



The Corporation of the Municipality of Leamington

Meeting of Municipal Council Agenda

Monday, May 27, 2013
Commencing at 7:00 p.m.
In Leamington Council Chambers

- (A) **Call to Order:**
- (B) **National Anthem:**
- (C) **Prayer:**
- (D) **Disclosures of Pecuniary Interest:**
- (E) **Adoption of Council Minutes:**
 - 1. Minutes of the Council Meeting (including the Public Meeting Minutes re. ZBA #67, Proposed Secondary School Site) held May 13, 2013
Pages 4-16
- (F) **Business Arising Out of the Minutes:**
- (G) **Public Meetings/Court of Revision:**
 - 1. Proposed Outdoor Smoking By-law
Pages 34-54
- (H) **Reports of Staff and Delegations:**
 - 1. Presentation of Display Booth Donated to the Leamington Fire Service by the Leamington Rotary Club
 - Diane Samson, Rotary President

2. Report CL/12/13 dated May 7, 2013 re: Request from Sun Parlour Charities to Permit e-Bingo Events at Chances Bingo Hall
Pages 17-20
 - Rob Dowd, Chances Bingo Hall Owner
 - Linda Hyatt, Chair, Sun Parlour Charities Association
3. Report ENG 08/13 dated May13 re: 2013 Gravel Road Elimination Program - Mersea Road E Tender Award
Pages 21-23

(I) Matters for Approval:

1. Minutes of the Leamington Accessibility Advisory Committee Meeting held May 8, 2013
Pages 24-26
2. Minutes of the Leamington Economic Development Committee Meeting held May 21, 2013
Pages 27-28

(J) Other Matters for Consideration:

1. Minutes of the Leamington Police Services Board Meeting held April 24, 2013
Pages 29-32
3. Proposed Resolution from the County of Essex re: Wrestling as a Core Olympic Programme Sport
Page 33

(K) Report on Closed Session: None

(L) Consideration of By-laws:

By-law 295-13 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held May 27, 2013.

(M) Notices of Motion: None

(N) Open Session:

(O) **Announcement of Upcoming Meetings/Events:**

Wednesday, May 29, 2013

- Short and Long Term Transportation Action Plans Update, 3:00 p.m. to 5:00 p.m. and 6:00 p.m. to 8:00 p.m., Leamington Kinsmen Recreation Complex
- Leamington Committee of Adjustment Meeting, 5:00 p.m., Council Chambers

Monday, June 3, 2013

- Council Meeting, 7:00 p.m., Council Chambers
- Public Meeting - ZBA #44, Recreational Vehicle Regulations, 7:00 p.m., Council Chambers

(P) **Statement of Members:** non-debatable

(Q) **Adjournment:**

JB

The Corporation of the Municipality of Leamington

Minutes of Council Meeting

Held Monday, May 13, 2013 at 7:00 p.m.

In Leamington Council Chambers

Members Present:

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

Staff Present:

Bill Marck, Chief Administrative Officer
Brian Sweet, Director of Corporate Services
Tracey Pillon-Abbs, Director of Development Services
Kit Woods, Manager of Environmental Services
Allan Botham, Manager of Engineering Services
Danielle Truax, Manager of Planning Services
David DelCiancio, Manager of Information Technology
Ken Brown, Manager of Operations
LuAnn Barreto, Drainage Superintendent
Jennifer Bavetta, Legal Assistant

Disclosures of Pecuniary Interest: None

Adoption of Council Minutes:

No. C-170-13

Moved by: Councillor Jacobs
Seconded by: Councillor Verbeke

That the minutes of the Special Closed Meeting held May 6, 2013 be adopted.

Carried

No. C-171-13

Moved by: Councillor Chopchik
Seconded by: Councillor MacDonald

That the minutes of the Council Meeting held May 6, 2013 be adopted.

Carried

Business Arising Out of the Minutes:

Deputy Mayor thanked the Chief Administrative Officer for ensuring the Windsor Essex County Environment Committee's call for nominations for the "Pat on the Back Award" was included on the municipal website.

Public Meetings/Court of Revision:

There was a Public Meeting regarding Zoning By-law Amendment # 67, Proposed Secondary School Site. A copy of minutes is attached.

Reports of Staff and Delegations:

1. Demonstration of new website for the Municipality of Leamington

David DelCiancio, Manager of Information Technology, welcomed everyone to the unveiling of the new municipal website. He explained the municipality partnered with E-Solutions, a company that has worked with over 110 municipalities to create websites. He further explained a team of internal staff worked diligently on choosing the layout and creating content for the new website.

Mr. DelCiancio provided an overview of the key features of the new interactive and barrier free website, including a calendar of events, news feeds, and a new "have your say" page which will encourage engagement with those visiting the website.

Mr. DelCiancio noted the new website should be live sometime in the afternoon on Tuesday, May 14, 2013 and encouraged everyone to visit it and provide their feedback.

2. Report LWS 2/13 dated April 11, 2013 re: Leamington Water System Improvements - 2013 Tender Results

Kit Woods, Manager of Environmental Services, provided an overview of the six areas which will undergo improvements, noting the County will be contributing to the Talbot Street West project as the road is a connecting link.

With respect to the bid submitted by Henry Heyink Construction that was significantly lower than the other bidders, Mr. Woods noted the consultant confirmed with the company that they were comfortable with their bid.

Mr. Woods noted the totals for the tenders for the six projects came in approximately \$250,000.00 under budget.

No. C-172-13

Moved by: Deputy Mayor Wright
Seconded by: Councillor Jacobs

That the low tender for the Talbot Street West Watermain and Road Reconstruction Project be awarded to Sherway Contracting Ltd. in the amount not to exceed \$ 618,401.00 plus H.S.T. to be funded from water revenue \$313,326.00, Federal Gas Tax Reserve Fund \$172,583.00, and County of Essex connecting link contribution \$132,492.00;

And that the low tender for the Elliott Street, John Street, Albert Street, & Baird Avenue Project be awarded to Henry Heyink Construction Ltd. in the amount not to exceed \$ 764,000.00 plus H.S.T. to be funded from water revenue;

And further, that the low tender for the Princess Street Project be awarded to Henry Heyink Construction Ltd. in the amount not to exceed of \$142,700.00 plus H.S.T. to be funded from water revenue. (LWS 2/13)

Carried

3. Report PW 04/13 dated April 29, 2013 re: Letter of Request - Windsor and District Slo-Pitch Baseball Tournament

Ken Brown, Manager of Operations, provided a summary of the report. A discussion ensued regarding the setting up and dismantling of snow fence around the area where alcohol will be sold and consumed at no cost to the tournament organizers by the Public Works department. Mr. Brown noted historically the cost has been absorbed however the organizers could be charged for the approximate cost of \$500.00.

Bill Marck, Chief Administrative Officer, explained that due to the close date of the tournament, it may be unfair to inform them now they will be charged as they have already established the tournament fees. He noted the subject of fencing, in conjunction with sports tourism, will be reviewed and due notice will be given regarding the charge for next year.

No. C-173-13

Moved by: Councillor Verbeke
Seconded by: Deputy Mayor Wright

That Windsor and District Sports be granted permission to utilize and license for alcohol consumption the Kinsmen Sports Field on June 7th, 8th and 9th, 2013 for the scheduled SLO-PITCH Tournament subject to the applicant agreeing to the terms and conditions outlined in the Municipal Alcohol Risk Management Policy - P09-Alcohol;

And that Windsor and District Sports provide proof of liability insurance, to the satisfaction of the Municipal Clerk, in the amount of \$5 million with the Municipality of Leamington as a named insured. (PW 04-13)

Carried

4. Report PW 05/13 dated April 29, 2013 re: Caribbean and Celebration of Cultures Festivals

Ken Brown, Manager of Operations, provided an overview of the report, noting the Migrant Worker Community Program has requested the provision of in-kind services in the amount of \$800.00 in the way of setting up and dismantling of barricades. In response to an inquiry from Council, Mr. Brown explained the cost is higher than other events for the set up and dismantling as the events take place on the weekend, resulting in overtime costs.

No. C-173-13

Moved by: Deputy Mayor Wright
Seconded by: Councillor Chophcik

That the request of the Migrant Worker Community Program be granted to utilize portions of the designated uptown streets being Queens Avenue between John Street and Talbot Street West, relative to the staging of the Summer Fiesta Caribbean Festival on August 11, 2013 and the Celebration of Cultures Festival on September 15, 2013, both from 12:00 p.m. to 8:00 p.m.;

And that the municipal Public Works Department be authorized to provide assistance with the setup and dismantling of the road closure;

And further, that the estimated \$800 cost for assistance be charged to the Public Works Special Events account;

And further, that the Migrant Worker Community Program provide proof of a Certified Health and Safety Inspector to perform periodic inspections throughout the duration of the event;

And further, that the Migrant Worker Community Program provides proof of liability insurance in the amount of \$5 Million, to the satisfaction of the Municipal Clerk, with the Municipality of Leamington as the named insured. (PW 05-13)

Carried

5. Report PW 06/13 dated April 30, 2013 re: Uptown Leamington Annual Business Improvement Association (BIA) Sidewalk Sale

Ken Brown, Manager of Operations, reviewed the report, noting the proposed closures are similar to previous years. He further noted the BIA will reimburse the Municipality fifty percent (50%) of the labour costs estimated at \$1,100.00.

