Regular Meeting of Council

Minutes

Date:Tuesday, April 13, 2021Time:7:00 pmLocation:Electronic meeting live streamed at:
https://video.isilive.ca/tecumseh/live.html.

Present: Mayor, Gary McNamara Deputy Mayor, Joe Bachetti Councillor, Bill Altenhof Councillor, Andrew Dowie Councillor, Brian Houston Councillor, Tania Jobin

Absent: Councillor, Rick Tonial

Also Present:

Chief Administrative Officer, Margaret Misek-Evans Director Parks & Recreation Services, Paul Anthony Director Public Works & Environmental Services, Phil Bartnik Director Fire Services & Fire Chief, Wade Bondy Director Information & Communication Services, Shaun Fuerth Director Planning & Building Services, Brian Hillman Director Financial Services & Chief Financial Officer, Tom Kitsos Director Corporate Services & Clerk, Laura Moy Deputy Clerk & Manager Legislative Services, Jennifer Alexander Manager Strategic Initiatives, Lesley Reeves

A. Roll Call

B. Order

The Mayor calls the meeting to order at 7:05 pm.

C. Report Out of Closed Meeting

An electronic In-Camera meeting was held earlier this evening at 5:15 pm, which was closed to the public under Section 239 (2) (c) of the Municipal Act, 2001, which permits a meeting, or part of a meeting, to be closed to the public if the following condition is satisfied when the subject matter to be considered is a

proposed or pending acquisition or disposition of land by the municipality or local board.

At this meeting, Council gave direction to Administration regarding a proposed acquisition of land by the municipality.

D. Moment of Silence

The Moment of Silence is waived in light of the electronic holding of this meeting.

E. National Anthem

The National Anthem is waived in light of the electronic holding of this meeting.

F. Disclosure of Pecuniary Interest

There is no pecuniary interest declared by a Member of Council.

G. Minutes

1. Regular Council Meeting - March 23, 2021

Motion: RCM - 105/21

Moved by Deputy Mayor Joe Bachetti Seconded by Councillor Brian Houston

That the Tuesday, March 23, 2021 minutes of the Regular Council as were duplicated and delivered to the members, **be adopted**.

Carried

H. Supplementary Agenda Adoption

Motion: RCM - 106/21

Moved by Councillor Brian Houston Seconded by Councillor Bill Altenhof

That the supplementary item added to the Regular Meeting agenda regarding the Communications item from the Municipality of Lakeshore dated April 13, 2021 regarding the Shoreline Management Plan Public Consultation Event, **be approved**

I. Delegations

The Director Planning & Building Services provides a brief overview of the Report PBS-2021-15 Request for Deviation from Fence By-Law 2003-57, Caritas Court Homeowners' Association, as appended on the agenda.

1. Brian Harris, Board Member Brighton Garden Homeowners Association

Re: Fence By-law

Mr. Brian Harris, Board Member of the Brighton Garden Homeowners Association advises Council that he is available for questions on the proposed fence outlined in report PBS-2021-12 Request for Deviation for Fence By-law 2021-57, Caritas Court Homeowners Association, as appended to the agenda. In response to an inquiry, he explains that all affected homeowners are in agreement to the proposed fence and height.

Motion: RCM - 107/21

Moved by Councillor Tania Jobin Seconded by Councillor Brian Houston

That Report PBS-2021-15 Request for Deviation from Fence By-Law 2003-57, Caritas Court Homeowners' Association be brought forward on the Agenda for discussion.

Carried

Motion: RCM - 108/21

Moved by Councillor Bill Altenhof Seconded by Deputy Mayor Joe Bachetti

That the request from the Caritas Court Homeowners' Association to permit the replacement of the existing five-foot high wood privacy fence associated with the Caritas Court residential development located along the west side of Brighton Road, with a new vinyl privacy fence having a maximum height of seven feet in the location shown on Attachment 1 of PBS-2021-15, **be approved**.

Carried

2. Samuel and Robert Katzman, Owner, Greentown Cannabis

Re: Retail Cannabis Stores

Mr. Robert Katzman is joined by his son Samuel, to discuss cannabis retail in Tecumseh. He highlights the provincial regulations for licensed cannabis retail owners. Samuel Katzman explains the business operations and the common public misconceptions with cannabis retail stores.

