

Regular Meeting of Council

Minutes

Date: Tuesday, March 14, 2023
Time: 7:00 pm
Location: Tecumseh Town Hall - Council Chambers
917 Lesperance Road
Tecumseh, Ontario N8N 1W9

Present:

Mayor, Gary McNamara
Deputy Mayor, Joe Bachetti
Councillor, James Dorner
Councillor, Alicia Higgison
Councillor, Rick Tonial

Absent:

Councillor, Brian Houston
Councillor, Tania Jobin

Also Present:

Chief Administrative Officer, Margaret Misek-Evans
Deputy Clerk & Manager Legislative Services, Jennifer Alexander
Director Public Works & Engineering Services, Phil Bartnik
Director Community Safety & Fire Chief, Wade Bondy
Director Technology & Client Services, Shaun Fuerth
Director Development Services, Brian Hillman
Director Financial Services & Chief Financial Officer, Tom Kitsos
Deputy Treasurer & Manager Revenue, Vanessa DaDalt
Deputy Clerk - Clerks Services & Policy Advisor, Christina Hebert
Manager Building Services & Chief Building Official, Peter Valore
Director Community & Recreation Services, Beth Gignac

A. Roll Call

B. Order

The Mayor calls the meeting to order at 7:00 pm.

C. Report Out of Closed Meeting

A closed meeting of Council was just held in accordance with and as permitted by Section 239 (2) (e) of the Municipal Act, 2001.

During this meeting, Council received an update on the ongoing Bingo Fee Litigation matter.

D. Moment of Silence

The Members of Council and Administration observe a moment of silence.

E. National Anthem

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

F. Land Acknowledgement

We acknowledge that we are on land and surrounded by water, originally inhabited by Indigenous Peoples who have travelled this area since time immemorial. This territory is within the lands honoured by the Wampum Treaties; agreements between the Anishinaabe, Haudenosaunee, Leni Lenape and allied Nations to peacefully share and care for the resources around the Great Lakes. Specifically, we would like to acknowledge the presence of the Three Fires Confederacy Ojibwe, Odawa, Potawatomi and Huron/Wendat Peoples. We are dedicated to honouring Indigenous history and culture while remaining committed to moving forward respectfully with all First Nations, Inuit and Métis.

G. Disclosure of Pecuniary Interest

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

H. Minutes

1. **Regular Council Meeting - February 28, 2023**
2. **Public Council Meeting - February 28, 2023, Zoning By-Law Amendment 13931 Riverside Drive**
3. **Public Council Meeting - February 28, 2023 Shuttleworth Drain**
4. **Public Council Meeting - February 28, 2023 Sullivan Creek Drain**
5. **Special Council Meeting, February 28, 2023 Municipal Freedom of Information and Protection of Privacy Act Workshop**

Motion: RCM - 53/23

Moved by Councillor Alicia Higgison
Seconded by Councillor James Dorner

That the February 28, 2023 minutes of the Regular Council meeting, the minutes of the Public Council Meetings and the minutes of the Special Council meeting as were duplicated and delivered to the members, **be adopted.**

Carried

I. Supplementary Agenda Adoption

There are no supplementary agenda items.

J. Delegations

1. MPP Andrew Dowie

MPP Dowie presents from the Government of Ontario, a certificate to celebrate the Town's 100th Anniversary.

Motion: RCM - 54/23

Moved by Councillor Rick Toniai
Seconded by Councillor Alicia Higgison

That MPP Andrew Dowie **be permitted** to be a delegation to Council.

Carried

2. Food, Organics and Biosolids Management Update and Regional Waste Management Proposal

Michelle Bishop – Essex Windsor Solid Waste Authority ("EWSWA") – General Manager

Sandra Zwiers – County of Essex – Director of Finance/Treasurer

David Sundin – County of Essex - Solicitor

Ms. Michelle Bishop, David Sundin, and Sandra Zwiers presents the PowerPoint presentation entitled "Food, Organics and Biosolids Management Update and Regional Waste Management Proposal as appended on the agenda.

Motion: RCM - 55/23

Moved by Councillor Alicia Higgison
Seconded by Councillor Rick Toniai

That Report PWES-2023-23 entitled "Food, Organics and Biosolids Waste Management Update and Regional Waste Management Proposal **be brought forward** on the agenda for discussion and consideration.