No. C-174-13

Moved by: Councillor Verbeke

Seconded by: Councillor Atkin

That the request of the Uptown Leamington Business Improvement Association (BIA) to temporarily close portions of the designated uptown streets to include Talbot Street from Albert Street to Victoria Street, Erie Street from John Street to Settrington Street, Mill Street from Fox Street to Princess Street, and Queens Avenue between Talbot Street and the alley behind the Royal Bank, relative to the staging of the Uptown Business Association Sidewalk Sale on July 26th from 9 a.m. to 9 p.m. and July 27th, 2013 from 9 a.m. to 5 p.m. be approved;

And that the municipal Public Works department be authorized to provide assistance with the setup and dismantling of the road closures, deliver picnic tables and collection of litter and debris for said sidewalk sale;

And further that fifty percent (50%) of the estimated \$1,100 labour costs be charged to the BIA and the remaining fifty percent (50%) be charged to the Public Works Special Events account;

And further, that the BIA provides proof of liability insurance, in the amount of \$5M to the satisfaction of the Municipal Clerk, adding the Municipality of Leamington as named insured;

And further, that the BIA provide proof of a certified Health and Safety inspector to perform periodic inspections throughout the duration of the event. (PW/06/13)

Carried

6. Report DR 15/13 dated April 22, 2013 re: Petition for Drainage - Seacliff Drive West, Lot 2, Concession BF, 402-418 Seacliff Drive West, Municipality of Leamington

Lu-Ann Barreto, Drainage Superintendent, reviewed the report, noting there has been an increase in water discharging from the road culvert into the ravine causing significant erosion. Council was informed they must make a decision on whether to proceed with the petition for a new municipal drain and if they choose not to, the petitioners may appeal to the Drainage Tribunal.

The Drainage Superintendent explained it has been determined that a number of the greenhouse operations on the north side of Seacliff Drive West do not have storm water management systems and it is suggested if any wish to expand the issue be addressed at that time. The Drainage Superintendent confirmed they would be assessed into the municipal drain based on acreage if Council approves proceeding with the petition.

The Drainage Superintendent noted there was a large oil spill in the ravine in 2007 which caused a great deal of damage due to water.

No. C-175-13

Moved by: Councillor Verbeke

Seconded by: Councillor Jacobs

That Leamington Council receive and proceed with the Petition received April 4th, 2013 for residents in Lot 2, Concession BF, pursuant to Section 4, of the provisions of the Drainage Act R.S.O. 1990;

And that Council direct Administration to notify the petitioners, landowners affected, Essex Region Conservation Authority, Ministry of Environment and the Ministry of Natural Resources of their intention to proceed with the creation of a new drainage works;

And further that, if no response is received from the notification, Stantec Consulting be appointed as Engineer to prepare a Preliminary Report for the drainage works for the purpose of determining the extent of the work required, possible alternatives for construction of a drain and approximate cost;

And that this project be charged to the Unforeseen Project line item in the Drainage Capital Budget. (DR 15-13)

Carried

7. Report DR 16/13 dated April 24, 2013 re: East Marsh Drainage Scheme Replacement Pump and Repairs to Structure

Lu-Ann Barreto, Drainage Superintendent, provided a summary of the report, noting when the pump was removed for inspection the bell portion fell off due to corroded bolts and divers had to be retained to retrieve it.

The Drainage Superintendent explained the gear head was to be replaced in 2014 at a cost of \$14,000.00, however due to the current state of the equipment the best long term value is to replace the pump and gear head.

With respect to recouping the costs from the landowners, the Drainage Superintendent explained following installation of the new equipment, the municipality will proceed with the 45 day holdback period after which landowners will be invoiced. She noted it is expected that some landowners will chose to debenture their share.

No. C-176-13

Moved by: Councillor MacDonald
Seconded by: Councillor Jacobs

That Leamington Council appoint Stantec Consulting for the preparation of a report together with the necessary plans to provide for new pump and structural supports for the East Marsh Drainage Scheme, pursuant to Section 78 of the Drainage Act;

And that the Drainage Superintendent be authorized to proceed with purchasing a new pump from Cascade Pumps to replace the existing 36" pump at the East Marsh Drainage Scheme at an estimated price of \$75,000 plus applicable taxes;

And that the Essex Region Conservation Authority be advised of the project.
(DR 16-13)

Carried

8. Report DR 17/13 dated April 30, 2013 re: 2013 East Marsh Drain Maintenance, Tender Award

Lu-Ann Barreto, Drainage Superintendent, provided an overview of the report, noting there is appropriate funding in the Municipality's roads budget for the project.

No. C-177-13

Moved by: Councillor Verbeke
Seconded by: Councillor Atkin

That the East Mash Drainage Scheme Tender for drain maintenance of the south branch of the dyke be awarded to Rivard Excavating at the tender price of \$59,900.00 including HST;

And that \$59,900.00 including taxes be charged to the 2013 Drain Maintenance Account. (DR 17-13)

Carried

9. Report DCS 09/13 dated May 1, 2013 re: Leamington Area Drip Irrigation Inc. Request to Enter Road Allowance on Mersea Road 5 and Mersea Road 6

Kit Woods, Manager of Environmental Services, reviewed the report in the absence of the Director of Community Services. Mr. Woods noted if approval is given to enter the road allowance for construction of the waterlines, revenue will be lost however greenhouse operations in the area will be able to expand.

In response to an inquiry from Council, Mr. Woods noted originally Phase 3 of the trunk watermain project was planned for 2012 and Phase 4 for 2015, however growth has not occurred as expected and neither phase is within short term planning. He further noted the estimated cost for phases three and four of the Trunk Watermain is fourteen million dollars (\$14,000,000.00).

Peter Neufeld, solicitor for LADII, noted when they were before Council in 2012, they made a commitment to work with the Municipality and when they met with administration on March 28, 2013, they revealed long range plans in order to commence partnered strategic planning.

No. C-178-13

Moved by: Councillor Verbeke
Seconded by: Councillor MacDonald

That the request from Leamington Area Drip Irrigation Inc. (LADII) to enter into an agreement with the Municipality of Leamington to install their pipeline within the Municipal road allowance on Mersea Road 5 and Mersea Road 6 be approved. (DCS 09-13).

Carried

Matters for Approval: None.

Other Matters for Consideration: None.

Report on Closed Session: None.

Consideration of By-laws:

No. C-179-13

Moved by: Councillor Jacobs
Seconded by: Councillor Chopchik

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

By-law 292-13 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 #69, 7 Hodgins Street;

By-law 293-13 being a by-law to appoint local weed inspectors for the Municipality of Leamington; and

By-law 294-13 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held May 13, 2013.

Carried

Notices of Motion: None

Open Session – Council - Administration:

Councillor Verbeke noted he has received requests that the possibility of an advanced left turn at the intersection of Talbot Street and Erie Street be investigated by staff, as it is often difficult to make a turn to head north.

Councillor MacDonald reported she and the Director of Corporate Services met with representatives of the Roma Club regarding their concerns with amendments to the Transient Trader licensing by-law. She noted the representatives were encouraged to approach council with their concerns.

Deputy Mayor Wright informed those in attendance the Windsor Essex County Environment Committee will be hosting a tour of Humbug Marsh on June 14, 2013. Anyone interested in attending was instructed to contact Averil Parent via the WECEC website www.wecec.org.

Deputy Mayor Wright noted there are storefronts on Talbot Street on which signs for closed businesses are still present. Brian Sweet, Director of Corporate Services, explained the Municipality's sign by-law prescribes that if a business closes, the property owner may be required to remove the sign. He cautioned however that it is often the case that the building looks better if the sign remains rather than having it removed. Mr. Sweet noted if there are any specific concerns, people are asked to pass them on to the By-law Enforcement Officer's for review.

Deputy Mayor Wright inquired whether there were any restrictions on property owners painting the bricks of their buildings in the uptown area. Mr. Sweet confirmed the Municipality cannot control what colour people want to paint their buildings. Mayor Paterson noted if a property owner makes an application under the Community Improvement Plan (CIP) parameters can be set regarding the appearance of the building.

Deputy Mayor Wright expressed concern over dust at the former Village Inn property on Erie Street. Brian Sweet, Director of Corporate Services, noted the By-law Enforcement Officers are looking into such complaint and there is a possibility the problem, if any, may be rectified under the Land Maintenance By-law.

Deputy Mayor Wright noted he has received requests from business owners on Mill Street for decorative signing at the intersection of Fox Street and Mill Street as it is often difficult for those from out of town to locate the businesses. Allan Botham, Manager of Engineering Services, noted there are various possibilities regarding signage, however direction is needed as to which way to proceed. He explained simple signage may be installed that is unobstructed or in order to install decorative signage, infrastructure would be required, which could cost upwards of two thousand dollars. He further suggested new signage could be deferred until the CIP gateway signage is designed.

Councillor Atkin noted he received a request for advanced left turn signals at Pulford Avenue and Erie Street South. He noted there are existing left turn lanes however he was informed the left turn signal has not been activated as traffic numbers do not warrant it.

Allan Botham, Manager of Engineering Services, noted there is a traffic study underway and a report is expected shortly. He explained a model to improve traffic signal timings is being produced and there is an effort to coordinate traffic signals on Erie Street and Talbot Street. He noted the outcome of the study will dictate traffic signal timings.

Bill Marck, Chief Administrative Officer, advised Council Leamington was a recognized by Saint Clair College as a Community Partner for its participation in the internship program. Mr. Marck explained the Municipality works closely with the local high schools, college and university and that a summer student has been hired through the Community Living Essex County program.

Councillor Chopchik noted the recent Leamington on the Grow newsletter prepared by the Economic Development Officer includes numerous positive stories on the current economic growth in Leamington.

Mayor Paterson noted there is a BIA meeting scheduled for May 16, 2013 and he will bring forward comments regarding the request for Mill Street to remain open during the sidewalk sale.

Statement of Members: non-debatable

Councillor Jacobs commended Mayor Paterson on his recent article in the Windsor Star regarding the appointment of Sandra Pupatello as CEO of the Windsor Essex Economic Development Corporation (WEEDC).

Deputy Mayor Wright noted he attended the announcement of the appointment of Ms. Pupatello and noted the unique opportunity of having a CEO with both political and economic clout. He further noted the new CEO may be able to solve the horse racing industry issue in Leamington and Essex County.

Councillor Verbeke noted his opinion was different than those of Mayor Paterson's with respect to the appointment of Ms. Pupatello as CEO of WEEDC.

Adjournment:

No. C-180-13

Moved by: Councillor Chophick
Seconded by: Deputy Mayor Wright

That the meeting adjourn at 9:30 p.m.

