

Council Agenda

1. **Call to Order**
2. **Special Closed Meeting of Council Agenda**

Recommendation:

That Council move into Special Closed Meeting of Council at 5:30 PM in the Ante Room pursuant to Section 239 of the Municipal Act, as amended, for the following reasons:

Matters for Consideration:

- a. Confidential Report LLS-48-17 dated September 19, 2017 regarding Legal Opinion, Municipal Power to Dispose of Donated Funds to be considered in closed session pursuant to Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose
 - b. Verbal report to be considered in closed session pursuant to Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees.
3. **Disclosures of Pecuniary Interest and General Nature Thereof**
(Special Closed Meeting)
 4. **Adjournment of Special Closed Meeting**
 5. **Resumption of Regular Council Meeting**
(6:00 PM)
 6. **National Anthem**
 7. **Disclosures of Pecuniary Interest and General Nature Thereof**
(Open Session)

8. Approval of Council Minutes

8.1. Minutes of the Council Meeting held September 11, 2017
Pages 8 to 17

8.2. Minutes of the Special Council Meeting held September 18, 2017
Pages 18 to 19

9. Business Arising Out of the Minutes

10. Public Meetings

10.1. Public Meeting, Drainage

1. Meeting to Consider Preliminary Engineer's Report for the Gorrell Drain Petition for Drain

- Notice of Meeting dated September 7, 2017
Page 20
- Report DR-16-17 dated August 16, 2017 regarding Gorrell Petition Drain - Preliminary Report
Pages 21 to 27
- Comments from Essex Region Conservation Authority dated September 18, 2017
Pages 28 to 29
- (Engineer's Report as prepared by Baird AE Inc. dated August 1, 2017 listed under Additions on the Agendas, Meetings and Minutes page of the Municipal website)
- Suggested Recommendation:
 1. The preliminary report provided by Baird AE dated August 1st, 2017, for the new petition drain pursuant to the provisions of Section 4 of the Drainage Act be adopted; and
 2. The engineer prepare a final report based on the following selected options as described in the report:
 - a) Improve the drain the entire length of the channel as described in Item 6.0.1, 6.0.2, 6.0.3, 6.0.4
 - b) Pipe Outlet from County Rd 20 - Option 1
 - c) Drainage outlet for Klassen/Mastronardi (lot 387/381)
 - d) County of Essex Storm Sewer System - Option 1
 - e) Irrigation Water Supply for Lot 402 - Option 1 or 2
 - f) Access Bridge for lot 412 (DR-16-17)

10.2 Public Meetings, Planning

1. Notice of a Public Meeting to Consider Zoning By-law Amendment ZBA #156 (1 Pickwick Drive)

- Notice of Public Meeting dated September 5, 2017
Pages 30 to 32
- Report PLA-34-17 dated September 6, 2017 regarding Zoning By-law Amendment ZBA #156, Leamington United Mennonite Home and Apartments, 1 Pickwick Drive (300-06900)
Pages 33 to 40
- Correspondence from Essex Region Conservation Authority dated September 11, 2017
Pages 41 to 42
- Suggested Recommendation:
 1. Zoning By-law Amendment Application ZBA #156, to change the zoning of 1 Pickwick Drive from Residential (R2) Zone and Residential (R4-5) Zone to a site specific Residential (R2-13) Zone to permit 3 two unit dwellings on one lot and to establish site specific setbacks and zone provisions be approved by Council;
 2. If no concerns are raised at the public meeting which require a further report to Council, that amending By-law #67-17 be considered at the Monday, September 25, 2017 Council meeting. (Report PLA-34-17).

2. Notice of a Public Meeting to Consider Consent Application B-21-17 and Zoning By-law Amendment ZBA #160 (1049 Mersea Road 12)

- Notice of Public Meeting dated September 5, 2017
Pages 43 to 45
- Report PLA-35-17 dated September 12, 2017 regarding Combined Zoning By-law Amendment ZBA #160 and Consent B-21-17, Cloverview Farms Ltd., 1049 Mersea Road 12 (870-01800)
Pages 46 to 55
- Correspondence from the Lower Thames Conservation Authority dated September 6, 2017
Page 56

- Suggested Recommendation:
 1. Provisional approval of Consent Application B-21-17 to create a 0.348 hectare (0.861 acre) surplus dwelling lot located at 1049 Mersea Road 12 be supported by Council subject to the conditions listed in Schedule A;
 2. Zoning By-law Amendment Application ZBA#160, to change the zoning of the severed lot from Agricultural General (A1) zone to Agricultural Residential (A5) zone, be approved by Council;
 3. Zoning By-law Amendment Application ZBA #160 to change the zoning of the retained farm parcel by adding a site-specific clause to the Agricultural General (A1) zone in order to prohibit further residential development on the site be approved by Council; and
 4. If no concerns are raised at the public meeting, that amending By-law 68-17 be considered at the Monday September 25, 2017 Council meeting. (PLA-35-17)
- 3. **Notice of a Complete Application and Public Meeting to Consider Consent Application B-22-17 and Zoning By-law Amendment ZBA #161 (705 Mersea Road 5)**
 - Notice of Public Meeting dated September 5, 2017
Pages 57 to 59
 - Report PLA-33-17 dated September 12, 2017 regarding Lot Addition B-22-17 and Zoning By-law Amendment ZBA #161, (Highline Produce Ltd.), 705 Mersea Road 5 (680-02700)
Pages 60 to 68
 - Correspondence from Essex Region Conservation Authority dated September 18, 2017
Pages 69 to 70
 - Suggested Recommendation:
 1. Provisional approval of Consent Application B-22-17 to sever a 0.269 ha (0.665 acre) parcel of land from 705 Mersea Road 5 to be added to 514 Highway 77 be supported by Council subject to the conditions listed in “Schedule A”;
 2. Zoning By-law Amendment Application ZBA #161 to change the zoning of the severed parcel from Agricultural Hobby Farm Zone (A3) to Commercial Industrial Zone (C4) be approved by Council; and

3. If no concerns are raised at the public meeting which require a further report to Council, that amending By-law #69-17 be considered at the Monday, September 25, 2017 Council meeting. (PLA-33-17)

11. Reports of Staff and Delegation

- 11.1. Report DR-10-17 dated September 6, 2017 regarding Appointment of Drainage Commissioners and Annual Meetings Report
Pages 71 to 90
- 11.2. Report ENG-18-17 dated August 30th, 2017 regarding North Leamington Stormwater Master Drainage Study
Pages 91 to 94
 - Representatives from Essex Region Conservation Authority
- 11.3. Report FIN-15-17 dated August 24, 2017 regarding 2018 Fee Schedule
Pages 95 to 116
- 11.4. Report ENG-19-17 dated September 15th, 2017 regarding Erie South, Stewart, Conover and Forest Road Reconstruction and Sewer Separation
Pages 117 to 120
- 11.5. Report ENG-20-17 dated September 14, 2017 regarding 2017 Pedestrian Crossover (PXO) and Active Transportation Facilities Contract Award
Pages 121 to 133
- 11.6. Report IS-07-17 dated September 14, 2017 regarding Bank Theatre Grant
Pages 134 to 135
- 11.7. Report LLS-34-17 dated September 15th, 2017 regarding Bill 68 - Modernizing Ontario's Municipal Legislation Act
Pages 136 to 140
- 11.8. Report LLS-45-17 dated September 13th, 2017 regarding Video Surveillance Policy
Pages 141 to 142
- 11.9. Report LLS-46-17 dated September 13th, 2017 regarding The Salvation Army Leamington Corps "Boot Drive" Request
Pages 143 to 147

12. Matters for Approval

- 12.1 Minutes of the Leamington Accessibility Advisory Committee Meeting held
June 7, 2017
Pages 148 to 151

13. Other Matters for Consideration

- 13.1 Bill 94 Proposed Amendment to Highway Traffic Act and Pilot Project - School
Bus Camera Systems (Mayor Paterson)

Correspondence received from the Town of Tecumseh dated August 24,
2017 regarding Bill 94 Proposed Amendments to Highway Traffic Act and
Pilot Project
Pages 152 to 153

Resolution for Consideration:

“That the Municipality of Leamington support Bill 94, an Act to amend the
Highway Traffic Act with respect to evidence obtained from school bus
camera systems;

And that the Province be encouraged to mandate school bus cameras on all
school buses and that the costs are born by the Province and not
municipalities;

And further that a copy of this resolution be sent to the Premiere of Ontario,
Minister of Transportation, area MPPs, Leader of the Opposition Party,
Leader of the Third Party, AMO, County of Essex, area municipalities, and
Chatham-Kent.”

14. Report on Closed Session

None

15. Consideration of By-laws

- 15.1. By-law 53-17 being a by-law to provide for a maintenance schedule of
assessment for the Sloan Drain in the Municipality of Leamington in the
County of Essex (3rd and final reading) (DR-18-17)
- 15.2. By-law 66-17 being a by-law to appoint Commissioners and establish annual
fees for the better maintenance of various Municipal Drainage Schemes
throughout the Municipality of Leamington (DR-10-17)

- 15.3. By-law 67-17 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 #156, 1 Pickwick Drive (PLA-34-17)
- 15.4. By-law 68-17 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 #160, 1049 Mersea Road 12 (PLA-35-17)
- 15.5. By-law 69-17 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 #161, 705 Mersea Road 5 (PLA-33-17)
- 15.6. By-law 71-17 being a by-law to amend By-law No. 4284-95, as amended, being a By-law for the regulation of traffic and parking in certain areas of the Municipality of Leamington (Schedules B, C, D, H, I, K, BB and DD) (ENG-20-17)
- 15.7. By-law 72-17, being a by-law to permit the Salvation Army, in association with the Leamington Firefighters' Association to hold a boot drive fundraising event on October 28, 2017 (LLS-46-17)
- 15.8. By-law 73-17, being a by-law to provide for a tariff of fees to be charged in 2018 by the Municipality of Leamington (FIN-15-17)
- 15.9. By-law 74-17 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held September 25, 2017

16. Notices of Motion

None

17. Open Session

18. Statement of Members (non-debatable)

19. Adjournment

The Corporation of the Municipality of Leamington

Minutes of the Council Meeting

Monday, September 11, 2017 at 6:00 PM
Council Chambers, 111 Erie Street North, Leamington

Members Present: Mayor John Paterson
Deputy Mayor Hilda MacDonald
Councillors: John Hammond, John Jacobs and Tim Wilkinson

Members Absent: Councillors: Bill Dunn and Larry Verbeke

Staff Present: Clerk/Manager of Legislative Services, Brenda Percy
Chief Administrative Officer, Peter Neufeld
Director of Community and Development Services, Paul Barnable
Director of Finance and Business Services, Laura Rauch
Director of Infrastructure Services, Robert Sharon
Municipal Lawyer, Edward Posliff
Manager of Engineering Services, Allan Botham
Manager of Information Technology, David DelCiancio
Manager of Planning Services, Danielle Truax
Engineering Technologist, John Pilmer
Planner, Heather Jablonski
Legislative Coordinator, Brianna Coughlin

Call to Order

Mayor Paterson called the Meeting to order at 6:00 PM.

Disclosures of Pecuniary Interest and General Nature Thereof: (Regular Council Meeting Matters)

None noted.

Approval of Council Minutes:

No. C-242-17

Moved by: Councillor Jacobs
Seconded by: Councillor Hammond

That the Minutes of the Special Council Meeting held July 19, 2017 be approved.

Carried

No. C-243-17

Moved by: Councillor Wilkinson
Seconded by: Deputy Mayor MacDonald

That the Minutes of the Special Closed Meeting held July 19, 2017 be approved.

Carried

No. C-244-17

Moved by: Councillor Jacobs
Seconded by: Deputy Mayor MacDonald

That the Minutes of the Council Meeting held August 28, 2017 be approved.

Carried

Business Arising Out of the Minutes:

Deputy Mayor MacDonald noted that in the minutes of the Special Council Meeting held July 19, 2017, the Mayor suggested Council members walk around the Uptown. Deputy Mayor MacDonald advised that after she walked around the Uptown, she has the following suggestions for Administration to include in the 2018 Budget for discussion:

- Designate 1 person for maintenance in the Uptown, perhaps 1-2 days per week from April to October
- Purchase a sidewalk washer for the Uptown.

Chief Administrative Officer, Peter Neufeld stated that this will be brought forward for the 2018 Budget discussion and that Administration is already looking into machine options for the sidewalk washer.

Public Meeting, Planning:

1. Proposed Consent Application (B-13-17) and Zoning By-law Amendment ZBA #153 (2100 and 2110 Mersea Road 6) (610-03300)

Planner, Heather Jablonski presented the report. In particular, Ms. Jablonski brought three items to Council's attention:

- no new lots will be created by the severance, as the applicants will be joining the property with the parcel to the west;
- the applicants will need to satisfy proof of drainage, which will likely require a mutual drainage agreement; and
- the water connection fee and the parkland dedication fee should be waived since there will be no new lot created.

In response to a question from Council, Ms. Jablonski explained that “EP” stands for Environmental Protection and that the EP zoning will ensure protection of the woodlot and natural heritage features on the site, while allowing the existing single detached dwelling on this property to continue as a permitted use. She also indicated that the applicants initiated the zoning change to EP and that these lands are in a Managed Forest program with the Essex Region Conservation Authority.

In response to a question from Council, Ms. Jablonski advised that there was an error on the map on page 2 of the report, the area with the existing dwelling should not be hatched. The EP zoning allows for the house to be a permitted use so that area does not require a change in zoning.

In response to a question from Council, Ms. Rauch noted that there was no difference in taxation between Agricultural and Environmental Protection designated lands. Ms. Jablonski advised that there was a tax benefit for a registered Managed Forest.

Mr. Neufeld noted that it is an onerous process to go through a Managed Forest registration and there is not enough of a tax break to make this a desirable process for tax reasons. However, Administration has been looking into this process and bringing a possible incentive program forward for Council’s consideration.

Mayor Paterson confirmed there were no other people in attendance who wished to address Council on the matter.

No. C-245-17

Moved by: Councillor Jacobs
Seconded by: Councillor Hammond

1. Provisional approval of Consent Application B-13-17 to create an approximately 0.24 hectare (0.6 acre) surplus dwelling lot be supported, subject to the conditions listed in Schedule A;
2. Zoning By-law Amendment Application ZBA #153, to change the zoning of the severed parcel from A3 to A5-55, including site-specific zone provisions, be approved;
3. Zoning By-law Amendment Application ZBA #153, to change the zoning of the retained parcel and the lot to the immediate west to which it will be joined, from A3 and A1 to EP, be approved by Council;
4. If Council is satisfied that no further report is necessary to address concerns raised at the statutory public meeting, amending By-law 63-17 be forwarded to Council for consideration. (PLA-30-17)

Carried

Reports of Staff and Delegations:

1. Report IT-01-17 dated August 31, 2017 regarding VoIP Purchase and Upgrade

Manager of Information Technology, David DelCiancio presented the report.

In response to a question from Council, Mr. DelCiancio advised that VoIP means Voice Over IP, which provides increased functionality between facilities. Facilities can use internet services to have phones communicate between us and the public.

In response to a question from Council, Mr. DelCiancio advised that Administration intends to reutilize some of the existing equipment however, the surplus equipment could possibly be donated or simply recycled, at the discretion of the Chief Administrative Officer.

In response to a question from Council, Mr. DelCiancio advised that he has had conversations regarding additional computer equipment for Fire Services in order to meet their needs.

No. C-246-17

Moved by: Councillor Hammond
Seconded by: Deputy Mayor MacDonald

1. Council authorize the purchase of a new VoIP phone system from Applied Computer Solutions (3020 St. Etienne Blvd, Windsor, ON) in the amount of \$74,464 (plus applicable taxes); and
2. Council authorize the amount exceeding the approved budget of \$9,464 (plus applicable taxes) be funded by the IT Reserve (0231); and
3. Administration be authorized to dispose of the existing surplus phone equipment at the discretion of the CAO; and
4. The Mayor and Clerk be authorized to execute the agreement. (IT-01-17)

Carried

2. Report IT-02-17 dated August 31, 2017 regarding Purchase of Security Cameras - Municipal Building

Mr. DelCiancio presented the report.

In response to a question from Council, Mr. DelCiancio advised that there will be cameras across the facility and they will record to a central source.

In response to a question from Council, Mr. DelCiancio noted that he advised single-source for compatibility as well as ease of use for staff, functionality, no requirement for additional training, etc. A full Request for Proposal was conducted two years prior for the Kinsmen Recreation Complex and Administration wishes to mimic a similar system for

Town Hall. Mr. Neufeld noted that moving to one program was his direction to Administration in order to keep consistency and compatibility.

In response to a question from Council, Mr. DelCiancio advised that he was comfortable with the price that he received from the vendor and also had high-level discussions with an additional vendor for comparison.

In response to a question from Council, Mr. DelCiancio noted that Administration is closer to using fiber optics. A tender closed the previous week for Phase 1 on a fiber optic project and Administration will be bringing something forward for Phase 2 in the 2018 budget deliberations.

No. C-247-17

Moved by: Councillor Jacobs
Seconded by: Councillor Wilkinson

1. Council authorize the purchase of a new IP Security Camera system for the Municipal building from Security One (200 Sherk St., Leamington, ON) in the amount of \$24,994 (plus applicable taxes); and
2. Council authorize that this project be funded by the IT Reserve Fund (0231); and
3. Administration be authorized to dispose of the existing surplus camera equipment at the discretion of the CAO; and
4. The Mayor and Clerk be authorized to execute the agreement. (IT-02-17)

Carried

3. Report ENG-15-17 dated August 15, 2018 regarding County Wide Active Transportation Project Applications

Engineering Technologist, John Pilmer presented the report.

In response to a question from Council, Mr. Pilmer noted that the 0.6 km section (LEAM 11-B) was not shown as a settlement area in the Master Plan and any road outside of a settlement area is the responsibility of the County of Essex.

