

Minutes of a Regular Meeting of
The Council of the Town of Tecumseh

Tecumseh Council meets in regular public session on Tuesday, July 23, 2019 in the Council Chambers, 917 Lesperance Road, Tecumseh, Ontario at 7:00 pm.

1. Order

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

2. Moment of Silence

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

3. National Anthem

The Members of Council and Administration observe the National Anthem of O Canada.

4. Roll Call

Present:

Mayor

Deputy Mayor

Councillor

Councillor

Councillor

Councillor

Gary McNamara

Joe Bachetti

Bill Altenhof

Brian Houston

Tania Jobin

Rick Tonial

Absent:

Councillor

Andrew Dowie

Also Present:

Chief Administrative Officer

Director Parks & Recreation Services

Director Public Works & Environmental Services

Director Information & Communication Services

Director Planning & Building Services

Director Financial Services & Chief Financial Officer

Director Corporate Services & Clerk

Deputy Fire Chief

Manager Planning Services

Manager Strategic Initiatives

Manager Recreation Programs & Events

Administrative Assistant to the Director Corporate

Services & Clerk

Margaret Misk-Evans

Paul Anthony

Phil Bartnik

Shaun Fuerth

Brian Hillman

Tom Kitsos

Laura Moy

Chad Mactier

Chad Jeffery

Lesley Reeves

Kerri Rice

Sue White

5. Disclosure of Pecuniary Interest

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

6. Minutes**Motion: RCM - 211/19**

Moved by Councillor Rick Tonial
Seconded by Councillor Tania Jobin

That the minutes of the July 9, 2019 Regular Meeting of Council and the minutes of the July 9, 2019 Public Meetings of Council, as were duplicated and delivered to the members, are adopted.

Carried

7. Supplementary Agenda Adoption

The Mayor advised that a supplementary agenda item has been added with Report CS-2019-19 Request for Noise By-Law Exemption - Beach Grove Golf and Country Club.

Motion: RCM – 212/19

Moved by Councillor Joe Bachetti
Seconded by Councillor Brian Houston

That the supplementary agenda be approved.

Carried

8. Delegations**a. Council Compensation Review Committee and Marianne Love, M. L. Consulting**

The Mayor introduced Marianne Love, M. L. Consulting, the consultant hired to assist with the Council compensation review.

Ms. Love introduced the following members of the Council Compensation Review Committee: Dwayne Ellis, Marian Drouillard, and Fiona Bryden. Messrs. Joey Jraige and Jules Champoux were unable to be present.

Ms. Love presented a PowerPoint presentation on the final report summary of the 2019 Review of Compensation for Elected Officials. She notes that the Council Compensation Review Committee was established by Council to review Council Compensation in 2019. She had been retained to undertake a comparative analysis of compensation for Elected Officials using an identified set of municipal comparators, facilitate the Review Committee and make appropriate recommendations to Council.

The primary objective was to conduct an overall review of the total compensation package for the Mayor, Deputy Mayor and Members of Council and make recommendations on the elements of total compensation for implementation in 2019.

The review considers the compensation provided by comparator municipalities, the adequacy of current benefit entitlement, provision of technology and staff resources, and tax treatment; and considers current work-load, level of responsibility and commitment required of the Mayor and Members of Council.

Motion: RCM - 213/19

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Bill Altenhof

That Report CS-2019-14 Council Compensation Review be brought forward on the agenda for discussion.

Carried

Motion: RCM - 214/19

Moved by Councillor Brian Houston
 Seconded by Councillor Tania Jobin

That the base pays for the Mayor, Deputy Mayor and Councillor positions be adjusted to offset the removal of the 1/3 tax free treatment, effective January 1, 2019, and that the adjustment be removed in the event that the Canada Revenue Agency (CRA) provision is repealed;

And that the base pays for the Mayor, Deputy Mayor and Councillor positions be adjusted annually using the percentage adjustment provided for the Management/Non-union Salary Grid;

And further that the economic adjustment for the Mayor, Deputy Mayor and Councillor positions in 2019, and future years, be varied to normalize the base pay for the three positions in order to be more aligned with the comparator practice and the 65th percentile (100% of the economic adjustment for the Mayor, 50% for Councillors and 25% for Deputy Mayor);

And furthermore that an external review be conducted once every four years during the term of Council using a Community Advisory Committee, a Consultant and comparator data;

And furthermore over that the comparator municipalities for the next Council compensation review be changed when the comparators for the Management/Non-union compensation change.