Carried

John Paterson, Mayor

Brian Sweet, Clerk

The Corporation of the Municipality of Leamington

Minutes - Public Meeting

Zoning By-law Amendment 67 Proposed Secondary School Site

**Monday, May 13, 2013 at 7:04 p.m.
In the Council Chambers**

Members Present:

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

Staff Present:

Bill Marck, Chief Administrative Officer
Brian Sweet, Director of Corporate Services
Tracey Pillon-Abbs, Director of Development Services
Kit Woods, Manager of Environmental Services
Allan Botham, Manager of Engineering Services
Danielle Truax, Manager of Planning Services
David DelCiancio, Manager of Information Technology
Ken Brown, Manager of Operations
LuAnn Barreto, Drainage Superintendent
Jennifer Bavetta, Legal Assistant

Danielle Truax, Manager of Planning Services, provided background information on the zoning by-law amendment application, noting the proposed zoning allows for use as a school. The Manager further noted the applicant is also seeking a reduction in required parking which is supported for many reasons, including the central location.

It was noted the purpose of this meeting is to receive comments from the public.

The Manager of Planning Services explained an informational Open House was held on April 16, 2013 at the Leamington Kinsmen Recreation Complex. Thirteen attendees signed in at the meeting and thirteen written comment sheets were submitted. It was noted the comments included concerns regarding loitering and vandalism as well as other items typically addressed at the site plan approval stage.

The Manager of Planning Services noted the Municipality was copied on a petition from residents of Nicholas Street submitted to the Greater Essex County District School Board (GECD SB) requesting 84 Oak Street be included in the land for the school to allow for additional tree buffering.

Council was informed a traffic impact report has been submitted. Further, a preliminary servicing report has confirmed there is sufficient capacity in the area. Phase 1 and 2 environmental reports have been completed and the Board is currently completing the Phase 3 report and concerns regarding contamination of the salvage yard site have been raised.

Peter Neice, Planning Consultant for the GECDsB, was in attendance to answer questions. Mr. Neice explained with regard to the salvage yard property, studies to date have indicated no major issues as the majority of the site is clean with some isolated spots of pesticide, lead and hydro-carbon residue. Mr. Neice noted the property is expected to be transferred to the GECDsB in a clean condition.

With respect to traffic concerns, Mr. Neice explained it is intended that access to the property be provided from existing intersections at Westmoreland Avenue and Industrial Road. He noted there are no particular improvements proposed for Oak Street at present other than sidewalks on the south side of Oak Street and recommended signal timing improvements.

Mr. Neice explained parking relief is being sought as Leamington's requirements are quite substantial to those in surrounding municipalities. He noted the board is requesting a reduction in the minimum parking requirement to 250 spaces, which far exceeds parking availability at the current Leamington District Secondary School.

With respect to concerns raised at the Open House regarding fencing, Mr. Neice confirmed the School Board typically fences its properties and any concerns can be addressed at the site plan approval stage.

Ben Koop, 10A Nicholas Street, stated his wished to see the Palichuk lands at 84 Oak Street West be included in the plans as it is zoned industrial, is a narrow heavily treed parcel and is of significant environmental value. He noted the property is conducive to acting as a buffer for the school and residents.

David Vanthournout, 14A Nicholas Street, noted in addition to Mr. Koops suggestions, he had concerns with traffic as the street is quite congested at certain times of the day. Mr. Vanthournout inquired whether speed limits will be lowered as there are already three schools in the area.

Wayne Palichuk, owner of 84 Oak Street West, noted the neighbours on Nicholas Street asked his permission prior to submitting the request for inclusion of his lands. He noted there are a number of trees in the back of the property and it would be beneficial to have that as part of the new school atmosphere. Mr. Palichuk noted the property is industrially zoned M-1 and he has had talks in the past with a truck repair depot interested in purchasing the property. He explained he said no to them at the time as he was waiting to see what the plans for the new school included. Mr. Palichuk stated he was willing to work with the GECDsB and Municipality to reach a mutually beneficial solution.

In response to an inquiry from Council, the Manager of Planning Services confirmed sidewalks would be a requirement of site plan control approval. Mr. Neice noted the Board would be required to provide sidewalks along the frontage of the property and discussion regarding linkages to the trail and other sidewalks will be discussed.

With respect to loitering, Council noted their expectation that the school will be designed in a manner to control access to the trail as the trail is heavily used throughout the day. Mr. Neice confirmed such issues will be addressed as detailed designs come forward.

Mr. Palichuk stated the perimeters of the current secondary school are in need of repair and expressed his concern as a landowner abutting the possible future location of the secondary school. Mr. Palichuk inquired whether there will be a grass buffer strip or whether the fence will abut the property line. He further inquired whether the fence will be attractive and who will monitor the property for cleanliness and maintenance.

Mayor Paterson confirmed there was no one else in the audience wishing to speak regarding this public meeting.

The meeting adjourned at 7:31 p.m.

JB

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Report

To: Mayor and Members of Council
From: Brian Sweet, Director of Corporate Services
Date: May 7, 2013
Re: Request from Sun Parlour Charities To Permit E-Bingo Events At Chances Bingo Hall

Aim:

To report upon a request from the Sun Parlour Charities Association (the Charities Association) that the Municipality of Leamington support the change of format at *Chances* bingo hall to offer electronic bingo events.

Background:

There is only one bingo hall, Chances, operating in Leamington and it is located at 14 Mill Street East. The Charities Association represents twenty-one (21) charities and non-profit organizations which hold bingo events at Chances.

The Ontario Lottery and Gaming Commission (OLG) is attempting to revitalize the bingo industry in Ontario which benefits charities across Ontario. To stabilize this industry and attract new bingo players, the OLG introduced “electronic bingo” (e-bingo) formats in some bingo halls. The new and unique games of touch-screen bingo, electronic personal pay games, and electronic break-open ticket dispensers are among the different technologies being introduced. This format provides a new entertainment experience for existing, lapsed and new players. In the locations where e-bingo has been introduced there has been an increase in attendance and in the amount of money spent at the bingo halls.

The OLG will only permit e-bingo to be introduced into a bingo hall if the owner, the local charities association and the local municipality all agree to the change. Municipal staff met OLG officials, the bingo hall owner and the Charities Association president to review the process and format for these new e-bingo initiatives. The bingo hall owner and the Charities Association have agreed to the proposed format change and have requested the Municipality to also support the new e-bingo initiative. The Charities Association’s correspondence to the Municipality dated December 4, 2012 is attached.

Comments:

Under the proposed e-bingo format, 70% of the total gambling revenue will be given back to the players as prizes. The Province will take a further 2% and the Hall Owner 5% for marketing. The 23% that remains will be apportioned as follows:

Hall Owner	-	47%
Charities	-	25%
Province	-	25%
Municipality	-	3%

The bingo hall's food sales are divided between the Hall Owner (90%) and the Charities Association (10%)

If the change is approved, OLG has projected, based upon the experience in other bingo halls in the province that have switched to an e-bingo format, the amount of money received by the Charities Association from bingo events will more than triple from approximately \$210,000 per year to \$650,000 per year.

In an e-bingo format, the charities will have fewer responsibilities during the bingo event. Each charity group will require fewer bona fide members to attend their assigned bingo event. The charity will attend to promote the bingo games and promote public awareness of how the funds raised benefit the charity and community. The charities are no longer required to handle and count cash. The Province will issue monthly cheques to the Charities Association which will then be divided proportionately among the charities based upon the number of events each charity held.

The Municipality's responsibilities and work load for regulating bingo will not change much. The Municipality will act as the "Permitting Authority" and continue to:

1. Review and process the eligibility of each charity along with their permit application and once approved supply the charity with a permit;
2. Monitor the charity's compliance and use of proceeds for the permits and investigate any breaches;
3. Monitor the Charities Association's compliance with the distribution of the permits;
4. Maintain books and records consisting of permit applications, copies of charities' permits and reports, the Charities Association's monthly reports and ensure all reporting is available for the OLG upon request; and
5. Maintain all required timelines as set out in the OLG's terms.

The Municipality must sign an agreement with OLG to commence the new format. The agreement describes Leamington's responsibilities referred to above and the Province's obligations to pay the Municipality. The agreement is for a term of eight (8) years.

If the Municipality approves the change to an e-bingo format, it is expected the change would be implemented by OLG sometime in the next six to 18 months.

Financial Impact:

Presently, municipalities can charge up to a maximum of 3% of the prize board for a licensing fee to compensate the municipality for all of its time in issuing licences, receiving monthly reports and monitoring how each club spends their bingo proceeds. When bingo was prosperous, the Municipality charged the full 3% however, for many years Leamington has only charged \$90 for a licence which is approximately 2% of the prize board. In 2012, the municipality received approximately \$75,000 from bingo licensing.

Under the proposed e-bingo format, the Province will pay the Municipality 3% of the net bingo proceeds. Based upon the OLG's projections, the format change will result in the Municipality receiving an additional \$30,000 over a five (5) year period or, on average, an additional \$6,000 per year. In the first year of the new format, taking into account a transition period, the OLG projects the Municipality will receive an additional \$3,000 in fees.

The Municipality will be paid quarterly by the Province.

Recommendation:

That the request by the Sun Parlour Charities Association that the Municipality of Leamington support the implementation of an electronic format for bingo events at Chances bingo hall, 14 Mill Street East, be approved;

And that the Municipality enter into a Charitable Gaming Centre Municipality Agreement with the Ontario Lottery and Gaming to hold Electronic Bingo at Chances bingo hall, in accordance with information provided in Report CL/13/13;

And that the Mayor and Clerk be authorized to execute the said agreement. (Report CL/13/13)

Respectfully submitted,

Brian Sweet
Director of Corporate Services

Sun Parlour Charities Association
Chances Bingo
14 Mill Street East
Leamington, Ontario
N8H 1S8

December 4, 2012

Kim Siddal
Municipality of Leamington
111 Erie Street North
Leamington, Ontario
N8H 2Z9

Re: Operating Bingo under 207.1(a) of the Criminal Code

Dear Kim,

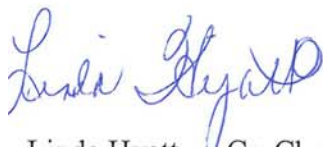
As you are aware the Province of Ontario is in the process of Revitalizing Charitable Gaming in Ontario. To this end, through the Ontario Lottery and Gaming (OLG), they are now offering commercial bingo operations the option of operating their bingo events under 207.1(a) of the Criminal Code as opposed to the current 207.1(b).

