of Permits as of October 31 st	642	691	581
Total Number of Permits Issued in October	86	67	60

This comprises the following units:

New Single Family Dwellings	140	158	129
New Homes (Semi Detached 2 Units)	0	0	2
New Homes (Multi-Unit Buildings)	<u>8</u>	<u>18</u>	<u>13</u>
<i>Total Dwelling Units Created</i>	148	176	144
	<u>2013</u>	<u>2012</u>	<u>2011</u>
Home Additions / Renovations	70	79	79
Commercial (New)	1	4	1
Commercial (Renovations and Additions)	20	8	2
Industrial (New)	2	0	4
Industrial (Renovations and Additions)	14	2	4
Institutional (New)	1	0	0
Institutional (Renovations and Additions)	6	1	2
Agricultural Structures	23	20	15
Solar Panels	14	24	21
Decks	24	29	21
Fences	112	128	91

Fills	6	6	2
Garage / Sheds	51	59	51
Pools	83	96	72
Septic Systems	39	29	36
Signs	4	4	8
Demolitions	24	22	27
Communication Towers	0	0	0
Tents	0	4	1
Wind Turbine	0	0	0

Construction Value To Date

	2013	2012	2011
ALL PERMIT TYPES	\$10,765,500.00	\$5,149,225.00	\$3,875,120.00
YEAR TO DATE	\$113,662,778.00	\$55,733,159.00	\$48,751,850.00
NEW RESIDENTIAL	\$8,294,500.00	\$4,146,950.00	\$2,750,000.00
YEAR TO DATE	\$47,198,000.00	\$45,718,490.00	\$40,387,669.00
NEW NON-RESIDENTIAL	\$700,000.00	\$0.00	\$496,500.00
YEAR TO DATE	\$42,053,000.00	\$1,160,000.00	\$904,500.00

Building Department Activity (Month of October)

Building Inspections:	360
Zoning Letters:	10

By-Law Enforcement (Month of October)

Complaints Received and Followed Up:	32
Complaints Resolved:	27
Complaints Carried Over (as of October 31 st):	104

Weed Control – Vacant Properties (Month of October)

Complaints Received and Followed Up:	0
Complaints Resolved:	12
Complaints Carried Over (as of October 31 st):	2

OTHERS CONSULTED

No other parties were consulted in the preparation of this report.

BUDGET IMPACTS

There are no budget implications resulting from the recommendation.

Prepared by:

Morris Harding
Chief Building Official

Reviewed By:

Steve Salmons
Director Community &
Development Services

Submitted By :

Kirk Foran
Chief Administrative Officer

f) Finance and Performance Services – Variance Report to September 30, 2013

TOWN OF LAKESHORE FINANCE AND PERFORMANCE SERVICES

TO: Mayor and Members of Council

FROM: Sylvia Rammelaere CPA, CA,
Director of Finance and Performance Services

DATE: October 30, 2013

SUBJECT: Variance Report to September 30, 2013

RECOMMENDATION:

It is recommended that:

1. Council receive the variance reports to September 30, 2013 for information.

BACKGROUND:

Budgets are set annually for operating, capital and reserve expenditures. The directors were requested to provide a forecast to the end of the year based on actual figures to September 30, 2013.

COMMENTS:

Not all expenditures occur evenly throughout the year. As a result, the forecast may be significantly different than the actual to date extrapolated for the balance of the year. Attached is a summary of the revenue and expenditures by department.

Some specific comments are as follows:

Tax Rate

- Based on the tax rate summary, it appears that there will be a surplus of \$227,000. This surplus is outlined in the attached schedule.
- It should be noted that should the deficit in the arena of approximately \$49,000 be realized, the tax rate will be required to cover it as the arena has no reserves of its own.
- Supplementary taxes have come in \$224,000 more than budgeted. This line item is reflective of the timing of assessments by MPAC.
- It is expected that there will be a shortfall in interest and penalty on property taxes, interest income and the grant in lieu as well as an increase in costs for public works vehicle repairs, street light maintenance, staff overtime, drainage assessments and winter control. Some changes in assessment are forecasted to result in adjustments which will put this line item \$65,000 over budget.
- In the event that they are needed, there is a reserve of \$20,000 for winter control and \$50,000 for assessment related adjustments. This will be reviewed again at year end.
- When the legal case is settled and the amount, if any, is known, the financing will be determined. Until then, it shows as part of the deficit. Removing this estimate results in a surplus of \$135,000 from 2012. The additional 2012 surplus has already been allocated by Council to the work to be done on the lakeside parkettes.

Arena

- The arena is forecasting a current year deficit of \$49,000.
- When the 2013 budget was prepared it was expected that the arena would end 2012 with a surplus of \$9,000. In reality, it had a deficit of \$49,000; leaving \$46,000 to be covered by the tax rate in 2013 should actual 2013 results match the forecast.

Marina

- The marina is forecasting a current year deficit of \$54,000 (budget deficit was \$108,000) which includes a repayment to the tax rate from prior years of \$105,000.
- Contract rentals are up by \$75,000.

- It is anticipated that the year will close with a surplus of \$14,000, which administration will likely recommend be transferred to a marina reserve. This will be reviewed again at year end.

Water

- The water variance report is forecasting a breakeven position.
- Water consumption is not used equally throughout the year, making it difficult to estimate the final revenue. The forecast was based on actual revenue to date and the prior years' consumption activity throughout the year.
- Water sales are estimated to be \$109,000 lower than budget and water buy in fees higher by \$26,000.
- Water purchased from Union is lower than expected by \$57,000 and purification chemicals are down by \$33,000.
- The difference between the forecasted 2012 surplus and the actual 2012 surplus has been transferred to the water reserve fund based on a prior Council resolution.

Sewer

- The sewer variance report is forecasting an operating deficit of \$8,000.
- Sewer revenue is based on water consumption, which is not used equally throughout the year, making it difficult to estimate the final revenue. The forecast was based on actual revenue to date and the prior years' consumption activity throughout the year.
- Sewer revenues are expected to be lower than budget \$79,000.
- The inflow and infiltration work from 2012 had approximately \$145,000 yet to be done in 2013. This is being financed from the sewer reserve. The 2013 projects will be completed in 2013.

Overall the budgets are on target with some positive variances in the tax and marina budgets. The sewer, water and arena operations will continue to be monitored closely to ensure that we maintain budget lines.

OTHERS CONSULTED:

The senior management team prepared the variance reports for their department and is in agreement with the overall report.

BUDGET IMPACTS:

It is anticipated that there will not be any funds available to carry forward into the 2014 tax rate budget year given that the arena deficit will need to be financed. As well, some funds should remain in the event that there are some unexpected expenses or some

revenues do not materialize. The St. Clair Shores lawsuit appeal will be heard in 2014 so we may need to finance the settlement. As well, we may wish to allocate the surplus to the MURF fundraising expenses.

Prepared by:

Submitted by:

Sylvia Rammelaere, CPA, CA
Director of Finance and Performance
Services

Kirk Foran
Chief Administrative Officer

- g) AMO – FCM Launch of “Fixing Canada’s Housing Crunch” Campaign
- h) Town of Tecumseh – Regional Passenger Transportation Initiative for the Communities of South western Ontario.
- i) Community and Development Services – Licence Application for Medical Marihuana

TOWN OF LAKESHORE
COMMUNITY AND DEVELOPMENT SERVICES

TO: Mayor and Members of Council

FROM: Steve Salmons, Director

DATE: November 7, 2103

SUBJECT: Consent item (i)- licence application for medical marihuana

RECOMMENDATION:

For Council information only

BACKGROUND:

The Government of Canada announced in December of 2012 its decision to make changes to the way Canadians access marihuana for medical purposes.

Health Canada’s Marihuana Medical Access Program has grown exponentially from 500 authorized persons in 2002 to over 26,000 in 2012. The government sees unintended consequences to public health, safety and security as a result if individuals being allowed to produce marihuana in their homes.

Proposed new regulations will treat marihuana like any other narcotic drug used for medical purposes. Health care practitioners will be able to prescribe a suitable treatment program and patients will be able to purchase the appropriate amount from an

authorized vendor. The vendor will be subject to strict security conditions and reporting requirements.