Carried

- a. PWES-2023-23 Food, Organics and Biosolids Waste Management Update and Regional Waste Management Proposal

Motion: RCM - 56/23

Moved by Deputy Mayor Joe Bachetti

Seconded by Councillor Rick Tonial

That Report PWES-2023-23 Food, Organics and Biosolids Waste Management Update and Regional Waste Management Proposal, **be received;**

And that Council endorse the concept of a regional approach to waste management and **direct** Administration to report back at a future Council meeting with additional information on a regional waste management program, including the County's by-law and the logistics of uploading the waste management service.

Carried

K. Communications - For Information

1. **County of Essex dated February 18, 2023**

Re: Bill 23, More Homes Built Faster Act

2. **County of Essex dated February 24, 2023**

Re: Notice of Public Meeting Proposed New Official Plan

3. **Ministry of Natural Resources and Forestry dated February 24, 2023**

Re: Ontario Regulation 161/17 and Public Lands Act

4. **Ministry of the Environment, Conservation and Parks dated March 3, 2023**

Re: Proposed amendments to the Municipal Class Environmental Assessment

Motion: RCM - 57/23

Moved by Councillor James Dorner

Seconded by Deputy Mayor Joe Bachetti

That Communications - For Information 1 through 4 as listed on the Tuesday, March 14, 2023 Regular Council Agenda, **be received.**

Carried

L. Communications - Action Required

1. Association of Municipalities of Ontario dated March 3, 2023

Re: AMO Training: Navigating Conflict Relationships as an Elected Official. View [here](#)

Motion: RCM - 58/23

Moved by Councillor Alicia Higgison
Seconded by Councillor Rick Tonial

That the Mayor and Members of Council **be authorized** to attend the virtual AMO Training: Navigating Conflict Relationships as an Elected Official at a cost of \$200 per person, in accordance with the Town's Professional Development Policy and subject to funding in the 2023 Budget.

Carried

M. Committee Minutes

There are no Committee Minutes presented to Council.

N. Reports

1. Community & Recreation Services

a. CRS-2023-03 Taste of Tecumseh Festival 2023

Motion: RCM - 59/23

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Alicia Higgison

That the Optimist Club of St. Clair Beach **be authorized** to sell and serve alcoholic beverages for consumption by patrons at Lakewood Park from Friday, June 16, 2023 through to and including Saturday, June 17, 2023, subject to compliance with the provisions of the Town's Municipal Alcohol Risk Management Policy No. 31 for the purposes of hosting the 2023 Taste of Tecumseh Festival;

And that relief **be granted** from Noise By-law No. 2002-07, as amended, in order to permit the Optimist Club of St. Clair Beach to operate sound amplifying equipment during the 2023 Taste of Tecumseh Festival for the purposes of musical entertainment and event announcements on Friday, June 16, 2023 and Saturday, June 17, 2023 from 5:00 p.m. to 1:00 a.m.

Carried

2. Development Services

- a. DS-2023-04 2022 Year End Building Permit Report

Motion: RCM - 60/23

Moved by Councillor Rick Tonial
Seconded by Councillor James Dorner

That Report DS 2023-04 2022 Year End Building Permit Report, be received.

Carried

- b. DS-2023-05 Zoning By-Law Amendment 13931 Riverside Drive, Results of Public Meeting and Final Recommendations

Motion: RCM - 61/23

Moved by Councillor Rick Tonial
Seconded by Councillor Alicia Higgison

That Report DS-2023-05 entitled “Zoning By-law Amendment, 13931 Riverside Drive, Results of Public Meeting and Final Recommendations”, be received;

And that a by-law having the effect of amending Zoning By-law 2065 by rezoning a 0.12 hectare (0.29 acre) parcel of land situated on the south side of Riverside Drive, approximately 35 metres (114 feet) east of its intersection with Arlington Boulevard (13931 Riverside Drive) from “Residential Type Two Zone (R2)” to a site-specific “Residential Type Two Zone (R2-8)” in order to facilitate the construction of a one-storey, two-unit dwelling (semi-detached dwelling) and establish site specific lot provisions, in keeping with DS-2023-05, **be adopted.**

Carried

- c. DS-2023-06 New Building By-Law and Permit Fee Report

Motion: RCM - 62/23

Moved by Councillor Rick Tonial
Seconded by Councillor James Dorner

That Report DS-2023-06 entitled “Proposed New Building By-law and Permit Fees”, be received.

