



The Corporation of the Municipality of Leamington

Meeting of Municipal Council Agenda

Monday, June 10, 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 regarding Zoning By-law Amendment # 44 Recreational Vehicle Regulations) held June 3, 2013
Pages 4 to 13
 - 2. Minutes to the Special Closed Meeting held June 3, 2013
Pages 14 to 15
- (F) **Business Arising Out of the Minutes:**
- (G) **Public Meetings/Court of Revision:**
 - 1. Public Meeting for Zoning By-law Amendment # 68 regarding temporary use of long term care beds at 1 Henry Street

(H) **Reports of Staff and Delegations:**

1. Report CAO 4/13 dated March 6, 2013 regarding Additions to Reserves (ATR)
Caldwell First Nation
Pages 16 to 17
 - Chief Louise Hillier, Caldwell First Nation
2. Report PLA 23/13 dated May 22, 2013 regarding Zoning By-law Amendment # 67
for Leamington District Secondary School, Proposed Institutional Zoning for 54 to
80 Oak Street West
Pages 18 to 23
 - Peter Niece, Planning Consultant, Greater Essex County District
School Board
 - Mohamad Abdel-Nabi, Coordinator of Capital Projects, Greater
Essex County District School Board
 - Ben Koop, Representative Nicholas Street residents
3. Report PLA 24/13 dated May 29, 2013 regarding Zoning By-law Amendment # 72
for Tiessen Acres Ltd. at 1739 Mersea Road 1 (510-00200)
Pages 24 to 27
4. Report REC 16/13 dated May 29, 2013 regarding Kraft Celebration Tour
Endorsement for Leamington Lasers
Pages 28 to 29
 - Leamington Lasers' Representative
5. Report REC 15/13 dated May 24, 2013 regarding Canadian Red Cross Aquatic
Safety Plan Agreement
Pages 30 to 32
6. Report ENG 10/13 dated May 28, 2013 regarding 2013 Surface Treatment
Tender Award
Pages 33 to 35
7. Report PW 07/13 dated May 15, 2013 regarding Purchase of Two (2) New Utility
Tractors
Pages 36 to 38
8. Report PW 08/13 dated May 17, 2013 regarding Purchase of New Rotary Turf
Mower
Pages 39 to 40
9. Report ES 02/13 dated May 28, 2013 regarding Tender Award for Pollution
Control Centre Upgrade Phase 6
Pages 41 to 43

(I) **Matters for Approval:** None

(J) **Other Matters for Consideration:** None

(K) **Report on Closed Session:** None

(L) **Consideration of By-laws:**

By-law 297-13 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 # 67 (Greater Essex County District School Board)

By-law 298-13 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held June 10, 2013.

(M) **Notices of Motion:** None

(N) **Open Session:**

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

Wednesday, June 12, 2013

- Leamington Municipal Heritage Advisory Committee (LMHAC) Meeting, 3:00 p.m., Ante Room

Monday, June 17, 2013

- Council Meeting, 7:00 p.m., Council Chambers

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

(Q) **Adjournment:**

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The Corporation of the Municipality of Leamington

Minutes of Council Meeting

Held Monday, June 3, 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
Cheryl Horrobin, Director of Finance and Business Services
Rob Sharon, Director of Community Services
Tracey Pillon-Abbs, Director of Development Services
Danielle Truax, Manager of Planning Services
John Pilmer, Engineering Technologist
Mary Ann Manley Council Services Assistant

Disclosures of Pecuniary Interest:

Councillor Atkin declared a pecuniary interest with respect to Report PLA 18/13 dated May 13, 2013 regarding Residential Agreement for N/S Robson Road (490-000199 through 490-000-20100) and did not take part in the discussion or vote on the matter.

Adoption of Council Minutes:

No. C-190-13

Moved by: Councillor Verbeke
Seconded by: Councillor Jacobs

That the minutes of the Council Meeting (including the Public Meeting Minutes re. ZBA #67, Proposed Secondary School Site) held May 13, 2013 be adopted.

Carried

Business Arising Out of the Minutes: None

Public Meetings/Court of Revision:

There was a Public Meeting regarding a zoning by-law amendment for recreational vehicle regulations. A copy of the minutes is attached.

Reports of Staff and Delegations:

1. Delegation - Dale Butler and Friends

Dale Butler presented Council with a cheque for the Robson Road Park Gazebo in the amount of \$5,000. Mr. Butler thanked everyone for helping with the "Show the Love" event held Friday, May 24, 2013 at the Leamington Marina where the majority of the funds were raised. Mr. Butler also thanked Mayor Paterson for coming out of retirement to play at the event.

Mayor Paterson accepted the cheque on behalf of the Municipality. Mayor Paterson also thanked everyone on behalf of Council who participated in the event. The Mayor was amazed at the number of people who attended and appreciated their generosity.

2. Report PLA 18/13 dated May13, 2013 regarding Residential Development Agreement for N/S Robson Road (490-000199 through 490-000-20100)

Danielle Truax, Manager of Planning Services presented the report noting the requirement of the Essex Region Conservation Authority (ERCA) on a safe ingress and egress to the lots.

In response to a question from Council, Ms. Truax explained part of Robson Road is lower than provincial standards and ERCA is requiring the proposed lots have access to Monarch Lane in the case of flooding.

It was noted Jim Robson, Authorized Agent was in the audience.

No. C-191-13

Moved by: Councillor Verbeke
Seconded by: Deputy Mayor Wright

That the development agreement for the development of eight (8) residential lots fronting on the northside of Robson Road including 411 Robson Road be approved (PLA-18-13);

And Further that the Mayor and Clerk be authorized to execute the development agreement with the Estate of Thomas Edward Robson, James Robson and George Robson.

Carried

3. Report PLA 20/13 dated May 14, 2013 regarding Extension of Agreement to Permit Second Dwelling at 336 Mersea Road 3 (590-06701)

Danielle Truax, Manager of Planning Services, provided an overview of the report. Ms. Truax noted there is no restriction to how many times an extension can be requested as it is contingent on Council's discretion.

It was noted Bill Peters, Applicant was in the audience.

No. C-192-13

Moved by: Councillor MacDonald

Seconded by: Councillor Jacobs

That the request to extend the agreement to allow a second dwelling on the property at 336 Mersea Road 3 for a period of six (6) months starting June 7, 2013 be approved (PLA-20-13).

Carried

4. Report PLA 19/13 dated May 13, 2013 regarding Site Plan Agreement , SPA/02/13 for N. Sawatzky Farms Inc. Phase 1 & 1B, 907 Talbot Road East (600-000-0801)

Danielle Truax, Manager of Planning Services summarized the report noting the required water is available from Chatham-Kent. Chatham-Kent will also provide sanitary sewer services. Chatham-Kent noted buffering maybe required near the Wheatley Arena.

Neil Sawatzky, Applicant, N. Sawatzky Farms Inc. was present in the audience. Hiede Mikkelsen of N.J. Peralta Engineering Ltd. informed Council that fire suppression will be partially serviced by the Municipality of Leamington and partially from Chatham-Kent. All other water needs will be serviced by Chatham-Kent.

The Planner confirmed there was a water component to the Development Charges. Bill Marck, Chief Administrative Officer explained the Master Plan does include plans to service this area in the future; however, no dates have been set as to when this expansion will occur. When a sufficient supply of water is available the applicant will be entitled to connect to the municipality's water distribution system.

No. C-193-13

Moved by: Councillor Jacobs

Seconded by: Councillor Verbeke

That Change of Use Report dated March 26, 2013 for the South Dales Drain, N. Sawatzky Farms Inc. be adopted by Council pursuant to the provisions of the Drainage Act, R.S.O., 1990, Section 65(3);

That the site plan agreement for Phase 1 & 1B of a new greenhouse operation located at 907 Talbot Road East as outlined in Report PLA/19/13 be approved;

And Further, that the Mayor and Clerk be authorized to execute the site plan agreement.

Carried

5. Report PLA 22/13 dated May 15, 2013 regarding Zoning By-law Amendment, ZBA # 70, N. Sawatzky Farms Inc. 913 Talbot Road East (660-00700)

Danielle Truax, Manager of Planning Services presented the report.

It was noted Neil Sawatzky, Applicant, N. Sawatzky Farms Inc. was in attendance.

No. C-194-13

Moved by: Councillor Verbeke
Seconded by: Deputy Mayor Wright

That Zoning By-law Amendment Application ZBA#70 (N. Sawatzky Farms Inc.) was reviewed and deemed to be complete pursuant to the requirements of the Planning Act to change the zone of the severed lands from the Agricultural Residential Zone (A5) to the Agricultural Restricted Zone (A2) (PLA-22-13);

And that Administration be directed to schedule the required Public Meeting;

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

Carried

6. Report PLA 14/13 dated May 30, 2013 regarding Request to amend the Leamington BIA Boundary

Tracey Pillon-Abbs, Director of Development Services provided a summary of the report noting this is the first request since 1979 to amend the Leamington Business Improvement Area (BIA) boundary.

Shawn Bodle, Chairperson, Leamington Uptown BIA explained to Council the board members felt the trail running alongside the Municipal Building was a natural boundary. Ms. Pillon-Abbs confirmed the area to the North (outlined in red on the map) would not be included in the Community Improvement Plan program (CIP). Ms. Pillon-Abbs further explained the purpose of the CIP program and the main street vision and the reason for restricting access to the funds.

Ms. Pillon-Abbs noted one recommendation was to expand the BIA boundary to match the CIP boundary.