Our organization wishes to operate our bingo events under this new option. In order for that to happen the Hall Operator, the Charity Association and the Municipality all must agree to do so. The hall operator has decided to do so and has advised the OLG of his wishes. Our charity association has voted on the issue and unanimously decided to do so and a letter was sent to the OLG in May of this year indicating our wishes. That just leaves the Municipality to indicate their position to do so as well.

At this time we would like to request that The Municipality of Leamington support our decision to operate our bingo events under 207.1(a) of the Criminal Code with the OLG. Further, that they indicate their desire to do so to the OLG.

Should you require any further information, please call.

Sincerely,



Linda Hyatt – Co-Chair

Sincerely,



Josey Tiesson – Co-Chair

REPORT

TO: MAYOR & MEMBERS OF COUNCIL

FROM: ALEXANDER N. DEL BROCCO C.E.T, ENGINEERING PROJECT SUPERVISOR

DATE: MAY 13, 2013

SUBJECT: 2013 GRAVEL ROAD ELIMINATION - MERSEA ROAD E TENDER AWARD

AIM:

To obtain Council approval to award the 2013 Gravel Road Elimination Program contract to Shepley Road Maintenance 2964 County Road 12 Essex Ontario.

BACKGROUND:

On Friday May 10, 2013 two (2) tenders were received for the 2013 Gravel Road Elimination Program-Mersea Road E:

Contractor	Amount (Excluding HST)	Amount (Including HST)
Shepley Road Maintenance Ltd 2964 County Road 12 Essex ON N8M 2X6	\$ 273,870.00	\$ 309,473.10
Mt. Carmel Stabilization North Inc. P.O. Box 267 Merlin, ON N0P 1W0	\$ 294,156.00	\$ 332,396.28

no errors were found during tender check

COMMENTS:

The 2013 Gravel Road Elimination Program involves the pulverization of the existing road base, supplying, grading and compaction of approximately 6700 tonnes of granular 'A' and the surface treatment of approximately 2.9 km of Mersea Road E in the Municipality of Leamington. (See attached Map). The low tenderer, Shepley Road Maintenance, has worked for the Municipality in the past and has performed well.

ENG 08 13 - Tender for 2013 Gravel Road Elimination - Mersea Road E**FINANCIAL IMPACT:**

The budget for the 2013 Gravel Road Elimination Program - Mersea Road E is \$300,000.

2013 Gravel Road Elimination Program	Budget Estimate (Excluding Taxes)	Actual (Including net HST)
2013 Gravel Road Elimination Program	\$ 300,000	\$ 278,690.66 (Shepley Tender)
Material Testing during construction		\$5,000.00
Other Costs		\$ 652.08
TOTAL	\$ 300,000	\$ 284,342.74

RECOMMENDATION:

That the 2013 Gravel Road Elimination Program - Mersea Road E contract be awarded to Shepley Road Maintenance, 2964 County Road 12, Essex, Ontario for an amount not to exceed \$273,870 (plus all applicable taxes), and charged to account 10-7-0620-8050-301600-600014;

And that the Mayor and Clerk execute the contract on behalf of the Municipality. (ENG 08-13)

Respectfully submitted;

Alexander N. Del Brocco, C.E.T.
Engineering Project Supervisor

Allan Botham, P.Eng.
Manager of Engineering Services

Robert Sharon
Director of Community Services

Encl. ENG 08-13 Schedule A -2013 Gravel Road Elimination Program Key Map.



Legend

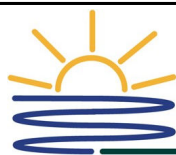
— MERSEA RD E

Title:

MUNICIPALITY OF LEAMINGTON GRAVEL ROAD ELIMINATION PROGRAM Schedule A

Scale: 1:58,000

0 1,150 2,300 4,600 Meters



LEAMINGTON
ONTARIO CANADA

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THIS IS NOT A LEGAL PLAN OF SURVEY.

This map is the property of the Corporation of the Municipality of Leamington and may not be reproduced without expressed permission and authorization. Provided by the: Municipality of Leamington Engineering Department - GIS Services 38 Erie Street North, Leamington, Ontario N8H 2Z3 TEL: (519) 326-5761 FAX: (519) 326-2461



Municipality of Leamington

**MINUTES
LEAMINGTON ACCESSIBILITY ADVISORY COMMITTEE (LAAC)
WEDNESDAY MAY 8, 2013
AT 3:00 P.M.
MUNICIPALITY OF LEAMINGTON (Room 112)
111 ERIE STREET NORTH, LEAMINGTON ON**

MEMBERS PRESENT:

Donald Giesbrecht
Larry Verbeke
Michelle Papineau
Ted Wigfield

MEMBERS ABSENT:

Larry Deneau
Robert Bahry

STAFF PRESENT:

Tracey Pillon-Abbs, Director of Development Services
Chris Chopchik, Councillor (non-voting member)
Judy Van Roie, Building Services Clerk

GUESTS:

1) CALL TO ORDER:

The Chair called the meeting together at 3:10 p.m.

2) ADOPTION OF LAAC MARCH 20, 2013 MINUTES:

Moved by: Donald Giesbrecht
Seconded by: Larry Verbeke

That the minutes of the LAAC committee meeting held March 20, 2013 be adopted.

“Carried”

3) BUSINESS ARISING OUT OF THE MINUTES:

a) Draft Sidewalk Standards

The draft sidewalk standards were attached for committee review and comments.

b) Update on Post Office - Automatic Door Opens into the Ramp

Item deferred until the next meeting.

c) Update on Feasibility of a Satellite School

Ted had nothing new to report on next steps.

d) Arts Centre Exhibit - inaccessible

The response from Amanda was considered favourable. Donald suggested that Robert follow-up as he was the one to address the accessibility issues during the exhibit.

4) NEW BUSINESS:

a) Site Plan Review

Tracey offered to review the three site plans received by developers.

2 Seacliff Drive West, Mac's Milk

Mac's Milk is essentially relocating from one side of the street to the other. Donald made some suggestions for the entrance to the patio and suggested moving the barrier free parking space closer to Erie Street. It was also noted that merchants frequently place ice machines and items for sale in front of the ramp which blocks or hinders travel for persons with assistive devices.

215 Talbot Street West, Jose's Noodle Factory

Jose's is moving to this new location and is proposing an addition to the existing building where the daycare was. Donald suggested the barrier free parking spaces should have hash marks and would need less space if they were configured differently. Specifically, instead of two 16 foot spaces utilizing 32 feet you could have a 10 foot space, 6 feet of hash marks and another 10 foot space (26 feet in total). This would allow anyone with a lift to have ample room to maneuver and would deter persons from parking illegally. Tracey indicated she would be suggesting the developer allow for three barrier free spaces.

259 Sherk Street, Margaret D Bennie School

A Kiss 'N Ride Program is proposed to separate where the buses stop from where parents are picking up and dropping off children. There are no proposed changes to the building.

Committee members were asked to review the site plans and forward any comments or suggestions to Bechara prior to development.

b) A-1 Chinese, Erie Street South

Donald has expressed concerns with washroom accessibility and was informed that the municipality cannot impose changes unless there are renovations to the washroom itself. Donald was able to show the owner of the restaurant that the door to the stall opens to the inside and once you are inside you cannot close the door. A simple fix; the door needs to open to the outside.

It was suggested that Bechara contact the owner to suggest they change the door swing.

Donald also noted that China Village is not accessible at all.

c) New Accessible Website

Tracey noted that a report has been prepared for Council review May 13 and the website is scheduled to go live on May 14. Tracey suggested that IT attend the next meeting to do a demo of the new website for the committee.

5) ANNOUNCEMENT OF NEXT MEETING:

Next scheduled meeting: June 26, 2013 at 3:00 p.m.
Municipality of Leamington, 111 Erie St N
Room # 112

6) ADJOURNMENT:

Moved by: Michelle Papineau
Seconded by: Donald Giesbrecht

That the meeting be adjourned at 3:50 p.m.

“Carried”

/jv

File: T:\Development\Development\LAAC Committee\LAAC 2013\May 8 2013 Minutes.doc

MINUTES

LEAMINGTON ECONOMIC DEVELOPMENT COMMITTEE

TUESDAY, MAY 21, 2013 AT 6:00 P.M.

IN THE WEST COMMITTEE ROOM ROOM#112

MEMBERS PRESENT: Troy Gee Louie Saad-Chair
Mayor John Paterson Nick Marcovecchio
Deputy Mayor Charlie Wright Wayne Wharram

STAFF PRESENT: Anne Miskovsky, Economic Development Officer
Shelly Quick, Corporate Assistant

REGRETS: Maureen Sutherland

ABSENT: Dan Santos

CALL TO ORDER:

Moved by: Troy Gee **Seconded by:** Nick Marcovecchio

That the Minutes of the Economic Development Committee meeting held Tuesday, April 16, 2013 be approved.

“CARRIED”

1) Business Arising for the Minutes: None

2) Leamington Website Tour:

Shelly Quick reviewed with the committee the new and improved accessible website design. The committee was impressed how the site will encourage public engagement. They looked forward to the addition of BizPal in the future and hoped to make use of the survey tool.

3) Business Retention + Expansion Training:

The Economic Development Officer (EDO) will be attending the upcoming BR & E (Business Retention and Expansion) training on June 12, 2013 in Aberfoyle, ON. The training session is being organized by OMAFRA. The training objectives are to provide an understanding of the benefits of BR+E and its role as a component of economic development in a community. BR&E is used to analyze the local economy and determine barriers to economic growth or to identify future opportunities. The process includes selection of a project leadership team and the development of a work plan; adapting a basic methodology to suit needs of the community; analyzing the survey data; and developing and implementing action plans to address opportunities identified. The training session is currently filled to capacity and there is a waiting list indicating considerable interest in the topic throughout Southern Ontario.