In response to a question from Council, Mr. Neufeld noted that all of the LEAM 11 project will be built at the same time, the project is only split into 3 parts in order to facilitate funding allocation between the Municipality and the County of Essex. Further, on page 67 which noted curbing of sidewalks, this came out of an opinion of Administration of an unfair situation with CWATS agreement which states that Leamington has to pay for curbing for bicycle lanes, regardless of whether the County of Essex has maintained the road properly. Mr. Neufeld advised that after discussions with the County Chief Administrative Officer, it was understood that Leamington would pay 60% of only 50% of this portion. However, the County of Essex transferred this cost back to the CWATS budget, rather than being paid by the County of Essex, as per the agreement. During the project application process, the CWATS Committee was not in

favour of paying this extra cost and advised Administration that Leamington must abide by the written rules of the CWATS agreement. Knowing how important this infrastructure is to our community, Administration reluctantly recommends moving forward with the application as is.

Council members expressed concern to committing to 100% of curb costs, however noted the importance of the projects for the Municipality.

In response to a question from Council, Mr. Neufeld noted that the difference in cost for the curbing is \$185,000.

In response to a question from Council, Mayor Paterson advised that there have been presentations to County Council in the past regarding CWATS, however, there have been no angry presentations from Leamington groups.

Mr. Neufeld advised that applications are made to the CWATS Committee and they have a model that they must follow. It will be up to County Council to determine if they are willing to take money from reserves in order to move forward with all projects.

In response to a question from Council, Mr. Neufeld advised that the CWATS Committee is comprised of the County Engineer and a representative from each municipality who has been part of the Transportation Master Plan. Mr. Pilmer noted that there are representatives from ERCA and the Windsor-Essex Health Unit, and Windsor and Chatham-Kent who attend meetings but are not voting members.

No. C-248-17

Moved by: Councillor Jacobs
Seconded by: Deputy Mayor MacDonald

1. The request to submit an application for a Functional Design of CWATS segment LEAM-8 be approved;
2. The request to submit an application for a Functional Design of CWATS segment LEAM-9 be approved;
3. The request to submit an application for the construction of CWATS segment LEAM-11A be approved;
4. The request to submit an application for the construction of CWATS segment LEAM-11C be approved;
5. The request to submit an application for the Change in Facility type for CWATS segment LEAM-17 be approved;
6. The request to submit an application for a Functional Design of the paved shoulder portion of CWATS segment LEAM-17 be approved;

7. The request to submit an application for the Change in Facility type and Functional Design of CWATS segment LEAM-22 be approved;
8. The Municipality of Leamington commit to share the costs for the preparation of a Functional Design for CWATS segment LEAM-8 up to \$6,300 and subject to further review;
9. The Municipality of Leamington commit to share the costs for the preparation of a Functional Design for CWATS segment LEAM-9 up to \$6,300 and subject to further review;
10. The Municipality of Leamington commit to share the construction costs of CWATS segment LEAM-11A up to \$340,500 and subject to further review;
11. The Municipality of Leamington commit to share the construction costs of CWATS segment LEAM-11C up to \$1,163,400 and subject to further review;
12. The Municipality of Leamington commit to share the costs for the preparation of a Functional Design for the paved shoulder portion of CWATS segment LEAM-17 up to \$69,000 and subject to further review;
13. The Municipality of Leamington commit to share the costs for the preparation of a Functional Design for CWATS segment LEAM-22 up to \$4,800 and subject to further review; and
14. Projects LEAM-8, LEAM-9, LEAM-11A, LEAM-11C, LEAM-17, and LEAM-22 be committed as a first charge to the 2018 budget. (ENG-15-17)

Carried

4. Report ENG-17-17 dated August 24, 2017 regarding Request for Proposal - 2017 Sidewalk Strategy

Manager of Engineering Services, Allan Botham presented the report. Mr. Botham also referenced a report from 2012 which advised that sidewalks enhance connectivity, improve safety (particularly during inclement weather), promote a healthy lifestyle, help attract tourists and enhance businesses.

In response to a question from Council, Mr. Botham advised that this RFP was sent out to 9 different consultants and had bids submitted by 3 companies.

In response to a question from Council, Mr. Botham advised that it is the intention of Administration to have the consultant bring a report back to Council regarding the specifics of sidewalk study, included when/how driveways are cut and replaced.

In response to a question from Council, Mr. Botham advised that studies are revisited and projects are shuffled around due to changing priorities. This study will become a basis but will not be set in stone. Mr. Neufeld noted that it is not meant to hold Council's feet to the fire, it is a way for Administration to understand Council's priorities.

No. C-249-17

Moved by: Councillor Hammond
Seconded by: Deputy Mayor MacDonald

1. Council award the 2017 Sidewalk Strategy RFP to Dillon Consulting, 3200 Deziel Drive, Windsor, Ontario, N8W 5K8 for the amount of \$19,750.00 (plus applicable taxes). (ENG-17-17)

Carried

Councillor Hammond left the meeting at 7:35 PM.

5. Report FIN-14-17 dated August 16, 2017 regarding Long-Term Financing Agreement with Essex Powerlines Corporation

Director of Finance and Business Services, Laura Rauch presented the report.

No. C-250-17

Moved by: Councillor Jacobs
Seconded by: Deputy Mayor MacDonald

1. The long-term financing agreement be renewed with Essex Powerlines Corporation in the principal sum of \$2,150,296 at 3.8% interest for a 5-year term of January 1, 2018 - December 31, 2022;
2. And that the Mayor and Clerk be authorized to execute the agreement with Essex Powerlines Corporation. (FIN-14-17)

Carried

6. Report LLS-42-17 dated August 24, 2017 regarding 2018 Election Services Provider

Manager of Legislative Services/Clerk, Brenda Percy presented the report.

No. C-251-17

Moved by: Councillor Jacobs
Seconded by: Councillor Wilkinson

1. Intelivote Systems Inc. be awarded the contract for the provision of Internet and Telephone Election Services in the amount of \$45,470 (includes HST); and
2. The Clerk be authorized to execute an agreement. (LLS-42-17)

Carried

Matters for Approval:

None noted.

Other Matters for Consideration:

None noted.

Consideration of By-laws:

No. C-252-17

Moved by: Councillor Wilkinson
Seconded by: Deputy Mayor MacDonald

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

By-law 63-17 being a by-law to amend comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to subject lands ZBA #153, 2100 and 2110 Mersea Road 6 (PLA-30-17);

By-law 64-17 being a by-law to amend By-law 4284-95, as amended, being a by-law for the regulation of traffic and parking in certain areas of the Municipality of Leamington (Schedules B, D, E, H and I) (Report ENG-14-17, August 28, 2017);

By-law 65-17 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held September 11, 2017.

Carried

Notices of Motion:

None noted.

Open Session of Council and Administration:

Director of Infrastructure Services, Robert Sharon provided an update regarding the request for additional funding for the Pelee Drive Sanitary Sewer project. Unfortunately, Administration was advised by the Ministry of Agriculture, Food and Rural Affairs that there are no additional funds available through the Small Communities Fund.

In response to a question from Council, Mr. Neufeld advised that Administration has not explored the internal cost burden, as external sources were explored first. Property assessment will be reviewed during the Court of Revision process to determine if there are any ways to reduce the burden on property owners.

Mayor Paterson advised that he attended a meeting August 30th at the New Canadian Centre of Excellence. The Deputy Minister of Immigration was there as well as community groups to discuss the influx of people crossing into Quebec and Manitoba

requesting refugee status from the United States and what we might want to do to prepare if that happens here at the Windsor-Essex border crossing. The group also discussed the 147 Syrian refugees that have come to Leamington, things are going very well for all of them.

Mayor Paterson advised that he attended a luncheon with Councillor Verbeke September 6th to listen to a presentation by MPP Andrea Horwath regarding her view of the agricultural industry and taxation. On September 8th, he attended the grand opening of Meteor Systems, as well as the Essex Power Corporation meeting. At that meeting, municipalities discussed sustainable communities and what we can do to create power generation to reduce municipal costs (virtual metering) and expanding to commercial and residential areas. Mayor Paterson advised that this project will have significant investment costs and the group is looking for federal funding.

Statement of Members: non-debatable

None noted.

Adjournment:

No. C-253-17

Moved by: Councillor Wilkinson
Seconded by: Councillor Jacobs

That the meeting adjourn at 7:50 PM.

Carried

John Paterson, Mayor

Brenda Percy, Clerk

Minutes approved at Council Meeting held
September 11, 2017, Resolution C-XXX-17,
Confirmation By-law XX-17

The Corporation of the Municipality of Leamington

Minutes of the Special Council Meeting

**Monday, September 18, 2017 at 2:00 PM
Council Chambers, 111 Erie Street North, Leamington**

Members Present: Deputy Mayor Hilda MacDonald
Councillors: Bill Dunn, John Hammond, John Jacobs and
Larry Verbeke

Members Absent: Mayor John Paterson, Councillor Tim Wilkinson

Staff Present: Clerk/Manager of Legislative Services, Brenda Percy
Chief Administrative Officer, Peter Neufeld
Acting Director of Legal and Legislative Services Edward Posliff
Director of Community and Development Services, Paul Barnable
Director of Infrastructure Services, Robert Sharon
Director of Finance and Business Services, Laura Rauch
Manager of Planning Services, Danielle Truax
Junior Planner, Madeline Gibson
Legislative Coordinator, Brianna Coughlin

Call to Order:

Deputy Mayor MacDonald called the Meeting to order at 2:00 PM.

Disclosures of Pecuniary Interest and General Nature Thereof:

None noted.

Reports of Staff and Delegations:

- 1. Report LLS-47-17 dated September 13, 2017 regarding Agreement with the Ministry of Transportation for Highway 77 Watermain Crossing**

Director of Infrastructure Services, Robert Sharon presented the report. Mr. Sharon advised that Administration requires Council authorization to enter into an agreement with the Ministry of Transportation, as the proposed watermain will cross a provincial highway.

No. S-76-17

Moved by: Councillor Dunn
Seconded by: Councillor Jacobs

1. Council authorize the entering into of an agreement with Her Majesty the Queen in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario for the construction of a watermain crossing across Highway 77 to allow for water service to a greenhouse development owned by 1454411 Ontario Inc. (Heritage Farms) located at 709 Mersea Road 11;
2. The Mayor and Clerk be authorized to execute the agreement. (LLS-47-17).

Carried

Consideration of By-laws:

No. S-77-17

Moved by: Councillor Verbeke
Seconded by: Councillor Dunn

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

By-law 70-17 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its special meeting held September 18, 2017.

Carried

Adjournment:

No. S-78-17

Moved by: Councillor Jacobs
Seconded by: Councillor Hammond

That the meeting adjourn at 2:02 PM.

Carried

Hilda MacDonald, Deputy Mayor

Brenda M. Percy, Clerk

Minutes approved at Council Meeting held
September 25, 2017, Resolution C-XXX-17,
Confirmation By-law XX-17



Meeting to Consider

September 7, 2017

To: All Affected Owners

Dear Sir or Madam:

Re: Engineer's Report for the Gorrell Drain
Petition for Drain - Preliminary Report
Municipality of Leamington, County of Essex

This is to notify that you have property affected by the above proposed drainage project, pursuant to the provisions of The Drainage Act, R.S.O. 1990, as amended.

The Engineer's Preliminary Report prepared by Baird AE Engineering dated August 1, 2017, a copy of which is attached, was filed with the Clerk of the Municipality of Leamington on August 1, 2017, and will be considered at a meeting of the Leamington Council:

Date: Monday, September 25, 2017

Time: 6:00 p.m.

Location: Council Chambers of the Municipal Building
111 Erie Street North, Leamington, Ontario

Should you have any questions, please contact the Drainage Department at extension 1315.

Yours truly,

Brenda Percy
Clerk

/s/

Enclosure



Report

To: Mayor and Members of Council

From: Lu-Ann Marentette, Drainage Superintendent

Date: August 16, 2017

Re: Gorrell Petition Drain - Preliminary Report

Recommendation:

It is recommended that:

1. The preliminary report provided by Baird AE dated August 1st, 2017, for the new petition drain pursuant to the provisions of Section 4 of the Drainage Act be adopted; and
2. The engineer prepare a final report based on the following selected options as described in the report:
 - a. Improve the drain the entire length of the channel as described in Item 6.0.1, 6.0.2, 6.0.3, 6.0.4
 - b. Pipe Outlet from County Rd 20 - Option 1
 - c. Drainage outlet for Klassen/ Mastronardi (lot 387/381)
 - d. County of Essex Storm Sewer System - Option 1
 - e. Irrigation Water Supply for Lot 402 - Option 1 or 2
 - f. Access Bridge for lot 412 (Report DR-16-17)

Background:

Administration received a signed petition in 2013, pursuant to Section 4 of the Drainage Act, from 3 property owners in Lot 2, Concession BF, requesting drainage. (please refer to attached Schedule 'A')

In between municipal address 402, 412 and 418 Seacliff Drive West runs a large ravine (all of which is on the south side of Seacliff Dr W). These landowners over time have noticed an increase in water discharging from a road culvert into this ravine. They are noticing deterioration of the natural banks along with erosion due to the impact of the perceived increased water flows. (please refer to Figures 1 and 2)



Figure 1



Figure 2

Council accepted a petition from landowners, received by the Municipality on April 4th, 2013 at the May 13th, 2013 Council meeting. Stantec Consulting was appointed to prepare the report on Section 4 of the Drainage Act.

The engineer of record, Mr. Don Joudrey, left Stantec Consulting and moved to BairdAE. Therefore, to maintain continuity, in and around October of 2014 a decision was made that Stantec would no longer be the engineering firm of record. The engineer, Don Joudrey, BairdAE, accepted taking over the report, and therefore, BairdAE became the engineer of record.

Pursuant to section 5 (1) of The Drainage Act, Council can choose whether or not to proceed with the petition.

The Drainage Act

Drainage works constructed on petition

5. (1) Where a petition in accordance with section 4 has been filed, the council shall forthwith consider the petition and shall, within thirty days after the filing of the petition,

(a) if it decides not to proceed with the drainage works, give written notice of its decision to each petitioner; or

(b) if it decides to proceed with the drainage works, give written notice of the petition and of its decision to each petitioner, the clerk of each local municipality that may be affected, and the conservation authority that has jurisdiction over any lands in the area or, if no such conservation authority exists, the Minister of Natural Resources. R.S.O. 1990, c. D.17, s. 5 (1).

Further to the Drainage Act.

1. Administration has reviewed the petition for new drainage works received from the landowners in Lot 2, Concession BF, and are satisfied that the petition meets the basic requirements of Section 4 of the Act. Council must decide whether or not to proceed.
2. If Council decides not to proceed (s.5(1)(a) then written notice of its decision must be sent to each petitioner. It must be noted that a petitioner may appeal to the Ontario Drainage Tribunal if Council decides not to proceed, or if Council does not act on the petition within thirty days after filing s.5(2).
3. If the Municipality decides to proceed then a written notice of its decision must be given to:
 - a) each petitioner;
 - b) Clerk of each local municipality that may be affected;
 - c) the conservation authority
 - d) Ministry of Natural Resources;
 - e) Ministry of the Environment.

This allows the opportunity for input and/or request for an Environmental Appraisal from the Conservation Authority and Ministry of Natural Resources. The agency that requests the appraisal must pay for the cost of the study.

4. Subject to comments received from the Ministries and other municipalities, the Council should then appoint a drainage Engineer (s.8). Upon appointment of the

Engineer, Council must decide whether a final or preliminary report should be prepared. If an environmental appraisal has been requested then a preliminary report must be prepared. (s.10(1).

5. The Engineer must hold an on-site meeting. At this meeting the engineer obtains information from all affected parties.

The Engineer at this meeting must also determine the area requiring drainage and determine if the petition is sufficient based upon the new information.

If the Engineer is of the opinion that the petition is not sufficient, then the Engineer must report to Council stating where the petition is deficient, the outstanding engineering fees and who should pay them. Council must send a copy of the opinion to the petitioners (s.9(4). The petitioners have sixty days (s.9(5) to comply with Section 4.

6. Council may want a preliminary report prepared for a number of reasons. The preliminary report is intended to be a less expensive way to provide information to the petitioners who may not be sure of the extent of work required, the possible alternatives for the construction of a drain, or the general cost of the alternatives to be considered. Also an Environmental Appraisal or a Cost/Benefit Study may be requested making the preliminary report a necessity.

In deciding whether or not a preliminary report should be prepared, Council may seek the advice of the appointed engineer and the drainage superintendent.

7. If a preliminary report is required, then after the Engineer files the preliminary report, the report and notice shall be sent to (s.10(2):
 - a) every owner in the area requiring drainage as determined by the engineer or described in the petition;
 - b) any public utility or road authority affected;
 - c) any local municipality and conservation authority and if no authority, the Ministry of Natural Resources;
 - d) the Ministry of Agriculture and Food.
8. At the "Meeting to Consider" the preliminary report, the Engineer presents the information contained in the report, including all the alternatives considered. The landowners and Council are given the opportunity to consider the report. Any person who signed the petition is provided an opportunity to withdraw their name by putting the withdrawal in writing and filing it with the Clerk. Any person who is in the area requiring drainage and has not signed the petition, is to be given the opportunity to add their names to the petition (s.10(3).

If at the end of the "Meeting to Consider" the petition does not comply with Section 4, then the original (those on the petition prior to the meeting) petitioners are responsible for the total cost to date in equal shares. The total cost to date excludes the costs for an environmental appraisal and cost benefit statement. These costs are to be paid by the party requesting the appraisal or statement. The petitioners'

share of the cost is eligible for grant (s.10(4)). No distinction is made between agricultural and non-agricultural assessments when a preliminary report is prepared.

If the petition contains sufficient signatures then Council may instruct the engineer to prepare the final report (s.10(5)). If Council fails to do so, any petitioner has the right to appeal to the Tribunal (s.10(6)).

9. If the application proceeds, then the next step is preparation of a final report. The procedures from this point forward are the same as the Repairs & Improvements requests.

Comments:

Council appointed the engineer to prepare a preliminary report (C-175-13). The purpose of a preliminary report is to allow the engineer to review the drainage need, and evaluate a number of options that would satisfy the need. It is not the intent of the preliminary report to provide final design or an assessment schedule. It is the intent of the preliminary report to further investigate the need and identify works that will satisfy the drainage need.

The engineer reviewed the natural ravine from Lake Erie up to and including the north side of Seacliff Drive West, and is confident that satisfactory improvements can be made. The engineer's preliminary report suggests improvements that would reduce and control erosion, and provide a stabilized outlet for all upstream properties that are currently using the natural ravine. Improvements may include: sub drains, rip rap, seeding, removal of loose materials, bank repairs, construction of a low flow channel and pipe extensions.