And that the scheduling of a public meeting, to be held on April 25, 2023 at 5:30 pm, in accordance with the requirements of the *Ontario Building Code Act*, to receive comments from the public regarding the proposed building permit fee rates, **be authorized.**

Carried

3. Legislative & Clerk Services

- a. LCS-2023-04 Manning Road Farm Lease - Option to Renew

Motion: RCM - 63/23

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Alicia Higgison

That LCS-2023-04 entitled “Manning Road Farm Lease – Option to Renew” **be received**;

And that the request of Olinda Farms Inc. (Olinda) to extend the Farm Lease to farm the Town’s 18 acres of farmland located on the south side of Baseline Road for a further two year period, subject to and as provided for in the current Farm Lease, **be approved**;

And further that By-law No. being a by-law to authorize the Mayor and the Clerk to execute a Farm Lease Agreement between the Town and Olinda for the 2023 to 2024 Crop Years, **be adopted**.

Carried

- b. LCS-2023-05 Integrity Commissioner

Motion: RCM - 64/23

Moved by Councillor Rick Tonial
Seconded by Councillor Alicia Higgison

That Report LCS-2023-05 regarding the Appointment of an Integrity Commissioner **be received**;

That Mr. Robert Swayze’s appointment as the Integrity Commissioner for The Corporation of the Town of Tecumseh (Town) **be extended** for a further one year period commencing April 1, 2023 and ending March 31, 2024;

And further that By-Law 2023-030 being a by-law to authorize the Mayor and the Clerk to execute an extension Agreement between the Town and Robert Swayze as Integrity Commissioner for the term April 1, 2023 through March 31, 2024 **be recommended for adoption**.

Carried

- c. LCS-2023-07 Maidstone Recreation Centre Transfer and Facility Agreement

Motion: RCM - 65/23

Moved by Councillor Rick Tonial

Seconded by Councillor Alicia Higgison

That Council approve and accept the transfer to the Town of the land and premises identified as the Maidstone Recreation Centre located at 10720 Talbot Road (County Road 34) Town of Tecumseh, Ontario (the "MRC Property"), pursuant to the terms of a certain Agreement of Purchase and Sale attached to proposed By-law 2023-039;

And that Council approve and accept the entering into of a Municipal Facilities Agreement between the Town and the non-profit corporation known as Maidstone Recreation Centre ("MRC Corporation") as lessee for the purposes of the occupancy and use of the entire MRC Property as a "*Municipal community centre*" within the meaning of subsection 2(1), of Ontario Regulation 603/06 passed under the *Municipal Act, 2001*, S.O. 2001, c. 25, such agreement to be effective immediately upon the completion of the transfer of the property to the Town and such agreement to be in substantially the same form and manner as that attached to proposed By-law 2023-033;

And further that the lands and premises municipally known as 10720 County Road 34 and legally described as PT LT 295 Con. NTR Sandwich East as in R1519626; Tecumseh (PIN 75232-0124) are hereby designated or declared to be municipal capital facilities exempt from taxation for municipal and school Board purposes effective as of April 3, 2023 or as of such date that the Town becomes the legal registered owner of the subject lands and premises with such exemption to continue for so long as the properties are used as municipal capital facilities in accordance with Subsection 110 (6) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended (the "Act") and Ontario Regulation 603/06 as amended;

And furthermore that By-law No. 2023-039 authorizing the Mayor and Clerk to enter into an Agreement of Purchase and Sale for the transfer to the Town of the Maidstone Recreation Centre land and premises **be considered** for first, second, third reading and adoption;

And furthermore that By-law No. 2023-033 authorizing the Mayor and Clerk to provide for a Municipal Capital Facility and authorize the execution of a Municipal Facilities Agreement between the Corporation of the Town of Tecumseh and the non-profit corporation known as Maidstone Recreation Centre **be considered** for first, second, third reading and adoption; and

And further moreover that the Mayor and Clerk **be hereby authorized** to execute and deliver all such further instruments and documents and

take all such further actions as may be necessary to carry out the transactions contemplated herein.