Moved by: Mayor Paterson **Seconded by:** Nick Marcovecchio

That the Economic Development Officer draft a letter for the Chair's signature to the WindsorEssex Economic Development Corporation (WEEDC) requesting them to organize a similar BR + E training session for the municipalities in Essex County and surrounding areas; and that the training session be held in Leamington.

“CARRIED”

- 4) A discussion surrounding the appointment of Sandra Papatello as Chief Executive Officer of WEEDC resulted in the following recommendation:

Moved by: Deputy Mayor Wright Seconded by: Nick Marcovecchio

That the Committee Chair send a letter of invitation to Sandra Papatello, Chief Executive Officer for WindsorEssex Economic Development Corporation (WEEDC) to attend an upcoming Economic Development Committee meeting to discuss economic opportunities and issues in Leamington and how WEEDC can assist.

"CARRIED"

- 5) The Great Waterfront Trail Adventure (GWTA):

The GWTA is a recreational bike tour cycling the waterfront trails from Windsor to the Quebec border from August 11 to 17, 2013. One Hundred and Eighty (180) cyclists will be arriving in Leamington on August 12th where they will be staying overnight on the grounds of the Pelee Days Inn. There are many planned events during their stay for them to explore and discover Leamington; such as, a reception, farmers' market, a trip to Point Pelee and shopping.

- 6) Workforce Development Progress:

The EDO informed the committee that she will be hosting a meeting on May 22, 2013 held at the Leamington Municipal office to discuss with the community agencies a strategic and coordinated approach to workforce referrals and training sources in the County of Essex.

- 7) MedQuest Update:

The EDO shared with the committee that the MedQuest camp will be held the week of July 8 to 12, 2013 at the Leamington Marina for high school students in Grade 10 or 11 who are exploring careers in the medical field. Three medical students from the Schulich School of Medicine will organize and run the program while working with medical professionals in our community. All three of the medical students are from Essex County and two of them participated in MedQuest when they were in high school. The EDO expressed concern that high school guidance teachers were not encouraging participation in the program and as a result camp numbers are down considerably this year. The MedQuest coordinator is London will be contacting the high schools directly for a last chance push.

- 8) NEW BUSINESS:

- a) The committee would like a monthly update of how the Community Improvement Program (CIP) projects are progressing including the municipal components.
- b) The Chair suggested that committee members send potential survey topics to the EDO who will draft a questionnaire for the ISurvey component of the new web site.

The meeting adjourned at 7:25 p.m.

DATE OF NEXT MEETING:

**TUESDAY, JUNE 18, 2013 at 6:00 p.m.
WEST COMMITTEE ROOM**

- If you cannot attend please notify Anne or Shelly at (519) 326-5761 Extension 0

Minutes - Leamington Police Services Board Meeting

**Held Wednesday, April 24, 2013
Commencing at 8:30 a.m.**

in the West End Meeting Room # 112

Members Present: John Paterson, Chair
John Jacobs, Vice Chair
Joan McSweeney
Judy Butler
Lorraine Hodgson

Also Present: Inspector Glen Miller
Staff Sergeant Tim Nyhoff
Staff Sergeant Mike Beatty
Sergeant Darin Rickeard
Constable Kevin O'Neil
Jennifer Bavetta, Recording Secretary

Disclosures of Pecuniary Interest: None.

Delegations:

Concerns regarding how safety of Mill Street neighbourhood is presented to the public.

Irena Vucajnk, member of Mill Street Neighbourhood Initiative group, explained her group's interests include the area bounded by Erie Street South, Talbot Street East, Lutsch Avenue and Oak Street East. She further noted the group initially began as part of the Neighbour's Helping Neighbours, but became a separate committee.

Ms. Vucajnk explained the members of the group are insulted that the area is labelled a "problem neighbourhood", and are hoping to revitalize the area through activities such as gardening and upgrades to the park.

Ms. Vucajnk noted she has commenced research on the neighbourhood from the 1940s to present in order to compile a book on its history and approached the police for access to files pertaining to the area. She has been informed appropriate files were forwarded to the Historical Society at the time of transition to the OPP, and that access should be available to residents.

Ms. Vucajnk asked the police to confirm the neighbourhood does not experience higher crime rates than other areas of Leamington and asked that crime be reported in the same manner as the rest of the Municipality.

Ms. Vucajnk noted the group has approached the Leamington Heritage Advisory Committee regarding the possibility of a Wartime Housing Heritage Protection program and that a case is being prepared for Council consideration.

Constable Kevin O'Neil noted his familiarity with the group and reiterated the need for residents to contact the police or Crimestoppers when they witness deviant activity. He confirmed the crime statistics in the area is no different than the rest of Leamington and suggested a CEPTED survey could be completed for the area.

With respect to crime, Constable O'Neil noted demographic statistics are not compiled.

Staff Sergeant Beatty commended Ms. Vucajnk on the positive work of the group. He explained the OPP have been approached regarding a neighbourhood watch program in the area, noting the OPP will be a partner in such a program, but not act as the lead.

Presentation by Community Services Officer

Constable Kevin O'Neil, Community Services Officer, noted he has been in his present position for ten years, over which time his duties have expanded. He explained sixty percent of his time is dedicated to interaction with schools through programs such as VIP, and spending lunch hours at local high schools.

Constable O'Neil expressed concern over the ever increasing issue of bullying and cyber-bullying, noting his intent to meet with school administrators to discuss the problem.

The Board commended Constable O'Neil on his on-going, valuable work within the Leamington community.

No. 13-04-13

Moved by: John Jacobs

Seconded by: Judy Butler

That the Minutes of the Leamington Police Services Board Meeting held March 27, 2013 be approved.

"CARRIED "

Staff Sergeant Nyhoff reviewed the Detachment Commander's Report for the month of March. It was noted there has been a correction to the number of foot patrol hours indicated on the report, and that it should read 295 hours. He further noted the total contract hours are above the median number and that overtime hours have been consistent.

No. 14-04-13

Moved by: Judy Butler

Seconded by: Lorraine Hodgson

That the Detachment Commander's Report for the month of March, 2013 be received.

"CARRIED "

No. 15-04-13

Moved by: John Jacobs

Seconded by: Joan McSweeney

That the Windsor & Essex County Crime Stoppers Statistical Report for the month of March, 2013 be received.

“CARRIED “

No. 16-04-13

Moved by: Joan McSweeney

Seconded by: John Jacobs

That the Community Events to Date report be received.

“CARRIED “

Questions and Statement Session:

John Jacobs noted he received a call regarding the OPP procedure for calling tow trucks to accident scenes. Staff Sergeant Beatty explained in 2005 the OPP adopted a policy of allowing car owners and drivers to choose the towing company and will provide a list if the person does not know of a company. He noted in some circumstances the OPP will choose the company if it is in the interest of public safety.

Inspector Miller commended Constable O’Neil for his fine work and thanked the Board for their kind words, noting the officer also spends time briefing other officers on various items of interest.

Discussion ensued regarding complaints of sexual harassment by migrant workers. Constable O’Neil noted he asked the Jamaican Consul in the past to remind people about proper conduct. He further noted the Jamaican Consul asked that complaints be directed to him personally. It was suggested by the Board that there is a need for activities for the migrant workers to participate in.

Staff Sergeant Nyhoff informed the Board that at the time of transition to OPP in 2010 the Leamington detachment continued to employ ten civilian staff and remained open twenty-four hours a day. He explained in order to address the staffing a pilot project was created in which the civilian staff provided data entry support for surrounding detachments. Staff Sergeant Nyhoff announced that due to the success of the pilot project, similar projects will be rolled out across the Province. In Leamington, the data entry program will result in the Province absorbing the salaries of approximately half of the civilian staff, saving the Municipality approximately \$250,000.00 in 2013.

Adjournment:

No. 17-04-13

Moved by: John Jacobs

Seconded by: Lorraine Hodgson

That the meeting be adjourned at 10:00 a.m.

"CARRIED"

Next Meeting: Wednesday, May 22, 2013 at 8:30 a.m.

/jb

T:\Corporate\P00-Protection&Enforcement\P00-PoliceServicesBoard\Agendas&Minutes\2013\042413\042413-PSB Minutes.doc

Proposed Resolution:

Wrestling has been a sport on the Core Olympic Programme since the beginning of the modern Olympic Games. It is organized in 177 countries worldwide, offering opportunities and health benefits to millions worldwide. The sport of wrestling has a unique diversity and the power to unite countries of all continents.

WHEREAS Wrestling has been recommended to be removed from the Olympic Games core programming by the International Olympic Committee Executive Board;

AND WHEREAS Wrestling provides sporting and recreational opportunities for persons of all ages, of all races, of all religions, of all body types and of all economic classes;

AND WHEREAS Wrestling is a sport with unique diversity, teaching unique values of perseverance, endurance, will-power and combative spirits;

AND WHEREAS Wrestling is one of the purest sports remaining on the Olympic Programme, where victory is achieved without technological advantage;

NOW THEREFORE The Council of the Corporation of the County of Essex supports the sport of Wrestling and all its clubs, athletes, coaches, officials and volunteers, in its journey and fight to remain within the core Olympic Programme.



