

The Corporation of the Municipality of Leamington

Minutes of Council Meeting

Held Monday, August 25, 2014 at 6:00 PM

In Leamington Council Chambers

Members Present: Mayor Paterson
Deputy Mayor Wright
Councillors: Atkin, Chopchik, Jacobs, MacDonald, Verbeke

Staff Present: Chief Administrative Officer Peter A. Neufeld
Director of Legal and Legislative Services Brian Sweet
Director of Finance and Business Services Cheryl Horrobin
Director of Infrastructure Services Robert Sharon
Director of Community & Development Services Tracey Pillon-Abbs
Manager of Planning Services Danielle Truax
Manager of Environmental Services Kit Woods
Capital Projects Engineer Joseph Dattilo
Legislative Services Assistant Shelly Quick

Disclosures of Pecuniary Interest:

None.

Adoption of Council Minutes:

Mr. Sweet advised that the minutes mistakenly showed a recorded vote for resolution C-280-14 regarding development charges. The recorded vote was actually taken for resolution C-279-14 regarding East Marsh Drainage Scheme.

No. C-297-14

Moved by: Councillor Verbeke
Seconded by: Councillor Jacobs

That the Minutes of the Council Meeting (including Public Meeting for Zoning By-law Amendments, ZBA #94 for 129 and 132 Elliott Street, ZBA #95 for 459 and 465 Talbot Road West and ZBA #96 for 302 Sherk Street and Public Meeting Drainage for East Marsh Drainage Scheme Dyke Repairs) held August 11, 2014 be adopted as amended.

Carried

No. C-298-14

Moved by: Councillor MacDonald
Seconded by: Councillor Chopchik

That the Minutes of the Special Council Meeting held August 6, 2014 be adopted.

Carried

No. C-299-14

Moved by: Councillor Verbeke
Seconded by: Councillor Chopchik

That the Minutes of the Special Council Meeting held August 15, 2014 be adopted.

Carried

Business Arising Out of the Minutes:

None

Public Meetings - Zoning By-law Amendments:

1. Zoning By-law Amendment ZBA #98 for 410 Mersea Road 5 (Penner)

- A copy of the minutes is attached.

No. C-300-14

Moved by: Councillor Verbeke
Seconded by: Councillor Atkin

That the provisional approval of Consent Application B/10/14 for a lot addition of 9.513 ha (23.51 ac) from 410 Mersea Road 5 (660-03600) to the abutting vacant parcel to the west be supported by Council subject to the conditions listed in "Schedule A";

And that Zoning By-law Amendment Application ZBA#98 to change the zone of the retained lot (660-03600) from A1 to A5 and to change the zone of the consolidated farm parcel from A3 to A1(660-03400), be approved by Council;

And that if no concerns are raised at the public meeting the Clerk be directed to forward the amending by-law #412-14 to Council for its consideration.

(PLA-36-14)

Carried

Reports of Staff and Delegations:

1. Delegation, South Essex Community Council regarding results of a research project examining the welcoming capacity of Windsor-Essex County

Ms. Carolyn Warkentin, Executive Director of South Essex Community Council, presented a PowerPoint presentation with Council regarding the results of a research project conducted by the University of Windsor, in partnership with the Multicultural Council of Windsor-Essex, South Essex Community Council and the Windsor-Essex Local Immigration Partnership. The presentation examined the welcoming capacity of Windsor-Essex given to immigrants. The research showed a number of best practices to enhance the welcoming capacity of Windsor-Essex and encouraged community organizations, municipalities and school boards to look at ways in which they can enhance the welcoming capacity of their organizations. The presentation had six (6) benchmarks as focal points to encourage communities to move forward in creating a welcoming community; positive attitudes; links between main actors (community stakeholders); presence of religious/cultural organizations; social engagement opportunities; opportunities to use public space and recreation facilities; and media coverage and representation.

Council questioned what steps the Municipality would have to take and if the project would apply to immigrants and the migrant worker community.