3. Melissa Boow

Re: Retail Cannabis Stores

Ms. Melissa Boow, owner of Ginger House of Hemp, reads her written statement as appended to the agenda.

Motion: RCM - 109/21

Moved by Councillor Tania Jobin Seconded by Deputy Mayor Joe Bachetti

That Council **reconsider** the motion RCM - 344/18 at the December 11, 2018 Regular Council regarding retail cannabis sales, **be approved**.

Carried

Motion: RCM - 110/21 Moved by Councillor Andrew Dowie Seconded by Councillor Tania Jobin

That Administration review and report back on the request to allow for retail cannabis sales in the Town of Tecumseh;

And that the report include an update from the Windsor Essex County Health Unit; and an update on the prior administrative report on retail cannabis sales; as well as resident input;

And further that the report be provided at or before the June 9, 2021 meeting of Council.

Carried

Motion: RCM - 111/21

Moved by Deputy Mayor Joe Bachetti Seconded by Councillor Andrew Dowie

That the presentations from the delegations of Messrs. Katzman and Ms. Melissa Boow, **be received**.

Carried

J. Communications - For Information

1. Town of Plympton-Wyoming dated March 19, 2021

Re: Carbon Tax

2. Town of Plympton-Wyoming dated March 15, 2021

Re: Colour Coded Capacity Limits

3. Town of Fort Erie dated March 23, 2021

Re: Adjust the Capacity Limits for COVID-19, Colour Coded System

- 4. Municipality of Grey Highlands dated March 17, 2021 Re: Ontario Fire College 5. Municipality of Grey Highlands dated March 22, 2021 Re: Ontario Fire College 6. Town of Plympton-Wyoming dated March 19, 2021 Re: Ontario Fire College 7. Township of Edwardsburgh Cardinal dated March 22, 2021 Re: Ontario Fire College 8. Township of Hudson dated March 31, 2021 **Re: Support for Fire Departments** 9. County of Peterborough dated March 22, 2021 Re: Homelessness, Mental Health and Addiction 10. Town of Lakeshore dated March 15, 2021 Re: ZBA-05-2021 (Jamsyl Group Inc.) 11. Essex County Federation of Agriculture dated March 17, 2021 Re: Board of Directors 12. Town of Fort Erie dated March 23, 2021 Re: Cannabis Licensing Enforcing 13. Municipality of Calvin dated March 9, 2021 Re: Universal Paid Sick Leave 14. Town of Amherstburg dated April 6, 2021 Re: Support for Universal Paid Sick Days in Ontario 15. Township of Pickle Lake dated March 9, 2021 Re: Municipal Elections Act 16. Town of Fort Erie dated March 23, 2021 Re: Support of McNally House Hospice's Life in Every Moment Campaign 17. Town of Kingsville dated March 25, 2021 Re: Bill C-21, Amendment 26, Firearms
- 18. Town of Orangeville dated March 22, 2021Re: Planning Act

- 19. City of Kitchener dated March 31, 2021Re: Planning Act Timelines
- 20. Canadian Union of Postal Workers dated March 8, 2021 Re: Support Delivering Community Power
- 21. City of Windsor dated March 8, 2021 Re: Tree Planting in Communities
- 22. City of Windsor dated March 8, 2021 Re: Regional Organic Waste Plan
- 23. Town of LaSalle dated March 30, 2021 Re: Three-Digit Suicide Prevention Hotline
- 24. Town of Amherstburg dated April 6, 2021 Re: National 3-Digit Suicide Prevention Hotline
- 25. Town of Cochrane dated March 29, 2021

Re: Youth Residence Closure

26. Ontario Recreational Facilities Association (ORFA) dated March 19, 2021

RE: Open Letter to ORFA Members and Industry Employers

27. Town of Amherstburg dated April 6, 2021

Re: Support for Amendments to the Agricultural Tile Drainage Installation Act

28. Municipality of Lakeshore dated April 13, 2021

Re: Shoreline Management Plan Public Consultation Event

Motion: RCM - 112/21

Moved by Councillor Brian Houston Seconded by Councillor Tania Jobin

That Communications - For Information 1 through 28 as listed on the Tuesday, April 13, 2021 Regular Council Agenda, **be received**.