And furthermore over that a more itemized Annual Statement of Council Remuneration be given.

Carried

b. Director Parks and Recreation, Paul Anthony, and Manager Recreation Programs and Events, Kerri Rice

Re: 2019 Tecumseh Corn Fest

The Director Parks & Recreation and Manager Recreation Programs & Events present some exciting changes to the Corn Festival being introduced in August 2019.

9. Communications - For Information

a. Town of Lakeshore dated June 18, 2019

Re: Notice of the Passing of a Zoning By-Law Amendment

b. Town of Lakeshore dated June 25, 2019

Re: Notice of Complete Application and Public Meeting

c. Town of Kingsville dated July 5, 2019

Re: Support for New Regional Hospital in Windsor-Essex

d. The College of Physicians and Surgeons of Ontario dated July 8, 2019

Re: Nominate an Outstanding Ontario Physician in Your Community

e. Local Planning Appeal Tribunal dated July 17, 2019

Re: Del Duca Industrial Park Ltd.

Motion: RCM - 215/19

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Tania Jobin

That Communications - For Information A through E as listed on the Tuesday, July 23, 2019 Regular Council Agenda are received.

Carried

10. Communications - Action Required**a. CN Rail dated June 28, 2019****Motion: RCM - 216/19**

Moved by Councillor Brian Houston
Seconded by Councillor Bill Altenhof

Whereas Public - Rail Safety Week is to be held across Canada and the United States from September 23 to 29, 2019;

Whereas it is in the public's interest to raise citizens' awareness on reducing avoidable accidents, injuries and damage caused by collisions at level crossings or incidents involving trains and citizens;

Whereas Operation Lifesaver is a public/private partnership whose aim is to work with the rail industry, governments, police services, the media and other agencies and the public to raise rail safety awareness;

Whereas CN has requested Town Council adopt this resolution in support of its ongoing effort to save lives and prevent injuries in communities, including our municipality;

It is hereby resolved that The Corporation of the Town of Tecumseh supports national Public - Rail Safety Week, to be held from September 23 to 29, 2019.

Carried

11. Committee Minutes**a. Cultural and Arts Advisory Committee - June 17, 2019****Motion: RCM - 217/19**

Moved by Councillor Rick Tonial
Seconded by Councillor Bill Altenhof

That the June 17, 2019 minutes of the Cultural and Arts Advisory Committee, as were duplicated and delivered to the Members of Council, are accepted.

Carried

b. Heritage Committee - June 17, 2019**Motion: RCM - 218/19**

Moved by Councillor Brian Houston
Seconded by Deputy Mayor Joe Bachetti

That the June 17, 2019 minutes of the Heritage Committee, as were duplicated and delivered to the Members of Council, are accepted.

Carried

c. Joint Health and Safety Advisory Committee - June 26, 2019 and July 2, 2019

Motion: RCM - 219/19

Moved by Councillor Brian Houston
Seconded by Councillor Bill Altenhof

That the June 26, 2019 and July 2, 2019 minutes of the Joint Health and Safety Advisory Committee, as were duplicated and delivered to the Members of Committee, are accepted.

Carried

d. Senior Advisory Committee - June 27, 2019

Motion: RCM - 220/19

Moved by Councillor Tania Jobin
Seconded by Councillor Bill Altenhof

That the June 27, 2019 minutes of the Senior Advisory Committee, as were duplicated and delivered to the Members of Council, are accepted.

Carried

e. Youth Advisory Committee - June 17, 2019

Motion: RCM - 221/19

Moved by Councillor Brian Houston
Seconded by Councillor Rick Tonial

That the June 17, 2019 minutes of the Youth Advisory Committee, as were duplicated and delivered to the Members of Council, are accepted.

Carried

12. Reports

a. Corporate Services & Clerk

1. CS-2019-14 Council Compensation Review

Report CS-2019-14 Council Compensation Review was moved forward on the agenda to Delegations for discussion and consideration.