Council asked for confirmation on the voting regulations for the boundary change. Mr. Sweet confirmed voting includes all members and not just the new members.

Ms. Pillon-Abbs advised Council that it can be made very clear in the notice that the northern section would not be included in the CIP boundary area.

No. C-195-13

Moved by: Councillor Jacobs
Seconded by: Councillor MacDonald

That the information regarding the Leamington Business Improvement Area (BIA) amendment request be received;

And that Administration is authorized to send out a notice of Council's intention to pass a Bylaw to alter the Leamington BIA boundary as delineated on the key map, in accordance with Section 210 of the Municipal Act;

And further that staff be directed to report the outcome of the BIA boundary expansion request to Council;

And further that a copy of this report be forwarded to the Leamington BIA Board of Management (PLA-14-13).

Carried

7. Report ENG 09/13 dated May 14, 2013 regarding Waterfront Trail , Lake Erie Extension

John Pilmer, Engineering Technologist presented the report.

In response to a question from Council, Mr. Pilmer noted the route was determined by the Waterfront Regeneration Trust group and therefore dictated the placement of the "share the road" signs.

No. C-196-13

Moved by: Councillor Atkin
Seconded by: Councillor MacDonald

That Council permit the County of Essex to supply and install "Waterfront Trail" and CWATS" signs within the Municipal rights of ways and properties in locations as directed by the Manager of Engineering Services;

And that staff be directed to install "Share the Road" signs along the Waterfront Trail route. (ENG 09-13)

Carried

8. Report PLA 21/13 dated May 23, 2013 regarding Leamington Uptown Commercial District Community Improvement Plan , Quarterly Update for January to March 2013

Tracey Pillon-Abbs, Manager of Development Services provided a summary of the report noting administration has consulted with twenty-five (25) property and business owners regarding the available Community Improvement Plan (CIP) grants of which three (3) are for outdoor patios.

No. C-197-13

Moved by: Councillor Verbeke
Seconded by: Councillor Chopchik

That the update on the Leamington Uptown Commercial District Community Improvement Plan (CIP) for the period of January 1, 2013 to March 31, 2013 be received (PLA-21-13).

Carried

9. Report CL 14/13 dated May 23, 2013 regarding Leamington Accessibility Advisory Committee Citizen Appointment

Brian Sweet, Director of Corporate Services presented the report.

No. C-198-13

Moved by: Councillor Verbeke
Seconded by: Councillor MacDonald

That Judy Lear-Zylstra be appointed as a member of the Leamington Accessibility Advisory Committee (LAAC) for the term of Council until November 30, 2014. (Report CL/14/13)

Carried

Matters for Approval:

No. C-199-13

Moved by: Councillor Verbeke
Seconded by: Councillor Atkin

That the Minutes of the Mayor's Youth Advisory Committee held April 24, 2013 be approved.

Carried

No. C-200-13

Moved by: Councillor MacDonald
Seconded by: Councillor Chopchik

That the Minutes of the Leamington Municipal Heritage Advisory Committee held May 22, 2013 be approved.

Carried

Other Matters for Consideration:

No. C-201-13

Moved by: Councillor Verbeke

Seconded by: Councillor Jacobs

That correspondence from the Town of Lakeshore dated May 21, 2013 regarding their resolution on the "400 Series Highways for Repairs and Maintenance to Overpasses" be received.

Carried

Report on Closed Session:

Brian Sweet, Director of Corporate Services reported that Council met in a special closed session at 6:15 p.m. pursuant to Subsection 239 2(e) of the Municipal Act, 2001 to discuss Confidential Report CL/15/13 dated May 29, 2013 regarding Litigation concerning a former Police Officer. He noted the meeting was properly advertised. The meeting also included members of the Leamington Police Services Board. During the meeting a motion was passed directing the Director to bring forward the recommendation to an open session of Council.

Consideration of By-laws:

Councillor Atkin declared a pecuniary interest with respect to Report PLA 18/13 dated May 13, 2013 regarding the Residential Agreement for N/S Robson Road (490-000199 through 490-000-20100). Councillor Atkin did not take part in the discussion or vote for the report or consideration of By-law 296-13.

No. C-202-13

Moved by: Councillor Chopchik

Seconded by: Deputy Mayor

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

By-law 296-13 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held June 3, 2013.

Carried

Notices of Motion: None

Open Session of Council and Administration:

Councillor Jacobs asked if there was anything Council could do in regards to the proposed 1% HST increase to be used to fund the "Big Move" Regional Transportation strategy to improve the transit system for the Greater Toronto Area. Mayor Paterson suggested the Chief Administrative Officer prepare a resolution for consideration at the next Council meeting.

Councillor Atkin asked the Director of Community Services if those residing along the proposed new trail would be given opportunity to voice any concerns they may have prior to the start of construction. Mr. Sharon responded that a public open house is being planned.

Deputy Mayor Wright shared with Council that upon his request, Mr. Bateman, County Engineer, reviewed the poor condition of County Road 18 and as a result moved that road up in rank on the County's priority list for road improvement.

Councillor Verbeke stated that Deputy Mayor Wright is correct in regards to the condition of County Road 18; however in this same area, Morse side road is also in poor condition and will require repairs by Leamington.

Mayor Paterson received a thank you letter from Muscular Dystrophy Canada expressing their appreciation to Leamington Fire Services for their donation to MS Canada.

Mayor Paterson said he drove through the uptown area late at night this week and saw a vendor truck parked in front of Mezza night club and restaurant parked facing the opposite direction of traffic. Mr. Sweet replied staff had contacted the owner of Mezza's and confirmed they had no objection to the vendor being parked in front of his business. Mr. Sweet advised staff will contact the vendor and ask him to clean up any garbage in the area when he closes for the night.

Statement of Members: non-debatable

Mayor Paterson attended Queen of Peace School for reading week stating it was an enjoyable event.

Mayor Paterson, Councillor Verbeke and Councillor Jacobs attended the Community Living Mayor's Luncheon on Wednesday, May 29, 2013 held at Holy Name Catholic Church in Essex.

Councillor Jacobs questioned the Director of Community Services on the July 1st fireworks. Mr. Sharon explained the cost of acquiring a barge to discharge the fireworks from the water was over half of the cost of the fireworks exhibit. Discharging the fireworks from Seacliff Park significantly reduces the costs. Councillor Jacobs requested increased advertisement of the location of the event.

Adjournment:

No. C-203-13

Moved by: Councillor Verbeke
Seconded by: Councillor Jacobs

That the meeting adjourn at 9:15 p.m.

Carried

The Corporation of the Municipality of Leamington

Minutes - Public Meeting

Zoning By-law Amendment # 44 - Recreational Vehicle Regulations

**Monday, June 3, 2013 at 7: 05 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
Cheryl Horrobin, Director of Finance and Business Services
Rob Sharon, Director of Community Services
Tracey Pillon-Abbs, Director of Development Services
Danielle Truax, Manager of Planning Services
John Pilmer, Engineering Technologist
Mary Ann Manley, Council Services Assistant

Danielle Truax, Manager of Planning Services stated the purpose of the public meeting was to receive public comment on the proposed amendments to the zoning regulations in respect to parking and storage of recreational vehicles. Ms. Truax provided a brief background on the subject of recreational vehicle regulations noting a public open house held May 7, 2013 was well attended. Ms. Truax summarized the comments received from the public open house as follows; comments did not support the fifteen (15) day limit; there was opposition to the five (5) foot setback from the property line while there was support for the setback from the curb.

Michael Gallagher, 41 Carter Avenue, stated he was in favour of the proposed amendments but asked for clarification on the word "intermittent" in regards to the fifteen (15) days a recreational vehicle can be parked on a residential property. Brian Sweet, Director of Corporate Services, explained the fifteen (15) intermittent days were the total maximum number of days in a calendar year between January 1st and December 31st whether consecutive or not. Mr. Sweet also advised if a vehicle is parked on a residential property for even part of a day, it is considered as one day.

Bruce King, 36 Chestnut Street, voiced his concerns with the setback from the property line as he can hardly park his car beside his house. Mr. King felt the proposed regulations would not be good for those residents residing in the older sections of the Municipality.

Roger St. Denis, 191 Bennie, requested clarification on what vehicles are not allowed or covered by the bylaw and asked for further clarification on the distance between properties. Ms. Truax provided this clarification. Mr. St. Denis did not feel the fifteen (15) day limit was sufficient.

Walter Krebs, 41 Malibu, inquired if there was an application to request extension of the fifteen (15) day limit if required.

Louie Douramakos, 5 Foster Avenue, questioned if the provisions were related to zoning. Mayor Paterson explained those residents owning waterfront property were allowed to store their vehicles in the backyard which in their situations faces the road. Mr. Douramakos requested the proposed regulations reflect the zoning of a property. Ms. Truax replied the zoning by-law pertains to residential zoned properties.

Ms. Truax noted she will take into consideration comments and direction received from the Public Open House and the Public Meeting when preparing a further report for Council's consideration.

In response to a question from Council, Ms. Truax stated the By-law Enforcement Officer attended two (2) complaints in 2012 and were able to work with the residents to solve the issues.

In response to a Council inquiry, Mr. Sweet noted enforcement was complaint driven. Mr. Sweet also stated the by-law would be drafted so it would be easier to enforce then the existing by-law

Ms. Truax noted there are no consistent standards among municipalities for the parking and storage of recreational vehicles so she is unable to provide Council with suggestions. Ms. Truax is looking for Council direction and hopefully an appropriate compromise can be decided upon.