Any proponent will have to be licensed by Health Canada (a rigorous process). Their proposed location will have to meet local zoning and building by-laws.

It is the government's intention to fully implement this new system by March 31, 2014.

Lakeshore has been notified by CEN-BioTech Inc that it has applied to health Canada for a licence in Lakeshore (as required by the new regulations).

COMMENTS:

The proposed location is at Manning and North Rear Road (south of the OPP detachment at Manning and 401). It has the correct zoning.

The site is zoned 'Agricultural Use- Value Added' that provides for an accessory use for processing and refining agricultural product to a final retail product. The final retail product shall primarily consist of inputs produced on the farm.

The proponent has applied to construct a 58,000 s.f. steel barn to grow and process the plants. There is also a fencing application to secure the facility. In a meeting with the proponents, they explained that there would be a number of sophisticated security measures in addition to air filtration to remove vapors and odors.

The application is currently in process.

OTHERS CONSULTED:

- Health Canada

BUDGET IMPACTS:

Standard building permit fees would apply.

Prepared by:

Steve Salmons
Director, CDS

Submitted by:

Kirk Foran
CAO

- j) Belle River – On the Lake BIA Meeting – Minutes of September 9, 2013
- k) Council Assignments / Monthly Tracking Report

I) Engineering and Infrastructure Services – Puce Road Encroachment

TOWN OF LAKESHORE
ENGINEERING AND INFRASTRUCTURE SERVICES
PUBLIC WORKS SERVICES DIVISION

TO: Mayor and Members of Council

FROM: Chuck Chevalier, C.R.S.
Manager, Public Works Services

DATE: November 12, 2013

SUBJECT: Puce Road Encroachment Agreement

RECOMMENDATION:

It is recommended that:

1. Council receive this report for information related to the Puce Road Encroachment Agreement.

BACKGROUND:

At the September 10, 2013 Regular Council Meeting, administration was directed to prepare a report on the encroachment agreement and current activities taking place at the north end of Puce Road, along with information regarding the Town of Lakeshore's legal obligation pertaining to the existing agreement.

COMMENTS

A legal survey of the encroachment was undertaken by an Ontario Land Surveyor. The attached survey of October 24, 2013 shows the original encroachment originally identified on the 2006 survey (attached), as well as other landscaping features within the Town's right-of-way (ROW). When comparing the October 2013 survey with the most recent survey from July of 2011, there have been no changes of note during that time. As well, Public Works Services has not noted any issues with these landscaping encroachments as it relates to road maintenance activities.

Council shall note that these landscaping encroachments are fairly typical for residential properties. In fact, the 2013 survey clearly shows similar encroachments with the properties across the street from 82 East Puce Road. It should be noted that the encroachment which is the subject of the agreement as highlighted in the attached October 24, 2013 survey appears almost insignificant amongst the other miscellaneous encroachments in the area within the ROW. This scenario is repeated throughout the

municipality on other subdivision streets where residents plant trees and shrubs, install fencing and place rocks and landscaping beds on the Town's ROW. Only when these landscaping features impede sight lines or hinder maintenance operations will Public Works notify the property owner to remove these encroachments.

Landscaping encroachments are, in fact, so common they are not usually treated as real encroachments at all. Generally, only structures that cross a property line onto the municipal right of way become the subject of an encroachment agreement. The purpose of such an agreement is for the property owner to gain some assurance from the municipality that the encroachment will be permitted to stay pending the happening of certain events. In the case of the agreement pertaining to 82 Puce Road those events are as follows:

- a breach of the agreement;
- the removal of the encroachment;
- sale of the owner's property without replacing the encroachment agreement;
- five years after the registration of the agreement on title to the owner's land;
- Director of Engineering and Infrastructure Services is of the opinion that the removal of the encroachment is necessary.

If one looks at only the original patio structure and ignores the more recent and commonplace landscaping done on the right-of-way, there has been no increase in the encroachment to which the existing agreement applies. Further, there has been no other breach of the agreement that Public Works Services is aware of.

Comments have been made regarding the five-year time period. However, the expiration is tied to the registration of the agreement rather than its execution. Since the agreement has never been registered, the five-year period has never began to run. The agreement will be registered now. It should be noted however that this does not preclude Council from ordering the removal of the encroachment if that is the direction Council wishes to take.

It is open to the Director of Engineering and Infrastructure Services to ask that the encroachment be removed at any time it is deemed necessary to do so. This type of provision is generally only exercised when the encroachment presents an obstruction to something the municipality needs to accomplish or for some other real municipal purpose. While it is recognized that encroaching onto a public right-of-way with ones private works is a privilege and not a right, a removal request generally must be supported by reasons connected to the encroachment itself. It would be unusual to use an encroachment agreement as the means to affect the behavior of a property owner in some unrelated matter.

At the time of this report, the only potential conflict with the encroachment extending from 82 Puce Road is with the parkette to be constructed adjacent to that property. Community and Development Services has confirmed that the design for the parkette at the end of the Puce Road is not impacted by this encroachment.

Since none of the circumstances set out in the encroachment agreement that would or could bring it to an end, the encroachment agreement continues to be a valid and subsisting agreement.

OTHERS CONSULTED:

The Town's Solicitor was consulted in the preparation of this report and concurs with the recommendation.

BUDGET IMPACTS:

There are no budget impacts resulting from this report.

Prepared by:

Chuck Chevalier, C.R.S.
Manager, Public Works Services

Reviewed by:

Tom Touralias, P. Eng., MBA
Director, Engineering and
Infrastructure Services

Submitted by:

Kirk Foran
Chief Administrative Officer

m) Finance and Performance Services – Expenditure Report for September 2013

TOWN OF LAKESHORE
FINANCE AND PERFORMANCE SERVICES

TO: Mayor and Members of Council

FROM: Sylvia Rammelaere CPA, CA,
Director of Finance and Performance Services

DATE: November 1, 2013

SUBJECT: Expenditure Report for September 2013

RECOMMENDATION:

It is recommended that:

1. Council receive the expenditure report for the month of September 2013.

BACKGROUND:

An expenditure report has been prepared subsequent to the issuance of cheques and submitted for Council's information.

COMMENTS:

Attached please find a detailed listing of expenditures in the amount of \$18,184,915.85 for the month of September 2013.

OTHERS CONSULTED:

No others were consulted.

BUDGET IMPACTS:

Actual expenditures incurred during the month.

Prepared by:

Submitted by:

Sylvia Rammelaere CPA, CA,
Director of Finance and Performance
Services

Kirk Foran,
Chief Administrative Officer

- n) Engineering and Infrastructure Services – Drainage Services Division Activity Report

TOWN OF LAKESHORE
ENGINEERING AND INFRASTRUCTURE SERVICES
DRAINAGE SERVICES DIVISION

TO: Mayor and Members of Council

FROM: Jill Fiorito, Drainage Superintendent

DATE: November 6, 2013

SUBJECT: Drainage Services Division Activity Report

RECOMMENDATION:

It is recommended that:

1. Council receive the November, 2013 Drainage Division Report for information purposes.

BACKGROUND:

This report provides a summary of the current and recent activity undertaken by the Drainage Services Division in regards to drainage maintenance and capital projects. The report also summarizes some of the large drainage projects completed in 2013.

COMMENTS:

Maintenance Activities – Administration held the necessary public meetings, tendered and completed 180 municipal drain maintenance projects over the past year. The maintenance consisted of bottom cleanouts, brushing, culvert replacements, cutting of cattails/phragmites, blockage removals and bank repairs. The approximate total cost of maintenance activities in 2013 was \$650,000.00.

Capital Drainage Projects – Administration held all necessary public meetings, tendered and completed 20 municipal drain construction projects in 2013. The approximate total cost of Capital Drainage Projects in 2013 was \$1,025,000.00.

In 2013, the following major Capital drainage projects were undertaken:

- **The Dawson Drain** – this project included thirteen (13) private access culverts and the replacement of three (3) roadway crossings, along with a full drain cleanout.
- **Renaud Line Drain Enclosure** – this project included a lawn enclosure at the entrance to the MURF facility.
- **Lawson Drain** – this project included the replacement of an existing lawn enclosure, including new catch basins and overland drainage improvements.
- **Union Drain** – this project included the replacement of one (1) concrete span bridge with an open footing steel Bridge Plate Box Culvert, along with the replacement of four (4) culvert access bridges. This project also included two (2) access bridge improvements as part of the work.