Ms. Warkentin explained that the project focused on immigrants and newcomers to Canada however some of the avenues of action could be applied to the migrant worker community also. She encouraged Council that the role of the Municipality is to “get the word out” with diversity training for Council and staff; examine how the Municipality welcomes newcomers/immigrants; and review if their boards and employees have an amount of diversified people.

2. Report REC 16/14 dated July 8, 2014 regarding Policy to Prohibit Solicitation at the Leamington Kinsmen Recreation Complex (R00 Prohibit Solicitation)

Director of Community & Development Services, Tracey Pillon-Abb, presented report.

Mr. Lavoie, Owner, Swim 2 Win Competitive Training and College Recruitment Services addressed Council explaining he felt the report was directed towards him and assured Council he does not coach from the deck. However he explained he encourages his children and their friends on how to improve their swimming skills through positive direction. He explained to Council that the students using the swimming facilities have memberships to the Leamington Kinsmen Recreation Complex and do not pay him fees to instruct them and that he had been given permission from Pat McLaughlin, Aquatics and Fitness Supervisor, to sit on the pool deck close to the basketball nets.

Mr. Andrew Planke, Past President of Leamington Lasers Swim Team addressed Council stating that he supports the policy and that the Lasers are not in conflict with Mr. Lavoie’s business however he should be treated like all the other users, following the same policies and standards including renting the facility and have the proper insurance policies and follow the same set guidelines as other users follow.

Council questioned Mr. Lavoie if he was being funded by the participants using the lane swim at the pool at which he stated that he was not.

Council requested Administration includes educational institutions as exempt from this policy.

No. C-301-14

Moved by: Councillor Verbeke
Seconded by: Councillor MacDonald

That R00 - Prohibit Solicitation policy related to private coaching and solicitation at the Leamington Kinsmen Recreation Complex be approved.

And that Educational Institutions be included with Registered Charities and Incorporated Not-For-Profit Organizations as being exempt from this policy.
(REC 16/14)

Carried

3. Report REC 17/14 dated August 11, 2014 regarding Leamington Library, Building Steering Committee Terms of Reference

Director of Community and Development Services, Tracey Pillon-Abbs, presented the report. She informed Council that funding will come from the library and culture account and that Councillors MacDonald and Atkin be appointed to a Library Building and Steering Committee as representatives for Council.

Deputy Mayor Wright is against using funding to hire a consultant to direct Council where the library should be placed. He also stated that there are more costs involved with staff time, advertising, and studies that have not been factored in.

No. C-302-14

Moved by: Councillor Jacobs
Seconded by: Councillor MacDonald

That the Terms of Reference presented for the Leamington Library Building Steering Committee be adopted;

And further, that Administration be directed to advertise the positions available on the Committee and charge expenses to account #10-5-0300-7130-002030, not to exceed \$500.00 net HST;

And further, that two Council representatives be appointed to the Leamington Library Building Steering Committee. (REC 17/14)

Carried

4. Report LWS 03/14 dated August 1, 2014 regarding Leamington Distribution System (Union Supply System), Distribution System Inspection Report dated July 31, 2014.

Manager of Environmental Services, Kit Woods, presented the report.

No. C-303-14

Moved by: Councillor Jacobs
Seconded by: Councillor Verbeke

That the Ontario Ministry of the Environment Drinking Water System Inspection Report for the Leamington Distribution System (Union Supply System) dated July 31, 2014 be received;

That the report be placed on the Municipality's website and also be made available for public inspection at the Municipal Clerk's office, during normal business hours. (Report LWS/03/14)

Carried

5. Report ENG 21/14 dated August 7, 2014 regarding Erie Street South Outfall Sewer Improvements, Step 2 Tender Award

Capital Projects Engineer Joseph Dattilo presented the report to Council and stated the completion date is November 26, 2014 for the project.