A Council discussion occurred and comments were provided for consideration by the Manager of Planning Services.

The Manager of Planning Services advised those in attendance who had provided contact information will receive updates on the status of the proposed recreational vehicle regulation amendments.

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

Council thanked everyone for attending and expressing their concerns.

The meeting adjourned at 7:40 p.m.

The Corporation of the Municipality of Leamington

Minutes - Special Closed Meeting of Council

**Held Monday, June 3, 2013 at 6:15 p.m.
In the Ante Room**

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
Cheryl Horrobin, Director of Finance and Business Services
Robert Sharon, Director of Community Services
Tracey Pillon-Abbs, Director of Development Services

Others:

Leamington Police Services Board Members

Disclosures of Pecuniary Interest:

No. S-27-13

Moved by: Councillor Verbeke
Seconded by: Councillor Chopchik

That Council move into closed session pursuant to Subsection 239(2)(e) of the Municipal Act, 2001 to discuss Confidential Reports CL 15/13 dated May 29, 2013 regarding Litigation of former Police Officer and the members of the Leamington Police Services Board be permitted to attend.

Carried

Brian Sweet, Director of Corporate Services presented the report and a Council discussion took place.

No. S-28-13

Moved by: Councillor Atkin
Seconded by: Councillor Jacobs

That administration be directed to implement the proposed action described in Confidential Report CL/15/13.

Carried

No. S-29-13

Moved by: Councillor Chopchik
Seconded by: Councillor MacDonald

That the Committee move into public session at 6:40 p.m.

Carried

Adjournment:

No. S-30-13

Moved by: Deputy Mayor Wright
Seconded by: Councillor Jacobs

That the meeting adjourn 6:40 p.m.

Carried

John Paterson, Mayor

Brian Sweet, Clerk

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REPORT

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: WILLIAM J. MARCK
CHIEF ADMINISTRATIVE OFFICER
DATE: MARCH 6, 2013
RE: ADDITIONS TO RESERVES (ATR) CALDWELL FIRST NATION

AIM:

To inform Council of the process that would be followed to provide for the establishment of a reserve in the Municipality of Leamington by the Caldwell First Nation.

BACKGROUND:

Council may recall that in August of 2010, the Caldwell First Nation ratified a land claim settlement. The settlement was to compensate the band members whose forefathers had lived in the district First Nation in the Point Pelee area 200 years ago. As a result of the settlement, the Caldwell First Nation has purchased various parcels of land in Leamington. Recently, the Caldwell First Nation purchased land in the Sturgeon Creek Harbour. The band also purchased a tract of land in southeast Leamington and a large parcel located on the east side of Bevel Line (known locally as the Bennie properties).

The writer met with Chief Hillier and Councillor Darryl VanOirschot of the Caldwell Nation to offer the Corporation's assistance in the development of the lands noted above and to receive clarification as it relates to the process in having lands designated as reserves.

Chief Hillier had previously met with Mayor Paterson and advised that preliminary plans were the lands purchased in southeast Leamington would be used for hunting and fishing. The lands in the waterway area near the Sturgeon Creek would be upgraded to provide for a functioning marina, and that the lands east of Bevel Line would be used for residential development.

Chief Hillier further noted that prior to any development, the Caldwell First Nation would be taking steps to have the property (noted above and any subsequent land purchases) designated as a reserve pursuant to the Indian Act. The process to establish a reserve is referred to as an Addition to Reserve (ATR).

In order to have property designated as a reserve, there are a number of steps that need to be taken by the Caldwell's, and a number of those steps will involve the Municipality, and the Provincial and Federal Governments.

Process - ATR

ATR policies require a step by step process be followed in order to allow First Nations to build a healthy and sustainable community. Establishing a reserve can also provide for a number of economic benefits to Leamington.

Once the land is purchased, the Caldwell First Nation can request the Government of Canada to grant reserve status.

Report CAO 04/13 - Additions To Reserves (Atr) Caldwell First Nation

Chief Hillier advised that the Caldwell First Nation have yet to apply for ATR; however, are planning to do so in late 2013. The Federal Government has the authority to grant ATR in any jurisdiction and the land so designated becomes subject to the Indian Act and First Nation by-laws. Once designated the lands are not subject to municipal or provincial law/regulations.

The Federal Government and First Nations very much support the good neighbour philosophy and the ATR process involves extensive dialogue.

Part of the dialogue with First Nations and the Corporation will address tax compensation, joint land use planning, and provisions of services and payment of services for areas such as fire, roads, sewers and water and by-law harmonization. Chief Hillier also expressed a need to host education sessions so the public has a good understanding of the ATR process, the Indian Act and First Nation bylaws. Negotiations will also address development of a dispute resolution mechanism.

The Caldwell First Nation is the lead agency in developing the local process, meetings and education pieces; however, Chief Hillier advised the local process will be developed after she has met with the Mayor of Leamington, and developed an agreed upon approach.

FINANCIAL IMPACT:

As previously noted, part of the ATR process is to make arrangements and payment to the Corporation for municipal services and to compensate the Municipality for net loss of tax revenue once the lands in question attain reserve status.

Therefore, the financial impact will not be realized until negotiations are complete.

CONCLUSION:

The process to allow for ATR status will be dependent on when Caldwell First Nation apply to the Federal Government and the granting of ATR will be dependent on the progress of negotiations with other parties, environmental reviews, etc.

Chief Hillier advised that past experience would suggest that should the process be fast tracked the ATR process could take anywhere from eight (8) to twelve (12) years to complete. The more complex ATR applications have taken up to 20 years to complete.

The development of the reserve lands will allow for economic opportunities for the Caldwell First Nation, and enhance Leamington commerce.

Once Caldwell First Nation has received approval from the Federal Government to proceed with ATR, the band and will contact the Municipality.

RECOMMENDATION:

For information.

Respectfully submitted,

William J. Marck
Chief Administrative Officer

WJM/kms

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REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: DANIELLE TRUAX, MANAGER OF PLANNING SERVICES

DATE: MAY 22, 2013

SUBJECT: ZONING BY-LAW AMENDMENT - ZBA#67
LEAMINGTON DISTRICT SECONDARY SCHOOL
PROPOSED INSTITUTIONAL ZONING
54 - 80 OAK STREET WEST

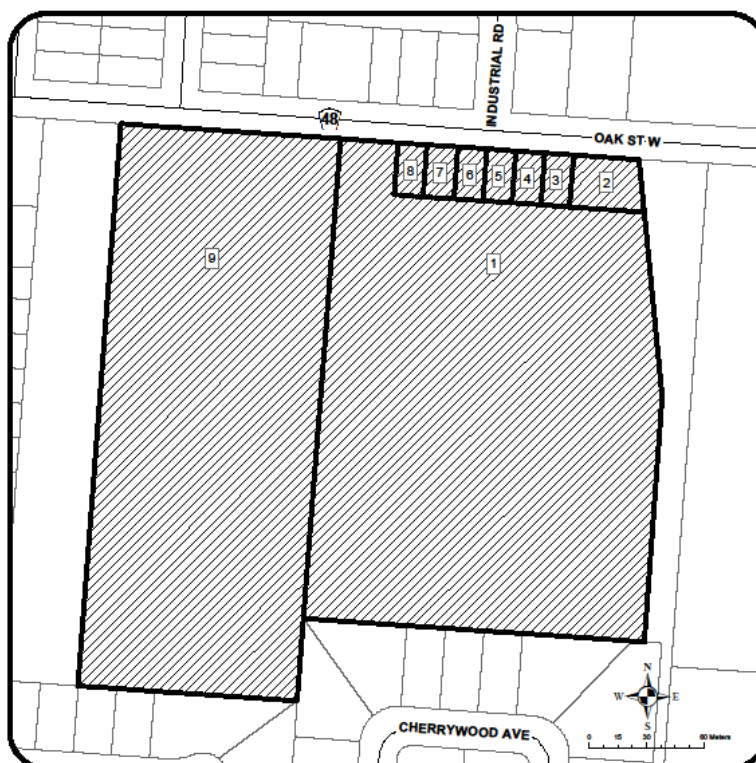
AIM:

To provide Council with information and a recommendation for the application received from the Greater Essex County District School Board to amend Zoning By-law #890-09:

1. To permit a secondary school on a minimum 7.9 ha lot;
2. Establish minimum parking space requirements for a secondary school to be 250 or as shown on an approved site plan;
3. To place the properties in a holding (H) zone which will be removed upon the remediation of the subject properties and the approval of a site plan agreement with the Municipality.

BACKGROUND:

Council received a preliminary planning report (PLA-06-13) detailing the nature of the zoning amendment submitted on behalf of the owners of 9 properties located on the south side of Oak Street West by the Greater Essex County District School Board (GECDSB).



The submission by the GECD SB is supported by the following supplementary reports:

1. Land use Planning Report prepared by P. Neice, Planner dated January 31, 2013;
2. Transportation Impact Study prepared by MMM Group Ltd. dated April, 2013
3. Preliminary Site Servicing Report prepared by Haddad Morgan and Associates Ltd. dated February 2013;
4. Phase 1 Environmental Reports for Residential & Agricultural lands prepared by amec dated February 11, 2013;
5. Phase 2 Environmental Reports for Residential & Agricultural lands prepared by amec dated February 11, 2013;
6. Phase 1 Environmental Reports for 80 Oak Street West prepared by amec dated February 11, 2013; &
7. Phase 2 Environmental Reports for 80 Oak Street West prepared by amec dated February 11, 2013

Public Comments

A public open house was held on April 16th, 2013 to present the proposed location for the new Leamington District Secondary School to the public. A statutory public meeting was held on May 13th, 2013 for the purpose of receiving comments from residents on the proposed location, as well as the site specific zone provisions that would be considered for adoption by Council.