In addition to the drainage projects listed above, the Drainage Services Division together with our Public Works Services staff maintains and operates 60 pump stations throughout the Town of Lakeshore. Regular meetings with pump commissioners have been established to review concerns and provide guidance for maintaining the municipal pump stations. Formal maintenance checklists have been established to allow for effective and consistent pump inspections. These checklists are maintained on file with the municipality for liability purposes. Administration will continue to meet regularly with the pump commissioners.

Council is aware that legislation prohibits certain drainage works commencing from March 15, until July 1st following the fish spawning season, resulting in very little construction activity in the early part of each year. Administration is constantly working closely with ERCA, DFO and MNR to try and commence work, even within the fish spawning window as opportunities permit. Other works are occasionally not undertaken

during the summer months at the request of local farmers wishing to limit crop damage. This makes the fall an extremely busy construction period for the Drainage Superintendents and area drainage contractors.

At this time, the Drainage Services continues to provide service to ratepayers through front counter and phone enquiries as well as troubleshooting numerous drainage problems through on-site visits with our ratepayers. Tenders are being completed and on-site meetings continue to be held in preparation for the 2013 construction season. In the winter months, recently completed drainage projects are processed for submission to the Ministry for grant purposes.

The Drainage Division is continuously searching for firms capable of undertaking drainage reports. Recently, the Town appointed R.C. Spencer and Associates to assist with improving the level of service

Administration will be bringing forward to Council a Drainage Division Service Level Review (similar to what was presented for Public Works in 2012). This review will encompass all aspects of how the Town delivers drainage services.

OTHERS CONSULTED:

The Director of Finance and Performance Services was consulted in the preparation of this report with respect to the Budget Impacts discussion.

BUDGET IMPACTS:

Costs associated with drainage capital projects are cost recoverable against those properties benefitting from the improvement. All agricultural properties are eligible for 1/3 grant from Ontario Ministry of Agriculture, Food and Rural Affairs.

Some drains have a "road" component, which is the responsibility of the Town. For maintenance items, \$50,000 was allocated in the Public Works budget for the year 2013. The costs assessed to Public Works in 2013 were approximately \$104,675.00.

For capital items, a lifecycle was established years ago and continues to be monitored for projects as they arise. It is difficult to establish a fixed amount as the projects vary from year to year. To date there has not been a shortfall in this account, because the larger projects that had a significant road component were provided from the road lifecycle reserve. A revision was made in the 2013 budget and will be monitored annually based on projects expected to be completed.

Prepared by:

Jill Fiorito, A.M.C.T
Drainage Superintendent

Reviewed by:

Tom Touralias P.Eng. MBA
Director of Engineering and
Infrastructure Services

Submitted by:

Kirk Foran
Chief Administrative Officer

- o) Genivar – Re: Project Progress Update and Contact Information Site Re-Grading and Clay Placement Construction Work Essex closed Landfill No. 3, 914 Puce Road, Lakeshore, Ontario

Council inquired on Items 8f, 8g, and 8j.

Item 8i:

Councillor Janisse questioned how the medical marihuana operation would be taxed. The Director of Finance and Performance Services indicated that the Municipal Property Assessment Corporation would decide on the value assessed once the business is operational.

Item 8l:

Councillor Janisse indicated that the residence in the area of the Puce Road encroachment are concerned with the activities that have taken place there noting that the once deemed 66 ft road allowance has now been narrowed to approximately 46 ft at the narrowest location. Council posed various questions with respect to the encroachment agreement and the solicitor responded. Councillor Bezaire suggested that letters should be sent the property owners if the municipality is not in approval of the activities taking place on the allowance.

Councillor Bezaire moved and Councillor McLean seconded:

That:

Administration be directed to forward a letter to the property owners who have encroachments onto the Puce Road beach and the area which has exceeded the agreement in place advising that any exclusions of the general public to the property will not be tolerated.

Motion Lost

In Favour

Mayor Bain
Councillor McLean
Councillor Bezaire

Opposed

Councillor Janisse
Councillor Monk
Councillor Diemer
Councillor McKinlay

Councillor McLean moved and Councillor Monk seconded:

That:

Council receive Items 8b through 8o as listed on the Consent Agenda dated November 12, 2013.

Motion Carried Unanimously

9. ANNOUNCEMENTS BY THE MAYOR

10. COMPLETION OF UNFINISHED BUSINESS FROM PREVIOUS MEETINGS

11. COMMUNITY AND DEVELOPMENT SERVICES

- a) New Community Centre and Library (Woodslee) Tender Award

**TOWN OF LAKESHORE
COMMUNITY AND DEVELOPMENT SERVICES
PARKS, RECREATION AND FACILITIES**

TO: Mayor and Members of Council

FROM: Steve Salmons, Director

DATE: October 31, 2013

SUBJECT: New Community Centre and Library (Woodslee) Tender Award

RECOMMENDATION:

It is recommended that:

1. Council award the tender for the construction of the New Community Centre and Library in the community of Woodslee to Barrinetti Construction Ltd for the amount of \$1,970,000 (excluding HST); and
2. Council finance the project over 10 years (using the 2013 and 2014 wind turbine allocation against the capital cost of the project), with repayments to start in 2015.

BACKGROUND:

At its meeting of June 11, 2013, Council unanimously approved the following:

1. *Council approve in principle the design of a community centre and library, and*
2. *Council approve in principle the addition of the pavilion concession and external washrooms.*

Council's approval-in-principal endorsed public demand for a larger, divisible program space, increased storage space, and an expanded kitchen facility. At the June 11th meeting, Council also directed Archon to further expand the program space at the expense of storage and the smaller program room, if necessary.

The current concept has produced a building 1500 s.f in excess of the planned 6000 s.f replacement facility. Amenities such as a new pavilion, concession and external washrooms were also not anticipated in the original estimates of \$2.1 million.

At its August 8, 2013 meeting, Council rejected Administration's recommendation to reduce the scope of the project to bring construction estimates within the proposed \$2.1 budget. Council directed Administration to tender the project as designed and bring back a further report with tender results.

COMMENTS:

There was strong interest in the project with more than 25 proponents requesting the tender documents and 11 submitting a price by the October 29, 2013 deadline:

1. Barrinetti Construction Ltd	\$1,970,000
2. Elmara	\$2,090,626
3. Vince Ferro	\$2,115,636
4. DeAngelis	\$2,218,000
5. Loaring	\$2,304,968
6. Artisan Windsor	\$2,324,000
7. Ari-Urban Buildings	\$2,378,900
8. Niacon	\$2,410,000
9. Aveiro Construction	\$2,457,000
10. Trillium	\$2,552,101
11. SDI	\$2,800,000

Barrinetti is the low tender and met all tender requirements.

Barrinetti is located in Leamington Ontario and has been in business since 1981. Archon is familiar with their work and is satisfied that they have the experience and capacity to complete this project.

The project is under the Class D construction estimate of \$2.1 million.

OTHERS CONSULTED:

- The Director of Finance and Performance Services
- Archon Architects

BUDGET IMPACTS:

The estimated cost including architect fees, demolition, consulting, construction and contingency of 5% totals \$2,451,000.

It is the recommendation that the 2014 wind turbine annual payment be directed to the New Centre and that the debt be issued after July 1, 2014 so that the first repayment will be in 2015.

It is further recommended that all of the wind turbine money be directed to the debt repayment, which approximates 10 years based on the costs and forecasted interest rate.

The recommended financing can be summarized as follows:

2012 reserve (includes 2012 turbine)	\$ 483,586
2013, 2014 wind turbine allocation	390,000
10 year debt	<u>1,577,414</u>
Total	<u>\$ 2,451,000</u>

Annual debt payments for 10 years at 3.1% equal \$185,866, leaving approximately \$9,000 to allocate to other items.