The Corporation of the Municipality of Leamington

Public Meeting Agenda

Proposed By-law to Prohibit Smoking on Various Outdoor Municipally Owned Properties

Monday, May 27, 2013
Commencing at 7:00 p.m.
In Leamington Council Chambers

Items for Consideration:

1. Notice of Public Meeting
Page 3
2. Report CL/09/13 dated April 1, 2013 re: Outdoor Smoke Free By-law
Pages 4-8
 - Previously considered at April 22, 2013 Council Meeting
3. Memo dated May 23, 2013 from Director of Corporate Services re: Proposed Outdoor Smoking By-law
Pages 9-19
4. Delegations
 - a) Windsor Essex County Health Unit
 - Dr. Allen Heimann, Medial Officer of Health
 - Kristy McBeth, Manager of Chronic Disease and Injury Prevention
 - b) Rita Jabbour, Youth Leader, Windsor Essex County Health Unit Youth Council
 - c) Jeff Chambers, Canadian Cancer Society - Essex County Unit Volunteer and Leamington Resident
 - d) Heather Gartner, RNAO, Provincial Smoking Cessation Co-ordinator, Windsor-Essex County Health Nurse

- e) Town of Lakeshore Youth Council
 - Kelsey Santarossa, Youth Council Representative
 - Jenna Plowman, Youth Council Representative
- f) Richard Phillips, Chair, Go For Health Windsor Essex Community Coalition
Page 20
- g) Denise Smith, Health Promotion Specialist, Ontario Heart and Stroke Foundation
- h) Angela Jitani, Operator, Seacliff Park Concession and Owner, Burgess
Refreshments on the Beach

5. Correspondence

- a) Leamington Minor Soccer, dated April 15, 2013
Page 21

6. Additional Items (available under “Addition(s)” on Council Agenda page on the municipal website www.leamington.ca)

- a) Town of Lakeshore By-law 6-2012, being a by-law to prohibit tobacco use within the Town of Lakeshore owned parks, facilities, playgrounds and sportsfields
- b) Windsor-Essex County Health Unit Business Case for a Smoke Free Outdoor By-law in the Municipality of Leamington

JB



THE CORPORATION OF THE MUNICIPALITY OF
LEAMINGTON

NOTICE

Public Meeting

On Monday, May 27, 2013 at 7:00 p.m. in the Leamington Council Chambers at 111 Erie Street North there will be a Public Meeting to consider enacting a by-law which may prohibit smoking outdoors on various municipally owned properties. Presently the Smoke Free Ontario Act prohibits smoking inside all municipal buildings.

The by-law may apply to all or some of the following:

- All parks
- Sportsfields
- Recreation facilities
- Properties where municipal buildings are located
- The municipal marina (does not include private boats)
- The waterfront promenade
- Seacliff beach
- Trails
- Patios on municipal sidewalks
- Cemeteries

Any person may attend the Public Meeting and make a brief presentation to council, or comments may be emailed to clerks@leamington.ca or mailed to 111 Erie Street North, Leamington, ON N8H 2Z9.

Report CL/09/13 re: Outdoor Smoke Free By-law is available on the municipal website.

After May 15, 2013 comments may also be posted on the municipal website www.leamington.ca.

Kim Siddall,
Manager of Corporate Services
Phone: (519) 326-5761

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: BRIAN SWEET, DIRECTOR OF CORPORATE SERVICES
DATE: APRIL 1ST, 2013
RE: OUTDOOR SMOKE FREE BY-LAW

AIM:

To report upon a request from the Windsor-Essex Health Unit (Health Unit) that Leamington Council enact a by-law prohibiting smoking outdoors at all outdoor sport and recreational areas.

BACKGROUND:

The Health Unit has requested Leamington Council enact a by-law prohibiting smoking at municipal outdoor facilities designed for playgrounds, sports fields and recreational areas. The Health Unit is concerned because second hand smoke, which contains numerous toxic substances, is harmful even outdoors.

Also of concern is the high rate of smoking among 15 to 24 year olds. The Health Unit suggests that *"by prohibiting the use of tobacco products at outdoor sports and recreation areas, another venue is eliminated where the use of tobacco products can be deemed as 'normal' when viewed by young people. Prohibition of tobacco use by individuals in sports and recreation outdoor settings is of particular concern given that young people look up to their parents, coaches and athletes as role models."*

The Smoke Free Ontario Act (SFOA) was passed by the Ontario government in 2005. That legislation prohibited smoking at indoor public places and workplaces. Outdoor smoking prohibitions do exist under the SFOA for school property, healthcare facility entrances and exits, covered patios, workplace vehicles, and in vehicles with children.

Municipalities also have authority to enact by-laws prohibiting smoking. Since the SFOA was enacted, many municipalities have passed by-laws to prohibit smoking in areas not included in that legislation. For example, some municipal by-laws prohibit smoking around entrances to municipal buildings and others prohibit smoking in close proximity to playgrounds and sports fields. Some by-laws prohibit smoking on municipal beaches and others prohibit smoking on outdoor patios.

Some by-laws prohibit smoking on almost all municipal properties including all parks and trails. Ironically, the only municipally owned outdoor space where we have not found smoking prohibited is cemeteries.

COMMENTS:

In addition to the request from the Health Unit, the municipality also received an inquiry from Leamington Minor Soccer about the possibility of prohibiting smoking at the municipal soccer pitches.

Administration supports the Health Unit's request to prohibit smoking near play areas, sports fields and recreation areas. The issue however is how restrictive to make the by-law. Should smoking be prohibited within 9 metres (30 feet) of a municipal play area or sports field, or within 30 metres (100 feet) or should smoking be prohibited anywhere on a property where a municipal playground or sports field exists?

In 2012, in response to the Health Unit's request together with a request from the Lakeshore Youth Council, the Town of Lakeshore enacted a by-law which prohibits the smoking of tobacco anywhere on the property of parks, sports fields and recreational facilities. Locally, Lakeshore is the only municipality so far to enact such a comprehensive by-law, a copy of which has been supplied to Council under separate cover. The City of Chatham-Kent prohibits smoking within 9 metres of a municipal playground but does not prohibit smoking at sports fields.

Restricting Smoking In Other Outdoor Spaces

Although the Health Unit has only requested Council consider a by-law to restrict smoking near play areas, sports fields and recreation areas, it is suggested consideration also be given to passing a by-law that restricts smoking on all municipally owned properties other than municipal road allowances. Such a by-law will help prevent more people from being exposed to tobacco smoke and will send a strong message that Leamington supports healthy lifestyles.

All municipally owned properties include:

- where municipal buildings are located
- parks
- sports fields
- all trails
- waterfront promenade
- the municipal marina but does not include private boats
- Seacliff Park beach
- cemeteries

Restaurant and Bar Patios

The SFOA prohibits smoking in commercial patios and information explaining the prohibition is attached. If an outdoor patio is covered or partially covered with a roof then smoking is prohibited. Council can extend the smoking prohibition to all outdoor patios whether or not the patio is covered by a roof. This could apply to patios on both public and private properties. These patios are workplaces for the serving staff and the argument against smoking is that these employees should not have to be subjected to tobacco smoke as part of their employment.

BY-LAW ENFORCEMENT

Although any smoking by-law will contain penalty provisions, it is suggested that Leamington, like most Ontario municipalities, would rely primarily upon education, signage and public pressure for compliance.

Any by-law that Council enacts will provide for fines and ticketable offences. The tobacco control enforcement officers employed by the Health Unit presently enforce the SFOA and the Health Unit has advised that these officers will also enforce Leamington's by-law, primarily on a complaint basis. The OPP can also enforce the by-law but the primary enforcement agency will be the Health Unit.

The Health Unit can also assist with publicizing any smoking by-law that Council enacts.

RECOMMENDATION:

That administration provide a further report for council's consideration which:

- a) contains a draft by-law that prohibits smoking on municipally owned property except for municipal road allowances, and
- b) provides cost estimates to implement the by-law and any financial impact upon the municipality.

(Report CL 09/13)

Respectfully submitted,

Brian Sweet
Director of Corporate Services



Smoke-Free Ontario Act

How the Act Affects: Bars and Restaurants (including Patios)

Revised July 2011

The Highlights

- The Smoke-Free Ontario Act (the Act) came into force on May 31, 2006.
- The Act prohibits smoking in enclosed workplaces and enclosed public places in Ontario in order to protect workers and the public from the hazards of second-hand smoke.
- In July 2009, the Act's Regulation was amended to clarify the requirements as it pertains to outdoor bar and restaurant patios.
- **The Act prohibits smoking on an outdoor patio if any portion of a patio is covered or partially covered by a roof.**

It is possible for a restaurant to have more than one patio, where one patio would prohibit smoking and the other patio would permit it.

If you operate a bar or restaurant and are not sure if your patio is within the rules permitting smoking, please contact your local public health unit for guidance.

Bars and Restaurants

Smoking is prohibited in any enclosed public place and enclosed workplace, including restaurants and bars. Designated Smoking Rooms (DSRs) are prohibited.

Outdoor Bar and Restaurant Patios

The operator of a restaurant or bar must prohibit smoking on an outdoor patio if:

1. The patio is fully or partially covered by a roof.
 - A roof includes an awning, tarp, canvas sheeting or other permanent or temporary covering that is capable of excluding rain or impeding airflow, or both;
 - A stand-alone umbrella covering a single table would not be considered a roof, however, if umbrellas are used in such a way so as to serve as a roof, an inspector may view it as such and act accordingly; or
2. The patio is adjacent to a smoke-free patio (partially or fully covered by a roof) or is a section of a smoke-free patio (partially or fully covered by a roof). For example, if an L-shaped patio has a section that is covered, smoking is prohibited on both the covered and uncovered sections of the patio. However:
 - If there are adjacent patios in an establishment that are separated by at least one-half storey (1.37 meters), and one is covered by a roof and the other uncovered, smoking is permitted on the uncovered patio.



- Patios in an establishment that are not adjacent must be evaluated separately.

Decorative awnings and small overhangs are permitted provided that seating is not placed beneath the area and the area does not permit smoking.

Duties of Owners and Employers

Proprietors or persons in charge must:

- Ensure that patrons are aware that smoking is prohibited;
- Remove ashtrays and any object that serves as one;
- Ensure that members of the public and employees do not smoke in their establishments;
- Ensure that a person who does not comply leaves the establishment; and
- Post *No Smoking* signs at all entrances, exits, washrooms, and other appropriate locations, including patios in order to ensure that everyone knows that smoking is prohibited. For information on acquiring the required signage, please contact your local public health unit.

Duties of the Public

No person may smoke in a bar or a restaurant or on a patio where smoking is prohibited.

Enforcement

Local public health units will carry out inspections and look into complaints relating to bars and restaurants in order to enforce the Act. Public Health Unit inspectors are permitted to routinely enter premises to ensure compliance with the Act or to enforce the Act.