The following represents a summary of the comments received from the public open house, public meeting and written submissions in support and opposition to the proposed amendments to allow a secondary school on the subject properties:

1. Site Plan Issues

Comments were received from many residents regarding the ultimate layout of the property, including items which are typically addressed at the time of site plan approval. It was noted that the site should be designed as to discourage loitering along residential and municipal trail areas. It was noted that the school board typically provides fencing to abutting uses. Appropriate buffering and site layout will be required at the time of site plan approval to ensure no adverse impact on abutting properties. The school board is not in a position to provide a preliminary site plan at this time. Institutional uses are subject to site plan control and require staff review and Council's approval prior to any development occurring.

2. Setbacks

Proposed buildings and structures will be required to comply with the standard Institutional (I) zone provisions, being a minimum 9 m (30 ft.) setback in all yards.

3. Traffic and pedestrian cross walk issues

The applicant has submitted a *Transportation Impact Study* to the County of Essex and Engineering Services Department for review. The preliminary review indicates that a left hand turn lane on Oak Street West may be warranted. Further detailed design and costing will be presented once the site layout has been established. Costs to the School Board, County of Essex and the Municipality for the construction of a left hand turn lane, if required, will be finalized during the consideration of the site plan agreement. It was also noted that the vehicle entrances to the school site should be offset from the intersections of Westmoreland Street and Industry Drive. The report also acknowledged the appropriate parking requirements, pedestrian connections to sidewalks and the municipal trail.

Comments were received to look at traffic and speed limits along Nicholas Street. It was noted that the intersection at Nicholas and Oak Street West was often congested with traffic from the neighborhood and the two existing schools.

4. 84 Oak Street West

A petition was received from the residents along Nicholas Street, as well as the owner of 84 Oak Street West to include the subject lands in the School Board proposal to develop the site for a secondary school. It was noted that the subject property includes a significantly treed area at the rear of the property. The residents felt the addition of the lands to the school site would create a natural buffer to the residential uses along Nicholas Street and be more compatible than the currently permitted industrial uses for both the residents and future school.

The School Board is not in a position to increase the area of the proposed school site beyond 7.9 ha (19.5 ac). The school board has acknowledged the existing industrial zoning of the property and the permitted uses.

COMMENTS AND ANALYSIS:

Leamington Official Plan, 2008 (OP):

The subject lands are currently designated for industrial land uses as shown on Schedule “A-6C” of the Official Plan. The proposed zoning amendment to allow an institutional land use conforms to the policies established in Section 2.11 of the Official Plan.

The subject properties are seen to be appropriate for the proposed use as a secondary school, as it can be shown that :

- i) the lands are a suitable size to accommodate a secondary school including buildings, outdoor recreational and sports facilities and required parking;
- ii) that the abutting residential, commercial and light industrial uses will not be adversely impacted by the use of the property as a secondary school;
- iii) the Municipality is satisfied that the use of the adjacent light industrial and commercial lands will not be negatively impacted and that the required minimum distance separation distances will ensure appropriate setbacks for permitted structures;
- iv) the Municipality is satisfied that the use of lands for institutional purposes within an employment area does not require a comprehensive review under the provisions of the Provincial Policy Statement (PPS);
- v) adequate municipal services can be provided to the site resulting in an efficient use of existing infrastructure;
- vi) the lands are appropriately located in the central urban area in proximity to residential neighborhoods and municipal amenities such as trails, sidewalks and the Recreation Complex. The location will allow the GECDsB to maximize transportation options to the students, staff and visitors;
- vii) the development of the land will contribute to the vitality of the surrounding residential, commercial and institutional uses in the area &
- viii) development will be subject to site plan control to ensure that appropriate buffering, landscaping and access is provided to create a site that is a suitable scale suitable and to minimizes any nuisances to the surrounding area.

Leamington Zoning By-law #890-09:

The subject properties are currently zoned Residential Zone (R1) and Industrial (M1-7) & (M2-1) on Map 43 of Zoning By-law #890-09.

GECD SB is seeking a site specific rezoning that will allow the secondary school as a permitted use once the lands have been assembled into one property. The proposed zoning will allow either the existing uses or a secondary school that must be on a 7.9 ha (19.5 acre) parcel. This zoning will allow the current owners to retain their permitted uses should the land assembly not be successful. The amendment also seeks relief from the minimum parking spaces to be provided on-site. Once developed the zoning of the school can be placed in a Institutional (I) zone during a future 5 year review of the Zoning By-law.

Parking Requirements

The amendment also seeks a reduction to the required number of parking spaces to be provided on-site. The parking provisions requires that 7.5 parking spaces be provided per classroom in addition to 1 space for every 9 square metres of gym or auditorium space.

The school board has requested that the number of required spaces be set at 250. Based on the current zone provisions the proposed 1000 student school would require that 345 spaces be provided on-site. In condiseratation of the reduction, administration reviewed the following:

- i) 165 existing parking are provided at the current school site. 71 spaces are used by staff. The Traffic Impact Study prepared by MMM identified that on average 50 spaces are being used by students, this number is less than expected as fewer students drive to school due to the the graduated licencing system and the elimination of the OAC grade.
- ii) a comparison of zoning by-law parking space requirements for secondary schools within Essex County. The criteria used to determine the number of parking spaces provided varied greatly whereby some municipalities used the number of classrooms, staff or the floor area dedicated to public assembly. Most regulations required 2.5 spaces per classroom. Leamington's requirement is 7.5 per classroom. As noted by the School Board, a school with capacity for 1000 students would typically have 30 classrooms with a gym approximately 1115 m² (12,000 sq. ft) in area. The proposed 250 spaces is still above the standard parking requirements found within Essex County.
- iii) Parking Analysis provided within Land Use report prepared by P. Neice. This analysis compared the number of spaces provided and the capacity of other schools within the GECD SB area. This analysis showed that parking requirements for existing secondary schools and newly constructed schools in Essex County are significantly lower than those required by Leamington.

Holding Provision

The Official Plan acknowledges that the past use of properties may cause environmental issues with respect to the quality of the soil or groundwater which may have the potential for adverse effects to human health or the natural environment. Development of these sites for more sensitive uses is permitted in accordance with the procedures established in Section 2.16. Prior to development, the Municipality will require verification from a qualified person (as defined by provincial legislation and regulations) that the properties are suitable or have been made suitable for the proposed use. The School Board has completed Phase 1 (confirmation of past uses and potential for contamination) and Phase 2 (soil sampling and analysis to confirm presence or absence of contamination) Site Assessments. A Phase 3 report to indentify the required remediation for those limited areas with soil is currently being completed. Site remediation is required by the School Board prior to the purchase.

The Official Plan allows the use of the Holding symbol to ensure that the required verification through the receipt of a Record of Site Condition or affidavit of a qualified person is received prior to allowing development for the permitted use. The proposed zoning will restrict the development of the property until the necessary verification has been received and a site plan agreement has been approved by Council.

The Municipality will require the following to be provided prior to the consideration for the removal of the Holding symbol:

- i) Verification to the satisfaction of the Municipality from a qualified person as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by the Municipality, or provincial legislation and/or regulations the filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry, including if necessary the submission to the Municipality of a Declaration signed by the qualified person acknowledging that the Municipality may rely on the statements in the RSC and, submission by the property owner to the Municipality of proof that the Ministry of Environment (MOE) has acknowledged receipt of the RSC

FINANCIAL IMPACT:

Development of the properties will trigger a change to the tax class assigned to the properties. It is noted that the GECD SB is exempt from paying taxes to the Municipality.

Review of the Traffic Impact Study has identified a possible need for the installation of a left hand turn lane heading west on Oak Street West. Cost sharing between the School Board, County of Essex and Municipality for the construction of this lane will be considered at the time of design and site plan approval. All on-site works will be 100% at the expense of the School Board.

CONCLUSION:

Administration has completed their review of the application and the comments received as part of the public consultation process.

The proposed amendment is consistent with the direction of the PPS and conforms to land use policies of the County of Essex Plan as stated in planning report PLA-06-13.

Institutional uses such as the proposed secondary school can be permitted by way of a zoning amendment that conforms to the policies of Section 2.11 of the Official Plan. The proposed amendment is an appropriate use for the subject property and surrounding area.

The development of the property will be subject to site plan approval and will meet the servicing and construction standards established in the Municipality's Development Standards Manual. Appropriate measures will be put in place to address those concerns noted by the public.

RECOMMENDATION:

THAT Zoning By-law Amendment Application ZBA#67 (Leamington District Secondary School) to consider a zoning by-law amendment to change the zone of the subject lands to include a secondary school as an additional use to permit the relocation of the LDSS be approved (PLA-23-13);

AND THAT By-law 297-13 being a by-law to amend Leamington's comprehensive Zoning By-law #890-09 be forwarded to Council for consideration.

Respectfully submitted,

Danielle Truax
Manager of Planning Services
:dt

Tracey Pillon-Abbs
Director of Development Services

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: DANIELLE TRUAX, MANAGER OF PLANNING SERVICES

DATE: MAY 29, 2013

SUBJECT: ZONING BY-LAW AMENDMENT - ZBA#72
TIESSEN ACRES LTD.
1739 MERSEA ROAD 1 (510-00200)

AIM:

To provide Council with information regarding an application to amend Zoning By-law #890-09 for property located at 1739 Talbot Road East and to request that the required Public Meeting be scheduled.