Council requested information on the total wind turbine funds to be received over 20 years and how it was derived from wards 4, 5, and 6. The total funds to be received total \$3,904,000 and can be represented as follows:

Ward 4	\$ 230,000
Ward 5	\$1,174,000 (30%)
Ward 6	<u>\$2,500,000</u>
Total	<u>\$3,904,000</u>

The amount necessary to fund the debt for the Millen centre, including the payments in 2012, 2013 and 2014 total approximately \$2,444,000 or 63%, a difference of 33%.

The sensitivity in debt financing is as follows:

Principal	\$1,577,414	\$1,577,414	\$1,577,414	\$1,577,414
Interest Rate	3.1%	3.6%	3.8%	4.0%
Term - years	10	15	17	20
Annual Payment	\$185,866	\$137,935	\$127,658	\$116,069
Total Payment	\$1,858,660	\$2,069,024	\$2,170,186	\$2,321,378

Interest	\$281,246	\$491,610	\$592,772	\$743,964
Total from turbine	\$2,444,000	\$2,654,000	\$2,755,000	\$2,906,000
Remaining from turbine	\$1,460,000	\$1,250,000	\$1,149,000	\$998,000
Total turbine	\$3,904,000	\$3,904,000	\$3,904,000	\$3,904,000

It should be noted that if the 20 year option is selected, 3 years will be financed from the tax rate as the 2012, 2013, and 2014 allocation of the turbine funds have been applied to the capital cost.

It is the recommendation of Administration that the debt necessary be financed over 10 years, being the amount of the wind turbine funds available on an annual basis. This will leave approximately \$1,460,000 to spend in years 14 - 20, being the maximum of all of the financing options.

Should Council wish to limit the amount from the wind turbine funds to \$1,174,000, the difference will have to come from an increase in the tax rate, which would be approximately \$1,270,000 over 20 years or \$63,500 per annum (.3%)

Prepared by:

Steve Salmons
Director, CDS

Prepared by:

Sylvia Rammelaere
Director, FPS

Submitted by:

Kirk Foran
CAO

Councillor McKinlay noted that the amount of wind turbine money to be allocated to the Millen Centre construction should be reviewed.

Council requested that the two recommendations suggested by administration be dealt with separately.

Councillor Diemer moved and Councillor McKinlay seconded:

That:

- 1. Council award the tender for the construction of the New Community Centre and Library in the community of Woodslee to Barrinetti Construction Ltd for the amount of \$1,970,000 (excluding HST); and***

Motion Carried

In Favour

Mayor Bain
Councillor McLean
Councillor Diemer
Councillor McKinlay

Opposed

Councillor Bezaire
Councillor Janisse
Councillor Monk

Councillor McLean moved and Councillor Diemer seconded:

That:

The Millen Centre project be financed by current reserves that are identified on page 3 of the report dated October 31, 2013 with respect to the new community centre and library and that the balance will be funded by a ten year debt.

Motion Carried

In Favour

Mayor Bain
Councillor McLean
Councillor Diemer
Councillor McKinlay

Opposed

Councillor Janisse
Councillor Monk
Councillor Bezaire

- b) MURF Capital Campaign - Large Naming Rights Opportunities & Update

TOWN OF LAKESHORE
COMMUNITY AND DEVELOPMENT SERVICES

TO: Mayor and Members of Council

FROM: Linda E. Smith, Capital Campaign Manager

DATE: November 12, 2013

SUBJECT: MURF- Capital Campaign - Large Naming Rights Opportunities & Update

RECOMMENDATION:

1. That Council accept this report for information; and,
2. That Council amend Article 3.1.9 of its Naming of Municipal Parks and Facilities Policy (CD-2005, revised March 11, 2013), to read "All naming right agreements shall be subject to Council approval in excess of \$50,000", and amend Article 4.4 to add "in excess of \$50,000".

BACKGROUND:

At its meeting of September 10, 2013, Council increased the campaign goal from \$2.5 million to \$3 million with the addition of Phase II amenities, including a pool.

A Capital Campaign Committee chaired by Stephanie and Barry Zekelman is overseeing the "Building the Best" large donations for naming rights Campaign. This campaign's goal is \$2.5M of the \$3M.

A Community Fundraising Committee chaired by Mayor Tom Bain and comprised of local leaders from sports groups, service clubs; business and community groups are leading the "Our time, Our place" Campaign and have a goal of \$500,000 of the \$3M.

Council's current Naming Rights Policy states "all naming rights are subject to Council approval". On March 19, 20103, Council approved a report from the Capital Campaign Manager recommending that only naming rights \$10,000 and above be referred to Council for approval.

CAMPAIGN UPDATE:

The Capital Campaign Committee has been working hard securing large donations for large naming rights (\$50,000+) for the major opportunities identified and approved by Council (March 12, 2013)... those being the arenas, gymnasium, library, the pool, and the facility as a whole.

The Chairs have firm, verbal naming right commitments for the following:

Arena A	\$300,000
Arena B	\$200,000
Arena C	\$200,000
Recreation Pool	\$500,000
Library	\$250,000
Total	\$1,450,000

Further details, contractual arrangements and naming announcements are to be confirmed shortly.

With respect to the facility naming, we are in meaningful discussions with an interested party. Decisions are imminent.

The Community Fundraising Committee is finalizing their strategic action plan with a commitment to raise \$500,000.

NAMING RIGHTS:

Administration is recommending that Council revise the current \$10,000 limit required for Council approval to \$50,000 and up.

Most naming rights under \$50,000 are for dressing rooms, dance rooms and clocks. They are many and may delay the roll-out of our programme should Council wish to review each item under \$50,000 prior to announcement. Council can be assured that all naming rights under \$50,000 remain subject to conditions in the balance of the policy, and in particular, Council's option to reject or revoke any naming opportunity where in the opinion of Council, the Town is being brought into disrepute.

OTHERS CONSULTED:

Capital Campaign Committee - MURF
Community Fundraising Committee - MURF

BUDGET IMPACTS:

All campaign expenses are funded through the Campaign. The Campaign will contribute at least \$3 million to the total budget of \$ 60 million.

Prepared by:

Reviewed by:

Linda E. Smith
Capital Campaign Manager - MURF

Steve Salmons
Director, Community and Development
Services

Submitted by:

Kirk Foran
Chief Administrative Officer

Mayor Bain noted that the Town has secured 1.5 million dollars in commitments for naming rights for the Multi Use Recreation Facility. He further noted that the Capital Campaign Committee have obtained commitments of \$500,000 and an employee monthly payroll deductions as well as donations from area groups and members of Council are underway.

Councillor Bezair suggested that the amendment to article 3.1.9 of the policy should be identified for the Multi Use Recreation Facility purposes only.

Councillor Bezaire moved and Councillor Monk seconded:

That:

- 1. Council accept this report for information; and,***
- 2. Council amend Article 3.1.9 for MURF purposes only of its Naming of Municipal Parks and Facilities Policy (CD-2005, revised March 11, 2013), to read "All naming right agreements shall be subject to Council approval in excess of \$50,000", and amend Article 4.4 to add "in excess of \$50,000"***

Motion Carried Unanimously

c) West Beach - Privacy/Property Marker Fence

TOWN OF LAKESHORE
COMMUNITY AND DEVELOPMENT SERVICES
PARKS, RECREATION AND FACILITIES DIVISION

TO: Mayor and Members of Council

FROM: Todd Shoemaker- Manager of Parks, Recreation and Facility Services.

DATE: November 6, 2013

SUBJECT: West Beach- Privacy/property marker fence

RECOMMENDATION:

It is recommended that:

1. Council authorize administration to use \$25,000.00 from the ELK Reserve Fund to erect a privacy/property marker fence and berm with landscaping along the west side of the West Beach between the Town's property and the home owner's property to the immediate west.

BACKGROUND:

The Town of Lakeshore purchased the properties at 1774, 1776, and 1780 in 2012. The demolition and cleaning of the properties were undertaken in 2013. Council allocated \$100,000 for the demolition, cleaning and restoration of the properties from the ELK Fund. Included in the restoration was the construction of a privacy/property divider fence with decorative plantings.