Carried

K. Communications - Action Required

There are no Communications - Action Required items presented to Council.

L. Committee Minutes

1. Business Improvement Area - March 17, 2021

Motion: RCM - 113/21 Moved by Councillor Brian Houston Seconded by Councillor Tania Jobin

That the March 17, 2021 minutes of the Town of Tecumseh Business Improvement Area as were duplicated and delivered to the members, **be adopted**.

Carried

M. Reports

1. Corporate Services & Clerk

a. CS-2021-07 Delegation of Authority - Reopening Ontario Act Violations

Motion: RCM - 114/21

Moved by Councillor Andrew Dowie Seconded by Councillor Bill Altenhof

That CS-2021-07 entitled "Delegation of Authority – Reopening Ontario Act Violations" **be received**;

And that the Director Planning & Building Services **be authorized** and empowered to provide direction to the Town's By-law Enforcement Officers when attending legal proceedings in relation to the Reopening Ontario Act or any other provincial legislation or municipal by-law.

And further that the Delegation of Powers Policy **be amended** in accordance with this delegation of authority to the Director Planning & Building Services.

Carried

2. Fire & Emergency Services

a. FIRE-2021-03 Medical Tiered Response Enhancements

Motion: RCM - 115/21

Moved by Councillor Tania Jobin Seconded by Councillor Brian Houston

That Report FIRE-2021-03 Medical Tiered Response Enhancements, **be received**.

3. Planning & Building Services

a. PBS-2021-15 Request for Deviation from Fence By-law 2003-57, Caritas Court Homeowners' Association

This report was brought forward on the Agenda to Delegations for discussion.

b. PBS-2021-16 BPIG CIP Grant, 11957 Tecumseh Road

Motion: RCM - 116/21

Moved by Deputy Mayor Joe Bachetti Seconded by Councillor Brian Houston

That the Grant Application for the Tecumseh Road Main Street Community Improvement Plan (CIP) Financial Incentive Program, for the property located at 11957 Tecumseh Road (Roll No. 37440200000800), **be deemed eligible and approved** for the Building and Property Improvement Grant Program, the amount of which will be determined based upon the incremental increase in the municipal portion of property tax that results from the works being completed in relation to the construction a three-storey, 32-unit apartment building proposed for the subject property, all of which is in accordance with Section 11.3 (5) of the CIP and with PBS-2021-16.

Carried

c. PBS-2021-17 Site Plan Control Approval, 2545 North Talbot Road

Motion: RCM - 117/21

Moved by Councillor Brian Houston Seconded by Councillor Andrew Dowie

That the "Site Plan", as prepared by Y.C.Liu Engineering, attached hereto as Attachment 2A, which depicts the construction of two buildings, each having a building area of 1352 square metres (14,552 square feet) along with the associated on-site works on a 1.18 hectare (2.9 acre) property situated on the south side of North Talbot Road, approximately 95 metres east of its intersection with Walker Road (2545 North Talbot Road), **be approved**, subject to:

 the Owner depositing with the Town security in the form of cash or letter of credit in the amount of ten thousand dollars (\$10,000) to ensure that all of the services and other obligations of the Owner are completed to the satisfaction of the Town, which cash or letter of credit security deposit shall be returned to the Owner on completion and final inspection of all obligations of the Owner as shown on the aforementioned plans; and storm water retention calculations and associated service drawings being approved by the Town

all of which is in accordance with Section 41 of the *Planning Act, R.S.O. 1990*.

Carried

d. PBS-2021-18 Limit Uses in Agricultural Zone (A) in Settlement Areas, Results of Public Meeting and Adoption of By-law

Motion: RCM - 118/21

Moved by Councillor Andrew Dowie Seconded by Councillor Brian Houston

That a by-law having the effect of amending Zoning By-law 85-18 for all lands zoned "Agricultural Zone (A)" within the settlement areas as delineated in the newly-adopted Town of Tecumseh Official Plan from Agricultural Zone (A) to a site-specific Agricultural Zone (A-33), in order to prohibit livestock intensive agricultural uses, mushroom operations and greenhouse operations, in keeping with PBS-2020-24 and PBS-2021-18, **be adopted.**