BACKGROUND:

Staff has received an application to amend the zoning for a portion of land described as Part Lot 17, Concession 1 in the former Township of Mersea known municipally as 1739 Mersea Road 1 to be described as Parts 7, 8 & 9, 12R-25424 (see inserted key map). The application has been submitted as a condition of approval for consent application (B/11/13) which was given provisional consent by the Committee of Adjustment on March 26, 2013.

Subject Property



B/11/13

The Committee of Adjustment provided provisional consent for the creation of a 0.49 ha (1.22 acre) surplus dwelling lot which includes a single detached dwelling and accessory buildings. The retained farmlands are 10.39 ha (25.67 acres) in area with 104.19 m (341.83 ft) of frontage on Mersea Road 1. As a condition of consent, the severed lands must be rezoned from the Agricultural General Zone (A1) to the Agricultural Residential Zone (A5) to reflect the resulting residential use of the property.

A copy of the Committee of Adjustment sketch has been attached to the report for reference.

COMMENTS AND ANALYSIS:Provincial Policy Statement (PPS):

In making land use decisions, areas identified as *Prime Agricultural Areas*, are to be protected for long-term use for agricultural purposes. Within the agricultural area permitted uses and activities include agricultural uses, secondary uses and agriculture-related uses.

Lots for dwellings deemed to be surplus to the needs of farm operation may be created within the agricultural area in accordance with Section 2.3.4 of the PPS. As such, the subject lands have been given provisional consent for the creation of a surplus dwelling lot. In accordance with Section 2.3.4 of the PPS, a building freeze agreement with the Municipality shall be registered on title to ensure no new residential dwellings can be constructed on the vacant farm parcel.

The creation of the severed surplus dwelling lot and the proposed zoning amendment application conforms to the direction of the PPS.

County of Essex Official Plan 2005 (OP):

The subject land is shown within the Agricultural Area on Schedule "A" of the County OP. The land use goals contained within the County OP are to protect prime agricultural areas for agricultural purposes and to discourage the creation of lots outside of the settlement area, except as permitted by the local Official Plans. The severed surplus dwelling lot has been created in accordance with the land division policies of the local Official Plan and is adequate in size to accommodate appropriate water and sewage services.

The creation of the severed surplus dwelling lot and the proposed zoning amendment application conforms to the direction of the County of Essex Land Use policies.

Leamington Official Plan, 2008 (OP):

The subject property is designated Agricultural on Schedule "A-7" of the Leamington OP. The goals of the Land Use and Land Division Policies in the OP are to preserve prime agricultural land for agricultural purposes and to restrict the type and amount of non-farm development. The creation of the severed surplus dwelling lot is in compliance with the Land Division Policies of Section 5.4 of the Official Plan. The proposed amendment to the Zoning By-law establishes site specific regulations which control the residential use and character of the land, as well as the location of the permitted buildings and structures.

Leamington Zoning By-law #890-09:

The subject property is currently zoned Agricultural General Zone (A1) on Map 56 of Zoning By-law #890-09.

To fulfill a condition of provisional consent granted by the Committee of Adjustment to create a surplus dwelling lot, the property owner has requested that the zoning of the severed lands be rezoned to the Agricultural Residential Zone (A5). In consideration of the severed lot by the Committee of Adjustment, the lot area and frontage have been deemed to be adequate to allow for appropriate servicing and access.

CONCLUSION:

Administration has completed their review of the proposed application as part of the pre-consultation process for consideration of Consent Application B/11/13. As set out in the Planning Act, a complete application includes any 'prescribed information' identified in the regulations of the Planning Act and any 'additional information' required by the municipality, as identified in its official plan. Due to the nature of the proposed zoning change it is Administration's position that additional information is not required.

Administration suggests that this matter should now proceed to a public meeting and that the required Notice be circulated to all commenting agencies, municipal departments and abutting landowners within 120 m (400 ft) of the subject property. Notice will also be posted on site. All information will be made available to the public and commenting agencies for review prior to the public meeting. It is anticipated that the Public Meeting date could be scheduled for Monday, July 8th, 2013.

A report by Administration will not be presented to Council after the public meeting, unless there are concerns raised at the public meeting. If no concerns are raised, it is requested that Council consider the amending by-law for the zoning by-law amendment approval the same night as the public meeting.

Upon Council making a decision and providing the required Notice, there is a 20 day appeal period where objections can be submitted to the Ontario Municipal Board (OMB). The OMB is required not only to have regard to Council's decision, but the basis on which the decision is made. In order to ensure that the OMB has regard to Council's decision, Council should be able to demonstrate that its decision was fully supported by relevant information and that the information was considered by Council.

Therefore, it is administration's opinion that;

- i) The application is consistent with the policy statements issued under subsection 3 (1) of the Planning Act.
- ii) The application conforms to or does not conflict with any applicable provincial plan or plans.
- iii) The development proposed is in keeping with the overall goals and policies of the Official Plan.
- iv) The proposed amendment does meet the criteria used when considering applications to amend the zoning by-law.

RECOMMENDATION:

THAT Zoning By-law Amendment Application ZBA#72 (Tiessen Acres Ltd.) be deemed complete pursuant to the requirements of the *Planning Act* for consideration of an amendment to change the zone of the severed lands from the Agricultural General Zone (A1) to the Agricultural Residential Zone (A5) (PLA-24-13);

AND THAT Administration be directed to schedule the required Public Meeting;

AND THAT if no concerns are raised at the public meeting the Clerk be directed to forward By-law 301-13 to Council for its consideration.

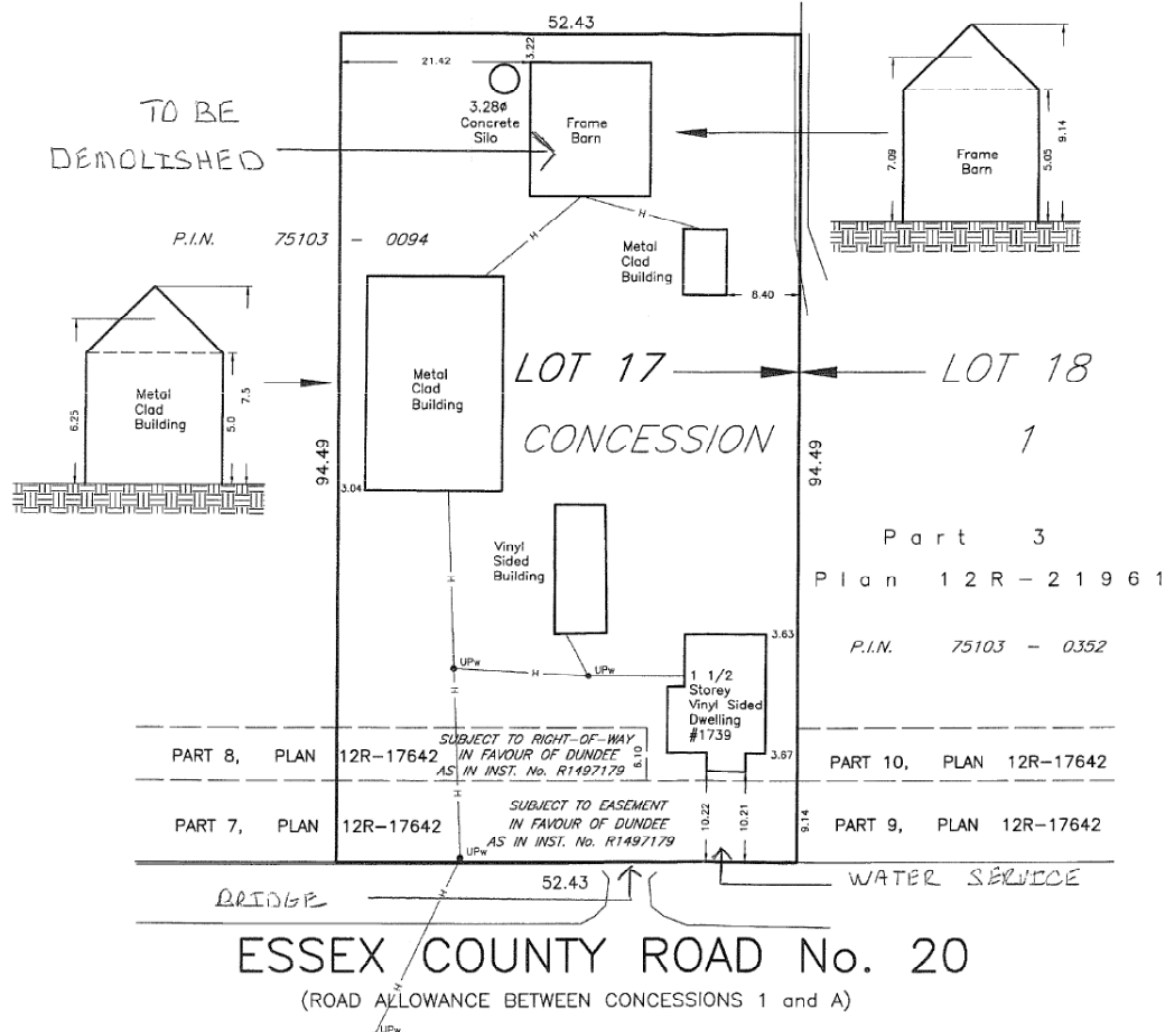
Respectfully submitted,

Danielle Truax
Manager of Planning Services

Tracey Pillon-Abbs
Director of Development Services

ATTACH

:dt



REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: AMANDA SMITH
MANAGER OF CULTURE AND RECREATION

DATE: May 29, 2013

RE: Kraft Celebration Tour Endorsement- Leamington Lasers

AIM

To request Council endorsement of the project submission to the Kraft Celebration Tour from the Leamington Lasers to replace the starting blocks at the recreation complex.