During the preparation for demolition, it was discovered that each building on the three properties had extensive asbestos content within each building. The asbestos

abatement was very costly and used up a large portion of the funds for the project. This resulted in not having the funds to install the privacy/property marker fence along the west side of the West Beach property. In fact, demolition exceeded the available funds by \$15,000 (additional allocation previously approved by Council).

COMMENTS:

It was planned early in the project, even in the initial purchase, that the Town of Lakeshore would install the privacy/property marker along the west side of the property. Due to the asbestos abatement required for the safe and legal removal and disposal of asbestos, the funds allocated to this project were consumed prior to the installation of the fence.

Not only did the Town agree-in-principle with the neighbours to the installation of this fence, it would also be in the spirit of being good neighbours to complete the installation of the fence ASAP to provide privacy and security of our neighbour's property. It is also essential to define park boundaries from all the residents to the west, as well as provide a durable, long term structure resistant to more extreme weather conditions on the beachfront and vandal resilient.

The fence is estimated to cost approximately \$15,000 from the property's north boundary (beachside) to the roadway, to be integrated with existing fencing of our neighbour. It will consist of 248 feet of wooden fence, and 120 feet of metal fence. The owners of the adjoining property will contribute \$2670 to cover the additional cost of metal fencing. Furthermore, a berm and vegetation will be installed along the fence to soften the east exposure to beach users, and provide a natural break between properties at the beach.

OTHERS CONSULTED:

The Director of Community and Development Services and the Director of Finance and Performance Services were both consulted and concur.

BUDGET IMPACTS:

Funds will be drawn from the ELK Reserve Fund.

Prepared by:

Todd Shoemaker
Manager of Parks, Recreation
and Facility Services

Reviewed by:

Steve Salmons
Director of Community and
Development Services

Submitted by:

Kirk Foran, CAO

Councillor Monk moved and Councillor Bezair seconded:

That:

- 1. Council authorize administration to use \$25,000.00 from the ELK Reserve Fund to erect a privacy/property marker fence and berm with landscaping along the west side of the West Beach between the Town's property and the home owner's property to the immediate west.***

Motion Carried Unanimously

d) Marina Restaurant- Lease and Equipment

TOWN OF LAKESHORE
COMMUNITY AND DEVELOPMENT SERVICES
PARKS, RECREATION AND FACILITIES DIVISION

TO: Mayor and Members of Council

FROM: Todd Shoemaker- Manager of Parks, Recreation and Facility Services.

DATE: November 6, 2013

SUBJECT: Marina Restaurant- lease and equipment

RECOMMENDATIONS:

It is recommended that:

- Council authorize administration to issue an RFP for the lease of the Marina Restaurant.
- Council approve the purchase of all equipment and furnishings from the current tenant of the Marina Restaurant for \$30,000.00 (including HST).

BACKGROUND:

The current Lease Agreement for the Marina restaurant expires on December 31, 2013. The current tenant has indicated he is not interested in renewing this lease.

The tenant has offered all equipment within the restaurant to the Town of Lakeshore for a price of \$30,000.00 (HST included). Administration has had a representative from Williams Food Service look at the equipment. It was found to be generally in good and operable condition, and appraised at 36,000 (HST included) to replace. The appraisal is attached.

COMMENTS:

The presence of a restaurant in the second floor of the Town's marina building provides more of a service to the boaters and visitors to the dock. It is not a significant source of revenue to the Town.

Retaining the existing kitchen equipment and furnishings will make the site more attractive to potential tenants, and increase the likelihood of securing a satisfactory lease arrangement.

The RFP will have a minimum lease amount of the current annual payments, plus the cost of the equipment amortized over 3 years. The successful proponent would be responsible for their own utilities.

The lease will also stipulate minimum hours of operation and seasonal opening.

OTHERS CONSULTED:

The Director of Community and Development Services, the Director of Finance and Performance Services and Scott Love from Williams Food Services were all consulted.

BUDGET IMPACTS:

The \$30,000.00 will come from the 2013 Marina surplus, and not have any impact on 2013 taxes.

Prepared by:

Todd Shoemaker
Manager of Parks, Recreation
and Facility Services

Reviewed by:

Steve Salmons
Director of Community and
Development Services

Submitted by:

Kirk Foran
Chief Administrative Officer

Considerable discussion took place with respect to the need for the municipality to subsidize the operation of the restaurant at the Marina facility. Council requested that the two recommendations brought forward by administration be dealt with separately.

Councillor Diemer moved and Councillor McLean seconded:

That:

- 1. Council authorize administration to issue an RFP for the lease of the Marina Restaurant subject to conditions being identified.***

Motion Carried Unanimously

Administration noted that the lease for the marina restaurant would not necessarily be attractive to proprietors if equipment is not provided and further noted that the current use of the restaurant has been well used by the marina patrons and the public.

Councillor Janisse moved and Councillor Monk seconded:

That:

- 1. Council approve the purchase of the vent hood with fire suppression system from the current tenant of the Marina restaurant.***

Motion Lost

In Favour

Councillor Janisse
Councillor Monk

Opposed

Mayor Bain
Councillor McLean
Councillor Diemer
Councillor Bezaire
Councillor McKinlay

Councillor McKinlay moved and Councillor Monk seconded:

That:

- 1. Council approve the purchase of all equipment and furnishings from the current tenant of the Marina Restaurant for \$30,000.00 (including HST) subject to a lease being secured for a minimum of 3 years.***

Motion Lost

In Favour

Mayor Bain
Councillor Monk
Councillor McKinlay

Opposed

Councillor Janisse
Councillor McLean
Councillor Bezaire
Councillor Diemer

- f) Exemption from Noise By-law 106-2007 – VIA Rail Canada

TOWN OF LAKESHORE
COMMUNITY AND DEVELOPMENT SERVICES
BUILDING DEPARTMENT

TO: Mayor and Members of Council

FROM: Morris Harding, Chief Building Official

DATE: November 12, 2013

SUBJECT: Exemption from Noise By-law 106-2007, VIA Rail Canada

RECOMMENDATION:

It is recommended that:

1. Council grant VIA Rail Canada and its contractors an exemption from Noise By-law 106-2007 to allow for 24 hour construction activity during the period commencing November 22nd, 23rd and November 29th, 30th, 2013

BACKGROUND:

SEMA Railway Structures has undertaken the contract which involves works on the existing superstructure and concrete substructure in order to ensure both public safety and safe operation of passing trains over the bridge. The work crews will be mobilizing on the 18th of November 2013. The vast majority of work will occur during daylight hours, however, several specific operations will require work to be undertaken “around the clock”. To facilitate the “around the clock” construction activity, VIA Rail Canada requires an exemption from the municipality’s Noise By-law, as work at times is expected to be undertaken outside the limits established under the Town’s Noise By-law 106-2007. Construction will take place during the hours of 10:00 p.m. and finishing each morning at 10:00 a.m. The exemption is to allow for work to be completed on the bridge located at VIA Rail Canada, Chatham Subdivision, Mile 90.20 just between First St. and West River St. in Belle River, Ontario. All works associated to the same are limited to within 300 meters of the project.

COMMENTS:

Noise By-law 106-2007 prohibits the emission of noise from construction activity between the hours of 8:00 pm to 7:00 am. Section 5 of the by-law allows Council to grant exemptions from the requirements of the Noise By-law as Council sees fit.

It is administration’s opinion that this request by VIA Rail Canada is reasonable so as to allow for efficient work to be done at the bridge located at Mile 90.20 between First St

and West River St. The request allows for typical maintenance construction activities to occur during the evening hours to help minimize disruption to VIA Railway scheduling. The request should not pose any significant problems to the area in question in the Town of Lakeshore.

OTHERS CONSULTED:

No other parties were consulted in the preparation of this report.

BUDGET IMPACTS:

There are no impacts to the budget at this time.