No. C-304-14

Moved by: Councillor Atkin
Seconded by: Councillor MacDonald

That the Erie Street South Outfall Sewer Improvements, Step 2 contract be awarded to Dean Construction Company Limited, 2720 Front Road, LaSalle, Ontario, N9J 2N5, in the amount of \$159,500.00 (plus applicable taxes) and charged to Sewer Capital account 10-7-0610-8110-300630-500013. (ENG 21/14)

Carried

6. Report ENG 22/14 dated August 7, 2014 regarding 2014 Sidewalk Tender Award

Director of Infrastructure Services, Robert Sharon, presented the report.

Council requested that administration review the bus stop routes as there seems to be errors in the locations of the stops.

Council suggested that administration have tenders and bids submitted earlier in the year to attract more bids for projects.

No. C-305-14

Moved by: Councillor Atkin
Seconded by: Councillor Chopchik

That the 2014 Sidewalk Construction tender be awarded to Pierascenzi Construction Ltd., 7405 Broderick Rd., Windsor, Ontario, N9H 1W7, in the amount of \$102,161.50 (plus applicable taxes) (Report ENG/22/14).

Carried

7. Report CAO 11/14 dated July 7, 2014 regarding Policy Review, Summary and Report CAO 12/14 dated July 7, 2014 regarding Policy Review

Chief Administrative Officer, Peter Neufeld, presented the two reports.

No. C-306-14

Moved by: Councillor Verbeke
Seconded by: Councillor Chopchik

That the policies outline in Report CAO 11/14 and Report CAO 12/14 dated July 7, 2014 be confirmed.

Carried

8. Report LLS 12/14 dated August 15, 2014 regarding Essex Power Corporation, Appointment of Proxyholder for the 2014 Annual Meeting of Shareholders

Director of Legal and Legislative Services, Brian Sweet, presented the report.

No. C-307-14

Moved by: Councillor Jacobs
Seconded by: Councillor MacDonald

That Mayor John Paterson be appointed proxyholder for the Municipality of Leamington to cast its shareholder's votes at Essex Power Corporation's 2014 shareholders' annual meeting.

And that Frank Ricci be appointed as an alternate proxyholder for the Municipality of Leamington to cast its shareholder's votes at Essex Power Corporation's 2014 shareholders' annual meeting if Mayor John Paterson is absent from the meeting;

And further, that the Director of Legal and Legislative Services be authorized to sign and forward to Essex Power all necessary proxy forms to implement this resolution. (Report LLS/12/14)

Carried

Matters for Approval:

None

Other Matters for Consideration:

None

Report on Closed Session:

The Director of Legal and Legislative Services, Brian Sweet, reported that a closed meeting was held at 5:30 PM prior to the regular council meeting where administration provided Council with a verbal update on a number of personnel matters. Notice of the meeting was properly given. There were no votes taken during the closed meeting.

Consideration of By-laws:

No. C-308-14

Moved by: Councillor Verbeke
Seconded by: Councillor Chopchik

That the following by-laws be read a third time and finally enacted:

By-law 412-14 being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands ZBA #98 , 410 Mersea Road 5 and S/S Mersea Road 5; and

By-law 414-14 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held August 25, 2014.

Carried

Notices of Motion:

None

Open Session of Council and Administration:

Deputy Mayor Wright questioned administration whether residents with accessibility issues will be able to vote with internet voting. Administration assured Council that residents with accessibility issues with sight will have the ability to vote. The ballot documents for voting will be read by computer reading devices such as jaws readers and there will be a computer at the Municipal Office that will have a jaws reader available and headphones attached for privacy.

Deputy Mayor Wright inquired from administration if Leamington building development charges that have been processed in the last few months could be retroactive or grandfathered in. Administration informed Council that the building development charge fees have been implemented as of the passing of the by-law.