Through several meetings, the engineer has heard from some affected landowners and provided some options for consideration to specific properties. These options will be discussed and evaluated further during the final report process.

Should Council direct the engineer to prepare a final report, Don Joudrey, BairdAE, will continue with the assignment and deliver the report for Council's consideration, and designation of a legal outlet to service the drainage community.

Financial Impact:

To Date, a total of \$41,400 has been charged against the Gorrell Drain - New Petition Drain project. The costs to date are considered part of the total cost of the drainage works, and are included in the total estimate of the works, presented below. However, should the petition not move forward to a final report, all costs must be shared by the original petitioners.

The total estimate of the works (including expenses to date) is \$242,775 (plus applicable taxes) as presented in the preliminary report prepared by BairdAE and dated July 2017. This amount also includes an \$8,000 biologic assessment to satisfy the Ministry of Natural Resources, species at risk.

There is no municipal road share of assessment since the Municipality has no affected property or road within the proposed watershed.

Respectfully submitted,

Peter Neufeld
B.A. LL.B.

Digitally signed by Peter Neufeld B.A. LL.B.
DN: cn=Peter Neufeld B.A. LL.B., o,
ou=CAO, email=pneufeld@leamington.ca,
c=US
Date: 2017.09.21 13:28:56 -04'00'

Lu-Ann Marentette
Drainage Superintendent

Allan Botham, P.Eng
Manager of Engineering

Robert Sharon, CMO
Director of Services
Infrastructure Services

/LB

Attachments: Schedule 'A' - Map

File: T:\Community Services\Community Services\Community Services Council Reports\2017 Report\Drainage\DR-16-17 - Gorrell Drain - Petition\DR 16-17 - Gorrell Petition Prelim.doc

Schedule 'A'



Legend

-  Gorrell Drain
-  Municipal Drains
-  Drainage Area
-  Parcel Lines



Title: DR-16-17



Scale: 1:3,600 0 18 36 72 Meters

Prepared For: Drainage Dept. Date: August 16, 2017

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Prepared By: GIS Services File No: DR-16-17

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Scale is correct if original paper size of letter is still intact and has not changed in any way. The Municipality of Leamington will not be held responsible for any damages due to scale errors from paper size changes.

From: Cynthia Casagrande [<mailto:CCasagrande@erca.org>]
Sent: September-18-17 3:24 PM
To: Lu-ann Marentette ; Brenda Percy
Cc: Lucy Simpson ; Don Joudrey ; John Henderson ; Dan Jenner
Subject: Gorrell Drain - Notice of Meeting to Consider Draft Report

Dear Lu-Ann and Brenda:

This office acknowledges receipt of the Notice of Meeting to Consider scheduled for September 25, 2017 to consider the Preliminary Engineer's Report for the Gorrell Drain. Unfortunately, we are unable to attend this meeting.

A review of our floodplain mapping for the proposed Gorrell Drain indicates that this drain is located within an area that is under the jurisdiction of the Essex Region Conservation Authority (ERCA) (Section 28 of the *Conservation Authorities Act*). Prior to undertaking works, a permit is required from this office.

In addition, this office has had an opportunity to review the Preliminary Report for the Gorrell Drain prepared by BairdAE, Project No. 14-163 and have the following comments and concerns that will need to be addressed.

It is our understanding that the existing natural watercourse is to be incorporated into a municipal drain and called the Gorrell Drain. This natural watercourse flows along the bottom of a ravine. The existing ravine is exhibiting erosion of the slopes and downcutting of the channel.

The proposed Gorrell Drain is not a modelled waterway. Any proposed works within this waterbody must not adversely impact the flow regime of this drain for all storms up to and including the 1:100 year event. The proposed works cannot increase potential flood elevations. In addition, there will be the need to address long-term downcutting of the waterway to ensure that any remedial works constructed will not be undermined in the long term.

Based on your report, it appears that the ravine slopes are steep and unstable. We have concerns that the proposed installation of the perforated subdrain with sock may further destabilize the bank and adjacent structures. Details of the construction methods and proposed mitigation measures to be incorporated will be required by this office as part of the permit application if this project moves forward.

We have the same above noted concerns with respect to the proposed construction of the short section of 1.5 metres high cast-in-place concrete or large concrete blocks or gabion baskets wall. We understand that a final design has not been confirmed as yet. We will require the proposed remedial measures to be undertaken during construction to ensure that the proposed works do not negatively impact on the existing building and exposed foundation.

We understand that there has been an inquiry about extending the pipe enclosure described in Item 2.3) an additional 25 metres downstream for a total enclosure length of 50 metres. This office would have no objection to extending the enclosure to 50 metres provided that the level of service remains unchanged and that the structure and overland swale account for all storms up to and including the 1:100 year event.

The Gorrell Drain may contain significant species (aquatic species at risk as well as plants, animals, habitat, etc.) that are protected under the provincial *Endangered Species Act*. The ERCA does not screen for species that are protected under the provincial *Endangered Species Act*. It is the proponent's responsibility to ensure all issues related to the provincial *Endangered Species Act* are addressed. All inquiries regarding the provincial *Endangered Species Act* should be made with the Aylmer office of the Ontario Ministry of Natural Resources and Forestry (MNRF) (ESA.Aylmer@ontario.ca).

Should any requirements and/or conditions regarding the proposed works be specified by the MNRF, then these conditions and possible changes would need to be reflected in any ERCA authorization/approval. Please contact this office immediately if there are any changes and/or modifications to the proposed works necessitated by the MRNF review and clearance.

We also note that there are a number of options presented in the Preliminary Report and depending on which option is ultimately chosen, we may have additional comments or concerns to be addressed. Based on the above information and comments, we suggest that your consultant contact our office with an opportunity to review this project proposal prior to completing the final design.

If you have any questions, please do not hesitate to contact our office.

Yours truly,



Cynthia Casagrande

Regulations Coordinator
Essex Region Conservation Authority
360 Fairview Avenue West, Suite 311
Essex ON N8M 1Y6
(519) 776-5209, Ext. 349

Notice of a Complete Application and Public Meeting to consider a Zoning By-law Amendment

ZBA #156 - 1 Pickwick Drive (Leamington United Mennonite Homes & Apartments)

TAKE notice that the Council of The Corporation of the Municipality of Leamington will hold a public meeting concerning a proposed zoning by-law amendment under the provisions of the Planning Act, R.S.O. 1990 on **September 25, 2017 at 6:00 PM** in the Council Chambers at the Municipal Building.

The Purpose of the proposed amendment is to change the zoning of the vacant property located at the southwest corner of Pickwick Drive and Oak Street East, municipally known as 1 Pickwick Drive (see inserted key map). The site is currently zoned both Residential (R2) Zone and Residential (R4-5) Zone. The R2 zoning permits low density residential uses such as single detached and two unit dwellings. The R4-5 zoning permits medium density residential uses such as low rise apartments and multi-unit dwellings, in addition to a heritage centre. The amendment seeks to create one site specific Residential (R2) Zone to permit the construction of three 2-unit residential dwellings, as well as establish site specific zone provisions for coverage and setbacks. The development of the three 2-unit dwellings is subject to the approval of site plan control application SPC-24-17.

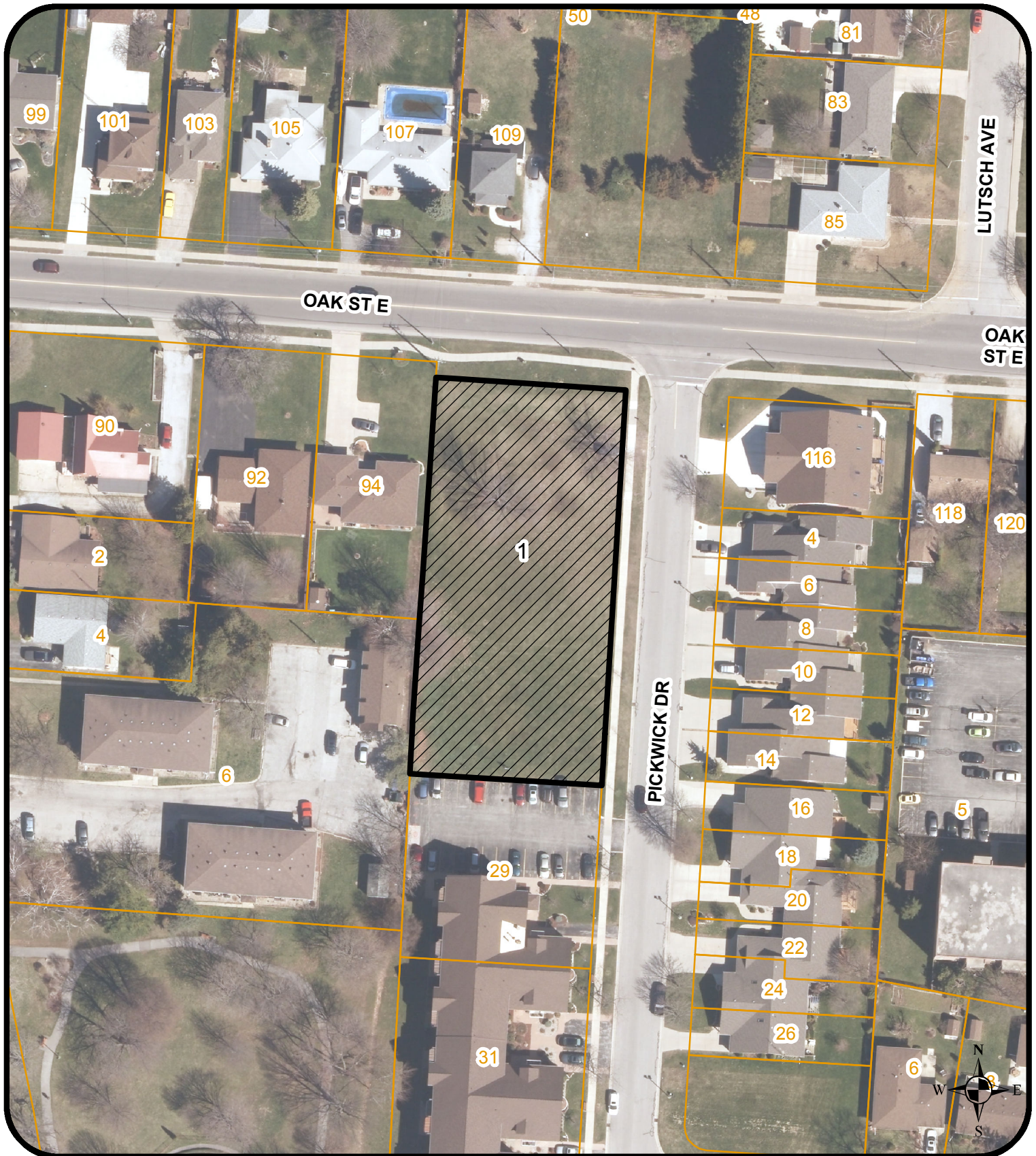
Any Person may attend the public meeting and/or make written or verbal comments either in support of or in opposition to the proposed consent or zoning by-law amendment. If you wish to be notified of the decision of Municipality of Leamington, you must make a written request to the Corporation of the Municipality of Leamington. If you are an owner of property containing seven or more residential units, you are requested to post this notice in a location visible to all residents. If you are the owner of any building or land that contains seven or more residential units, you are required to post this notice in a location that is visible to all residents.

If a Person or public body does not make oral comments at the Public Meeting or make written comments to The Corporation of the Municipality of Leamington before the provisional consent is given or a by-law is passed, the person or public body is not entitled to appeal the decision of Council of The Corporation of the Municipality of Leamington to the Ontario Municipal Board.

If a Person or public body does not make oral comments at the Public Meeting or make written comments to The Corporation of the Municipality of Leamington before provisional consent is given or the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Additional Information relating to this matter is available for review at the Municipal Office for The Corporation of the Municipality of Leamington, during regular office hours. Please contact Madeline Gibson, Junior Planner at 519-326-5761 ext. 1406 or mgibson@leamington.ca.

DATED at the Municipality of Leamington this 5th day of September, 2017.



Legend



ZBA #156 and SPC-24-17
Leamington United Mennonite
Home and Apartments

Aerial Photography : April 2017

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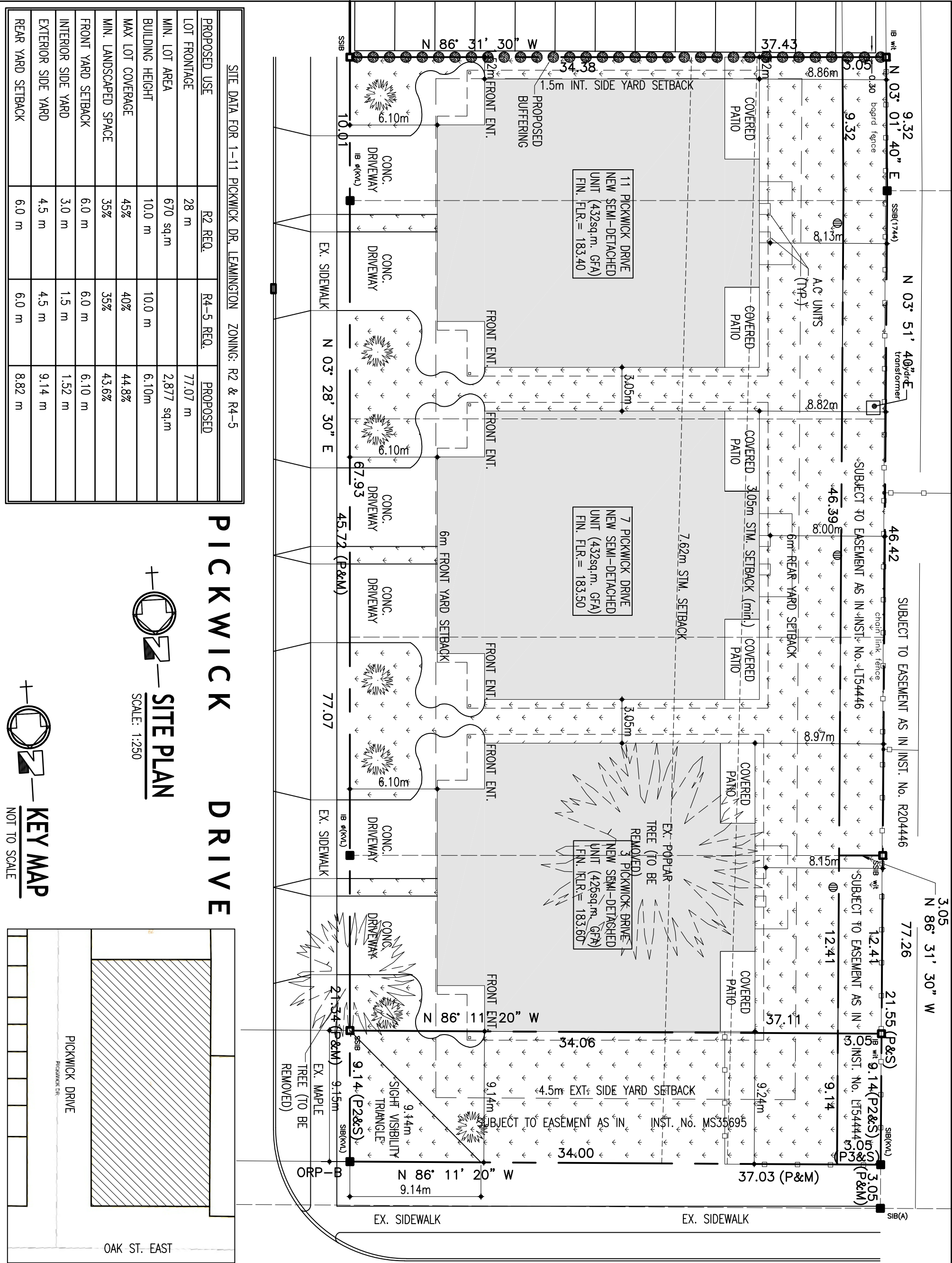
Provided by the: Municipality of Leamington - GIS Services

111 Erie Street North, Leamington, Ontario N8H 2Z9

TEL: (519) 326-5761

FAX: (519) 326-2481

310-153



SITE DATA FOR 1-11 PICKWICK DR. LEAMINGTON ZONING: R2 & R4-5		
PROPOSED USE	R2 REQ.	R4-5 REQ.
LOT FRONTAGE	28 m	77.07 m
MIN. LOT AREA	670 sq.m	2,877 sq.m
BUILDING HEIGHT	10.0 m	6.10m
MAX LOT COVERAGE	45%	40%
MIN. LANDSCAPED SPACE	35%	43.6%
FRONT YARD SETBACK	6.0 m	6.10 m
INTERIOR SIDE YARD	3.0 m	1.52 m
EXTERIOR SIDE YARD	4.5 m	9.14 m
REAR YARD SETBACK	6.0 m	8.82 m

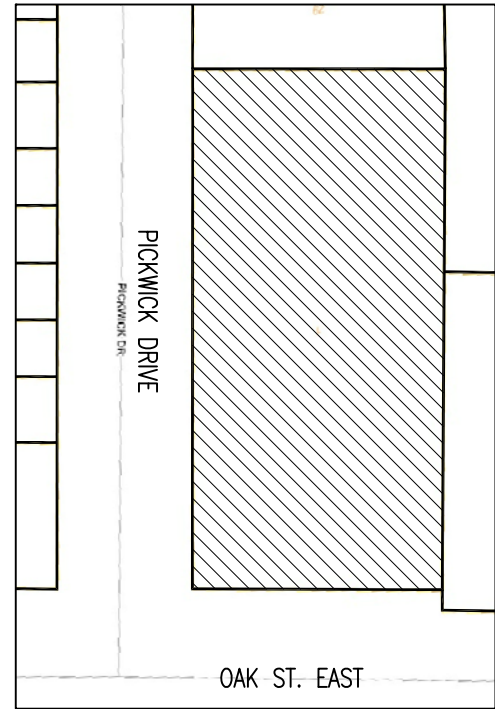
PICKWICK DRIVE



SCALE: 1:250



NOT TO SCALE



REVISIONS	ISSUED FOR	DATE
OWNER APPROVAL SITE PLAN APPLICATION		AUG. 22/17
CONTRACTOR:		
PROJECT:		
PROPOSED 6-UNIT DEVELOPMENT FOR LEAMINGTON UNITED MENNONITES		
SHEET TITLE:		
S1 PICKWICK DRIVE LEAMINGTON, ONTARIO		
DRAWN BY: Y.C. JIU ENGINEERING		
CHECKED BY: Y.C. JIU ENGINEERING		
DATE: JULY 17		
SHEET NO. 1		
20529		