Carried

e. PBS-2021-19 Site Plan Control, 5605-5635 Roscon Industrial Drive

Motion: RCM - 119/21

Moved by Councillor Brian Houston Seconded by Councillor Andrew Dowie

That "Overall Site Plan - A1.0", as prepared by Rosati Construction Inc., and attached hereto as Attachment 2A, which depicts the construction of a 1538 square metre (16,555 square foot) industrial building, along with associated on-site works, on a 1.8 hectare (4.5 acre) property located on the west side of the southerly terminus of Roscon Industrial Drive (5605 and 5635 Roscon Industrial Drive), **be approved**, subject to:

- the Owner depositing with the Town security in the form of cash or letter of credit in the amount of ten thousand dollars (\$10,000) to ensure that all of the services and other obligations of the Owner are completed to the satisfaction of the Town, which cash or letter of credit security deposit shall be returned to the Owner upon completion and final inspection of all obligations of the Owner;
- storm water retention calculations and associated servicing drawings being approved by the Town; and
- the Owner finalizing, executing and otherwise performing the terms of an agreement with the Town calling for the merger of

the subject lands (5605 and 5635 Roscon Industrial Drive) into one property on terms satisfactory to the Town's Solicitor and regularizing an easement for an existing waterline on 5605 Roscon Drive;

all of which is in accordance with Section 41 of the *Planning Act, R.S.O. 1990*;

And further that a by-law authorizing the execution of land transfer agreement between the Owner and the Town, satisfactory in form to the Town's Solicitor, which allows for the merger of the subject lands (5605 and 5635 Roscon Industrial Drive) into one property on terms satisfactory to the Town's Solicitor and regularizing an easement for an existing municipal waterline on 5605 Roscon Drive, **be adopted**, subject to the Owner executing the agreement;

And furthermore that the execution of such further documents as are called for by the land transfer agreement noted above, including, but not limited to, the execution of the acknowledgement/direction required to register the agreement on title to the lands and such other acknowledgements/directions for any related transfers or real property registrations contemplated by the agreement, by the Mayor and Clerk, **be authorized**;

And furthermore over that a by-law having the effect of amending the Sandwich South Zoning By-law 85-15 for a portion of the 1.8 hectare (4.5 acre) property located on the west side of the southerly terminus of Roscon Industrial Drive (5605 and 5635 Roscon Industrial Drive), by rezoning the property from "Holding – Industrial Zone (H) M1" to "Industrial Zone (M1)" in keeping with PBS-2021-19, **be adopted** in accordance with the provisions of the *Planning Act*.

Carried

4. Public Works & Environmental Services

a. PWES-2021-16 Asphalt Paving Tender Award 2021

Motion: RCM - 120/21

Moved by Councillor Tania Jobin Seconded by Councillor Bill Altenhof

That the low tender from Coco Paving Inc. in the amount of \$956,300 plus HST, for the 2021 Asphalt Paving Tender, **be approved;**

And that the Mayor and Clerk **be authorized** to enter into a contract for the services with Coco Paving Inc.

b. **PWES-2021-17** Tar and Chip Tender Award 2021

A Member requests that an information sheet on the Tar and Chip process be posted on the Town's website.

Motion: RCM - 121/21 Moved by Councillor Tania Jobin Seconded by Councillor Brian Houston

That the sole tender from Shepley Road Maintenance Ltd. In the amount of \$198,050 plus non-rebated HST, for the 2021 Tar and Chip Tender, **be approved.**

And that the Mayor and Clerk **be authorized** to enter into contract for the services with Shepley Road Maintenance Ltd.

Carried

c. PWES-2021-20 Manning Road Improvements, Phase 2 - Tender Award

Motion: RCM - 122/21

Moved by Deputy Mayor Joe Bachetti

That the tender for the Manning Road Improvements, Phase 2 Project in the amount of \$4,467,500 excluding HST **be awarded** to SheaRock Construction Group Inc. and that the Mayor and Clerk **be authorized** to execute an agreement, satisfactory in form to the Town's solicitor, with SheaRock Construction Group Inc.