2. CS-2019-19 Request for Noise By-Law Exemption - Beach Grove Golf and Country Club

Motion: RCM - 222/19

Moved by Councillor Brian Houston
Seconded by Councillor Rick Tonial

That Beach Grove Golf and Country Club, located at 14134 Riverside Drive, be granted an exemption from the Town's Noise By-law No. 2002-07, as amended, on Friday, July 26, 2019, and Friday, August 23, 2019, to permit music entertainment until 11:30 pm;

And that the area residents be informed by Beach Grove Golf and Country Club of this exemption from the Noise By-law, and Administration communicate the exemption to the OPP;

And further that concerns and/or complaints respecting the emission of sound, resulting from the entertainment, are to be monitored.

Carried

3. CS-2019-22 Appointment of an Integrity Commissioner

Motion: RCM - 223/19

Moved by Deputy Mayor Joe Bachetti
 Seconded by Councillor Bill Altenhof

That Report No. CS-2019-22 regarding the Appointment of an Integrity Commissioner be received;

And that Mr. Robert Swayze be appointed as the Integrity Commissioner for The Corporation of the Town of Tecumseh (Town) for the purpose of investigating complaints related to the Code of Conduct for Members of Council, Committees and Local Boards Policy No. 63 as adopted by By-law No. 2014-01 (Code of Conduct), and as otherwise may be amended;

And further that By-law No. 2019-55 being a by-law to authorize the Mayor and the Clerk to execute a renewal Retainer Agreement between the Town and Robert Swayze for the term January 1, 2020 through March 31, 2023 be adopted.

Carried

4. CS-2019-23 Committee of Adjustment Appointment

Motion: RCM - 224/19

Moved by Deputy Mayor Joe Bachetti
 Seconded by Councillor Brian Houston

That the resignation of Jason Jolicoeur from the Committee of Adjustment be accepted;

And that Councillor Bill Altenhof be appointed to fill the vacancy on the Committee of Adjustment temporarily, pending applications being received and considered in accordance with the Town's Committee/Local Board Application and Appointment Policy No. 4.

Carried

b. Financial Services

1. FS-2019-08 Taxes Receivable - June 2019

Motion: RCM - 225/19

Moved by Councillor Brian Houston
 Seconded by Councillor Rick Toniai

That Report FS-2019-08 Taxes Receivable – June 2019 be received for information.

Carried

c. Planning & Building Services

1. PBS-2019-22, D19 VALTEC, Valente Condo Development, Final Recommendation to Council

Motion: RCM - 226/19

Moved by Councillor Brian Houston
 Seconded by Councillor Rick Toniai

That a by-law having the effect of amending the Tecumseh Official Plan land use designation for a 1.08 hectare (2.68 acre) parcel of land situated at the northeast corner of the Tecumseh Road/Southfield Drive intersection (11870 Tecumseh Road), by establishing a new site-specific policy in the "General Commercial" designation, in order to facilitate the development of the lands for a six-storey apartment building consisting of 97 residential dwelling units and in keeping with PBS-2019-11 and PBS-2019-22, be adopted;

And that a by-law having the effect of amending the Tecumseh Zoning By-law 1746 for a 1.08 hectare (2.68 acre) parcel of land situated at the northeast corner of the Tecumseh Road/Southfield Drive intersection (11870 Tecumseh Road), from “General Commercial Zone (C3)” to a new site-specific “General Commercial Zone (C3-15)”, in order to facilitate the development of the lands for a six-storey apartment building consisting of 97 residential dwelling units and in keeping with PBS-2019-11 and PBS-2019-22, be adopted.

Carried

2. PBS-2019-23 D11 PETTEC, Harbour Club Condos (Petretta Construction), Execution of Site Plan Control Agreement

Motion: RCM - 227/19

Moved by Deputy Mayor Joe Bachetti
Seconded by Councillor Brian Houston

That a by-law authorizing the execution of the “2593430 Ontario Limited (Petretta Construction)” site plan control agreement, satisfactory in form to the Town’s Solicitor, which allows for a five-storey, 64-unit condominium dwelling, along with associated underground parking, at-grade parking, boat slips, landscaping, outdoor amenity areas and on-site services/works on a 1.3 hectare (3.2 acre) property located on the north side of Tecumseh Road (14328-14346 Tecumseh Road), approximately 45 metres east of its intersection with Brighton Road, be adopted, subject to the following occurring prior to the Town’s execution of the Agreement:

1. the final stormwater management design and stormwater management calculations and associated site service drawings and supporting documentation being approved by the Town;
2. the final photometric lighting plan being approved by the Town;
3. the Owner executing the site plan control agreement; and
4. the Owner posting security for performance pursuant to paragraph 6.1 of the agreement.