Prepared by:

Reviewed by:

Morris Harding
Chief Building Official

Steve Salmons
Director of Community and
Development Services

Submitted by:

Kirk Foran
Chief Administrative Officer

Councillor Janisse moved and Councillor Bezaire seconded:

That:

- 1. Council grant VIA Rail Canada and its contractors an exemption from Noise By-law 106-2007 to allow for 24 hour construction activity during the period commencing November 22nd, 23rd and November 29th, 30th, 2013***

Motion Carried

In Favour

Mayor Bain
Councillor Janisse
Councillor McLean
Councillor Bezaire
Councillor Diemer
Councillor McKinlay

Opposed

Councillor Monk

12. ENGINEERING AND INFRASTRUCTURE SERVICES

- a) Municipal Access Agreements – Bell Aliant and Managed Network Systems

TOWN OF LAKESHORE
ENGINEERING AND INFRASTRUCTURE SERVICES
ENGINEERING SERVICES DIVISION

TO: Mayor and Members of Council

FROM: Tony DiCiocco, Manager, Engineering Services Division

DATE: October 30, 2013

SUBJECT: Municipal Access Agreements – Bell Aliant and Managed Network Systems Inc.

RECOMMENDATIONS:

It is recommended that:

1. That Council give three readings to By-law 125-2013 to authorize the execution of the municipal access agreement between the Corporation of the Town of Lakeshore and Bell Aliant.
2. That Council give three readings to By-law 126-2013 to authorize the execution of a municipal access agreement between the Corporation of the Town of Lakeshore and Managed Network Systems Inc. (MNSI).

BACKGROUND:

In January 2013, Council authorized the execution of Municipal Access Agreements with Cogeco, Gosfield North Telecommunications and Bell Canada which outlined the terms and conditions under which the Town of Lakeshore will provide its consent to the utilities to construct or maintain plant within the public right of ways in the Town of Lakeshore.

Recently, Administration has been approached by two other utility companies Bell Aliant and Managed Network Systems Incorporated (MNSI) about installing infrastructure within the Town of Lakeshore's public right of ways.

Entering into these agreements will establish guidelines for Town staff and these utility companies to follow when dealing with proposed installations, replacements or modifications to any utilities in the right of way.

COMMENTS:

While Bell Aliant has significant existing plant within the Town of Lakeshore public right of ways, MNSI has only recently informed Administration of its intent to expand their operating territory into the Town of Lakeshore. This proposed expansion will provide services to under serviced areas in the Town of Lakeshore. In addition, some areas in the Town will see more opportunity for competitive pricing of communication services. Administration supports this initiative, subject to MNSI entering into a municipal access agreement with the Town which will be a similar municipal access agreement as Bell Canada, Cogeco and Gosfield North Telecommunications entered into earlier this year.

The following are some of the highlights of the proposed municipal access agreements that all parties have agreed to include.

- 1) Road occupancy permits and Municipal consent permits will be issued so that proposed utility work within the right-of-way can be appropriately reviewed to ensure no adverse impacts to the municipal infrastructure, that the best location is chosen and to ensure the proposed works are satisfactorily completed and restoration of the boulevard is adequately addressed.
- 2) A yearly fee of \$5,000 will be paid to the Town of Lakeshore in addition to the individual municipal consent permits of \$305 per submission from each Utility. (Note: Revenue of approximately \$12,000 is anticipated to offset the Town's costs associated with the review and comment and inspection of any proposed works with the public right of way).
- 3) The requirement for liability insurance naming the Town of Lakeshore as additionally insured for any proposed works to be completed by the Utilities within the public right-of-way.
- 4) The ability for the Municipality to complete restoration work if the Utilities fail to do so within 72 hours of notification and replacement of trees that are required to be removed for utility installation with all costs covered by the Utility.
- 5) A sliding scale to establish the percentage that the municipality would pay to relocate infrastructure within the public right-of-way as the result of a municipal construction project with the Town's cost being \$0 after the utility infrastructure is 9 years old.

A key benefit of these agreements is that it ensures that the best location is being selected and that information be exchanged between the Town and the Utilities on proposed schedules for works to be undertaken by either party. Coordination of work will save time and money and will reduce disruption to citizens and businesses.

OTHERS CONSULTED:

Town Solicitor and respective Utility Companies were consulted during the preparation of this report and support the recommendation.

BUDGET IMPACTS:

It is anticipated that there will be annual revenue of \$12,000.

Prepared by:

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

Reviewed by:

Tom Touralias, P. Eng., MBA
Director, Engineering and
Infrastructure Division Services

Submitted by:

Kirk Foran
Chief Administrative Officer

Councillor Diemer moved and Councillor McLean seconded:

That:

- 1. That Council give three readings to By-law 125-2013 to authorize the execution of the municipal access agreement between the Corporation of the Town of Lakeshore and Bell Aliant.***
- 2. That Council give three readings to By-law 126-2013 to authorize the execution of a municipal access agreement between the Corporation of the Town of Lakeshore and Managed Network Systems Inc. (MNSI).***

Motion Carried Unanimously

b) Grader 304 Lease Agreement

TOWN OF LAKESHORE
ENGINEERING AND INFRASTRUCTURE SERVICES
PUBLIC WORKS SERVICES DIVISION

TO: Mayor and Members of Council

FROM: Chuck Chevalier, C.R.S.
Manager, Public Works Services

DATE: November 12, 2013

SUBJECT: Grader 304 Lease Agreement

RECOMMENDATION:

It is recommended that:

1. Council directs the Clerk and the Mayor to sign the attached lease agreement stipulating the terms and conditions for lending Grader 304 to the Township of Pelee Island as a standby unit for Winter Control Operations during the winter season of 2013/2014.

BACKGROUND:

The Township of Pelee Island recently sent out a request to all local municipalities for some assistance during the upcoming winter season. The road grader currently used for winter control operations is apparently well beyond its useful life, causing some concern that a breakdown could occur at any point, thus leaving them in a very difficult situation. As such the Township of Pelee Island was inquiring if any municipality had the ability to assist with the leasing of equipment this winter season, for standby purposes.

COMMENTS:

When contacted about Pelee Island's predicament, administration discussed the possibility of assisting them with their needs. Currently, the Town of Lakeshore has three (3) graders available for gravel road maintenance. During the winter season, only two (2) of these graders are prepped for winter control. Administration supports providing the additional grader to Pelee for their use this winter, subject to the terms and conditions contained in the attached lease agreement. The key points of the agreement include:

- Pelee will cover all transportation and maintenance costs during the rental period.
- the grader will be used as stand-by and only put into service if needed in the event the existing grader breaks down,
- the rental rate for the time the equipment is actually used is stipulated
- insurance will be put in place by Pelee indemnifying the Town during the rental period

Administration therefore recommends that Council support this initiative to provide the needed assistance to one of our municipal neighbours.

A small concern is the fact that the grader will not be returned until May 1, 2014 when the Jiimaan is put back into service. Administration does not expect any issues with this delay, as two graders are still available for use, and the heavy grading season does not typically begin until May/June. Staff will be making the necessary arrangements to coordinate grading operations between the Lakeshore East and Lakeshore West yards to ensure there is no reduction in the level of service during the month of April.

OTHERS CONSULTED:

The Town's Solicitor was consulted in the preparation of this report and concurs with the recommendation. In addition, a copy of the agreement was previously provided to the CAO of Pelee Island for review, and he was in agreement with the specified requirements.

BUDGET IMPACTS:

There are no budget impacts resulting from the recommendation

Prepared by:

Chuck Chevalier, C.R.S.
Manager, Public Works Services

Reviewed by:

Tom Touralias, P. Eng., MBA
Director, Engineering and
Infrastructure Services

Submitted by:

Kirk Foran
Chief Administrative Officer

Councillor Diemer moved and Councillor Bezair seconded:

That:

- 1. Council directs the Clerk and the Mayor to sign the attached lease agreement stipulating the terms and conditions for lending Grader 304 to the Township of Pelee Island as a standby unit for Winter Control Operations during the winter season of 2013/2014.***

Motion Carried Unanimously

13. FINANCE AND PERFORMANCE SERVICES

- a) Meter Reading Contract

TOWN OF LAKESHORE
FINANCE AND PERFORMANCE SERVICES

TO: Mayor and Members of Council

FROM: Sylvia Rammelaere, CPA, CA
Director of Finance and Performance Services

DATE: November 1, 2013

SUBJECT: Meter Reading Contract

RECOMMENDATION:

It is recommended that:

1. Council award the tender for the meter reading contract to Olameter Inc. at an estimated cost of \$45,000 per annum.

BACKGROUND:

The current meter reading contract expires December 31, 2013. A Request for Proposal (RFP) was advertised with a closing date of November 1, 2013.