And that funding allocations, reflecting a \$1,743,400 decrease **be adjusted** as follows:

- Road Lifecycle Reserve decrease from \$842,400 to \$639,200;
- Watermain Reserve Fund decrease from \$1,069,300 to \$657,400;
- Wastewater Sewers Reserve Fund increase from \$20,000 to \$29,100;
- Storm Sewer Lifecycle Reserve decrease from \$1,840,600 to \$1,173,500;
- Drains Lifecycle Reserve decrease from \$3,592,400 to \$3,122,100.

And further that a one-time transfer from Road Lifecycle Reserve to the Drains Lifecycle Reserve of \$1,265,600 **be approved**.

N. By-Laws

1. By-Law 2021-20

Being a by-law to amend By-law 85-18, the Town's Comprehensive Zoning By-law for those lands in the former Township of Sandwich South (D19 HOUS2020 – By-law to Limit Permitted Uses on Agriculturally-Zoned Lands in Settlement Areas).

2. By-law 2021-21

Being a By-law to designate as site plan control areas, part of the area covered by the Town of Tecumseh Official Plan. Affecting all lands zoned Agricultural Zone (A), or defined areas thereof, in the Sandwich South Zoning By-law 85-18 of the Town of Tecumseh.

3. By-Law 2021-22

Being a by-law to provide for the adoption of tax rates, area rates and additional charges for Municipal, County and Education purposes for the year 2021.

4. By-Law 2021-23

Being a by-law to levy a special charge of the Business Improvement Area and to provide for its collection for the year 2021.

5. By-Law 2021-24

Being a by-law to amend By-law 85-18, the Town's Comprehensive Zoning By-law for those lands in the former Township of Sandwich South (Removal of Holding Zone Symbol "H", affecting a 0.98 hectare parcel of land located on the west side of Roscon Industrial Drive, 5635 Roscon Industrial Drive – Briadco Tool & Mold).

6. By-Law 2021-25

Being a by-law to amend By-law No. 2019-10 being a by-law to appoint Directors to the Board of Management for the Business Improvement Area for the term of Tecumseh Council 2019-2022.

7. By-law 2021-26

Being a by-law to authorize the execution of an Agreement with Her Majesty the Queen in Right of Ontario, as represented by the Office of the Fire Marshal for funding under the Fire Safety Grant.

8. By-Law 2021-27

Being a by-law to authorize the execution of a Letter of Agreement between The Corporation of the Town of Tecumseh and Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation for Ontario relating to funding under the Dedicated Gas Tax Funds for Public Transportation program.

Motion: RCM - 123/21

Moved by Councillor Tania Jobin Seconded by Councillor Andrew Dowie

That By-Law 2021-20 being a by-law to amend By-law 85-18, the Town's Comprehensive Zoning By-law for those lands in the former Township of Sandwich South (D19 HOUS2020 – By-law to Limit Permitted Uses on Agriculturally-Zoned Lands in Settlement Areas);

That By-Law 2021-21 being a By-law to designate as site plan control areas, part of the area covered by the Town of Tecumseh Official Plan. Affecting all lands zoned Agricultural Zone (A), or defined areas thereof, in the Sandwich South Zoning By-law 85-18 of the Town of Tecumseh;

That By-Law 2021-22 being a by-law to provide for the adoption of tax rates, area rates and additional charges for Municipal, County and Education purposes for the year 2021;

That By-Law 2021-23 being a by-law to levy a special charge of the Business Improvement Area and to provide for its collection for the year 2021;

That By-Law 2021-24 being a by-law to amend By-law 85-18, the Town's Comprehensive Zoning By-law for those lands in the former Township of Sandwich South (Removal of Holding Zone Symbol "H", affecting a 0.98 hectare parcel of land located on the west side of Roscon Industrial Drive, 5635 Roscon Industrial Drive – Briadco Tool & Mold);

That By-Law 2021-25 being a by-law to amend By-law No. 2019-10 being a by-law to appoint Directors to the Board of Management for the Business Improvement Area for the term of Tecumseh Council 2019 - 2022;

That By-Law 2021-26 being a by-law to authorize the execution of an Agreement with Her Majesty the Queen in right of Ontario, as represented by the Office of the Fire Marshal for funding under the Fire Safety Grant;

That By-Law 2021-27 being a by-law to authorize the execution of a Letter of Agreement between The Corporation of the Town of Tecumseh and Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation for Ontario relating to funding under the Dedicated Gas Tax Funds for Public Transportation program.