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

And further that the giving of notice of intent to pass a by-law to remove the Holding (H) symbol in accordance with the provisions of the *Planning Act* for the subject lands to change the zoning from “Holding Residential Type Three (H) R3-13” to “Residential Type Three (R3-13)” upon execution of the site plan control agreement by the Owner, be authorized.

Carried

3. PBS-2019-24 Bill 108, Bill 108 – More Homes, More Choice Act, 2019, Posting of Draft Bill 108 Regulations

Administration is asked to send the Association of Municipalities of Ontario a copy of Report PBS-2019-24 Bill 108 – More Homes, More Choice Act, 2019, Posting of Draft Bill 108 Regulations.

Motion: RCM - 228/19

Moved by Councillor Brian Houston
 Seconded by Councillor Rick Tonial

That PBS-2019-24, *Bill 108 – More Homes, More Choice Act, 2019*, Posting of Draft Bill 108 Regulations, be received;

And that PBS-2019-24 be submitted to the Province through the Environmental Registry of Ontario as comments from the Town of Tecumseh on Draft Bill 108 Proposed Regulations under the *Planning Act* and the *Development Charges Act*.

Carried

d. Public Works & Environmental Services

1. PWES-2019-02 Disaster Mitigation and Adaptation Fund

Motion: RCM - 229/19

Moved by Councillor Bill Altenhof
 Seconded by Councillor Brian Houston

That Administration be authorized to submit an Expression of Interest and the Full Application to the federal government for funding under the Disaster Mitigation and Adaptation Fund (DMAF) for the following projects:

1. Scully & St. Mark's Storm Pump Station Improvements
2. P.J. Cecile Storm Pump Station Improvements

And that Administration be authorized to complete any business case(s), application(s), and/or to provide all information/documentation as required in order to constitute the application under DMAF;

And further that the Treasurer be authorized to sign any required documents necessary to complete the Expression of Interest and the Full Application to DMAF;

And furthermore that the Mayor and Clerk be authorized to sign any documents/agreements (if required) for the Expression of Interest and Full Application to DMAF, in a form satisfactory to the Town's Solicitor, financial content satisfactory to the Town's Treasurer and technical content satisfactory to the Town's Engineer.

Carried

2. PWES-2019-03 Rail Safety Improvement Program - Funding

Motion: RCM - 230/19

Moved by Councillor Brian Houston
 Seconded by Councillor Rick Tonial

That Administration be authorized to submit an application to the federal government for funding under the Rail Safety Improvement Program – Infrastructure, Technology and Research Funding (RSIP-ITR) for the VIA Rail Crossing at Lesperance Road (Chatham Mile 99.31).

And that Administration be authorized to complete any business case(s), application(s), and/or to provide all information/documentation as required in order to constitute the application to RSIP-ITR;

And further that the Treasurer be authorized to sign any required documents necessary to complete the application to RSIP-ITR;

And furthermore that the Mayor and Clerk be authorized to sign any documents/agreements (if required) for the application to RSIP-ITR, in a form satisfactory to the Town's Solicitor, financial content satisfactory to the Town's Treasurer and technical content to the Town's Engineer.

Carried

3. PWES-2019-18 - Subsequent Connection to a Municipal Drain

Motion: RCM - 231/19

Moved by Councillor Brian Houston
Seconded by Councillor Rick Toniai

That the Report prepared by Gerard Rood, P. Eng. of Rood Engineering Inc., dated May 23, 2019, including Appendix REI-A and REI-B, for the connection of drainage works to the Colchester Townline Drain (Drain) for 7981 Howard Ave. (Report) be received;

And that the connection of drainage works for the parcel at 7981 Howard Ave. into the Colchester Townline Drain, be approved as set out in the Report;

And further that By-law No. 2019-56 being a by-law to approve the Report and amendments to the Engineer's assessments set out in By-law No. 78-32 be adopted;

And further that a copy of By-law No. 2019-56 be sent to the Town of Amherstburg and the affected landowner of 7981 Howard Ave.