Report

To: Mayor and Members of Council

From: Danielle Truax, Manager of Planning Services

Date: September 6, 2017

Re: Zoning By-law Amendment ZBA #156
Leamington United Mennonite Home and Apartments
1 Pickwick Drive (300-06900)

Recommendation:

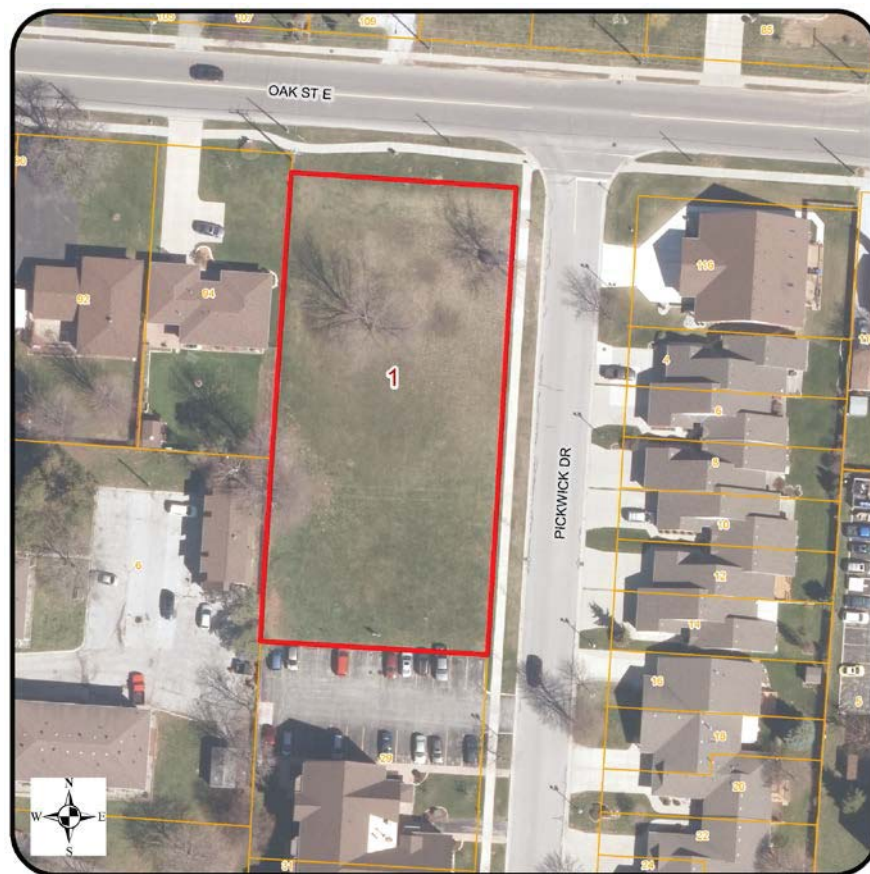
It is recommended that:

1. Zoning By-law Amendment Application ZBA#156, to change the zoning of 1 Pickwick Drive from Residential (R2) Zone and Residential (R4-5) Zone to a site specific Residential (R2-13) Zone to permit 3 two unit dwellings on one lot and to establish site specific setbacks and zone provisions be approved by Council;
2. If no concerns are raised at the public meeting which require a further report to Council, that amending By-law #67-17 be considered at the Monday, September 25, 2017 Council meeting. (Report PLA-34-17)

Background:

Administration has received a Zoning By-law Amendment Application for the property described as Lot 22, Plan M-98 and municipally addressed as 1 Pickwick Drive Oak (see inserted key map). The subject property is a vacant lot located on the south west corner of Pickwick Drive and Oak Street East, immediately north of the existing parking lot for the Leamington United Mennonite Home and Apartments Heritage Centre at 29 Pickwick Drive. The property has an area of 0.29 hectares (0.71 acres) with 37.05 m (121 ft.) of frontage along Oak Street East and 77 m (252.6 ft.) along Pickwick Drive. The surrounding area has been developed with established residential uses including single detached, two unit and single unit attached (townhouse style) dwellings, as well as low rise residential apartments and institutional long term care facilities. The subject lands are located in a serviced area by municipal water, sanitary and storm services.

The property is currently designated for residential land use within the Official Plan, as shown on Schedule A-6E and is split zoned Residential (R2) Zone and Residential (R4-5) Zone, as shown on Map 44 to Zoning By-law 890-09, as amended. The northern portion of the property is zoned R2 which permits a variety of low density residential uses, including single detached, semi-detached and two unit dwellings. The remainder of the property is site specifically zoned R4-5 which permits medium density residential development including two unit, semi-detached, townhouse style and multi-unit dwellings not greater than three storeys in height. In addition to the permitted residential uses, the R4-5 zone also permits a recreation and heritage centre. The R4-5 zoning extends to the properties immediately to the south of the subject land. The lands which are owned and operated by the Leamington United Mennonite Home and Apartments has been developed with residential uses, a heritage centre and on-site parking. The R4-5 zoning will remain in place for the properties located at 29-31 Pickwick Drive.



Key Map of 1 Pickwick Drive

Notice of the public meeting for consideration of Zoning By-law Amendment Application ZBA #156, was provided in accordance with the regulations of the Planning Act. The notice was delivered to property owners within 120 m (400 ft.) of the subject property, prescribed agencies and municipal departments on September 5, 2017. Signage containing information about the purpose of the application and public meeting was posted on-site. The statutory public meeting is the legislated opportunity for interested parties who wish to speak directly to Council about the requested amendment and the proposed development.

Proposal:

Leamington United Mennonite Home and Apartments has applied to rezone 1 Pickwick Drive from the Residential (R2) Zone and Residential (R4-5) Zone to a site specific Residential (R2) Zone to permit 3 two units dwellings on one lot. In addition to changing the zoning shown on Map 44 of the Zoning By-law, the amendment will also establish site specific setbacks from all property lines, increase the maximum permitted lot coverage and permit each dwelling unit to have an individual driveway access onto Pickwick Drive. The proposed site plan showing the location of the units on the property has been attached as Figure 1.0 Site Plan to this report.

Comments:

Provincial Policy Statement (PPS):

The Provincial Policy Statement (PPS) specifies that there shall be provision for an appropriate range and mix of housing types and densities to meet the social, health and wellbeing requirements of current and future residents.

The proposal is consistent with the direction of the PPS through its central location, enabling future residents to quickly access shops, employment opportunities, community amenity spaces and services through public transportation, biking, walking and by car. Additionally, the proposal contributes to the provisions of an appropriate mix of housing opportunities and represents a gentle density increase that is complimentary to the existing built form in the surrounding area.

The proposal fulfills the policies and direction the PPS by providing residential intensification through the urban infilling of the currently vacant site.

County of Essex Official Plan 2005 (County OP):

The County of Essex Official Plan, 2005 (County OP) identifies the need for mixed-use, compact, pedestrian-oriented development within designated and fully serviced urban areas. Additionally, the County OP identifies the need for a broad range of housing choices, employment and leisure opportunities for a growing and aging population.

The proposed zoning to allow the construction of two unit residential dwellings meets the direction of the County OP by providing additional housing opportunities for a growing and aging population through its at-grade design and central location.

Leamington Official Plan 2008 (OP):

Much like the PPS and the County OP, the Municipality of Leamington's Official Plan also mandates that the Municipality increase housing supply through residential intensification, including through the use of residential infill.

In accordance with Section 3.2.1. g) of the Official Plan, the proposed zoning will provide an opportunity for residential intensification through infill of a currently vacant lot and by proposing a gentle increase in density.

Section 3.2.2. h) of the Official Plan outlines criteria to be considered when determining the appropriateness of a proposed density increase. Administration has considered the existing density and built form of adjacent development, the adequacy of available services for water supply, sanitary sewers and storm drainage, the proximity to local and regional roadways and public and essential amenities such as parks, schools, commercial shopping and institutional services. As a result, it is Administration's opinion that the proposal conforms to the Residential Land Use Policies of Leamington's Official Plan.

Leamington Zoning By-law 890-09, as amended

ZBA #156 proposes to rezone 1 Pickwick Drive from R2 and R4-5 to a site specific Residential R2 Zone to allow the construction of 3 two unit dwellings on one piece of property, establish setbacks and lot coverage zone provisions, as well as allow an individual driveway access per unit.

Setbacks

The subject property is a corner lot which has frontage on Oak Street East and Pickwick Drive. The shortest frontage of the property is along Oak Street East and by definition would be considered the front lot line. Despite that the units will be facing and accessed from Pickwick Drive, the actual front lot line will remain measured from Oak Street East. The setbacks that have been requested and shown on the site plan are appropriate based on the type of development that is proposed and the expected level of impact of the proposed use and structures on the surrounding area. The proposed site specific setbacks establish a building envelope which the proposed two unit dwelling structures can be built within and are as follows:

- | | |
|---|------------------|
| Front yard setback (Oak St. East) | 9.14 m (30 ft.) |
| <ul style="list-style-type: none">• Acknowledges corridor for existing utility easements along Oak Street• Appropriate setback of residential unit from an arterial road | |
| Exterior side yard setback (Pickwick Drive) | 6.10 m (20 ft.) |
| <ul style="list-style-type: none">• Appropriate setback of residential unit from a local road• Allows sufficient room for vehicle to be parked forward of garage | |
| Rear yard setback (abutting Parking Lot) | 1.5 m (4.92 ft.) |
| <ul style="list-style-type: none">• Appropriate setback for end unit from the abutting parking lot. | |
| Interior side yard setback | 8.82 m (29 ft.) |
| <ul style="list-style-type: none">• Appropriate setback to provide separation from abutting residential uses• Appropriate setback to provide individual amenity space per unit | |

The zoning by-law does not establish a minimum setback between the buildings on-site. The buildings will be required to comply with minimum separation distances based on applicable regulations under the Building Code Act.

It is Administration's opinion that the proposed setbacks will allow for the orderly development of 3 two unit dwellings which can be adequately serviced, accessed from

Pickwick Drive and allow for sufficient amenity space at rear of the units with minimal impact to the surrounding residential uses.

Coverage

As proposed, the lot coverage amounts to 45%. The maximum lot coverage requirement for a standard two unit dwelling in the R2 zone is 40%. The increased coverage is a reflection of both the number of units on one property, as well as the size of the units. The requested coverage is similar to the maximum permitted for attached single unit dwellings (townhouse style) units. Administration has seen an increase in the number of minor variances applications to permit an increase to the lot coverage for two unit, semi-detached units and townhouse units as it has become common for covered patios be incorporated into the main structure. Despite the increase to the lot coverage the property as a whole maintains sufficient area for drainage, setbacks from abutting properties and a will result in a building mass that is appropriate for the area. The requested increase to lot coverage will not allow for individual accessory structures to be constructed to the rear of each unit.

Driveways

Section 4.12 of Zoning By-law 890-09, as amended restricts the number of driveways on a residential parcel to one per dwelling unit up to a maximum of two driveways. The proposed development seeks to allow 3 two unit dwellings each with an individual driveway for a total of 6 driveways. The driveways as proposed comply with the residential width requirements and are in locations that comply with the setbacks to ensure visibility along the intersection of Oak Street East and Pickwick Drive.

Administration is satisfied that proposed individual accesses for each unit can be appropriately accommodated on-site and will be restricted to the locations and widths on the required site plan.

Section 4.49 Setback from an Inland Watercourse and Municipal Drain

In addition to the R2 zone provisions that would be applicable to the development of the proposed units, the property is subject to the provisions of Section 4.49 of Zoning By-law 890-09, as amended. This provision establishes the required setbacks for development from an inland watercourse or municipal drain. Buildings and structures are required to be 3.0 m (9.84 ft.) from the centerline of an enclosed drain which is necessary to ensure the overall integrity of the drain pipe, as well as maintaining a corridor for future works on the drain.

The Sun Parlour Drain extends from the northern property line at Oak Street East south along the western boundary for the entire length of the property. This section of the Sun Parlour Drain is enclosed (underground pipe) and is located approximately 8-9 m (26-27.4 ft.) from the lot line. The owner has included a request to allow a reduction to the required setback from the drain within the zoning by-law amendment application and shows the rear of the units encroaching into the area of the required setback requiring a zero setback.

Administration is not in a position to support the request to reduce the required setback at this time and requires that additional documentation be provided in support of the request. The applicant has retained a qualified professional to confirm the location of the centre of the drain and to prepare engineered drawings for the construction of the buildings and footings within the required setback from the drain for review and approval by Engineering Services.

The proposed amendment does not address the reduction to the setback of the drain and a further minor variance will be required upon the acceptance of the necessary engineering drawings being provided to Engineering Services.

Site Plan Control Application (SPC-24-17)

The development is subject to Site Plan Control Application (SPC-24-17) which will provide for appropriate buffering between the most southern unit and the abutting parking lot, as well as ensure the location and the size of the individual driveways are as approved by the Municipality.

Comments and concerns received at the Public Meeting regarding the proposed use and development of the site may be incorporated into the Site Plan Agreement to address or mitigate potential impacts of the units to the surrounding area.

Conclusion:

Based on the information we have received to date, Administration is of the opinion that the proposed rezoning application, in part, to permit a 3 two unit dwellings, including the site specific provisions to establish appropriate setbacks, lot coverage and to allow an individual driveway per unit is consistent with the PPS and conforms to both the County's and the Municipality's Official Plans. Administration is not in a position to support the request for relief from the setback to the underground municipal without further supporting documentation.

The purpose of the public meeting is to provide the community with an opportunity to comment on the proposed rezoning. Such comments will then be taken into consideration and a further report, if necessary to address the comments will be prepared including recommendations and an amending by-law for Council's consideration.

If no concerns are raised, it is requested that Council consider granting the zoning by-law amendment and approving the amending by-law the same night as the public meeting.

Upon Council making a decision, the required Notice of Decision for the Consent and Zoning By-Law Amendment application will be circulated. There is a 20 day appeal period where objections can be submitted to the Ontario Municipal Board (OMB). 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.

Financial Impact:

There are no significant financial impacts to the Municipality as a result of the proposed rezoning application.

Respectfully submitted,
**Danielle
Truax**

Digitally signed by Danielle Truax
DN: cn=Danielle Truax,
o=Municipality of Leamington,
ou=Manager of Planning Services,
email=dtruax@leamington.ca, c=CA
Date: 2017.09.20 14:30:32 -04'00'

Danielle Truax
Manager of Planning Services

**Paul
Barnable**

Digitally signed by
Paul Barnable
Date: 2017.09.20
16:17:18 -04'00'

Paul Barnable
Director of Community and Development Services

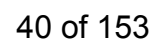
dt

Attachments: Figure 1.0 Site Plan

**Peter Neufeld B.A.
LL.B.**

Digitally signed by Peter Neufeld B.A. LL.B.
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email=pneufeld@leamington.ca, c=US
Date: 2017.09.21 13:18:58 -04'00'

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regs@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

September 11, 2017

Ms. Danielle Truax, Manager of Planning Services
Municipality of Leamington
111 Erie Street North
Leamington, ON N8H 2Z9

Dear Ms. Truax:

RE: Zoning By-Law Amendment ZBA-156
1 PICKWICK DR
ARN 370630000006800; PIN: 751170135
Applicant: Leamington United Mennonite

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-156. The applicants are requesting an amendment to change the zoning from R2 and R4-5, to a site specific R2 zone to allow for the construction of three, 2-unit dwellings on one parcel of property.

NATURAL HAZARD POLICIES OF THE PPS, 2014

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

WATER RESOURCES MANAGEMENT

Our office has reviewed the proposal and has no concerns relating to stormwater management.

NATURAL HERITAGE POLICIES OF THE PPS 2014

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this application for Zoning Amendment.

Ms. Truax
September 11, 2017

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corinne'.

Corinne Chiasson
Resource Planner
/cor

The Corporation of the Municipality of Leamington

Notice of a Public Meeting to consider Consent Application (B-21-17) and Zoning By-law Amendment (ZBA #160)

Take Notice that the Council of the Corporation of the Municipality of Leamington has received a combined Consent Application B-21-17 and Zoning By-law Amendment Application ZBA #160 to be considered under Sections 53 and 34 of the *Planning Act*, R.S.O. 1990, c.P. 13.

And Further that Council will hold a public meeting on **Monday September 25, 2017 at 6:00 PM** in the Council Chambers at the Municipal Building to consider these applications which apply to lands located at **1049 Mersea Road 12**.

The Purpose of Consent Application B-21-17 is to obtain consent to sever a 0.348 hectare (0.861 acre) surplus residential dwelling lot and to rezone the severed parcel from Agricultural General (A1) to Agricultural Residential (A5). The retained farm parcel is also to be rezoned by adding a site-specific provision to prohibit further residential development on the property.