Be given first and second reading.

Motion: RCM - 124/21

Moved by Councillor Brian Houston Seconded by Councillor Bill Altenhof

That By-Law 2021-20 being a by-law to amend By-law 85-18, the Town's Comprehensive Zoning By-law for those lands in the former Township of Sandwich South (D19 HOUS2020 – By-law to Limit Permitted Uses on Agriculturally-Zoned Lands in Settlement Areas);

That By-Law 2021-21 being a By-law to designate as site plan control areas, part of the area covered by the Town of Tecumseh Official Plan. Affecting all lands zoned Agricultural Zone (A), or defined areas thereof, in the Sandwich South Zoning By-law 85-18 of the Town of Tecumseh;

That By-Law 2021-22 being a by-law to provide for the adoption of tax rates, area rates and additional charges for Municipal, County and Education purposes for the year 2021;

That By-Law 2021-23 being a by-law to levy a special charge of the Business Improvement Area and to provide for its collection for the year 2021;

That By-Law 2021-24 being a by-law to amend By-law 85-18, the Town's Comprehensive Zoning By-law for those lands in the former Township of Sandwich South (Removal of Holding Zone Symbol "H", affecting a 0.98 hectare parcel of land located on the west side of Roscon Industrial Drive, 5635 Roscon Industrial Drive – Briadco Tool & Mold);

That By-Law 2021-25 being a by-law to amend By-law No. 2019-10 being a by-law to appoint Directors to the Board of Management for the Business Improvement Area for the term of Tecumseh Council 2019 - 2022;

That By-Law 2021-26 being a by-law to authorize the execution of an Agreement with Her Majesty the Queen in right of Ontario, as represented by the Office of the Fire Marshal for funding under the Fire Safety Grant;

That By-Law 2021-27 being a by-law to authorize the execution of a Letter of Agreement between The Corporation of the Town of Tecumseh and Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation for Ontario relating to funding under the Dedicated Gas Tax Funds for Public Transportation program.

Be given third and final reading.

O. Unfinished Business

1. April 13, 2021

The Members receive the Unfinished Business listing for Tuesday, April 13, 2021.

P. New Business

Lesperance Road Trail

A Member inquires on the proposed location of the Lesperance Road trail on County Road 22. The Director Public Works & Environmental Services advises that the proposed trail is from County Road 22 to County Road 42, with construction commencing in 2022. A suggestion is made to extend the sidewalks at Maisonneuve and Gouin streets for greater accessibility to the trail.

Passing of Kyle Chinnery

The Members acknowledge the passing of Kyle Chinnery who was an active member of the community.

Canada Post Community Mailboxes

A Member advises that the Canada Post Parcel Box Pilot Program is underway, allowing residents to receive larger parcels at their community mailbox. Concern is expressed regarding the current mailbox locations as residents may use their vehicle to collect their large parcels. A request is made to communicate with Canada Post to redistribute the community mailboxes for large box deliveries to be closer to residents who rely upon them.

Earth Day - April 22, 2021

The Director Parks & Recreation Services updates the status of Earth Day activities planned by the Town in light of the Provincial Orders to stay at home. The Town has partnered with Earth Day Canada, and will be promoting on social media a contest encouraging residents to share photos of their Earth Day activities.

Q. Motions

1. Confirmatory by-law

Motion: RCM - 125/21

Moved by Councillor Bill Altenhof Seconded by Councillor Brian Houston

That By-Law 2020-28 being a by-law to confirm the proceedings of the Tuesday, April 13, 2021, regular meeting of the Council of The Corporation of the Town of Tecumseh **be given** first, second, third and final reading.

R. Notices of Motion

There are no Notices of Motion presented to Council.

S. Next Meeting

Tuesday, April 27, 2021

5:00 pm Public Council Meeting - ZBA 3425 11th Concession

6:00 pm Public Council Meeting - ZBA Housekeeping

7:00 pm Regular Council Meeting

T. Adjournment

Motion: RCM - 126/21

Moved by Councillor Bill Altenhof Seconded by Councillor Brian Houston

That there being no further business, the Tuesday, April 13, 2021 meeting of the Regular Council **be adjourned** at 9:27 pm.

Carried

Gary McNamara, Mayor

Laura Moy, Clerk