Carried

4. PWES-2019-31 Sylvestre Drive Sanitary Sewer Extension, Municipal Class EA

Motion: RCM - 232/19

Moved by Councillor Rick Toniai
Seconded by Councillor Brian Houston

That Report PWES-2019-31 Sylvestre Drive Sanitary Sewer Extension, Municipal Class Environmental Assessment Schedule B, Filing the Notice of Study Completion be received;

And that the Notice of Study Completion be advertised in the local newspaper and the Town's social media accounts to initiate the mandatory 30-day public review period.

Carried

5. PWES-2019-41 Tar and Chip Tender Award 2019

Motion: RCM - 233/19

Moved by Councillor Rick Toniai
Seconded by Councillor Bill Altenhof

That the sole tender from Shepley Road Maintenance Ltd. in the amount of \$218,500 plus non-rebatable HST, for the 2019 Tar and Chip Tender, be approved;

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

And further that, should the final costs of the 2019 Tar and Chip Program exceed the approved budgeted amount of \$200,000, the overage be funded from the Roads Lifecycle Reserve.

Carried

13. By-Laws

Motion: RCM - 234/19

Moved by Councillor Brian Houston
Seconded by Councillor Rick Toniai

That By-Law 2019-54 being a by-law to provide for the repair and improvements to the Wellwood Drain;

That By-Law 2019-55 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 2019-56 being a by-law to authorize a subsequent connection to the Colchester Drain under Section 65 of the Drainage Act, R.S.O. 1997 c. D. 17;

That By-Law 2019-57 Amendment No. 40 to the Official Plan for The Town of Tecumseh for those lands in the former Town of Tecumseh;

That By-law 2019-58 being a by-law to amend By-Law 1746, the Town's Comprehensive Zoning By-Law for those lands in the former Town of Tecumseh (Planning File: D19 VALTEC - 11870 Tecumseh Road);

Be given first and second reading.

Carried

Motion: RCM - 235/19

Moved by Councillor Brian Houston
Seconded by Councillor Tania Jobin

That By-Law 2019-55 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 2019-56 being a by-law to authorize a subsequent connection to the Colchester Drain under Section 65 of the Drainage Act, R.S.O. 1997 c. D. 17;

That By-Law 2019-57 Amendment No. 40 to the Official Plan for The Town of Tecumseh for those lands in the former Town of Tecumseh;

That By-law 2019-58 being a by-law to amend By-Law 1746, the Town's Comprehensive Zoning By-Law for those lands in the former Town of Tecumseh (Planning File: D19 VALTEC - 11870 Tecumseh Road);

That By-Law 2019-42 being a by-law to provide for the repair and improvements to the Lachance Drain;

Be given third and final reading.

Carried

14. Unfinished Business

The Members receive the Unfinished Business listing for Tuesday, July 23, 2019.

It is noted that some items on the Unfinished Business listing date back to 2018. Council requests that those items be addressed in the near future.

15. New Business**Legion Invitation**

The Tecumseh Legion located on Lesperance Road extends an invitation to their pig roast being held on Saturday, July 27, 2019.

Pedestrian Crossing

A suggestion is made for flags to be located at strategic crossings, such as Riverside Drive at Lakewood Park, to provide greater visibility of pedestrians.

Geese at Lakewood Park

In response to an inquiry, the Director Parks & Recreation advises the flashing lights were not a deterrent for the geese at Lakewood Park. Administration is looking into the use of trained dogs and other methods to deter geese.

Dog Excrement

Administration is asked to look into placing more 'poop' bags at Lakewood Park and greater enforcement of the Poop N Scoop By-law.

16. Motions**a. In-Camera Meeting**

There was no closed meeting.

b. Confirmation By-Law 2019-59**Motion: RCM - 236/19**

Moved by Councillor Brian Houston

Seconded by Councillor Bill Altenhof

That By-Law 2019-59 being a by-law to confirm the proceedings of the Tuesday, July 23, 2019, regular meeting of the Council of The Corporation of the Town of Tecumseh be given first, second, third and final reading.

Carried

17. Notices of Motion

There are no notices of motion presented to Council.

18. Next Meeting**Tuesday, August 13, 2019**

6:30 pm - Court of Revision re: Wellwood Drain

7:00 pm - Regular Council Meeting

19. Adjournment

Motion: RCM - 237/19

Moved by Councillor Rick Tonial
Seconded by Councillor Bill Altenhof

That there being no further business, the Tuesday, July 23, 2019 meeting of the Regular Council now adjourn at 8:24 pm.

Carried

Gary McNamara, Mayor

Laura Moy, Clerk