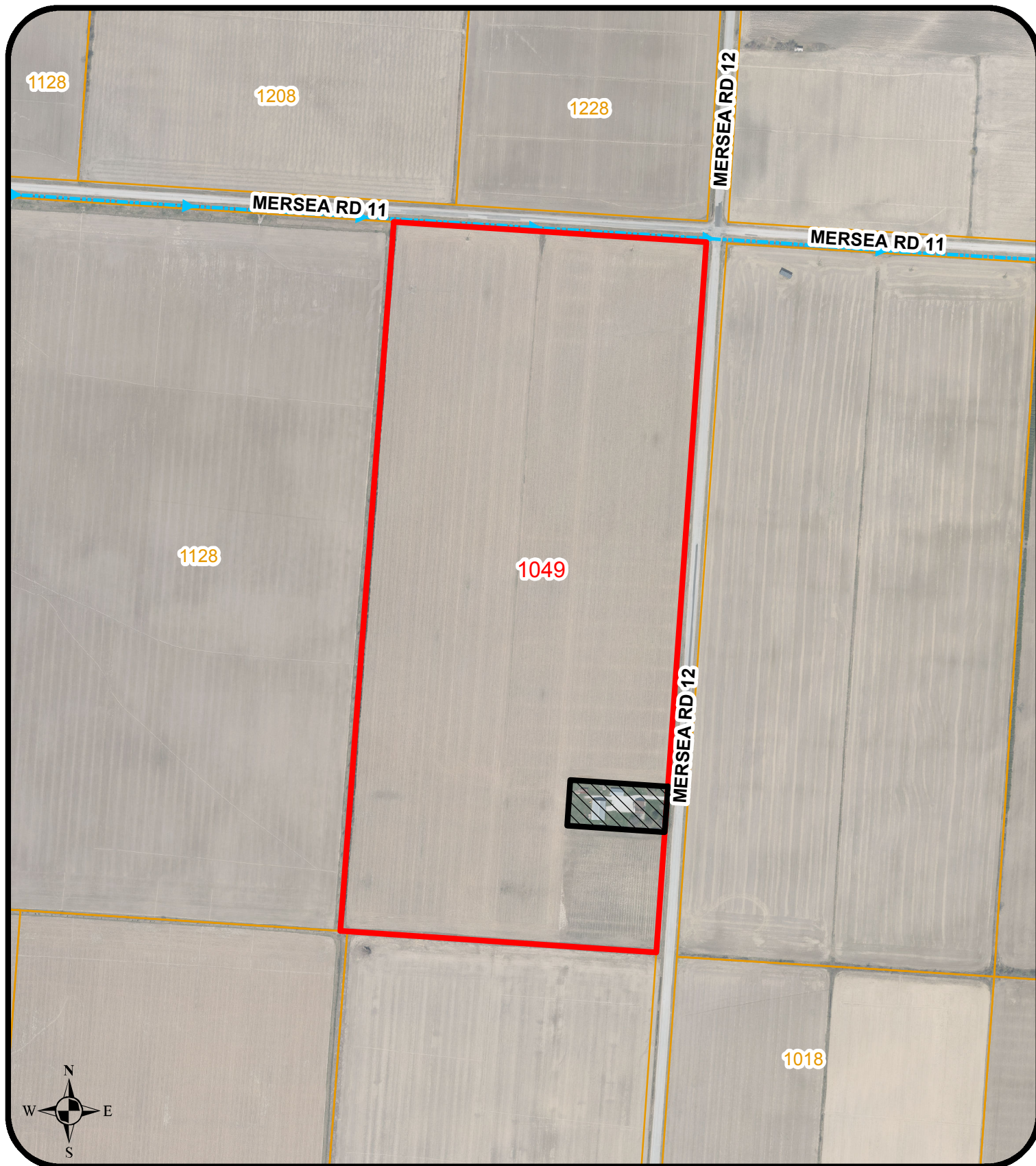
Any Person may attend the public meeting and/or make written or verbal comments either in support of or in opposition to the proposed consent or zoning by-law amendment. If you wish to be notified of the decision of Municipality of Leamington, you must make a written request to the Corporation of the Municipality of Leamington. If you are an owner of property containing seven or more residential units, you are requested to post this notice in a location visible to all residents.

If a Person or public body does not make oral comments at the Public Meeting or make written comments to The Corporation of the Municipality of Leamington before the provisional consent is given or a by-law is passed, the person or public body is not entitled to appeal the decision of Council of The Corporation of the Municipality of Leamington to the Ontario Municipal Board.

If a Person or public body does not make oral comments at the Public Meeting or make written comments to The Corporation of the Municipality of Leamington before provisional consent is given or the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Additional Information relating to this matter is available for review at the Municipal Office for The Corporation of the Municipality of Leamington, during regular office hours. For further information, please contact Heather (Ross) Jablonski, MCIP, RPP, Planner, by email at hjablonski@leamington.ca or by phone at 519-326-5761, extension 1415.

DATED at the Municipality of Leamington this 5th day of September, 2017.



ZBA #160 & B-21-17 - 1049 MERSEA RD 12



Subject Lands



Parcel to be severed and rezoned from A1 to A5

Aerial Photography : April 2015

COPYRIGHT

THIS IS NOT A LEGAL PLAN OF SURVEY & IS NOT TO SCALE.

This map is the property of the Corporation of the Municipality of Leamington and may not be reproduced without expressed permission and authorization. The user of this map assumes all risk associated with it.

All efforts have been made to ensure accuracy and completeness, however no guarantees can be made.

Provided by the: Municipality of Leamington - GIS Services

111 Erie Street North, Leamington, Ontario N8H 2Z9

TEL: (519) 326-5761 FAX: (519) 326-2481

PARTS SCHEDULE				
PART	LOT	CON/PLAN	P.I.N.	AREA
1	PART OF LOT 12	CONCESSION 10	PART OF 75084-0091	0.861 ac

PART 1 - COMPRISES PART OF PIN 75084-0091

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE JULY 14, 2017.

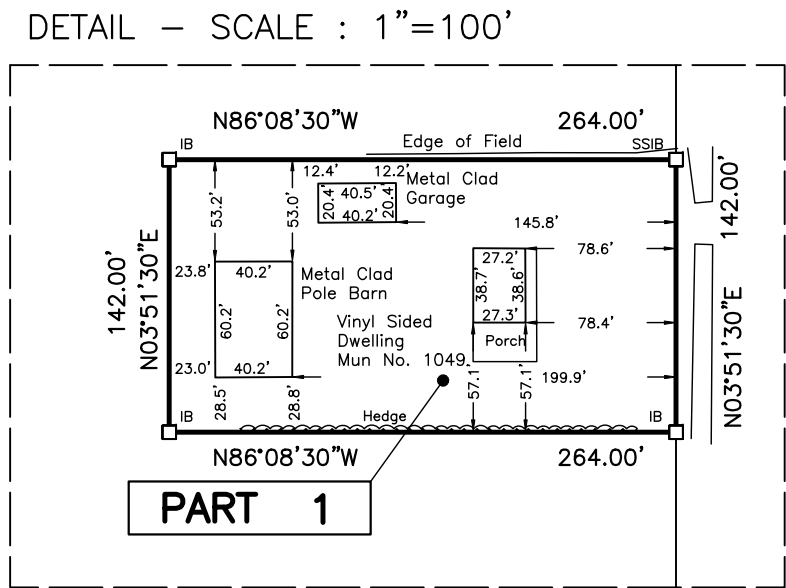
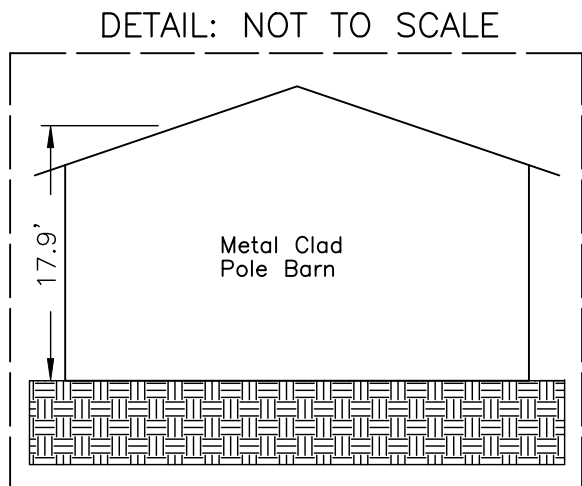
BRIAN COAD
ONTARIO LAND SURVEYOR

PLAN 12R-
RECEIVED AND DEPOSITED

DATE

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX (12)

ROAD ALLOWANCE BETWEEN CONCESSIONS 10 AND 11



RETAINED LANDS
AREA = 50.962 ac

PART 1
SEVERED LANDS
AREA = 0.861 ac

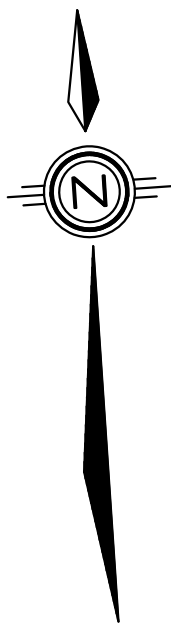
SSIB(1744)
ORP-A
N.E. ANGLE OF LOT 12, CON. 10

2263.92' (P&M)

1737.92'

P.I.N. 75083-0031

BETWEEN LOTS 12 AND 13



SKETCH FOR SEVERANCE
OF
PART OF LOT 12, CONCESSION 10
GEOGRAPHIC TOWNSHIP OF MERSEA
NOW IN THE
MUNICIPALITY OF LEAMINGTON
COUNTY OF ESSEX, ONTARIO
VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.

SCALE : 1"=300'



"IMPERIAL" DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

INTEGRATION DATA

COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS)(IMPERIAL) (1997.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	N15316568.009	E1220729.080
ORP-B	N15314309.672	E1220576.733

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

LEGEND AND NOTES

BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS.

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99977703

ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (IB) UNLESS OTHERWISE NOTED.

SIB DENOTES 1" X 1" X 4'-0" STANDARD IRON BAR
SSIB DENOTES 1" X 1" X 2'-0" SHORT STANDARD IRON BAR
IB DENOTES 5/8" X 5/8" X 2'-0" IRON BAR
IB Ø DENOTES 3/4" diameter X 2'-0" ROUND IRON BAR
CC DENOTES CUT-CROSS
CP DENOTES 5mm X 50mm STEEL PIN
■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT SET AND MARKED 1744
WIT. DENOTES WITNESS ⊥ DENOTES PERPENDICULAR
(S) DENOTES SET (M) DENOTES MEASURED (D) DENOTES INST. No.
ORP DENOTES OBSERVED REFERENCE POINT
SSIB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SIB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.
(S/P) DENOTES SET PROPORTIONALLY (OU) DENOTES ORIGIN UNKNOWN
(P) DENOTES PLAN OF SURVEY BY (1744) Dated: Jan. 30, 2014, Plan File: H-1411.
(1744) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.
(1194) DENOTES JOHN B. SMEETON INC., O.L.S.
(1040) DENOTES WILLIAM J. SETTERINGTON, O.L.S.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THIS SURVEY WAS COMPLETED ON THE 5th. DAY OF JULY, 2017.

DATE JULY 14, 2017.

BRIAN COAD
ONTARIO LAND SURVEYOR
for VERHAEGEN • STUBBERFIELD • HARTLEY
BREWER • BEZAIRE INC.

WINDSOR
944 Ottawa Street
N8X 2E1
Ph: (519)258-1772
Fax: (519)258-1791



LEAMINGTON
187 Talbot Street East
N8H 1L8
Ph: (519)322-2375
Fax: (519)322-2675

ONTARIO LAND SURVEYORS www.vshbbsurveys.com

DRAWN BY: CMM	CAD Date: July 14, 2017 4:19 PM
CHECKED BY: BC	CAD File: 51355500.dwg
WORK ORDER: 5-13555	FILE NO.: E-Mersea-10-12
	PLAN FILE NO.: H-1650

ROAD ALLOWANCE BETWEEN CONCESSIONS 9 AND 10



Report

To: Mayor and Members of Council

From: Heather (Ross) Jablonski, MCIP, RPP, BES
Planner

Date: September 12, 2017

Re: Cloverview Farms Ltd. - 1049 Mersea Road 12 (870-01800)
Combined Application for Zoning By-law Amendment ZBA#160 &
Consent B-21-17

Recommendation:

It is recommended that:

1. Provisional approval of Consent Application B-21-17 to create a 0.348 hectare (0.861 acre) surplus dwelling lot located at 1049 Mersea Road 12 be supported by Council subject to the conditions listed in Schedule A;
2. Zoning By-law Amendment Application ZBA#160, to change the zoning of the severed lot from Agricultural General (A1) zone to Agricultural Residential (A5) zone, be approved by Council;
3. Zoning By-law Amendment Application ZBA#160 to change the zoning of the retained farm parcel by adding a site-specific clause to the Agricultural General (A1) zone in order to prohibit further residential development on the site be approved by Council; and
4. If no concerns are raised at the public meeting, that amending By-law 68-17 be considered at the Monday September 25, 2017 Council meeting. (PLA-35-17)

Background:

Administration has received a combined consent and zoning by-law amendment application for property located at 1049 Mersea Road 12 (see enclosed key map). Public notice of the statutory public meeting for consideration of Consent Application B-21-17 and the concurrent Zoning By-law Amendment Application ZBA #160 was given in accordance with the regulations of the Planning Act. The notice was mailed to property owners within 120 metres (400 feet) of the subject property on September 5, 2017, and was circulated to

prescribed agencies and municipal departments on the same date. Notice posting signage, which included details about these applications as well as the public meeting, have also been posted on-site.



Key Map of subject property located at 1049 Mersea Road 12

Description of the Subject Property

The subject lands are rectangular in shape, with a lot area of approximately 21 hectares (52 acres), and are situated on the southwest corner of Mersea Roads 11 and 12. The lands are currently occupied by a single detached dwelling and 2 accessory buildings, including a barn and a shed.

The property is designated Agricultural under the Leamington Official Plan and zoned Agricultural General A1 under Zoning By-law 890-09. The lands are in an area of row crop farms with no visible livestock operations in close proximity. Surrounding the property are other A1 zoned farms having lot areas that are similar in size to the subject lands. The site is located in an area serviced by municipal water, private on-site septic systems, as well as roadside and municipal drains.

Description of the Proposed Applications

The applicants are proposing to create a surplus dwelling lot having a lot area of approximately 0.348 hectares (0.861 acres). The existing single detached dwelling on the site has been deemed to be surplus to the current owners of the farming operation. The lot to be retained by the Cloverview Farms Ltd. farming operation is proposed to have a lot area of approximately 20.6 hectares (50.9 acres). A sketch of the proposed surplus dwelling lot, showing the location of the existing buildings on the site, has been attached to the report as Figure 1.

Comments:

Provincial Policy Statement (PPS 2014)

The Provincial Policy Statement (PPS) states that the creation of new residential lots in prime agricultural areas may be permitted when a single detached dwelling has been deemed surplus to a farming operation as a result of farm consolidation, provided that the new lot is restricted in size to accommodate the residential use and necessary septic system and water services.

The proposed severance of the surplus dwelling lot at 1049 Mersea Road 12 is consistent with the policies of the PPS. The applicants own numerous farms in the area and do not need the dwelling(s) nor do they wish to use them as rental properties.

County of Essex Official Plan

The County of Essex Official Plan also permits the creation of surplus dwelling lots in Agricultural designations, but only when the dwellings have been deemed surplus to the needs of the farm/farmer and the farm lands to be retained are rezoned to prohibit further residential development.

The parcel to be retained after severance will be rezoned to a site-specific category which will prohibit further residential development on the site. Accordingly, the proposed surplus dwelling lot conforms to the policies of the County of Essex Official Plan.

Leamington Official Plan

Leamington's Official Plan policies also permit the creation of surplus dwelling lots in prime agricultural areas when an existing dwelling has been deemed surplus to the needs of a farming operation, provided that various criteria can be satisfied:

- a) The farm must have a minimum lot area of 10 hectares (24.70 acres).

The farm at 1049 Mersea Road 12 has an area of approximately 21 hectares (52 acres), thus conforms to this policy.

- b) The owner must have owned or been part owner of the farm for a minimum of one year prior to the date of the application. The onus is on the applicant to provide confirmation of ownership status.

The owners purchased the subject property on February 10, 2017. In the past, we have provided the applicant with the opportunity to delay acting on the requested consent so that at least one year from the time of purchase has passed. After February 10, 2018, the current owners will have had ownership of the subject property for a year, which will satisfy this requirement.

- c) The residential dwelling to be severed must have been existing prior to January 14, 2008, which is the date of adoption of the Leamington Official Plan.

The date of construction of the existing dwelling has been estimated to be in the late 1930's by the applicant. Municipal aerial photographs also show the dwelling in existence in 2000 prior to the adoption of the OP.

- d) The creation of the surplus dwelling lot shall comply with the Minimum Distance Separation requirements.

The applicant has indicated that no livestock operations exist within 500 metres of the subject property.

- e) The size of the surplus dwelling lot must comply with the municipality's Zoning By-law and may not be greater than 0.8 hectares (1.97 acres).

The proposed surplus dwelling lot will be approximately 0.348 hectares (0.861 acres) in area.

- f) Barns that are in close proximity to surplus dwellings are encouraged, where feasible and warranted in terms of future farm operations and options, to be demolished, relocated or retained with the farm lot.

The existing barn is proposed to be included in the surplus dwelling lot, as the current owner does not have need for it.

- g) The lot to be severed shall include the necessary sewage disposal and water supply systems which currently service the surplus dwelling.

The residential dwelling has a connection to the municipal water system present on Mersea Road 12. Through a condition of consent approval, the applicant will be required to undergo a septic system inspection in order to confirm that the system is designed and operating to the satisfaction of the Municipality.

- h) A condition of consent approval should be imposed to require the property owner to enter into an agreement with the Municipality, to be registered on title, agreeing to a building freeze being placed on the retained farm parcel in order to prohibit construction of any new residential dwellings.

Building freeze agreements are no longer utilized for this purpose. Instead, as per the policies of the County OP, the applicant/owner has applied to rezone the retained farm parcel to prohibit further residential development on the site.

Creation of the proposed surplus dwelling lot will not result in the removal of any prime agricultural lands. The lands to be severed are currently grassed and not in production. Approval of the proposed severance can be supported subject to receipt of comments from other municipal departments, prescribed agencies and area residents.

It is noted that the Leamington OP criteria and policies for surplus dwelling lot severances are no longer current and are to be reviewed as part of the on-going Official Plan Review. Updated consent policies will be presented to Council as part of the new Official Plan. In the meantime, approval of the proposed surplus dwelling consent can be supported based on the present Land Division Policies under the Leamington Official Plan. If approved, the conditions listed in the attached Schedule A should be imposed on the consent.

Compliance with Zoning By-law 890-09

The subject property is currently zoned Agricultural General (A1) under Zoning By-law 890-09, as amended. The applicant has submitted the necessary Zoning By-law Amendment application to accompany the proposed severance, and both applications are being processed together.

Proposed Surplus Dwelling Lot - 1049 Mersea Road 12

The surplus dwelling lot to be severed is to have a lot area of approximately 0.348 hectares (0.861 acres) and a frontage of approximately 43.3 metres (142 feet). It is proposed that this lot be rezoned to A5 to reflect the resulting residential use and size of the lot. The existing buildings and dimensions are shown as an insert on the attached sketch (Figure 1) and they comply with the A5 zone provisions under the Zoning By-law.