BACKGROUND

1. The Kraft Celebration Tour is happening this summer and community projects can benefit from a \$25,000 award. The project can be nominated by any individual or organization and should highlight your community's spirit, passion for sports and a healthy and active lifestyle. The nominations are due on June 7, 2013. The judging panel will then select the Top 20 finalists who will go head-to-head in an intense online voting battle. The votes will help determine the 10 winning communities. From August 16th to 25th, the Kraft Celebration Tour will then travel to each of the 10 winning communities to present them with a \$25,000 Community Award and a live broadcast from TSN SportsCentre.
2. In addition to online voting, the second round of judging will also include consideration for logistics related to a live broadcast and the need to create a viable "cross-Canada" tour.
3. For more information, please refer to the website, www.kraftcelebrationtour.ca

COMMENTS

1. Administration notified local sports organization during the week of May 17, 2013 and informed them that the Kraft Celebration Tour is calling for nominations. Notification was also included on the 'News' section of the new website. More than one entry can be submitted per community. The sport organizers were asked to contact either the Manager of Culture & Recreation Services or the Manager of Public Works, should they be interested in nominating a community project.
2. The Lasers Swim Team notified administration of their intention to nominate the "Swim Team Starting Blocks" project. This project would include replacing the starting blocks with new competitive blocks, which would be a benefit the Lasers' ability to train and host swim competitions and will further provide a benefit to the Leamington Kinsmen Recreation Complex swimming programs.

3. According to the official rules: *"NOTE: You will need the permission of the appropriate Community facility representative(s) for the facility to be eligible for the Community Project"*. Administration is supportive of the Swim Blocks project and is seeking permission to officially endorse this project.
4. As of the date of this report, there were only two projects listed for Windsor-Essex County; however, none within Leamington.

FINANCIAL IMPACT

There is no cost to nominate a community project. The Grand Prize includes \$25,000 financial contribution to support the completion of the project which is the approximate cost for the six competitive starting blocks.

RECOMMENDATIONS:

That the Leamington Lasers swim team's submission to the 2013 Kraft Celebration Tour for the Swim Team Starting Blocks project at the Leamington Kinsman Recreation Complex be endorsed. (REC 16/13)

Respectfully submitted,

Amanda Smith
Manager, Culture & Recreation

Robert Sharon
Director, Community Services

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: AMANDA SMITH
MANAGER OF CULTURE AND RECREATION

DATE: May 24, 2013

RE: Canadian Red Cross Aquatic Safety Plan Agreement

AIM

To obtain Council approval to enter into an indemnity agreement with the Canadian Red Cross (CRC) for the use of the CRC Aquatic Safety Planning Tool for the Leamington Kinsmen Recreation Complex.

BACKGROUND

1. CRC provides a free template to create an Aquatic Safety Plan for the purpose of ensuring and enhancing the health and safety of the facility patrons and staff. An aquatic safety plan identifies actionable statements, protocols and identifies the tools and resources required to properly execute the plan. While it does not replace physical safety strategies and tools, it improves preparedness for the facility to handle emergencies and other incidents. See attachment #1 for more information.
2. Some of the areas covered in the safety plan include facility information, procedures, lifesaving equipment, supervision, pool operating procedures/pool cleaning & maintenance, and other valuable reports and records.
3. Recreation Staff are trained using an online tutorial, and a representative from CRC provides weekly conference calls to discuss the progress of development. It is estimated to take six weeks to complete the Aquatic Safety Plan.

COMMENTS

1. In 1994, the Municipality of Leamington had a formal Risk Management Manual created, which at the time identified the separate Recreational Services facilities (F.T. Sherk Aquatics & Fitness Centre, Leamington Arena, Leamington Marina, and the Seaclyff Concession). The document is extensive and includes policies and procedures for all administrative functions and operations. While this document will be used in the creation of new policies and procedures, updating is required as the Recreation Division has undergone a number of major changes since the document was created such as the expansion of the Leamington Kinsmen Recreation Complex and organizational restructuring.
2. Risk management policies, health and safety procedures and emergency response plans have been identified to be updated and improved. The objective is to have one complete file of all policies and procedures related to the Leamington Kinsmen Recreation Complex. The policies and procedures will be compiled and stored electronically and will be kept in one binder located at the Complex. Staff will be required to read and

understand the policies and procedures. An annual review of the Manual will be implemented so to alleviate any long periods of time when the plans are not reviewed.

3. Administration has identified the Aquatic Safety Plan as a key priority for 2013. The Leamington Kinsmen Recreation Complex has an excellent relationship with CRC and we are an official training partner under the Red Cross program. This will be a proactive, comprehensive plan for the Complex and would be included in the updated Policies and Procedures manual for the LKRC.
4. In order to use the CRC planning tool, the Red Cross requires users to enter into a: *Release of Liability, Waiver of Claims, Assumption of Risks Indemnity Agreement*. This is the standard agreement required by CRC to implement the Aquatic Safety Plan using their tool. CRC clearly specifies that the "Use of the plan does not guarantee the prevention of aquatic related incidents or replace other strategies for promoting aquatic safety". The Red Cross requires this plan to protect their interest against claims for damages from incidents that occur at a facility that had used their planning tool.
5. Administration contacted the insurance provider, OMEX, for comments and they did not have issue with signing the release.
6. The LKRC has an excellent record of preventing aquatic related incidents and accidents and this plan will only help to strengthen this. In addition, the plan will also complement the existing staff training program and preventative maintenance plan.

FINANCIAL IMPACT

The CRC template is free and there are no additional costs required to complete this project.

RECOMMENDATIONS:

That the Municipality of Leamington enter into an indemnity agreement with the Canadian Red Cross for the use of the Canadian Red Cross Aquatic Safety Planning Tool. (REC 15/13)

Respectfully submitted,


Amanda Smith
Manager, Culture & Recreation

Robert Sharon
Director, Community Services

Attachment #1 - Fact Sheet:

Fact Sheet
Last Updated: 2017

Red Cross Aquatic Safety Plan Template



Aquatic Safety Plan Template

An Aquatic Safety Plan is a customized plan to ensure and enhance the health and safety of facility patrons and staff. Red Cross has developed a template with guiding and actionable statements and resources to support Training Partners in completing their customized plan.

Why Your Facility Needs This Plan

Having an Aquatic Safety Plan is a key element of a facility's health and safety practices. It identifies the protocols, ensures these are well documented, and provides a clear tool to create a collective understanding of the facility's health and safety practices. More and more provinces are considering this plan as a requirement under health regulations, the latest to adopt this was British Columbia. While it is easy to see the risk management benefit, those who have taken the steps to build a plan have also identified shortcomings in their preparedness.

Why the Red Cross Aquatic Safety Plan is a Fit for Your Facility

"I enjoyed the process of working through the Aquatic Safety Plan. It brought to light both strengths and weaknesses in regards to pre-existing policies and procedures along with orientation handbooks. It allowed the U of S to bring a number of documents into one package." – Kim Jones, Aquatic Director, University of Saskatchewan

Comprehensive	Red Cross' Aquatic Safety Plan template contains seven sections covering all regulated and recommended features of aquatic safety plans.
Added Value	Our Aquatic Safety Plan template prompts the facility to address each section in the plan. The template also offers resources and examples of procedures that could be used or modified to support the facility in establishing its own.
National	Useful by all municipalities and communities as it identifies the regulated and recommended areas to cover which meet all provincial/territorial legislation across Canada. Available in both official languages.
Ease of Use	The template acts as a working document, prompting the facility to complete each section and hyper-linking to online resources. An online tutorial also outlines how to use the tool.
Adaptable	The template supports building plans for all types and sizes of facilities including: indoor, outdoor, seasonal, and waterfront.

Immediate Benefits

- Identifies and increases your preparedness
- Proactive development of an effective preparedness plan
- Gives facilities the opportunity to look at best practices
- Provides a common template for all facilities to use
- Ensures procedures are current according to legislation, training authorities and research

Areas Covered

- Facility Information – a profile of your facility(ies)
- Procedures for Serious Injury, Emergency or Incident – how to respond to natural disasters, medical and facility emergencies, health and hygiene
- Lifesaving, Lifeguarding and First Aid Equipment – equipment for rescue and response
- Lifeguards, Instructors, and Supervision – ratios, qualifications, and training
- Pool Operating Procedures – Rules, Water Chemistry, Equipment Operations, Chemical Handling
- Pool Cleaning and Maintenance Programs and Schedules
- Reports, Records, and References

How to Get Started

Building a plan may seem overwhelming but we have broken it down into manageable steps.

Step 1. Talk to Red Cross, we can walk you through a map and timeline of how long this will take

Step 2. Review our online tutorial or for more information work with a Red Cross representative


Step 3. Each week for six weeks, tackle one or two sections. Your Red Cross representative will check in regarding your progress and can assist in locating additional resources and examples to assist you

Step 4. In about six weeks you will have developed a customized Aquatic Safety Plan for your facility

Red Cross recommends revisiting the plan each year to ensure it is up-to-date.