Penalties

The maximum corporate fine listed in the Smoke-Free Ontario Act for contravention of this section of the Act (permitting smoking and not fulfilling relevant employer / proprietor obligations) can be up to \$300,000 for someone with multiple convictions. An individual could be subject to a maximum fine of \$5,000 for smoking in an area where smoking is not permitted.

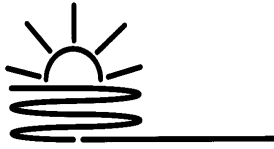
This fact sheet is intended as a quick reference only. For more information, please contact your local public health unit.

You may also obtain information by calling toll-free:

- **INFOline** 1-866-396-1760
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m.

For more information about the Smoke-Free Ontario Act, please visit the Ontario Ministry of Health Promotion and Sport website.



Memo

To: Mayor and Members of Council
From: Brian Sweet, Director of Corporate Services
Date: May 23, 2013
Re: Proposed Outdoor Smoking By-law

On May 14th, 2013 Leamington's new web site went on line and a survey was posted on the web site which asked people to comment on which lands, if any, owned by the municipally should prohibit tobacco use.

At the time of writing this memo, there have been 173 responses to this survey. Compared to other surveys that the municipality has sent out, this is a large response. The survey results will be updated for Monday's public meeting.

However, Council is cautioned that while the survey results are interesting, there is no way to tell if this survey is a valid sample of Leamington residents. We do not know for example, how often each person may have responded or how many of the respondents are from Leamington. On the other hand, the results are similar to surveys on prohibiting smoking taken in other municipalities across Ontario.

The survey questions are the same questions that Council will be asked to answer. The survey results show that the majority of the respondents favour banning smoking on outdoor municipal properties.

On the survey there is also a comment section and we have included all of the comments, exactly as written. The comments are listed under "In Favour of Enacting By-law", "In Opposition of Enacting By-law", "Other" and "Comments Received by Email". In most cases, comments listed under "Other" were from surveys where responses to the eleven survey questions were evenly split between yes and no.

Attach.

BRS/jb

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Survey Results

Outdoor Smoke Free By-law Survey					
Respondents:	358 displayed, 358 total	Status:	Open		
Launched Date:	05/08/2013	Closed Date:	06/14/2013		
1. All Municipal property					
		Response Total	Response Percent	Points	Avg
Yes		123	71%	n/a	n/a
No		50	29%	n/a	n/a
Total Respondents			173		
(skipped this question)			185		
2. Parks					
		Response Total	Response Percent	Points	Avg
Yes		121	70%	n/a	n/a
No		52	30%	n/a	n/a
Total Respondents			173		
(skipped this question)			185		
3. Sportsfields					
		Response Total	Response Percent	Points	Avg
Yes		139	80%	n/a	n/a
No		34	20%	n/a	n/a
Total Respondents			173		
(skipped this question)			185		
4. Recreation facilities					
		Response Total	Response Percent	Points	Avg
Yes		145	84%	n/a	n/a
No		28	16%	n/a	n/a
Total Respondents			173		
(skipped this question)			185		
5. Municipal buildings					
		Response Total	Response Percent	Points	Avg
Yes		115	66%	n/a	n/a
No		58	34%	n/a	n/a
Total Respondents			173		
(skipped this question)			185		
6. Marina					
		Response Total	Response Percent	Points	Avg
Yes		109	63%	n/a	n/a
No		64	37%	n/a	n/a
Total Respondents			173		
(skipped this question)			185		

7. Waterfront Promenade					
		Response Total	Response Percent	Points	Avg
Yes	<div></div>	104	60%	n/a	n/a
No	<div></div>	69	40%	n/a	n/a
Total Respondents			173		
(skipped this question)			185		
8. Seacliff Beach					
		Response Total	Response Percent	Points	Avg
Yes	<div></div>	108	62%	n/a	n/a
No	<div></div>	65	38%	n/a	n/a
Total Respondents			173		
(skipped this question)			185		
9. Trails					
		Response Total	Response Percent	Points	Avg
Yes	<div></div>	113	65%	n/a	n/a
No	<div></div>	60	35%	n/a	n/a
Total Respondents			173		
(skipped this question)			185		
10. Patios					
		Response Total	Response Percent	Points	Avg
Yes	<div></div>	100	58%	n/a	n/a
No	<div></div>	73	42%	n/a	n/a
Total Respondents			173		
(skipped this question)			185		
11. Cemeteries					
		Response Total	Response Percent	Points	Avg
Yes	<div></div>	100	58%	n/a	n/a
No	<div></div>	73	42%	n/a	n/a
Total Respondents			173		
(skipped this question)			185		
12. Comments					
Total Respondents				59	
(skipped this question)				299	

Comments in Favour of Enacting By-law

My biggest issue with smoking in these areas is the littering of butts. My other concerns are with respect to the sidewalks and patios...if there are people eating outside their meal shouldn't be ruined by a smoker; and anywhere people are being active/playing sports...it is very difficult to breathe deeply with a smoker around.

Smoking is not a right. What is a right is to not be harmed, no matter how minutely, by the actions of others. That is my right and it is the right of my family. It is time for Leamington to follow the example of other progressive cities in this matter.

Smoking is a leading risk factor for many chronic diseases. It is a totally preventable habit if we can keep our young adults from starting to smoke. By limiting smoking areas, it makes it more difficult to start smoking and will help to discourage children from taking up this habit which is costly to themselves, our community and our health care budget. I agree with all of these restrictions on smoking - primarily because of the role modelling influence and the litter. I am less concerned about second hand smoke in outdoor areas. All too often, my walk on the beach, picnic at the park, or promenade at the marina is ruined by a smoker walking in front of me. Why should I have to put my health at risk when someone can choose to smoke elsewhere, or wait until they are back in their car or at home. It is unfair that people with allergies, asthma and children have to put themselves at risk everyday in Leamington, while those who smoke are given the right in all places. At a very minimum there should be absolutely no smoking where children are playing in park or playing sports. However, I support a ban in all municipal areas. Let's make Leamington a leader in healthy communities in Ontario.

If for no one else, do it for the children in our area!

This is a no brainer. Although difficult to enforce prohibiting smoking in all municipal areas is a step forward to better health for all. Smoking and second hand smoke kills!!!! I have four small children - three of whom play baseball and soccer in Leamington. I can attest that at every game, there are multiple people smoking - sometimes within just a few metres of where my children, and many others are playing. Why should they be subject to second-hand smoke? We do not allow anyone to smoke in our home, so why would we think it is okay for our children to be exposed to those toxins at a park or during a sporting event? I believe it is in the favour of everyone, not only the children, to prohibit smoking outdoors on municipal properties. If a person chooses to smoke, s/he may do so, in their vehicle, or in/on their own house and property. The health of the public should be the central issue here - not the right of a smoker to smoke. We know, without question, that second-hand smoke causes numerous health problems - too many to list here...so please, I ask...why is this even an issue?

Smoking Kills, and so does secondhand smoke , lets move forward and take responsibility when others won't!

This is a very important initiative. Thank you for considering the outdoor smoke-free by-law.

This passing would be a positive for all private citizens using the open areas within the control of all Municipal property. As a non smoker, I have been displaced on several occasions while trying to watch and support my grandchildren which is a shame. I am not so much concerned about second-hand smoke outdoors as I am about littering and the smokers being bad role models for our children and youth.

I think it is important for government-municipalities to lead by example and support healthy living for all. Since 2nd hand smoke is so harmful, it should be excluded on municipal property to show good leadership and example, and especially where people are trying to be healthy and active. It is not fair for others to have unhealthy conditions like that (2nd hand smoke) imposed on them, especially when they are trying to do something good for them and their community (be healthy)!

I do not want to be exposed to second hand smoke.

Smoking should be prohibited in all public spaces. By limiting the amount of available space people can partake in harmful acts (both for themselves and the others around them), can only increase the odds that the harmful behavior will stop. If someone wants to hurt themselves, that's one thing, but the general public around them shouldn't have to be harmed.

We don't want future generations to smoke because we know about the ill effects that smoking causes. Legislation should reflect these goals and that is why I support prohibiting smoking in ALL public places.

Cigarette smokers are careless in and around recreational facilities leaving butts behind. They have a tendency to gather near door ways of municipal buildings where people have to pass by them and their mess

There is a propensity of reasons for prohibiting smoking in these areas & more. Leamington is vastly littered with cigarette butts; this debris is not only unattractive but presents as a continued "biohazard", posing environmental toxicological effects. It's horrible to be a non-smoker & be walking on a trail, in a park [where children play] or on the beach & have a smoker & get it in your face. Mostly, I find smokers outside of Leamington businesses & it's difficult to walk into Tim Horton's [Erie South] without a horde of smokers in front of the door. Another hugely problematic area is Leamington hospital immediately at the visitors entrance or by emergency. People congregate, including patients, & smoke right beside the door contrary to posted signs NOT TO be within 9 metres. It's programmed behaviour & unless there's enforcement of by-laws, it will continue as people are not mindful of regulations.

Yes, smoking in all the public places should be banned, which is causing the health disorders in the non-smoking community who are around smokers are becoming the victims of smoking disorders. Passive smoking is a big problem in public places. Municipality should act wisely and save non-smokers and their health.

if you can't walk your dog without a leash and you can't drink alcohol, it should not be ok to smoke.

Lets work together to make Leamington smoke-free! I'm tired of taking my neice & nephew to public outings (i.e. the park) and seeing other caregivers smoking at the playground!

There should be no smoking at any restaurant or on any patio....even if it is a bar patio. It stinks to go for a bite to eat or a beer and have smoke blowing in your face.

I am in favour of prohibiting smoking on premises where the by-law can be enforced. Choosing any of these would be a start to help curb this problem.

I support prohibiting smoking at and on the hospital property

Everyone benefits from smoking restrictions, including the would-be smokers.

I hate smelling second hand smoke period and if we make it harder for smokers to smoke maybe they will be forced to quit. We should charge them a fee for OHIP maybe as another incentive to quit..or like some benefit programs will charge an extra fee if employees do not promote a healthy living status.....Some time people have to be forced to make a needed change!! Charging more for cigarettes hasn't stopped the problem!