Retained Farm - Southwest Corner of Mersea Roads 11 and 12

The retained farm parcel is zoned Agricultural General (A1) under Zoning By-law 890-09, as amended. This parcel is proposed to have an area of approximately 20.6 hectares (50.9 acres), which complies with the A1 zoning regulations. There are no existing buildings on the retained parcel. In accordance with the intent of the Provincial Policy Statement and County of Essex Official Plan policies, these lands are also to be rezoned by adding a site-specific zoning regulation that will prohibit further residential development on the site.

Financial Impact:

There are no significant financial impacts to the Municipality as a result of the proposed applications.


Respectfully submitted,



Heather (Ross) Jablonski
cn=Heather (Ross) Jablonski, o=Municipality
of Leamington, ou=Planning Services,
email=hjablonski@leamington.ca, c=CA
2017.09.20 15:52:02 -04'00'

Heather (Ross) Jablonski, MCIP, RPP, BES
Planner

**Danielle
Truax**



Digitally signed by Danielle Truax
DN: cn=Danielle Truax, o=Municipality
of Leamington, ou=Manager of
Planning Services,
email=dtruax@leamington.ca, c=CA
Date: 2017.09.20 15:58:24 -04'00'

Danielle Truax
Manager of Planning Services


Paul Barnable



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Barnable
Date: 2017.09.20 16:18:39
-04'00'

Paul Barnable
Director of Community and Development Services

**Peter Neufeld B.A.
LL.B.**



Digitally signed by Peter Neufeld B.A. LL.B.
DN: cn=Peter Neufeld B.A. LL.B., o, ou=CAO,
email=pneufeld@leamington.ca, c=US
Date: 2017.09.21 13:16:13 -04'00'

hrj

Attachments: Figure 1 - Sketch - Proposed Surplus Dwelling Lot

Figure 2 - Schedule A - Conditions of Approval - B-21-17

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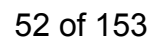


Figure 2 - Schedule A - Conditions of Approval - B-21-17

SEVERANCE CONDITIONS

SCHEDULE A

Consent Application - B-21-17 - Cloverview Farms Ltd. - 1049 Mersea Road 12

LEGAL/FINANCE:

1. *Legal - Staking

The subject property is to be angle staked and a plan of survey prepared or a reference plan deposited in the registry office, an electronic and paper copy is to be provided for the files of the Secretary-Treasurer.

2. *Legal - Survey

Prior to consent being endorsed on the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the Municipality including satisfactory proof as to compliance of the location of all buildings on the subject lands either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or favourable minor variances shall have been processed for any non-compliances.

3. *Legal - Transfers (Deeds and/or Easements)

The applicant shall submit to the Secretary-Treasurer, no earlier than February 10, 2018, a transfer in triplicate acceptable for registration, in order that consent may be attached to the original. A copy shall be provided to the Secretary-Treasurer. The applicant and/or the applicant's Solicitor shall provide and undertake that forthwith upon registration of the deed or transfer, to forward a copy of the deed cover page, as registered with the instrument number being shown thereon, to the Secretary-Treasurer.

4. *Finance - Tax Certificate & Local Improvements

Prior to consent being endorsed on the deeds, the owner shall provide to the Secretary Treasurer a Tax Certificate or Tax Statement of Account issued by the Municipality verifying that all municipal taxes are paid in full, and the owner shall ensure that necessary apportionments be undertaken for any special assessment imposed pursuant to the provisions of The Local Improvement Act and/or The Municipal Act. A written request for the issuance of a Tax Certificate or Tax Statement of Account for each subject property and the payment of the required fee(s) shall be submitted to the office of the Municipal Treasurer (Finance and Business Services) within one week prior to the deeds being presented to the Secretary Treasurer.

5. *Legal - Registration of Documents

The applicant and/or the applicant's solicitor shall provide an Undertaking that all transfers and required agreements, including drainage and other agreements, will be registered within 15 days of the Secretary-Treasurer of the Leamington Committee of Adjustment issuing the certificate of consent to sever.

PLANNING:

6. Planning - Zoning

Prior to consent being endorsed on the deeds a favourable zoning by-law amendment shall have been obtained to change the zoning of the surplus dwelling lot from A1 to A5 and to change the zoning of the retained lands from A1 to A1-11 in order to prohibit further residential development on the retained parcel.

DRAINAGE:

7. Proof of Access

Prior to consent being endorsed on the deeds proof of access, acceptable to the Municipality, shall be provided to serve the lands being conveyed and the lands being retained, with the costs of such access being solely at the expense of the applicant.

Comment

It appears that the existing driveway will serve the retained farm parcel. For the severed parcel, a new driveway, or a legal arrangement (that is acceptable to Legal and Legislative Services) to allow the existing driveway to be the access for the severed parcel will be required. If a new driveway is to be constructed, an encroachment/access permit from Public Works is required.

8. Drainage - Proof of Drainage

Prior to consent being endorsed on the deeds, proof of drainage, acceptable to the municipality, shall be provided by the applicant to serve the lands being conveyed and the lands being retained, with the costs of such drainage being solely at the expense of the applicant. Proof of Drainage and payment of the required fee shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.

Comment

Proof of Drainage confirms that:

- a) the existing parcel and the severed parcel drain independently;
- b) the existing parcel and the severed parcel have the right to drain to a Municipal drain or a Mutual Drainage Agreement is registered on title of both properties.

9. Drainage - Drainage Apportionment

Prior to consent being endorsed on the deeds the property owners are to execute an agreement for drainage apportionment due to lands severance or sale approved by the Municipality together with payment of any relative fees for each parcel being severed. Drainage Apportionment Request, 12R plan and payment of the required fee shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.

Comment

Drainage Apportionment agreement is prepared by the Drainage Superintendent at the written request of the applicant along with submission of 12R plan and payment of fees to the Municipality. Drainage Apportionment Agreement is required to be signed by applicable parties.

BUILDING:

10. Building - Septic Inspection

Prior to consent being endorsed on the deeds a clearance letter of approval for a sewage disposal system for the dwelling(s) located at 1049 Mersea Road 12 must be obtained from the Municipality together with payment of any relative fees.

Comment

The Municipality requires verification that the existing septic system complies with the setback provisions of the Ontario Building Code. Should the fixtures not drain to the existing septic system, the septic system must be made to accommodate the increased load.

11. Expiration of Provisional Consent

The conditions imposed above shall be fulfilled to the satisfaction of the Municipality by September 25, 2018 or this application shall be deemed to be denied in accordance with Section 53(41) of The Planning Act.

Reasons for Decision:

- i) The proposed surplus dwelling lot is consistent with the policies of the Provincial Policy Statement.
- ii) The proposed surplus dwelling lot conforms to the consent policies of the County of Essex Official Plan.
- iii) The proposed surplus dwelling lot and retained farm parcel conform to the Agricultural and Land Division policies of the Leamington Official Plan.

September 6, 2017

Municipality of Leamington
111 Erie Street North
Leamington, ON N8H 2Z9

Attn: **Heather Jablonski**

Re: **Notice of Zoning By-law Amendment ZBA #160
& Consent Application B-21/17
1049 Mersea Road 12
Part Lot 12, Concession 10
Municipality of Leamington**

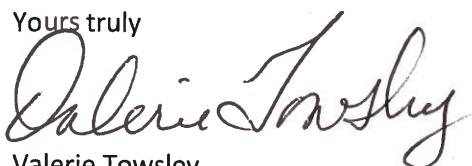
Please be advised that the above mentioned application has been reviewed by this office and the Conservation Authority has no objections to this proposal as laid out in the information provided to this office. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, R.S.O. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alteration to Watercourses regulations. The issue of concern is the J.D. Kimball Drain, the Stevenson Drain and erosion.

An application from this office is required prior to any works/construction taking place within the regulated area. The lands are not subject to flooding of a general nature and as such structures are not required to be flood proofed. However, the flood proofing of structures for the purposes of prevention of flood damage from local, overland drainage waters is always recommended. Setbacks from the drains will be required to any proposed structure(s).

Please be advised that the subject property is located in an Intake Protection Zone (IPZ) for the Stevenson Drain as identified through the Lower Thames Valley Assessment Report in the Thames, Sydenham and Region Source Protection Region. For further information regarding this matter and how it may affect any proposed development please refer to the Thames, Sydenham and Region Source Protection website at www.sourcewaterprotection.on.ca.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Valerie Towsley
Resource Technician

The Corporation of The Municipality of Leamington

Notice of a Complete Application and Public Meeting to consider Consent Application (B-22-17) and Zoning By-law Amendment (ZBA #161)

Re: 705 Mersea Road 5 - Highline Mushrooms Limited

Take Notice that the Council of The Corporation of the Municipality of Leamington has received a combined Consent Application B-22-17 and Zoning By-law Amendment Application ZBA #161 to be considered under Sections 53 and 34 of the *Planning Act*, R.S.O. 1990 c.P. 13.

And Further that Council will hold a public meeting on **Monday, September 25, 2017 at 6:00 pm** in the Council Chambers at the Municipal Building to consider these applications which apply to lands located at 111 Erie St. North.

The Purpose of Consent Application B-22-17 is to obtain consent to sever a 0.269 hectare (0.665 acre) parcel of land from 705 Mersea Road 5 (Part of Lot 7, Concession 5; 12R-26478) in order to add to the rear south east portion of 514 Highway 77 (see key map). An amendment to Zoning By-law 890-09 has also been requested in order to change the zoning of the severed parcel from Agricultural Hobby Farm Zone (A3) to Commercial Industrial Zone (C4) to reflect the proposed commercial industrial use of the severed lands. The property owner of 514 Highway 77 would like the lot addition to support the expansion of the existing use and construct a new building. This expansion will be subject to Site Plan Control.

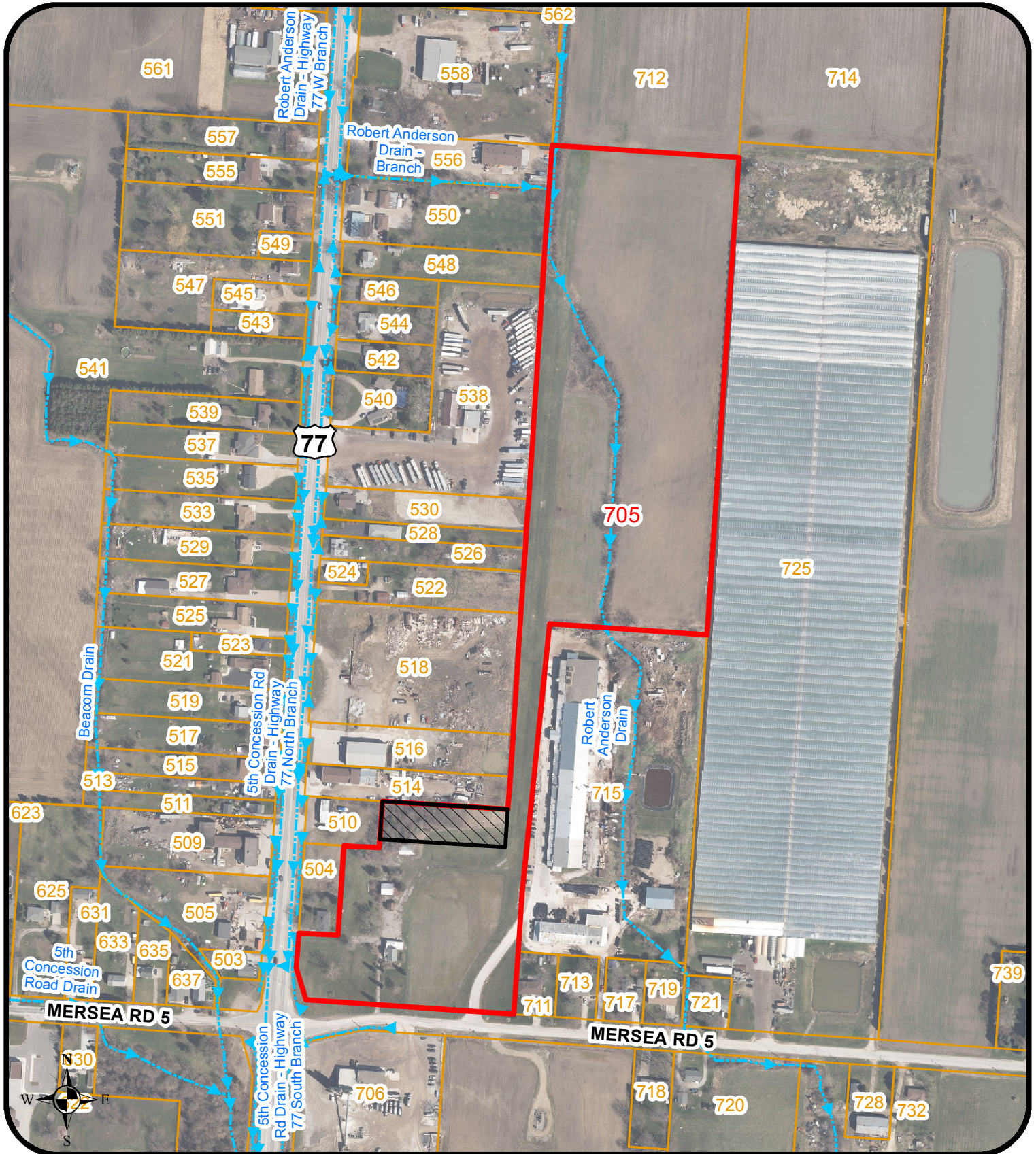
Any Person may attend the public meeting and/or make written or verbal comments either in support of or in opposition to the proposed consent or zoning by-law amendment. If you wish to be notified of the decision of Municipality of Leamington, you must make a written request to the Corporation of the Municipality of Leamington. If you are an owner of property containing seven or more residential units, you are requested to post this notice in a location visible to all residents.

If a Person or public body does not make oral comments at the Public Meeting or make written comments to The Corporation of the Municipality of Leamington before the provisional consent is given or a by-law is passed, the person or public body is not entitled to appeal the decision of Council of The Corporation of the Municipality of Leamington to the Ontario Municipal Board.

If a Person or public body does not make oral comments at the Public Meeting or make written comments to The Corporation of the Municipality of Leamington before provisional consent is given or the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Additional Information relating to this matter is available for review at the Municipal Office for The Corporation of the Municipality of Leamington, during regular office hours. Please contact Madeline Gibson, Junior Planner at 519-326-5761 extension 1406, or mgibson@leamington.ca for further information.

DATED at the Municipality of Leamington this 5th day of September, 2017.



ZBA #161 & B-22-17 - 705 MERSEA RD 5



Subject Lands



Parcel to be severed

Aerial Photography : April 2017

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THIS IS NOT A LEGAL PLAN OF SURVEY & IS NOT TO SCALE.

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The user of this map assumes all risk associated with it.

All efforts have been made to ensure accuracy and completeness, however no guarantees can be made.

Provided by the: Municipality of Leamington - GIS Services

111 Erie Street North, Leamington, Ontario N8H 2Z9

TEL: (519) 326-5761

FAX: (519) 326-2481

36.0153

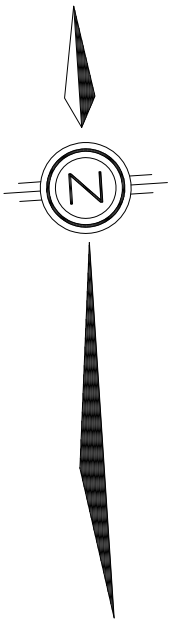
P.I.N. 75092-0054
THE KING'S HIGHWAY No. 77
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 4 & 5)
(ACCORDING TO MTO PLAN P-4050-3, REGISTERED AS INSTRUMENT No. 319687)
(DESIGNATED AS THE KING'S HIGHWAY BY ORDER-IN-COUNCIL OC-307/31, REGISTERED AS INSTRUMENT R497918)

INTEGRATION DATA		
COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10		
POINT ID	NORTHING	EASTING
ORP-A	N15290611.793	E1206961.122
ORP-B	N15290578.153	E1207473.917
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

PARTS SCHEDULE				
PART	LOT	CON/PLAN	P.I.N.	AREA
1	PART OF LOT 7	CONCESSION 5	PART OF 75092-0422	0.717 ac.
2			PART OF 75092-0399	1.0 sq ft

PART 1 - COMPRISES PART OF PIN 75092-0422
PART 2 - COMPRISES PART OF PIN 75092-0399

Part 1, Plan 12R - 19058
Part 2, Plan 12R - 19058



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.	PLAN 12R- RECEIVED AND DEPOSITED
DATE AUGUST 31, 2017.	DATE
BRIAN COAD ONTARIO LAND SURVEYOR	REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX (12)

SKETCH FOR SEVERANCE
OF
PART OF LOT 7, CONCESSION 5
GEOGRAPHIC TOWNSHIP OF MERSEA
NOW IN THE
MUNICIPALITY OF LEAMINGTON
COUNTY OF ESSEX, ONTARIO
VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC.



LEGEND AND NOTES
BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS.

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99978944

ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (IB) UNLESS OTHERWISE NOTED.
SIB DENOTES 1" X 1" X 4'-0" STANDARD IRON BAR
SSIB DENOTES 1" X 1" X 2'-0" SHORT STANDARD IRON BAR
IB DENOTES 5/8" X 5/8" X 2'-0" IRON BAR
IB φ DENOTES 3/4" diameter X 2'-0" ROUND IRON BAR
CC DENOTES CUT-CROSS
CP DENOTES 5mm X 50mm STEEL PIN
■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT SET AND MARKED 1744
WIT. DENOTES WITNESS ⊥ DENOTES PERPENDICULAR
(S) DENOTES SET (M) DENOTES MEASURED (D) DENOTES DEED
ORP DENOTES OBSERVED REFERENCE POINT
SSIB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SIB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.
(S/P) DENOTES SET PROPORTIONALLY (ou) DENOTES ORIGIN UNKNOWN
(P) DENOTES PLAN 12R-26478 (P1) DENOTES PLAN 12R-19058
(P2) DENOTES PLAN 12R-22954
(1744) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.
(A) DENOTES C.G.R. ARMSTRONG, O.L.S.
(1201) DENOTES CLARKE SURVEYORS INC., O.L.S.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON THE 30th. DAY OF AUGUST, 2017.

DATE AUGUST 31, 2017.