1.877.356.3226 | www.redcross.ca/swim

Swim with the best! ®



REPORT

TO: MAYOR & MEMBERS OF COUNCIL

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

DATE: May 28, 2013

SUBJECT: 2013 SURFACE TREATMENT TENDER AWARD

AIM:

To obtain Council approval to award the 2013 Surface Treatment contract to Shepley Road Maintenance 2964 County Road 12 Essex Ontario.

BACKGROUND:

On Monday May 27, 2013 two (2) tenders were received for the 2013 Surface Treatment Program:

Contractor	Amount (Excluding Taxes)	Amount (Including HST)
Shepley Road Maintenance Ltd 2964 County Road 12 Essex ON N8M 2X6	\$ 389,903.35	\$ 440,590.79
MCR Road Services Inc. CIBC Building, Suite 1004 100 Ouellette Avenue Windsor, Ontario N9A 6T3	\$ 412,963.20	\$ 466,648.42

Note: no errors were found in the tenders submitted.

COMMENTS:

The 2013 Surface Treatment Program includes the surface treatment and slurry seal component of our annual resurfacing budget. Specifically, the tender includes the following items, and they are shown graphically on attached Schedule A.

- Approximately 7.4 km of Surface Treatment (Tar & Chip)
- Approximately 3.9 km of modified slurry seal

ENG 10-13 - Tender for 2013 Surface Treatment Program**FINANCIAL IMPACT:**

The budget for the entire 2013 resurfacing program is \$680,000 (10-5-0620-7630-002030-008324) and comprises the following:

TABLE 1

2013 Resurfacing Program Components	Budget Estimate	Actual (including net HST)
Crack Sealing	\$ 15,000.00	\$ 15,264.92
Surface Treatment	\$ 420,000.00	\$ 396,766.43 (Shepley Tender)
Asphalt (Mill & Pave)	\$ 235,000.00	Not tendered yet
Material Testing	\$ 10,000.00	
TOTAL	\$ 680,000.00	TBD

RECOMMENDATION:

That the 2013 Surface Treatment Program contract be awarded to Shepley Road Maintenance 2964 County Road 12 Essex Ontario for an amount not to exceed \$389,903.35 (plus all applicable taxes) and be charged to account (10-5-0620-7630-002030-008324). (ENG 10-13)

Respectfully submitted;

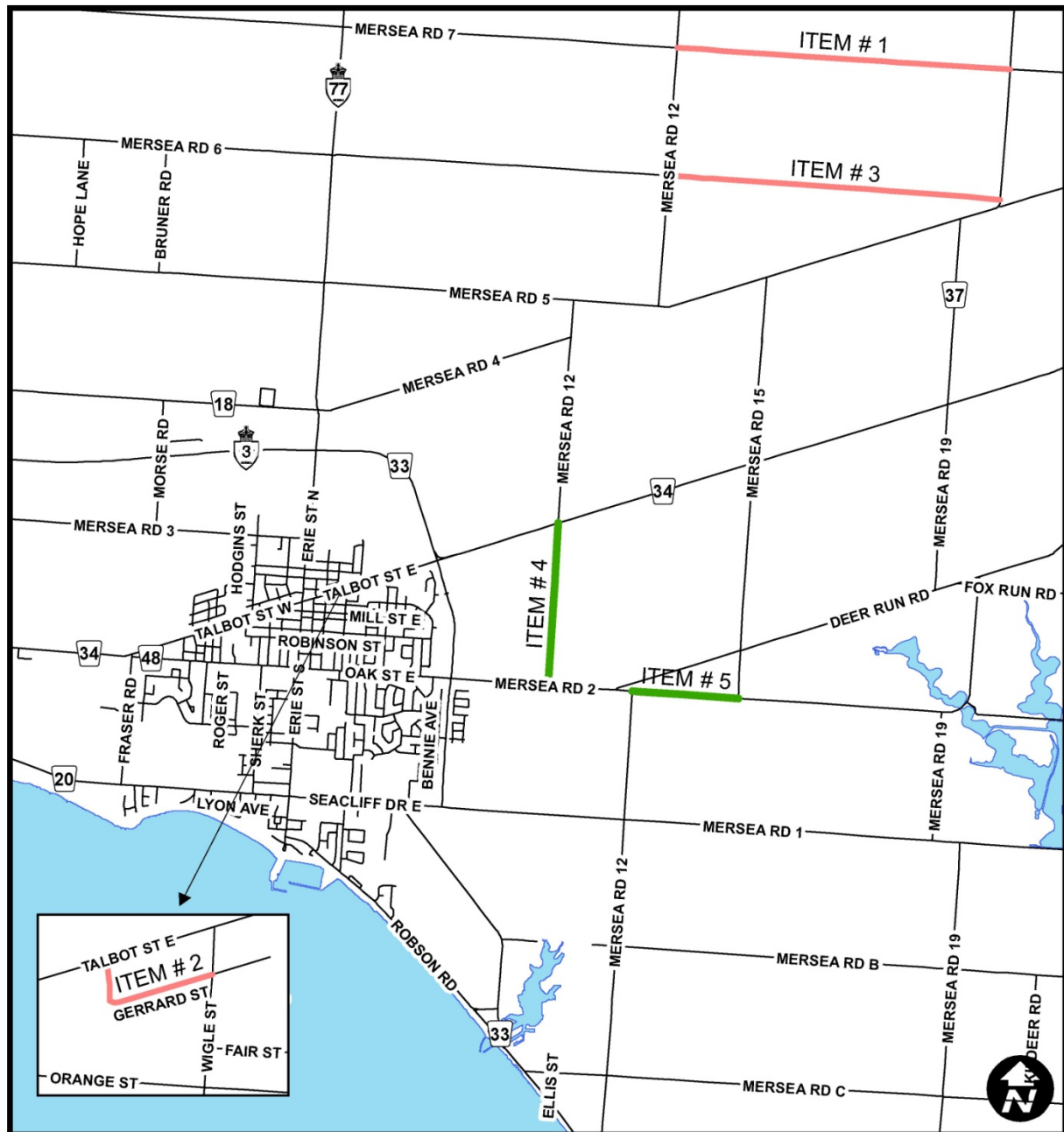
Alexander N. Del Brocco, C.E.T.
Engineering Project Supervisor

Allan Botham, P.Eng.
Manager of Engineering Services

Robert Sharon
Director of Community Services

Encl. ENG 10-13 Schedule A -2013 Surface Treatment Program Key Map.

ENG 10-13 - Tender for 2013 Surface Treatment Program



Legend

- Tar and Chip
- Modified Slurry Seal
- Street Centerline

Title:

ENG 10-13 Schedule A



COPYRIGHT

This document is not a Legal Plan of Survey and the user of this map assumes all risks associated with it. All efforts have been made to ensure completeness and accuracy, however no guarantees can be made.

Scale: 1:58,000

0 425 850 1,700 Meters

Prepared For: Eng. Dept.

Date: May 29, 2013

Prepared By: GIS Services

File No: ENG-10-13

Notes:

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111 Erie Street North, Leamington, Ontario N8H 2Z9
TEL: (519) 326-5761 FAX: (519) 326-2481

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TO: MAYOR AND MEMBERS OF COUNCIL

FROM: KEN BROWN, P.ENG, MANAGER OF PUBLIC WORKS

DATE: MAY 15, 2013

RE: PURCHASE OF TWO (2) NEW UTILITY TRACTORS

AIM:

To report to Council on the results of a tender for the purchase of two (2) new utility tractors including plow attachments and to recommend the award to the lowest qualifying bidder.

BACKGROUND:

1. These tractors are used heavily year round in the parks and outdoor sports fields for turf and field maintenance, as well as in the winter for sidewalk plowing and salting.
2. Funding was approved in the 2013 budget to replace the two (2) existing 2003 John Deere 4310 utility tractors and plow attachments in the amount of \$70,000.
3. On Tuesday May 7, 2013, three (3) tenders were received and opened publicly.

Supplier	Gross Cost*	Trade-In Allowance*	Sub-Total*	Total Price* (incl. HST)
E.R. Vollans 1682 County Road 20 West Kingsville, Ont., N9Y 2E6	\$49,666.74	(\$10,000.00)	\$39,666.74	\$44,823.42
McGrail Farm Equipment 8705 County Road 46 Comber, Ont., N0P 1J0	\$63,200.00	(\$16,000.00)	\$47,200.00	\$53,336.00
Janzen Equipment 410 Highway 77 Leamington, Ont., N8H 3V6	\$61,862.00	(\$12,200.00)	\$49,662.00	\$56,118.06

*All prices are for two (2) units including plow attachments as specified.

COMMENTS:

1. In reviewing the tender documents, it was determined the tender submitted by E.R. Vollans did not meet the required specifications relating to:
 - i) A maximum unit width of 54" - E.R. Vollans is 57+". On sidewalks as narrow as 48" with various obstacles and tight turning radius, machines larger than 54" are difficult to maneuver safely during winter control. Narrower machines are required.

- ii) Climate controlled cab - E.R. Vollans does not have air conditioning. During the summer months these tractors are used extensively for turf and ball diamond maintenance. Climate controlled cabs complete with filtration systems offer protection for operators from direct sun, heat and dust exposure.

These specified requirements are important for safe and efficient year round operation of these utility tractors, as a result the E.R. Vollans tender was disqualified.