As a nurse working in the community I see what smoking does to people. The majority of my clients are cancer patients, and most of those cancers are directly related to smoking. If I can't save smokers from themselves I will at least try to save second-hand smokers! I fully support the smoking ban! Smokers can indulge in this nasty habit at home. No need to bother other people with it.

Comments in Opposition of Enacting By-law

If all are prohibited, where would you me to bring out of town guests who are smokers. I feel the town should be encouraging tourism not discouraging it.

How about notices or signs with posting - "Please be kind and smoke away from Crowds". There are only a select few smokers that smoke near crowds. Give them a gentle reminder. Thank you.

We've kicked smokers to the curb, isn't that enough?

I do not smoke, but I think that this would be ludicrous to do in our town! Would definitely be another step in keeping visitors away!

People don't need other people trying to force their opinions on others.

Some things are taken to far we are still a free society

How far will are rights go

The Province already legislates our lives enough. The Municipality should keeps its nose out of our personal business!

silly survey! leave the smokers alone! seriously!

Stop this kind of discrimination please. We are treating smokers like they are animals that do not belong in society. All while all other addicted people with less "obvious" and physically showing addictions can go about their business without being eyed. What happened to live and let live?

I just want to say I am definitely Not a smoker but I do Not support your banning people from smoking in the open air - this is going too far! After all cigarettes are still a legal product, like it or not. People smoking outside are not doing any real harm to others - non smokers may hate the smell but should over it.

I am a NON smoker, but I think enough is enough.

Too many prohibitions already placed on citizens in this country, a FREE democratic country. This is nothing but a nanny state inflicting on people's rights. May as well just ban tobacco outright, but then the government would cry foul for losing all those taxes. A catch-22

I am a nonsmoker and I feel this is just too much. Think of the revenue lost because smokers will no longer frequent places.

While a believe in the right for one to smoke, I do not believe in one's rights to infringe on anyone else's right not to smoke.

Why so quick to punish a small group of the population? Are we too quick to forget who pays the most into healthcare and education....Smokers! Do you realize since the price gouging and limiting of where we can smoke, how those areas have suffered? We are getting closer and closer to having American healthcare and our education system is declining by the day and WHY you ask because the smokers can't carry that burden on their own now because our wallets and our rights are being taken advantage of. Move on from picking on smokers and find something else to fix...LIKE THE DRUG PROBLEM, PROSTITUTION, and infinite number of people/ families living in poverty here. I understand the debate with second hand smoke and all the other complaints with smoking but; we have to realize the air we breathe from Detroit is killing us everyday, the pesticides growing our food is killing us, the water we drink that receives run off from farms Heinz, and other greenhouses that is poisoning us daily the food we buy can be recalled at anytime and is killing people. Why are we not trying to fix those problems? I get to choose that smoking can kill but the rest I don't get a choice the government allows it to kill me. It's not fair to pick on one group of people and not the rest. On our next smog day which I'm sure will be here soon. Realize that you're dying a little sooner because of the air not the smoker 20 feet away from you. Smokers are not in your face blowing the smoke at you; for the most part we're standing off to the side away from everyone BECAUSE of the stigma we now have on us. I could go on forever about this topic but I will end it here.

I am not a smoker but I think this is going a little far. As long as there is a smoking area I'm ok with it. Can you afford to do this. How many tax payers are smokers I am a non-smoker, and I think that these bans are going too far and how can they possibly be enforced? What about tourists/boaters that come here, are you going to ticket them? They will find somewhere else to visit!

I think it would be a sad day when families cannot socialize together at Seaclyffe park because a family member may be prohibited from smoking at the park. I myself don't smoke and I dislike the smell and how it makes me feel, but I think that if we take that right away what's next. I do not support the outdoor smoke free by-law but I do support designated smoking area.

I believe that the Canadian Cancer Society is going way overboard on the smoking issue. Take that time and money and check out the crap put on our fruit and vegetables. I used to be an avid volunteer with the society but between the smoking and tanning bed issues I feel and so do others that they are becoming dictators. Therefore my support is going elsewhere.

I do not agree that the municipality should be prohibiting smoking on any open space, regardless if sport facility or not, and believe me I'm not a smoker, never been one. Already over regulated.

Please consider the smokers as we have already considered the non smokers. There are parents that do smoke. They should be allowed to watch their children and enjoy a cigarette " outside " whether it be a ball game, at the beach or keeping them safe from predators in the park. There is lots of fresh air outside....share the space

As long as people are smoking outside in the open air, smoking should NOT be prohibited. I have lived in Leamington all my life and I do not smoke. I have never noticed anyone's smoking to be bothersome to me. Most people are very respectful to non-smokers. And smokers have a right to smoke if they choose and should be allowed to do so when out in public. Where are they suppose to smoke? Do you want them to not be out in our town, on the outdoor patios spending their money, watching their kids play soccer or baseball, that they have had to pay to do? If you pass this bylaw, you are discriminating against smokers.

Other

If you pass a by-law with these types of restrictions, make sure you allocate funds for effective enforcement. Without enforcement, it is just a piece of paper with ink on it.

I'm sitting on the fence on this issue, as I am a smoker. I like to consider myself a courteous and environmentally conscious smoker. I believe in separating myself from the non-smokers, even in an outdoor environment. I also believe it is my responsibility to hold my cigarette butts until I can find a suitable place to dispose of them. However, I also believe that creating less convenient smoking areas may be a deterrent causing some people to quit their habit. Regardless, if this by-law should be passed, I feel it important that it be upheld and enforced, unlike that of property and lawn maintenance standards.

By-laws that you can't enforce are a useless waste of time & paper. If a complaint has to go to the Health Unit how are they going to arrive in time to "catch" the person smoking? They're going to drive from Windsor or the east end of town on a Sunday in less than 2 minutes? As far as the OPP getting involved in this, I think they have more important criminals to worry about & we shouldn't give them any more to do from the sounds of how much their fees are going to go up!

What is the science behind this specifically? Or is the risk the same as from your charcoal in town BBQs in the park?

I support prohibiting smoking where children are. Places like the marina (except for the play equipment) or outdoor patios are typically not where children would be.

I can't believe this much effort is being put forth to not only protect the individual rights of those fools willingly choosing to slowly. kill themselves, (at the expense of tax payers ,mind you) but that this much effort (again, at the expense of tax payers) has been put into protecting the right for these fools to pollute the air for everyone...especially our children . Shame on the council. *

It would be interesting to see how your municipal staff are able to enforce any outdoor ban on smoking.

COOLIO....

No smoking by Municiple employees & OPP while on the job including breaks.....*

*Person voted in favour of prohibiting smoking on all municipal properties.

Comments Received by Email

I will make this brief. I am not a smoker. I disagree with a ban on smoking in certain public areas, such as sidewalks or walking paths, parks and even near ball diamonds. There is too much dictation occurring and less freedom. I have other arguments for cancelling the ban, but I will not continue at this time.

Enforcement of the by-law will not work. Children should be educated in school on the effects of smoking to prevent them from smoking in the first place.

March 11, 2013

Council Members

RE: Smoke Free Outdoor Sport and Recreation Areas

Dear Council Members:

Go For Health Windsor-Essex is a coalition of more than 35 community partners committed to improving the health of Windsor-Essex County residents through policy initiatives.

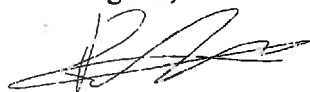
The Steering Committee of Go For Health Windsor-Essex has been a strong advocate of Smoke Free Outdoor Sport and Recreation Area by-laws. Smoking or tobacco use continues to be the leading cause of preventable disease and death, killing over 13,000 Ontarians each year.ⁱ Also, the role modelling effect tobacco users have on our children and youth cannot be disputed. This is a major concern considering that many young people are adopting this unhealthy behaviour. In fact, research indicates that children and youth exposed to smoking are at an increased risk for future tobacco use.ⁱⁱ

Smoking has negative environmental effects as well. Considering that there are approximately 75,000 smokers in Windsor-Essex County,ⁱⁱⁱ with an average smoker smoking about 14 cigarettes per day,^{iv} over 383 million cigarette butts are deposited in our environment annually.

There are many municipal councils in Ontario who have passed by-laws on tobacco use in outdoor sports and recreation areas, including: Barrie, Collingwood, Peterborough, Sault Ste. Marie, St. Thomas, Toronto, Waterloo and many more.

Go For Health urges Windsor-Essex County Municipalities to adopt a by-law banning smoking in all outdoor sport and recreation areas.

Best Regards,



Richard Phillips
Chair, Go For Health Windsor-Essex

ⁱ Ontario Ministry of Health Promotion and Sport. (2011). *A Stronger Smoke-Free Ontario*.

ⁱⁱ Cancer Care Ontario. (2011). *Ibid*

ⁱⁱⁱ Statistics Canada. (2013). *Health Profile for Windsor-Essex County*.

^{iv} Canadian Tobacco Use Monitoring Survey. (2011). *Summary of Annual Results*.



LEAMINGTON MINOR SOCCER

April 15, 2013

Dear Council Members

The Leamington Minor Soccer Association has always been an organization that promotes health and wellness through the recreational sport of soccer. Children from the ages 4 to 17 are able to enjoy the fresh air of the outdoors while developing their skills and fitness.

When The Windsor-Essex County Health Unit approached Leamington Minor Soccer looking for support of their Smoke-Free Community goal, we whole-heartedly gave them our support. As a parent and leader in the soccer community, it troubles me to see people smoking in close proximity to our young players on the soccer field sidelines. I have personally heard complaints from players that they can smell the smoke of these people, even while the game is going on. We, as adults, need to change this practice and begin to protect the rights of our child-athletes.

The Leamington Minor Soccer Association stands united with The Windsor-Essex County Health Unit to eliminate smoking at our outdoor recreational facilities. The Leamington Soccer Complex should be a smoke-free facility that promotes positive lifestyle choices, not life-long habits that are proven harmful to their health. Let's "kick the butts out of soccer" so that we can all enjoy the beautiful game of soccer in a smoke free atmosphere!

Thank you for your consideration.

Sincerely,

Tony Omar, President
Leamington Minor Soccer Association