WINDSOR
944 Ottawa Street
N8X 2E1
Ph: (519)258-1772
Fax: (519)258-1791

VERHAEGEN
STUBBERFIELD
HARTLEY
BREWER
BEZAIRE
INC.

LEAMINGTON
187 Talbot Street East
N8H 1L8
Ph: (519)322-2375
Fax: (519)322-2675

BRIAN COAD
ONTARIO LAND SURVEYOR
for VERHAEGEN • STUBBERFIELD • HARTLEY
BREWER • BEZAIRE INC.

ONTARIO LAND SURVEYORS
www.vshbbsurveys.com

DRAWN BY: CMM
CHECKED BY: BC
WORK ORDER: 5-13612
FILE NO.:
E-Mersea-5-7
PLAN FILE NO.: G-3380

CAD Date: August 31, 2017 2:56 PM
CAD File: 51361200.dwg

"IMPERIAL" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048



Report

To: Mayor and Members of Council

From: Danielle Truax, Manager of Planning Services

Date: September 12, 2017

Re: Lot Addition B-22-17
Zoning By-law Amendment ZBA #161
Highline Produce Ltd.
705 Mersea Road 5 (680-02700)

Recommendation:

It is recommended that:

1. Provisional approval of Consent Application B-22-17 to sever a 0.269 ha (0.665 acre) parcel of land from 705 Mersea Road 5 to be added to 514 Highway 77 be supported by Council subject to the conditions listed in "Schedule A";
2. Zoning By-law Amendment Application ZBA#161 to change the zoning of the severed parcel from Agricultural Hobby Farm Zone (A3) to Commercial Industrial Zone (C4) be approved by Council; and
3. If no concerns are raised at the public meeting which require a further report to Council, that amending By-law #69-17 be considered at the Monday, September 25, 2017 Council meeting. (Report PLA-33-17)

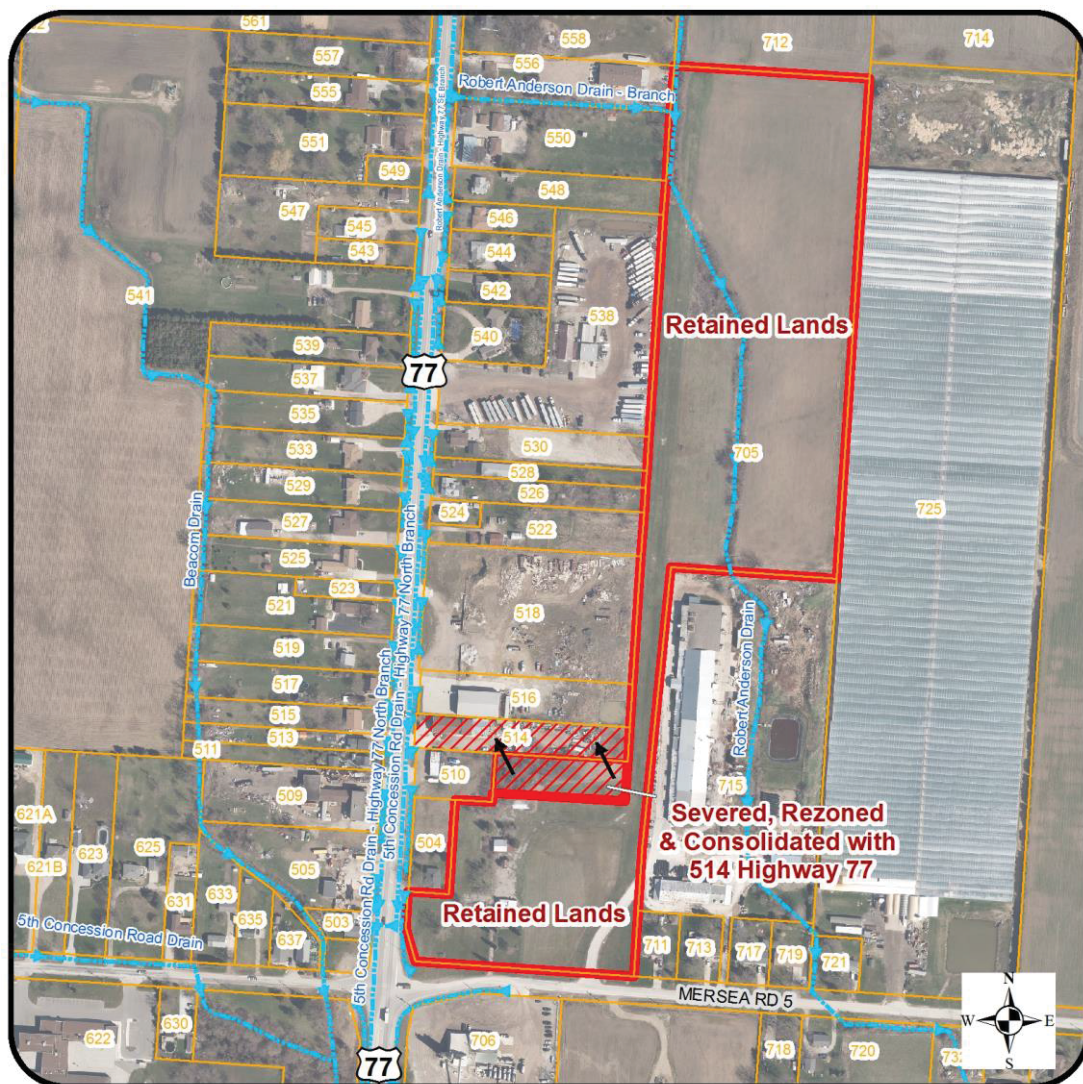
Background:

Administration has received a Combined Consent Application B-22-17 and Zoning By-law Amendment Application ZBA #161 for property located at 705 Mersea Road 5 (see inserted key map). The application seeks to sever 0.269 ha (0.665 ac) from 705 Mersea Road 5 and add it to the rear portion of 514 Highway 77. As a result of the proposed severance, the application will require as a condition of approval, a zoning amendment be obtained for a portion of the severed lands to allow the lands to be used for the permitted highway commercial uses.

Notice of a complete application and public meeting for consideration of Consent Application B-22-17 and the concurrent Zoning By-law Amendment Application ZBA #161 was provided in accordance with the regulations of the Planning Act. The notice was delivered to property owners within 120 m (400 ft.) of the subject property, prescribed agencies and municipal departments on September 5, 2017. Signage containing information about the purpose of the applications and public meeting was posted on-site for both the consent and zoning amendment applications.

Comments:

The subject property is approximately 8.08 ha (19.97 ac) in area. The property is described as Concession 5, Part of Lot 7, 12R-16973 and is located on the northeast side of the intersection of Mersea Road 5 and Highway 77 (see inserted key map below). The lot is an irregular shaped parcel containing a single detached dwelling and three out buildings, portions of which are farmed with traditional row crops.



Key Map of Subject Property

The property is designated Highway 77 Corridor Commercial District in the Official Plan (OP), as shown on Schedule A-3 and is zoned Agricultural Hobby Farm Zone (A3) under Zoning By-law #890-09, as amended as shown on Map 25. The Robert Anderson Drain runs through the north portion of the property and is also within the Limit of Regulated Area of the Essex Region Conservation Authority.

The receiving property for the proposed lot addition is known municipally as 514 Highway 77, and is approximately 0.41 ha (1 ac) in area. The lot is rectangular in shape with a frontage of approximately 25 m (83.5 ft.) and a depth of 159.1 m (522 ft.). The property is currently being used for a fabrication shop, a permitted use, owned by Southpoint Fabrication Inc.

The property is designated Highway 77 Corridor Commercial District in the Official Plan (OP), as shown on Schedule A-3 and is zoned Commercial Industrial Zone (C4) under Zoning By-law #890-09, as amended as shown on Map 25. There are no significant environmental features on this property.

Both properties are located in an area serviced by municipal water, private on-site septic systems, and municipal drains.

The surrounding area consists of a mix of commercial and residential uses along Highway 77 and agricultural properties to the east, north and south of the property along Mersea Road 5.

Description of Lot Addition B-22-17

Consent Application B-22-17 seeks to sever a 0.269 hectare (0.665 acre) parcel of land from 705 Mersea Road 5 to be added to the rear 514 Highway 77 resulting in an “L” shaped parcel, as shown on the Property Survey attached as Figure 1.0 to the report.

The Provincial Policy Statement 2014 (PPS) does not speak to non-agricultural lot additions. It does, however speak to the retention and promotion of employment lands. Section 1.3 of the PPS identifies a municipality’s role in protecting and promoting diverse employment opportunities through responsible land development. This section supports this application, as it provides opportunity for a Leamington business to expand and grow within a designated employment area.

Although a portion of the subject lands are used for agricultural practices, this proposal does not take lands out of the agricultural land inventory. Additionally, there are no significant natural heritage features or hazards on this property.

The County of Essex Official Plan policies regarding Lot Creation allows for permitted development in accordance with land use designations and land division policies of the lower-tier Official Plan. Accordingly, the proposed lot addition conforms to the policies of the County of Essex Official Plan.

Leamington Official Plan

Section 5.3 of the Municipality of Leamington Official Plan permits lot additions and minor boundary adjustments. The designation of the subject property is not Agricultural and

therefore is not required to conform to the land division policies for agricultural lands within the Official Plan identified in Section 5.4. However, due to the existing use of the subject lands as agricultural, Administration has considered the effects of removing a portion of this property from existing agricultural production. Administration is confident that the severance of 0.269 ha (0.665 ac) will not negatively impact the existing farming operations on the subject property. Moreover, the lot addition will provide a mutual benefit between the owners of 514 Highway 77, Southpoint Fabrication Inc. and Leamington's local agriculture sector, as many of Southpoint's customers are farmers or greenhouse growers.

The existing agricultural use on the property at 705 Mersea Road 5 is considered a permitted interim use of this land as it is designated through the Official Plan as Highway 77 Corridor Commercial District. Administration is confident that the proposed lot addition will not hinder future development of this property at a time when development in conformity with the Official Plan occurs.

Approval of the proposed lot addition can be supported subject to receipt of comments from municipal departments, prescribed agencies and area residents. Also, approval should be made subject to the conditions listed in Schedule A, which in turn should be assigned to any Notice of Decision. A copy of Schedule A has been attached as Figure 2.0 to this report and contains the standard conditions for lot additions. As well, the severed lands must be rezoned to C4 as noted above.

Compliance with Zoning By-law #890-09

Administration is in a position to support the requested lot addition subject to a successful zoning by-law amendment to change the severed portion of the property to Commercial Industrial Zone (C4), to match the existing zoning of 514 Highway 77 and recognize the lot addition's future use. The proposed amendment will bring the use of the severed lands into conformity with the applicable Official Plan designation.

Retained parcel - 705 Mersea Road 5

The retained parcel will be approximately 7.81 ha (19.305 ac) in area and will retain the existing frontage of 53.12 m (174.3 ft.) of frontage on Highway 77 and will comply with the required A3 zone provisions in its existing legal non-conforming status.

This parcel will contain the existing single unit residential dwelling and two outbuildings which comply with the A3 setbacks and zone provisions.

Severed Lands and Lot Addition - 514 Highway 77

The consent application seeks to add 0.269 ha (0.665 ac) of land to the abutting property at 514 Highway 77. The resulting commercial lot will measure approximately 0.67 ha (1.665 ac), retain its existing frontage of approximately 25 m (83.5 ft.) and will comply with C4 zone provisions.

The proposed lot addition has been requested to allow Southpoint Fabrication Inc. to expand their business with a proposed additional building that can comply with the C4 zoning requirements including lot coverage and landscaped open space. The proposed

building will be subject to site plan approval and is to be constructed within the existing property boundaries of 514 Highway 77.

Conclusion:

The purpose of the public meeting is to provide an opportunity for comments with respect to the proposed lot addition and concurrent rezoning. Subject to receiving comments from the public, Administration is in a position to state that the applications as proposed:

1. Conform to the Land Division Policies of Section 5.4. of the Official Plan subject to the recommended conditions as listed in "Schedule A";
2. Conform to the Land Use Policies of Section 3.6. of the Official Plan subject to the recommended conditions as listed in "Schedule A";
3. Are consistent with the direction of the PPS; and,
4. Satisfy the criteria to be considered when amending Zoning By-law #890-09.

If concerns are raised at the public meeting, a further report will be presented to Council from Administration noting the effect of the comments that were received with respect to the consideration of the applications. If no concerns are raised, it is requested that Council consider granting provisional consent for the requested lot addition, as well as approving the amending by-law the same night as the public meeting.

Upon Council's approval, the required Notice of Decision for the Combined Consent and Zoning By-law Amendment will be circulated. There is a 20 day appeal period where objections can be submitted to the Ontario Municipal Board (OMB). 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.

Financial Impact:

There are no significant financial impacts to the Municipality as a result of the proposed applications.

Respectfully submitted,

**Madeline
Gibson**

Madeline Gibson
Junior Planner

Digitally signed by Madeline Gibson
DN: cn=Madeline Gibson,
o=Municipality of Leamington,
ou=Junior Planner,
email=mgibson@leamington.ca, c=CA
Date: 2017.09.20 14:30:07 -04'00'

**Danielle
Truax**

Danielle Truax
Manager of Planning Services

Digitally signed by Danielle Truax
DN: cn=Danielle Truax,
o=Municipality of Leamington,
ou=Manager of Planning Services,
email=dtruax@leamington.ca, c=CA
Date: 2017.09.20 15:49:26 -04'00'

Paul Barnable

Paul Barnable
Director of Community and Development Services

Digitally signed by Paul Barnable
Date: 2017.09.20 16:15:05 -04'00'

**Peter Neufeld B.A.
LL.B.**

Digitally signed by Peter Neufeld B.A. LL.B.
DN: cn=Peter Neufeld B.A. LL.B., o, ou=CAO,
email=pneufeld@leamington.ca, c=US
Date: 2017.09.21 13:20:51 -04'00'

mg

Attachments: Figure 1.0 Property Survey
Figure 2.0 - Schedule A - B-22-17

T:\Planning\Council Reports\2017\PLA-33-17 ZBA 161 B-22-17 - 514 Hwy 77\PLA-33-17 ZBA 161 B-22-17 514 Hwy 77.doc

Figure 1.0 Property Survey

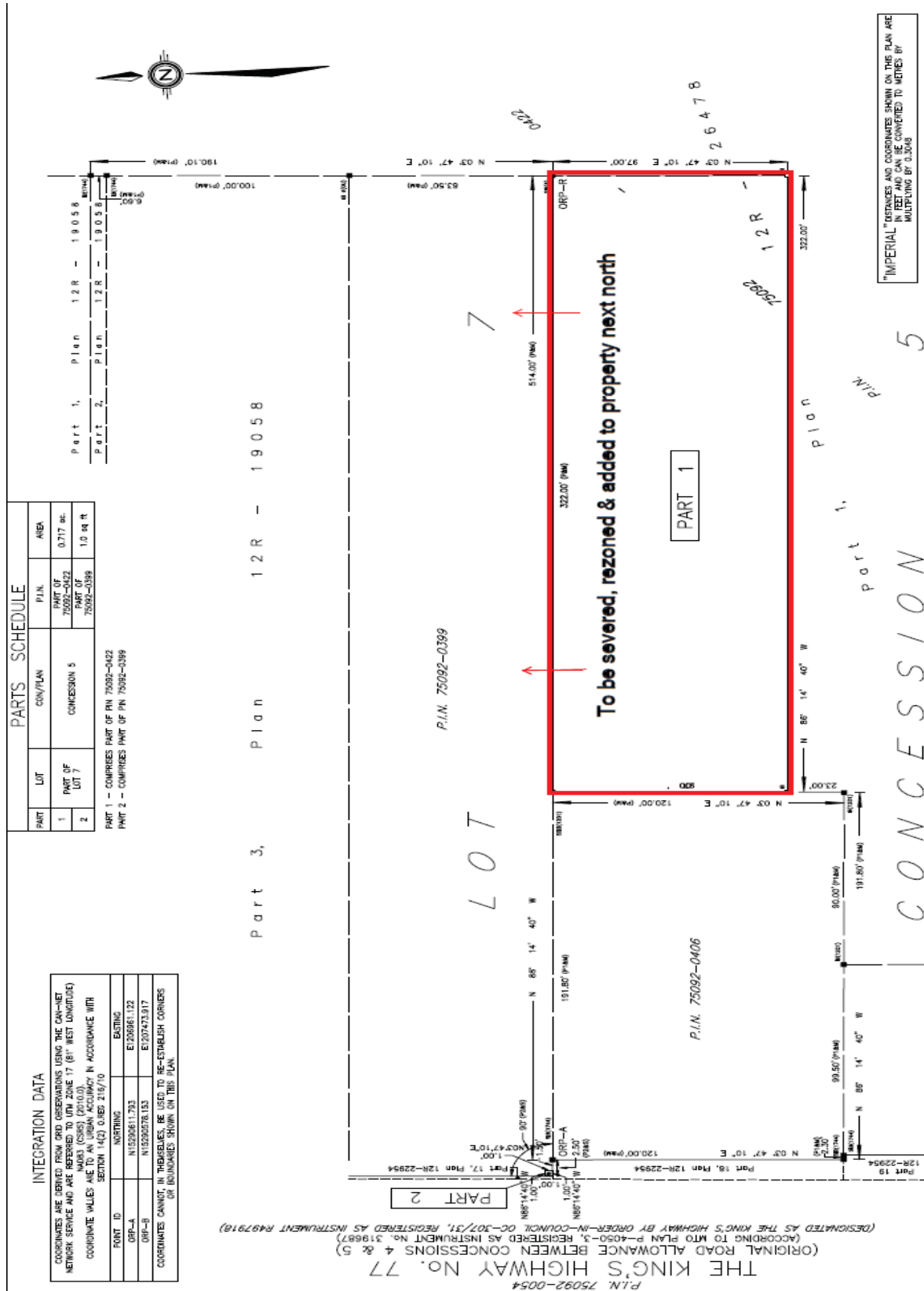


Figure 2.0 Schedule A - B-22-17

Consent Application -B-22-17 - 705 Mersea Road 5, Highline Produce Ltd.

1. *Legal - Staking

The subject property is to be angle staked and a plan of survey prepared or a reference plan deposited in the registry office, an electronic and paper copy is to be provided for the files of the Secretary-Treasurer.