COMMENTS:

Two companies picked up the RFP but only 1 submitted. Administration did not anticipate many submissions as there are not many companies that provide this service.

The contract excludes all of the radio frequency meters as these can be read in house when public works staff do their road patrols. The drive by unit was purchased and tested this year. This is a reduction from the existing contract of approximately 5,000 meters (38% of the total). The contract is for a 5 year period ending December 31, 2018.

The company recommended is our current provider and we are satisfied with their work to date.

OTHERS CONSULTED:

No others were consulted.

BUDGET IMPACTS:

The budget impact is a reduction in the annual budget of \$17,000.

Prepared by:

Submitted by:

Sylvia Rammelaere, CPA, CA
Director of Finance and Performance
Services

Kirk Foran
Chief Administrative Officer

Councillor Janisse moved and Councillor Diemer seconded:

That:

- 1. Council award the tender for the meter reading contract to Olameter Inc. at an estimated cost of \$45,000 per annum.***

Motion Carried Unanimously

b) Grant Request

TOWN OF LAKESHORE
FINANCE AND PERFORMANCE SERVICES

TO: Mayor and Members of Council

FROM: Sylvia Rammelaere, CPA, CA
Director of Finance and Performance Services

DATE: November 12, 2013

SUBJECT: Grant Request

RECOMMENDATION:

It is recommended that:

1. Council confirm the following in connection with the grant request for the Replacement of the E Pike Creek Road watermain under the Small, Rural and Northern Municipal Infrastructure Fund Capital Program:
 - The information in the Expression of Interest is factually correct,
 - The Town will have in place by December 31, 2013 a comprehensive asset management plan that includes all of the information and analysis described in "Building Together: Guide for Municipal Asset Management Plans",
 - The asset management plan described above will be publicly available, including online by May 30, 2014, and
 - The project put forward in this application will be completed by December 31, 2015.

BACKGROUND:

Council approved the application for the Replacement of the E Pike Creek Road waterline under the Small, Rural and Northern Municipal Infrastructure Fund Capital Program. The Expression of Interest (EOI) was filed on time - by November 1, 2013.

COMMENTS:

A resolution was provided with the EOI but we have been notified that additional information is required to be included with the resolution. A revised resolution must be submitted by November 14, 2013, and is as noted above.

OTHERS CONSULTED:

No others were consulted.

BUDGET IMPACTS:

There is no budget impact resulting from the recommendation.

Prepared by:

Submitted by:

Sylvia Rammelaere, CPA, CA
Director of Finance and Performance
Services

Kirk Foran
Chief Administrative Officer

Councillor Diemer moved and Councillor Monk seconded:

That:

1. Council confirm the following in connection with the grant request for the Replacement of the E Pike Creek Road watermain under the Small, Rural and Northern Municipal Infrastructure Fund Capital Program:

- The information in the Expression of Interest is factually correct,***
- The Town will have in place by December 31, 2013 a comprehensive asset management plan that includes all of the information and analysis described in "Building Together: Guide for Municipal Asset Management Plans",***
- The asset management plan described above will be publicly available, including online by May 30, 2014, and***
- The project put forward in this application will be completed by December 31, 2015.***

Motion Carried Unanimously

14. CHIEF ADMINISTRATIVE OFFICER

a) 2014 Council Meeting Schedule

**TOWN OF LAKESHORE
ADMINISTRATION
CLERK'S DIVISION**

TO: Mayor and Members of Council

FROM: Mary Masse, Clerk

DATE: November 1, 2013

SUBJECT: 2014 Council Meeting Schedule

RECOMMENDATION:

It is recommended that:

1. Council approve the attached schedule of Council meetings and the list of Acting Mayors for the year 2014.

BACKGROUND:

The Town of Lakeshore Procedural By-law 9-2007 Part 3.2 b) requires the Clerk to present a meeting schedule to Council in each year for approval, detailing the dates for all regular Council meetings in the subsequent year. The Procedural By-Law also requires Council to adopt a listing of Acting Mayors who will preside over the meetings and other municipal functions as required, in the absence of the Mayor and Deputy Mayor

COMMENTS:

A schedule of meetings for 2014 is attached. This calendar specifically addresses meetings of Lakeshore Council for regular meetings. If necessary specific Planning and/or Strategic Issues will be scheduled on an as needed basis on the Monday preceding the fourth Tuesday.

To assist with the scheduling of summer holidays the meetings for the months of July and August 2014 will be reduced to one meeting per month. In past years the summer schedule started in June, however this did not allow administration ample time to bring forward matters for Council consideration prior to the start of the summer season.

During preparation of the schedule consideration was given to the County Council Meetings as well as the AMO (August 17-20, 2014) and FCM (May 30 – June 2, 2014)

conferences. The Ontario Good Roads / Rural Ontario Municipal Association Combined Conference is scheduled for February 23 to February 26, 2014 therefore only one meeting will be held in February.

Due to the municipal election to be held on October 27, 2014 only one regular meeting is scheduled for the beginning of October. After nomination day and/or election day reports to Council and required action of Council may be limited due to the potential for a lame duck council. Lame Duck Council applies to a new council or potential for a new council that includes less than 75% of the members of the outgoing council. The number of meetings for November may also need to be adjusted.

The term of the current Council will expire on November 30, 2014 therefore the budget meetings for 2015 will be scheduled after the new Council has been sworn in at the inaugural meeting scheduled for December 1, 2014.

OTHERS CONSULTED:

Various members of SMT, Managers and staff were consulted in preparation of this report.

BUDGET IMPACTS:

There are no budget impacts resulting from the recommendations.
Prepared by:

Mary Masse
Clerk

Reviewed/submitted by:

Kirk Foran
Chief Administrative Officer

Councillor Bezaire moved and Councillor McLean seconded:

That:

- 1. Council approve the attached schedule of Council meetings and the list of Acting Mayors for the year 2014.***

Motion Carried Unanimously

b) Method of Voting for 2014 Municipal Election

TOWN OF LAKESHORE
ADMINISTRATION
CLERK'S DIVISION

TO: Mayor and Members of Council
FROM: Mary Masse, Clerk
DATE: November 5, 2013
SUBJECT: Method of Voting for 2014 Municipal Election

RECOMMENDATIONS:

It is recommended that:

1. Council approve the use of vote by mail with optical scan tabulators for the 2014 Municipal Election
2. Council directs the Clerk to bring forward a by-law for adoption at the next regular meeting of Council to approve the alternative method of voting for the 2014 election.

BACKGROUND:

There exists a variety of voting and vote counting methods available for use by municipalities within Ontario. Several voting and counting methods can be combined. As an example vote by mail can be used with a manual count or an optical scan tabulator count. Use of alternative voting methods can lead to improved convenience, greater accessibility and the opportunity for increased voter turnout. Each time an alternative method is added as a means to vote additional costs must also be considered.

Section 42(1) b, of the Municipal Elections Act requires Council to enact a By-law authorizing electors to use an alternative voting method. The Clerk is authorized under Section 42(3) of the Act to prepare procedures and forms for the use of any alternative voting method authorized by By-law. The Elections Act provides for alternative voting methods however procedures for alternative voting methods are not prescribed in the Act.

COMMENTS:

In 2000 Lakeshore used the vote by mail method with a manual count along with a Voting place (St. Simon and St. Jude Hall). The use of the voting place in conjunction

with the vote by mail proved to be very cumbersome as an overwhelming number of residents attended the polling station. This experience taught us that our resources needed to be allocated to one voting method only or to methods that compliment each other. The 2003 election employed a vote by mail with a manual count and no alternative polling locations. Election results were not available until well after midnight. In 2006 and 2010, vote by mail was used and votes tabulated with optical scan tabulators. The use of the scanners dramatically improved the availability of election results with the entire process being completed by 8:30 p.m.