Carried

4. Public Works & Engineering Services

- a. PWES-2023-19 Municipal Drain Authorizing By-Laws, 10 Concession Drain and the Burke Drain

Motion: RCM - 66/23

Moved by Councillor Rick Tonial
Seconded by Deputy Mayor Joe Bachetti

That Report PWES-2023-19 Adoption of Municipal Drain By-Laws, 10th Concession Drain and the Burke Drain, **be received**;

And that By-law 2023-034 being a by-law to adopt the Engineer's Drainage Report for the 10th Concession Drain (prepared by Dillon Consulting Ltd. and dated March 16, 2015) for the completion of drain improvement and collection of drainage assessments, as approved by the City of Windsor By-law 42-2015, **be given** first, second, third and final reading;

And further that By-law 2023-035 being a by-law to adopt the Engineer's Drainage Report for the Burke Drain (prepared by Dillon Consulting Ltd. and N.J. Peralta Engineering Ltd. and dated June 6, 2018) for the completion of drain improvement and collection of drainage assessments, as approved by the Town of LaSalle By-law 8183, **be given** first, second, third and final reading.

Carried

- b. PWES-2023-24 Active Transportation Agreement Multi-Use Recreational Trails - Lesperance Road to Little River Boulevard

Motion: RCM - 67/23

Moved by Councillor Alicia Higgison
Seconded by Councillor Rick Tonial

That Report PWES-2023-24 Active Transportation Fund – Multi-Use Recreational Trails: Lesperance Road and Little River Boulevard and the Rehabilitation of Lesperance Road, **be received**;

And that Administration be **authorized to proceed** with the project and prepare a by-law to authorize the Mayor and Clerk to sign a Transfer Payment Agreement between His Majesty the King in right of Canada, as represented by the Minister of Intergovernmental Affairs, Infrastructure and Communities ("Canada") and The Corporation of the Town of Tecumseh ("Town"), in a form satisfactory to the Town's Solicitor, financial

content satisfactory to the Town's Chief Financial Officer and technical content satisfactory to the Town's Engineer, for the grant received from the Active Transportation Fund 2022 Intake for the Multi-Use Recreational Trails: Lesperance Road and Little River Boulevard Project.

Carried

- c. PWES-2023-25 Snake Lane Culvert Replacements - Tender Award

Motion: RCM - 68/23

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor James Dorner

That the tender for the in the amount of \$1,178,330 excluding HST **be awarded** to South Shore Contracting of Essex County Inc.;

And that By-law 2023-032 be given first, second, third and final reading, **to authorize** the Mayor and Clerk to execute an agreement, satisfactory in form to the Town's solicitor, with South Shore Contracting of Essex County Inc.;

And further that project funding allocations, reflecting a total budget requirement of \$1,520,995 with a \$483,245 decrease, **be accommodated** as follows:

- Bridges Lifecycle Reserve – decrease from \$2,004,240 to \$1,520,995

Carried

O. By-Laws

1. By-Law 2023-030 Integrity Commissioner Contact Renewal

Being a by-law to appoint Robert J. Swayze as the Integrity Commissioner for The Corporation of the Town of Tecumseh pursuant to Sections 9, 10, 11 and 223.3 of the Municipal Act, 2001 S.O. 2001, c.25, as amended

2. By-Law 2023-031 Safe Restart Agreement Phase 4 funding for Municipal Transit Stream

Being a By-law to authorize the execution of a Transfer Payment Agreement with Her Majesty the Queen on right of Ontario as represented by the Minister of Transportation for the Province of Ontario

3. By-Law 2023-032 Snake Lane Culvert Replacement

Being a by-law to authority the execution of an Agreement between The Corporation of the Town of Tecumseh and South Shore Contracting of Essex County Inc.

- 4. By-Law 2023-033 Maidstone Recreation Centre Facilities Agreement**
Being a by-law to provide for a Municipal Capital Facility and authorize the execution of an Municipal Facilities Agreement between the Corporation of the Town of Tecumseh and Maidstone Recreation Centre
- 5. By-Law 2023-034 10th Concession Drain**
Being a by-law to provide for the repair and improvements to the 10th Concession Drain
- 6. By-Law 2023-035 Burke Drain**
Being a by-law to provide for the repair and improvements to the Burke Drain
- 7. By-Law 2023-036 Manning Road Farm Lease Agreement**
Being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Olinda Farms Inc.
- 8. By-Law 2023-038 Zoning By-Law Amendment - 13931 Riverside Drive**
Being a by-law to amend By-law 2065, the Town's Comprehensive Zoning By-law for those lands in the former Village of St. Clair Beach. (Planning File: D19 13931RIV – 13931 Riverside Drive)
- 9. By-Law 2023-039- Maidstone Recreation Centre - Transfer Agreement**
Being a by-law to authorize the execution of an Agreement between the Corporation of the Town of Tecumseh and Maidstone Recreation Centre