- 2. The lowest compliant bid is McGrail Farm Equipment.
- 3. McGrail's tender is for a 33 horsepower, four wheel drive John Deere 3320 compact utility tractor, complete with snow plow package and climate controlled cab. Note the picture below does not include the snow plow.



FINANCIAL IMPACT:

The \$70,000 budget was comprised of \$60,000 funding from the Fleet and Equipment Reserve and \$10,000 funding from the trade-in allowance. The existing utility tractors are fully amortized this year.

The net cost to be funded from reserve for the two (2) utility tractors complete with plow attachments from McGrail Farm Equipment after the \$16,000 trade in allowance is \$48,031 (including net HST) and will be assessed to the 2013 Public Works Capital Budget, account numbers 10-7-0630-8030-563061 and 10-7-0630-8030-563062. This purchase will be under budget by \$11,969.

The specified plow attachments included in this tender have a unit value of \$3,100 each (excluding HST).

The purchase of these two (2) utility tractors complete with snow plows will replace Asset Identification numbers:

- 16880 - 2003 John Deere 4310 utility tractor
- 16882 - 2003 John Deere 4310 utility tractor
- 26539 - John Deere front mounted blade
- 57112 - John Deere front mounted blade

RECOMMENDATION:

That the award of the tender for two (2) utility tractors complete with plow attachments as specified to McGrail Farm Equipment in the amount of \$53,336 (including HST) be approved and charged to accounts 10-7-0630-8030-563061 and 10-7-0630-8030-563062. (PW 07-13)

Respectfully submitted,

Signed: _____	Signed: _____
Ken Brown, P.Eng Manager of Public Works	Robert Sharon Director of Community Services

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: KEN BROWN, P.ENG, MANAGER OF PUBLIC WORKS

DATE: MAY 17, 2013

RE: PURCHASE OF NEW ROTARY TURF MOWER

AIM:

To report to Council on the results of a tender for the purchase of a new rotary turf mower and to recommend the award to the lowest qualifying bidder.

BACKGROUND:

1. This rotary mower is used extensively for the maintenance of over 130 acres (53 hectares) of turf in municipal parks, cemeteries, outdoor sports fields and various urban areas.
2. Funding was approved in the 2013 budget to replace the existing 2002 Jacobsen HR9510 rotary turf mower in the amount of \$45,000.
3. On Tuesday May 7, 2013, three (3) tenders were received and opened publicly.

Supplier	Turf Mower Unit Price	Trade-In Allowance	Sub-Total	Total Price (incl. HST)
G.C. Duke Equipment 1184 Plains Road East Burlington, Ont., L7S 1W6	\$45,525.00	(\$5,000.00)	\$40,525.00	\$45,793.25
McGrail Farm Equipment 8705 County Road 46 Comber, Ont., N0P 1J0	\$47,900.00	(\$5,000.00)	\$42,900.00	\$48,477.00
Janzen Equipment 410 Highway 77 Leamington, Ont., N8H 3V6	\$48,965.00	(\$5,800.00)	\$43,165.00	\$48,776.45

COMMENTS:

1. In reviewing the tender documents, it was determined the tender submitted by G.C. Duke Equipment (Jacobsen brand) did not meet the required specifications, specifically in the steel gauge thickness for the mower deck. We have experienced numerous issues with our current Jacobsen mower, many of them having to do with the 'lighter' construction of the unit. As a result the G.C. Duke tender was disqualified.
2. The lowest compliant bid is McGrail Farm Equipment (John Deere).

3. McGrail's tender is for a 57 horsepower John Deere 1600 Series II Turbo commercial wide area mower with 4-post ROPS canopy.



FINANCIAL IMPACT:

The \$45,000 purchase budget was comprised of \$37,000 funding from the Fleet and Equipment Reserve and \$8,000 funding from the trade-in allowance. The existing rotary turf mower is fully amortized and a year past the identified useful life.

The net funding from reserve to purchase the rotary turf mower from McGrail Farm Equipment after the \$5,000 trade in allowance is \$43,655 (including net HST) and will be assessed to the 2013 Public Works Capital Budget, account number 10-7-0630-8030-563067.

This purchase will result in an over expenditure of \$6,655 to the Reserve Funds. This is primarily due to market changes resulting in an increase to the sale price from the time of budget preparation, and a decrease in the expected trade-in value for our existing Jacobsen mower. This over expenditure will be mitigated by the \$11,969 under expenditure in the proposed purchase of the two (2) new utility tractors which are funded from the same reserve as presented in Council report PW 07-13.

This mower will replace a 2002 Jacobsen HR9510 rotary turf mower, Asset Identification number 16892.

RECOMMENDATION:

That the award of the tender for the rotary turf mower to McGrail Farm Equipment in the amount of \$48,477 (including HST) be approved and charged to account 10-7-0630-8030-563067. (PW 08-13)

Respectfully submitted,

Signed: _____
Ken Brown, P.Eng
Manager of Public Works

Signed: _____
Robert Sharon
Director of Community Services

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: Kit Woods, Manager of Environmental Services

DATE: May 28th 2013

RE: Tender Award - Pollution Control Centre Upgrade - Phase 6

AIM:

To recommend award of tender to complete the Offline Storage Basin work - Phase 6 of the PCC Upgrade.

BACKGROUND:

To date, four construction contracts have been let for the PCC Upgrade. The Headworks project was constructed by Maple Engineering, and the Phase 1 project was constructed by HIRA Ltd. General Contractors. The Phase 2 contract was awarded to Facca Incorporated, and in the latest Phases 3-5 contract the successful bidder was HIRA Ltd. General Contractors.

Phase 6 consists of the permanent conversion of the existing Offline Storage Basin (OSB) (previously the "Town" aeration lagoon) into a lined facility for temporary storage of excess wastewater flows that are received at the plant during wet weather events. The work involves removal of the mechanical aeration systems from the OSB; dewatering, dredging, and cleaning-out the sludge blanket from it; and re-grading and restoration of areas impacted by demolition activities.

The modifications to the OSB will consist of the following works:

- Installing a new HDPE liner;
- Sloping the OSB bottom to assist in directing stored wastewater to existing lagoon drain;
- Supplying a non-potable water line with hydrants for washing down OSB when not in operation;
- Reconfiguring the effluent sewer piping to direct OSB overflow to the existing sewer bypass manhole and;
- Replacing the existing intake structure with a recessed intake structure, flush with the OSB bottom elevation

Council resolution C-286-12 authorized Administration to engage the services of CH2MHILL & Stantec Consulting for engineering design and construction management services for Phase 6 of the Pollution Control Centre Upgrade.

The consulting team completed the design and the tender was advertised on April 10th and closed on May 22nd 2013.

COMMENTS:

Seven tenders were received as follows:

Bidder	Amount (Excluding HST)
Vince Ferro Construction 3244 Walker Road Suite 200, Windsor, ON N8W 3R8	\$754,370.00
SLR Contracting Group Inc. 6260 Westar Drive, Windsor, ON N9J 3W3	\$858,402.50
Tervita Corporation 5045 North Service Road, Burlington, ON L7L 5H6	\$918,650.40
Elmara Construction Co. Ltd PO Box42, 5365 Walker Road, Tecumseh, ON N0R 1L0	\$926,383.00
HIRA Limited 63 Gaylord Road, St. Thomas, ON N5P 3R9	\$1,153,000.00
H2Ontario Inc. 71 Webster St. Unit A, New Hamburg, ON N3A 1W8	\$1,175,870.00
FACCA Incorporated 2097 County Rd 31, RR1, Ruscom, ON N0R 1R0	\$1,196,105.00

The consultant has reviewed all tenders and apart from some minor irregularities that had no material effect on the submitted bids, all tenders were acceptable, and no arithmetic errors were noted.

The low bid had no irregularities and complied with all contract requirements.

Vince Ferro Construction has verified that they are comfortable with their bid price, and are eager to commence the project.

The work is expected to take 18 weeks.

FINANCIAL IMPACT:

The 2013 capital budget includes an amount of \$1,252,000 for the construction work in account 20-7-0660-8130-302500-400006-7650. The consultant had indicated an estimated cost of Phase 6 as \$1,251,598. The cost estimate range was indicated to be from a low range (-30%) of \$876,119 to a high range (+50%) of \$1,877,397.

The low bid of \$754,370 is below the low range estimate. (With net HST the cost is \$767,650.)

Unit prices are provided in the tender documents for removal and disposal of all sediment from the OSB to allow renovation to be completed. An allowance was also included in the tender prices for some removal of material (3,000 tonnes) from the "Heinz" lagoon. Since the tenders came in under budget there may be an opportunity to, in addition, remove all or most of the remaining sediment from the Heinz lagoon if it is dry enough, using the quoted unit prices as a change order to the contract. This will be further investigated. Such removal will ultimately lower the demolition contract cost (Phase 7, 2015 capital budget) by an equivalent amount, and also remove another remaining potential source of odour ahead of schedule.

RECOMMENDATION:

That the tender for the completion of the Offline Storage Basin work - Phase 6 of the PCC Upgrade be awarded to Vince Ferro Construction, 3244 Walker Road Suite 200, Windsor, ON N8W 3R8, in an amount not to exceed \$754,370.00 plus HST, to be funded from sewer surcharge revenue and charged to account 20-7-0660-8130-302500-400006-7650. (ES 02-13)

Kit Woods P.Eng.
Manager of Environmental Services

Robert Sharon
Director of Community Services

File T:/CS/CS/CS Council Reports/2013/Environmental Services/ES 02-13 Tender Award PCC Upgrade Phase 6/