The Municipality of Leamington recently approved the use of internet voting as the sole source of voting for the 2014 election, the Regional Municipality of Chatham-Kent will be using internet voting for advance voting only and will maintain traditional polls with optical scan tabulators for election day. The Clerks in the remainder of the municipalities in the County of Essex have indicated they will recommend the 2014 election to be a vote by mail process once again without the introduction of an additional alternative method.

The use of internet voting was explored by the Essex County Clerks group and a survey of municipalities in Ontario who have used internet voting in the past was undertaken. All of the municipalities contacted said they would use internet voting again in future elections, however most municipalities indicated they would prefer to use internet voting as the sole method. The average population of the 44 municipalities who used internet voting as an alternative in the 2010 election range from 1063 to 310,000. The larger municipalities such as Markham and Peterborough used internet for advance voting only.

Given the expansive size of the Town of Lakeshore and the outlying rural areas to the south and east of the municipality it is not recommended that internet voting be considered the sole method of voting in 2014. To add internet voting as an additional alternative method to the vote by mail method would be costly. Administration will be bringing forward a request during the 2014 budget deliberations to add funds to the base budget so that internet voting can be considered as an additional method of voting for the 2018 election.

CONCLUSION:

Administration recommends that the Vote by Mail process with optical scan tabulators be used for the 2014 Municipal Election. Administration, staff and Lakeshore residents are familiar with this process. The Vote by Mail process offers a convenience to our residents and has increased our voter turnout.

It is recommended that the addition of internet voting be considered for the 2018 election as a way to introduce another alternative method and to move ahead with technology into the future.

OTHERS CONSULTED:

The Clerks from various municipalities in Ontario along with the Essex County Clerks, A variety of Election Management Companies and AMCTO were consulted in the preparation of this report.

BUDGET IMPACTS:

Sufficient funds have been budgeted for a Vote by Mail process using optical scan tabulators for counting purposes.

Prepared by:

Mary Masse
Clerk

Submitted by:

Kirk Foran
Chief Administrative Officer

Councillor Diemer moved and Councillor Monk seconded:

That:

- 1. Council approve the use of vote by mail with optical scan tabulators for the 2014 Municipal Election***
- 2. Council directs the Clerk to bring forward a by-law for adoption at the next regular meeting of Council to approve the alternative method of voting for the 2014 election.***

Motion Carried Unanimously

15. REPORTS FROM COUNCIL IN CLOSED SESSION

16. REPORTS FROM COUNTY COUNCIL REPRESENTATIVES

17. NOTICE OF MOTION

Councillor McKinlay brought forward a notice of Motion requesting that Council amend the Community Improvement Plan to extend the eastern boundary to include the area from Eighth Street to Eleventh Street.

18. QUESTION PERIOD

Members shall be governed by the following rules:

- a) Each member shall be limited to 3 minutes
- b) Questions shall be of general municipal concern, which may require a report from administration and do not require public consultation
- c) Matters raised in question period shall not be debated
- d) A motion of council is required for all administrative reports to Council
- e) Administration will track council questions on the council tracking report
- f) The chair may not allow a question in question period that should more properly be addressed to administration during regular business hours.

Councillor Janisse brought forward recent complaints from the residents on Melanie Drive with respect to a humming sound and requested administration to explore the concern.

Councillor Janisse suggested that the audit committee should also have a specific mandate to review the funds that have been expended for the Multi Use Recreation Facility.

Councillor McKinlay expressed concern with the new community signs that have been erected noting that the community name should be larger and suggested that this should be given consideration in the future.

Councillor Diemer noted that the Puce Road Committee have requested additional funds from the Essex Windsor Solid Waste Authority.

Councillor Diemer moved and Councillor McLean seconded:

That:

- 1. Council supports the Puce Road Committee with respect to their request for increase in funds from the Essex Windsor Solid Waste Authority.***

Motion Carried Unanimously

Councillor Bezaire brought forward for discussion a recent decision rendered by the Drainage Tribunal with respect to the East Pike Creek Road Drain and requested that administration provide a report to Council with respect to the engineering items that were identified in the decision.

Councillor Bezaire moved and Councillor Janisse seconded:

That

Administration be directed to prepare a report in relation to the recent Ontario Drainage Tribunal decision on the East Pike Creek Road Drain identifying the projects that Dillon Consulting has worked on for the town, the fees paid to Dillon Consulting during 2012 and 2013, a list of approved drainage engineers that can be used and information on how the Town may recover some of the cost associated with the Pike Creek Road Drain report.

Motion Carried Unanimously

Councillor Monk announced that the tree lighting ceremony hosted by the Belle River on the Lake BIA will be held on November 29, 2013 at 5:00 p.m.

19. NON-AGENDA BUSINESS

Matters of a minor and urgent nature that require a Council decision may be brought forward by a member of Council under Non-Agenda Business.

20. READING OF BY-LAWS

Councillor Diemer moved and Councillor McKinlay seconded:

That:

- 1. By-law 119-2013 be read a first and second time and provisionally adopted this 12th day of November, 2013.***

Motion Carried Unanimously

Councillor Monk moved and Councillor McLean seconded:

That:

- 1. By-law 122-2013, 123-2013, 125-2013, 126-2013 and 127-2013 be read a first, second and third time and adopted this 12th day of November, 2013.***

Motion Carried Unanimously

Councillor Monk moved and Councillor McLean seconded:

That:

1. By-law 96-2013, 104-2013, 108-2013 and 109-2013 be read a third time and finally adopted this 12th day of November 2013

Motion Carried Unanimously

- a) By-law 96-2013, being a By-law to provide for the repairs and improvement to the Mellow Drain.
- b) By-law 104-2013, being a By-law to provide for the repairs and improvement to the access bridge replacement on PT. Lot 15, Concession 2, over the Byrne Drain (Dunn Culvert)
- c) By-law 108-2013, being a By-law to provide for the repairs and improvement to the Ruscom River Outlet No. 4
- d) By-law 109-2013, being a By-law to provide for a new access bridge over the Burgess Drain
- e) By-law 119-2013, being a By-law to provide for the repair and improvement to the 10th Concession Drain (Bridges for Rivest and Sylvestre)
- f) By-law 122-2013, being a By-law to amend By-law No. 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-21-2012)
- g) By-law 123-2013, being a By-law to amend By-law No. 2-2012, Zoning By-law for the Town of Lakeshore (ZBA-13-2013)
- h) By-law 125-2013, being a By-law to authorize the execution of Access Agreement between Bell Aliant and The Corporation of the Town of Lakeshore
- i) By-law 126-2013, being a By-law to authorize the execution of Access Agreement between Managed Network Systems Inc. (MNSI) and The Corporation of the Town of Lakeshore
- j) By-law 127-2013, being a By-law to Confirm the Proceeding of the Council of the Town of Lakeshore

Councillor McKinlay moved and Councillor McLean seconded:

That:

- 1. Council move into Closed Session at 9:45 p.m. in accordance with Section 239(2)b) of the Municipal Act regarding employees staffing for the Multi Use Recreation Facility.***

Motion Carried

In Favour

Mayor Bain
Councillor Janisse
Councillor Monk
Councillor McLean
Councillor Diemer
Councillor McKinlay

Opposed

Councillor Bezaire

Councillor Bezaire expressed concerns with meeting in closed session with respect to the staffing for the Multi Use Recreation Facility as the report does not identify any one person in particular.

The Chief Administrative Officer noted that there are potential for staff implications dependent upon Council's decision and that the staff affected could be identified during those discussions.

The Director of Community and Development Services also noted that administration is currently in negotiations with the third party and personnel could be identified while reviewing the negotiations with Council.

Councillor Diemer moved and Councillor Bezaire seconded:

That:

- 1. Council move out of Closed Session at 10:15 p.m.***

Motion Carried Unanimously

**21. RESOLUTION RE: COUNCIL IN CLOSED SESSION AND
ADJOURNMENT**


Councillor Diemer moved and Councillor Bezair seconded:

*That Lakeshore Council adjourn its meeting at 10:15 p.m. and that
Lakeshore Council authorize itself to meet in Closed Session prior to
the next Regular Council Meeting to discuss any matters permitted
by the Municipal Act to be considered at a Closed Meeting.*

Motion Carried Unanimously



**TOM BAIN
MAYOR**



**MARY MASSE
CLERK**

/km