Motion: RCM - 69/23

Moved by Councillor Rick Tonial
Seconded by Councillor Alicia Higgison

That By-Law 2023-030 being a by-law to appoint Robert J. Swayze as the Integrity Commissioner for The Corporation of the Town of Tecumseh pursuant to Sections 9, 10, 11 and 223.3 of the Municipal Act, 2001 S.O. 2001, c.25, as amended;

That By-Law 2023-031 being a by-law to authorize the execution of a Transfer Payment Agreement with Her Majesty the Queen on right of Ontario as represented by the Minister of Transportation for the Province of Ontario;

That By-Law 2023-032 being a by-law to authority the execution of an Agreement between The Corporation of the Town of Tecumseh and South Shore Contracting of Essex County Inc.;

That By-Law 2023-033 being a by-law to provide for a Municipal Capital Facility and authorize the execution of a Municipal Facilities Agreement between the Corporation of the Town of Tecumseh and Maidstone Recreation Centre;

That By-Law 2023-034 being a by-law to provide for the repair and improvements to the 10th Concession Drain;

That By-Law 2023-035 being a by-law to provide for the repair and improvements to the Burke Drain;

That By-Law 2023-036 being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Olinda Farms Inc.;

That By-Law 2023-038 being a by-law to amend By-law 2065, the Town's Comprehensive Zoning By-law for those lands in the former Village of St. Clair Beach – 13931 Riverside Drive;

That By-Law 2023-039 being a by-law to authorize the execution of an Agreement between the Corporation of the Town of Tecumseh and Maidstone Recreation Centre.

Be given first and second reading.

Carried

Motion: RCM - 70/23

Moved by Councillor Rick Tonial

Seconded by Councillor James Dorner

That By-Law 2023-030 being a by-law to appoint Robert J. Swayze as the Integrity Commissioner for The Corporation of the Town of Tecumseh pursuant to Sections 9, 10, 11 and 223.3 of the Municipal Act, 2001 S.O. 2001, c.25, as amended;

That By-Law 2023-031 being a by-law to authorize the execution of a Transfer Payment Agreement with Her Majesty the Queen on right of Ontario as represented by the Minister of Transportation for the Province of Ontario;

That By-Law 2023-032 being a by-law to authority the execution of an Agreement between The Corporation of the Town of Tecumseh and South Shore Contracting of Essex County Inc.;

That By-Law 2023-033 being a by-law to provide for a Municipal Capital Facility and authorize the execution of an Municipal Facilities Agreement between the Corporation of the Town of Tecumseh and Maidstone Recreation Centre;

That By-Law 2023-036 being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Olinda Farms Inc.;

That By-Law 2023-038 being a by-law to amend By-law 2065, the Town's Comprehensive Zoning By-law for those lands in the former Village of St. Clair Beach.

– 13931 Riverside Drive;

That By-Law 2023-039 being a by-law to authorize the execution of an Agreement between the Corporation of the Town of Tecumseh and Maidstone Recreation Centre.

Be given third and final reading.

Carried

P. Unfinished Business

1. March 14, 2023

The Members receive the Unfinished Business listing for Tuesday, March 14, 2023.

Q. New Business

There are no New Business items presented to Council.

R. Motions

1. Confirmatory By-Law 2023-040

Motion: RCM - 71/23

Moved by Councillor Rick Tonial
Seconded by Councillor Alicia Higgison

That By-Law 2023-040 being a by-law to confirm the proceedings of the Tuesday, March 14, 2023, regular meeting of the Council of The Corporation of the Town of Tecumseh **be given** first, second, third and final reading.

Carried

S. Notices of Motion

There are no Notices of Motions presented to Council.

T. Next Meeting

Tuesday, March 28, 2023

5:00 pm Court of Revision - Shuttleworth and Sullivan Creek Drains

5:30 pm Public Council Meeting - 11th Concession Drain

6:00 pm Special Council Meeting - Procurement and Customer Service Workshop

7:00 pm Regular Council Meeting

U. Adjournment

Motion: RCM - 72/23

Moved by Councillor Rick Tonial

Seconded by Councillor James Dorner

That there being no further business, the Tuesday, March 14, 2023 meeting of the Regular Council **be adjourned** at 8:48 pm.

Carried

Gary McNamara, Mayor

Robert Auger, Clerk