Deputy Mayor Wright reported that St. Clair College in partnership with South Essex Community Council will be offering the Business Computer Applications Certificate at the SECC, 215 Talbot Street East, Leamington starting in the fall. For more details, contact the Continuing Education Office at 519-972-2711 or coned@stclaircollege.ca

Deputy Mayor Wright requested the Mayor and administration ask the Leamington Police Services Board to review loitering and excessive amount of bicycles parked on sidewalks and not in bike racks in the Leamington uptown areas on the weekends. Councillor MacDonald requested a report of how many police officers patrolled the uptown area for the months of June, July, and August and are scheduled to patrol for September.

Deputy Mayor Wright shared that St. John's Anglican Church will be hosting a Pig Roast at the Leamington Marina Pavilion on Friday, August 29th, 2014 . Tickets are \$15.00 per person for adults and \$6.00 per child.

Director of Legal and Legislative Services, Brian Sweet, informed residents the Municipality is hosting an internet voting demonstration on Wednesday, August 27th from 7:00 PM to 8:30 PM and Thursday, August 28th from 2:00 PM to 4:00 PM in the Leamington Council Chambers located at 111 Erie Street North. Residents who are not familiar with the internet are encouraged to come to the demonstration and learn how easy it will be to participate in internet voting.

Director of Legal and Legislative Services, Brian Sweet, stated that electors have until Friday, September 12th, 2014 at 2:00 PM to register as a candidate at the Municipal Clerk's Office.

Director of Legal and Legislative Services, Brian Sweet, announced that the Volunteer Appreciation Night will be held on Tuesday, September 23, 2014 at 6:00 PM at the Leamington Marina Pavilion and nominations for Volunteer Recognition Awards submissions for Service to the Community Award, Citizen of the Year Award and Youth Volunteer Award are being accepted until September 5, 2014.

Statement of Members: non-debatable

Mayor Paterson expressed condolences to Councillor Jacobs and his family for the recent passing of his brother Donald Jacobs.

Mayor Paterson and Councillor Verbeke attended the plowing match at Jim Reid's farm on August 2nd and Mr. Reid provided a complimentary breakfast. The plowing match was a great success.

Mayor Paterson and Mayor Nelson Santos of the Town of Kingsville gathered for the opening ceremonies of the SunParlour Rodeo organized by John Pavao and his crew. Proceeds of the successful event will go to The Hospice of Windsor Essex County Inc., Erie Shores Campus.

Mayor Paterson attended the regional Folk Festival event held in Kingsville on August 8th and 9th, 2014. Many of Leamington's hotels were booked. The restaurants and stores also benefited from this event.

Mayor Paterson attended TV Cogeco's "Face to Face" interview with John Farley from St. Clair College on August 12th, 2014.

Mayor Paterson helped kick off the Leamington Tomato Festival on August 14th with the Slicing of the Tomato, as he stated “his slicing was far greater than the other participants.” Mayor Paterson attended the opening ceremonies for the Leamington Tomato Pageant and attended the Tomato Parade. The Tomato Festival was a great success.

Mayor Paterson attended the Association of Municipalities of Ontario (AMO) on August 17th in London, Ontario. The Mayor attended meetings with representatives from Top Aggregate Producing Municipalities of Ontario (TAPMO) and Minister of Economic Development, Employment and Infrastructure where he presented two briefs regarding separated sewer lines that were well received by policy makers.

Mayor Paterson attended the Ministry of Agricultural, Food and Rural Affairs on August 19th, 2014 and met with representations that gave helpful directions for municipal affairs.

Mayor Paterson attended the taping of “Giver” a television show by Sinking Ships Entertainment where they rebuild a local park in two and a half days. Chestnut Park located between Chestnut Street and Fox Street was remodelled with a theme park of Pizza.

Adjournment:

No. C-309-14

Moved by: Councillor Chopchik
Seconded by: Councillor MacDonald

That the meeting adjourn at 8:37 PM.

Carried

Signature on file

John Paterson, Mayor

Signature on file

Brian R. Sweet, Clerk

Minutes approved at Council Meeting held
September 8, 2014, Resolution C-310-14,
Confirmation By-law 418-14