2. *Legal - Survey

Prior to consent being endorsed on the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the Municipality including satisfactory proof as to compliance of the location of all buildings on the subject lands either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or favourable minor variances shall have been processed for any non-compliances.

3. *Legal - Transfers (Deeds and/or Easements)

The applicant to submit to the Secretary-Treasurer a transfer in triplicate, acceptable for registration, in order that consent may be attached to the original and a copy to be provided to the Secretary-Treasurer. The applicant and/or the applicant's Solicitor shall provide and undertake that forthwith upon registration of the deed of transfer, to forward a copy of the deed cover page, as registered with the instrument number being shown thereon, to the Secretary-Treasurer.

4. *Finance - Tax Certificate & Local Improvements

Prior to consent being endorsed on the deeds, the owner shall provide to the Secretary Treasurer a Tax Certificate or Tax Statement of Account issued by the Municipality verifying that all municipal taxes are paid in full, and the owner shall ensure that necessary apportionments be undertaken for any special assessment imposed pursuant to the provisions of The Local Improvement Act and/or The Municipal Act. A written request for the issuance of a Tax Certificate or Tax Statement of Account for each subject property and the payment of the required fee(s) shall be submitted to the office of the Municipal Treasurer (Finance and Business Services) within one week prior to the deeds being presented to the Secretary Treasurer.

5. *Legal - Registration of Documents

The applicant and/or the applicant's solicitor shall provide an Undertaking that all transfers and required agreements, including drainage, consent freeze and building freeze agreements, will be registered within 15 days of the Secretary/ Treasurer of the Leamington Committee of Adjustment issuing the certificate of consent to sever.

6. Legal - Consolidation of PIN Numbers

Subsection 3 of Section 50 of the Planning Act applies to the lands that are the subject of this application. The severed portion will be added to the property of the abutting property owner (H. & S. Neufeld, 3706-680-000-03000, Pt. Lot 7, Con. 5). The applicant to submit to the Secretary Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting property into one parcel. The applicant shall provide evidence to the Secretary/ Treasurer within 15 days of the issuance of the certificate of consent to sever that an application to consolidate parcels has been filed with the Land Registry Office.

7. Planning - Zoning

Prior to consent being endorsed on the deeds a favourable rezoning amendment shall have been obtained to change the zoning classification of the severed parcel from A3 to C4.

8. Drainage - Proof of Drainage

Prior to consent being endorsed on the deeds, proof of drainage, acceptable to the municipality, shall be provided by the applicant to serve the lands being conveyed and the lands being retained, with the costs of such drainage being solely at the expense of the applicant. Proof of Drainage and payment of the required fee shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.

Comment

Proof of Drainage confirms that:

- a) the existing parcel and the severed parcel drain independently;
- b) the existing parcel and the severed parcel have the right to drain to a Municipal drain or a Mutual Drainage Agreement is registered on title of both properties.

9. Drainage - Drainage Apportionment Agreement

Prior to consent being endorsed on the deeds the property owners are to execute an agreement for drainage apportionment due to lands severance or sale approved by the Municipality together with payment of any relative fees for each parcel being severed. Drainage Apportionment Request, 12R plan and payment of the required fee shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.

Comment

The Drainage Apportionment agreement is prepared by the Drainage Department at the written request of the applicant along with submission of 12R plan and payment of fees to the Municipality. The Drainage Apportionment Agreement is required to be signed by applicable parties

10. Provisional Consent Expiry

The conditions imposed above shall be fulfilled to the satisfaction of the Municipality by May 12, 2018 or this application shall be deemed to be denied in accordance with Section 53(41) of The Planning Act.



regs@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

September 18, 2017

Ms. Madeline Gibson
Junior Planner
The Corporation of the Municipality of Leamington
111 Erie Street North
Leamington, ON N8H 2Z9

Dear Ms. Madeline Gibson:

RE: Applications for Consent B-22-17, & Zoning By-Law Amendment ZBA-161
705 MERSEA RD 5
ARN 370668000002700; PIN: 750920422
Applicant: HIGHLINE PRODUCE LIMITED

The following is provided for your information and consideration as a result of our review of Applications for Consent B-22-17, & Zoning By-Law Amendment ZBA-161. The applicants are requesting to sever a 0.269 ha parcel of land from 705 Mersea Road 5, and add it to the property identified as 514 Highway 77. We understand that the receiving lot of 514 Hwy 77 will be subject to Site Plan Control for future proposed works. The severed parcel will also change from the current A3 hobby farm zone to C4 commercial industrial zone.

NATURAL HAZARD POLICIES OF THE PPS, 2014

A portion of the property identified as 705 Mersea Road 5 is subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). This regulated area of the property falls around the Robert Anderson Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration (specifically within the vicinity of the Robert Anderson Drain) or other activities affected by the regulations.

WATER RESOURCES MANAGEMENT

We acknowledge that the subject application is for the purpose of a lot addition only, in which we would have no objections. It is our understanding that a site plan control amendment application will be forthcoming for future works at 514 Hwy 77, and therefore we would prefer to comment on the site specific nature of the proposed development through that process when circulated. We may request the opportunity to review the stormwater management report, and include conditions in the Site Plan Control Agreement depending on the scale and location of the future works.

Ms. Madeline Gibson
September 18, 2017

NATURAL HERITAGE POLICIES OF THE PPS 2014

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to these applications for Consent and Zoning By-law amendment.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Corinne Chiasson
Resource Planner
/cor



Report

To: Mayor and Members of Council

From: Lu-Ann Marentette, Drainage Superintendent

Date: September 6, 2017

Re: Appointment of Drainage Commissioners and Annual Meetings Report

Recommendation:

It is recommended that:

1. Council receive the 2016 Annual Meeting minutes of the various drainage schemes;
2. Council appoint the scheme Commissioners as follows:

Drainage Scheme	Commissioner	Paid Annually & Charged to Scheme
Beach & Kay	Bailey Inc.	\$ 500.00
Cotterie Park	Bailey Inc.	\$ 500.00
Dick	Bailey Inc.	\$ 500.00
East Marsh	John Landschoot	\$ 500.00
Elmdale	Bailey Inc.	\$ 500.00
Lakeshore	Bailey Inc.	\$ 500.00
Lloyd	Mario Barberio	\$ 500.00
Marentette	Jim Tatomir	\$ 500.00
Wahl	Tom Dick	\$ 500.00
West Marsh	Tom Dick Michael Fox	\$500.00 x 2 = \$1,000.00
West Part B & C	Jim Belluz	\$ 500.00
	Total:	\$6,000.00

3. That the following Pump Operator be appointed as Commissioners further the the Drainage Act:

Scheme	Commissioners/Pumpers
East Marsh	Peter Peters, Gerald Dimmick, Michael Landschoot
Lloyd	James Cowan
Marentette	John J. Tatomir (Jr), Jacob Fast
West Marsh	Kevin Derbyshire, Peter Neufeld
West Part B & C	Harold Enns, Don Hicks

4. And that Council consider By-law 66-17 to appoint Commissioners and establish annual fees for the various Municipal Drainage Schemes. (DR-10-17)

Background:

Annual drainage scheme meetings are conducted to consider matters relative to the drainage scheme pursuant to the provisions of the Drainage Act.

Copies of the minutes of the annual meetings held by all large drainage schemes, which have a Commissioner(s) appointed to operate the pumping system, are attached to this report for Council's information. Issues raised, and/or comments, at the meetings are noted in the minutes.

Pursuant to provisions of The Drainage Act R.S.O. 1990, Chapter D.17, Section 95, and for better maintenance and repair of drainage works by embanking, pumping or other mechanical operations, the Council of the Municipality initiating the drainage works may, by by-law:

- (a) Appoint one or more Commissioners with power to;
 - (i) Enter into any and all necessary contracts for the purchase of fuel, erection or repairs of buildings and purchase and repair of machinery;
 - (ii) Do all other things necessary for successfully operating the drainage works and for keeping the embankment thereof in repair as may be set forth in the appointment bylaw.
- (b) Provide for defraying the annual cost of maintaining and operating the drainage works by way of assessment upon the lands and roads in any way liable for assessment.

Pursuant to Subsection 2 of Section 95, the fees or other remuneration of a Commissioner shall form part of the cost of the maintenance and repair of the drainage works.

A Council may or may not appoint local Commissioners to oversee the operation of any or a particular drainage scheme. Council and Administration appreciates the recommendations from the individual drainage schemes and welcomes constructive input that usually aids in initiating and completing necessary projects.

Large pumped scheme commissioners include:

Drainage Scheme	Commissioner	Paid Annually & Charged to Scheme
East Marsh	John Landschoot	\$ 500.00
Lloyd	Mario Barberio	\$ 500.00
Marentette	Jim Tatomir	\$ 500.00
Wahl	Tom Dick	\$ 500.00
West Marsh	Tom Dick, Michael Fox	\$1,000.00
West Part B & C	Jim Belluz	\$ 500.00
	Total:	\$3,500.00

Smaller electric pumped scheme commissioners include:

Drainage Scheme	Commissioner	Charged to Scheme
Beach & Kay	Bailey Inc.	\$ 500.00
Cotterie Park	Bailey Inc.	\$ 500.00
Dick	Bailey Inc.	\$ 500.00
Elmdale	Bailey Inc.	\$ 500.00
Lakeshore	Bailey Inc.	\$ 500.00
	Total:	\$2,500.00

If work on the pump is required other than regular maintenance, the mechanic will require permission from the Drainage Superintendent prior to any work proceeding.

Pumper Operators are also appointed to operate and maintain the pumps and pump houses. The hourly rate has not changed for the pump operators and will remain at \$18.00 per hour.

The following people are recommended for appointment and are under the supervision of the Drainage Superintendent for 2017:

Scheme	Commissioners	Pumpers
East Marsh	John Landschoot	Peter Peters, Gerald Dimmick, Michael Landschoot
Lloyd	Mario Barberino	James Cowan,
Marentette	Jim Tatomir	John J. Tatomir (Jr), Jacob Fast
Wahl	Tom Dick	
West Marsh	Tom Dick, Michael Fox	Kevin Derbyshire, Peter Neufeld
West Part B & C	Jim Belluz	Harold Enns, Don Hicks

Note: Commissioners also act as pumpers as required

All Commissioners and Pumpers must read, and acknowledge by way of signature, the pump operators health and safety handbook as part of their training.

Fall Arrest Training for all commissioners and pumpers has now been completed. All Commissioners were required to have the training, and this report was held until that training was complete.

Financial Impact:

Maintenance costs are funded from the Drain Maintenance Operating Budget. The Municipality pays the full cost of maintenance as required. The landowners, road share (Municipality) and other third parties are then invoiced or charged their apportioned share per the current maintenance by-laws.

The attached minutes address some concerns expressed by Commissioners and landowners within the Scheme, some of the items are included in the annual Drainage Budget.

Respectfully submitted,

Lu-Ann Marentette

**Peter Neufeld
B.A. LL.B.**

Digitally signed by Peter Neufeld B.A. LL.B.
DN: cn=Peter Neufeld B.A. LL.B., o, ou=CAO,
email=pneufeld@leamington.ca, c=US
Date: 2017.09.21 13:27:52 -04'00'

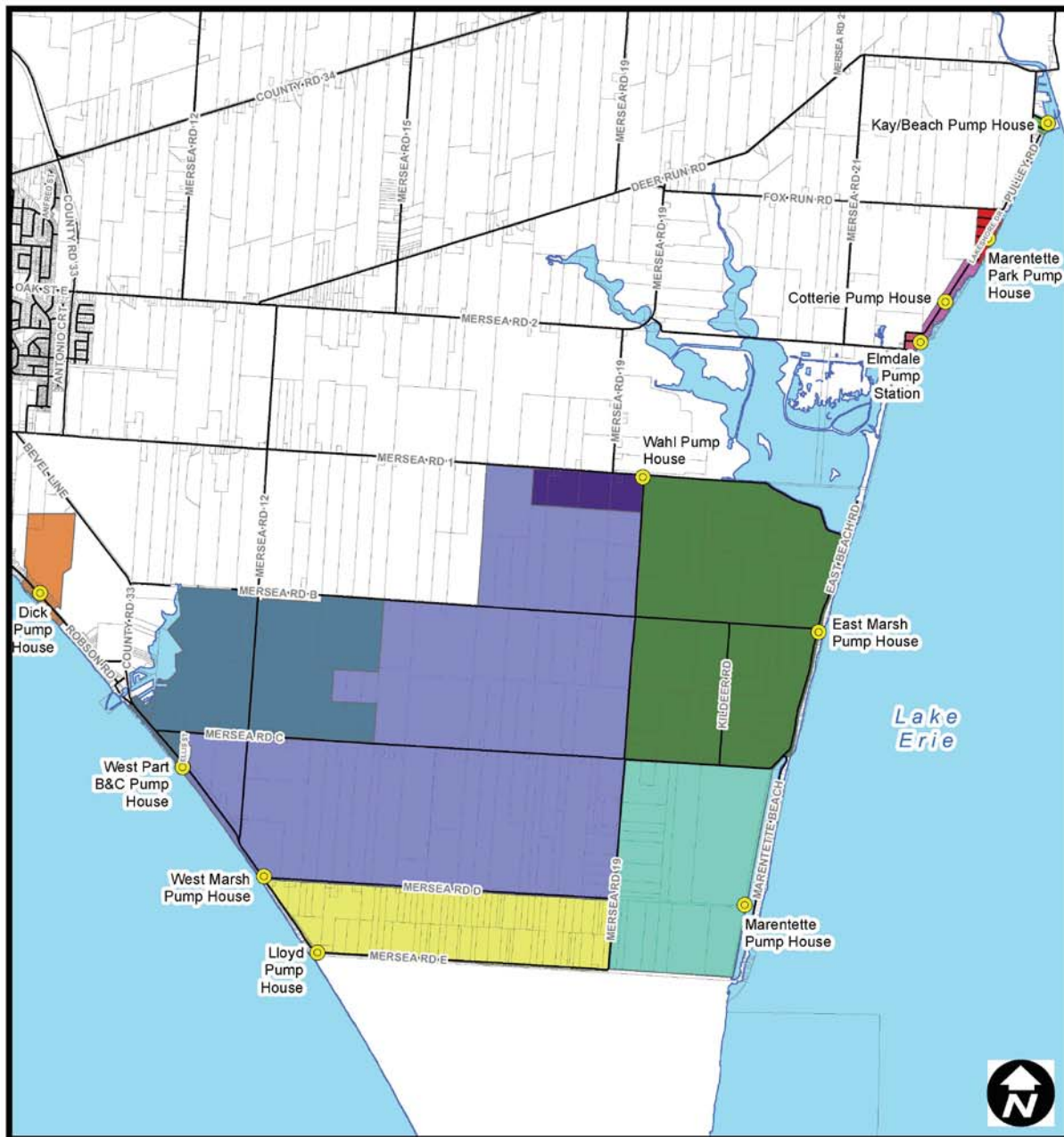
Lu-Ann Marentette Allan Botham P.Eng
Drainage Superintendent Manager of Engineering

Robert Sharon CMO
Director of Services
Infrastructure Services


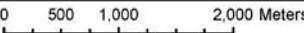
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- Attachments: 1. Map of Drainage Schemes
 2. Minutes of the Drainage Schemes

File: T:\Community Services\Community Services\Community Services Council
Reports\2017 Report\Drainage\DR-10-17 - Drainage Commissioners.doc



Legend	
	Leamington_Drains_Pumps
	B&C Pump House Drainage System
	Beach Blvd & Kay Ave Sewer & Pumping Station
	Cotterie Park Drainage System
	Dick Drain
	East Marsh Drain
	Elm Dale Drain
	Fred Wahl Drain Pumping Scheme
	Lloyd Drain
	Marentette Marsh Drainage Scheme
	Marentette Park Drain & Pump
	West Marsh Drainage Scheme

Title: Pump Station Drainage Areas		
 LEAMINGTON ONTARIO CANADA	Scale: 1:52,000	
	Prepared For: Eng	Date: May 21, 2015
	Prepared By: GIS Services	File No: N/A
	<p>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.</p> <p>Notes: This map is the property of the Corporation of the Municipality of Leamington and may not be reproduced without expressed permission and authorization. 111 Erie Street North, Leamington, Ontario N8H 2Z9 TEL: (519) 326-5761 FAX: (519) 326-2481</p>	

Map of Drainage Schemes 1

Municipality of Leamington
East Marsh Drainage Scheme Annual Meeting Minutes
Held Wednesday, November 30, 2016 Commencing at 2:30 PM
in the Ante Room

Present: Gerald Rivest, Anne Barnier, John Landschoot, Abe Friesen, Susan Friesen, Gerald Dimmich

Staff Present: Lu-Ann Marentette, Drainage Superintendent
Lindsay Dean, Assistant Drainage Superintendent
Lucy Simpson, Assistant Drainage Superintendent
Larry Verbeke, Councillor

Adoption of Minutes:

Moved by: John Landschoot
Seconded by: Gerald Rivest

That the minutes of the East Marsh Drainage Scheme meeting held December 8, 2015 be approved.

Carried

Review of 2016 Expenditures:

Moved by: John Landschoot
Seconded by: Gerald Rivest

That the 2016 East Marsh Drainage Scheme expenditures be received.

Carried

Election of 2017 Commissioner:

Lu-Ann Marentette explained that there was discussion with a lawyer regarding commissioners and pumpers not being considered employees. Commissioners are appointed by Council. Due to the fact that Pump Operators are not in the Drainage Act, all Commissioners and Pump Operators will be passed by our Municipal By-law as Commissioners. The roles of the Commissioners and Pump Operators will not change.

Lu-Ann Marentette informed everyone that Health & Safety must be completed before becoming a Commissioner and/or a Pump Operator and reinforces that safety equipment is needed anytime someone is working at the pump.

John Landschoot was nominated to remain as commissioner. The pumpers will be Gerald Dimmich, Gerald Rivest and Peter Peters.

Moved by: Gerald Rivest
Seconded by: Ann Barnier

That John Landschoot be appointed as Commissioner for the East Marsh Drainage Scheme for 2017.

Carried

Health & Safety:
Handbook:

Lindsay Dean advised that all Health & Safety Handbooks must be completed and submitted back to the Drainage Department.

Fall arrest training:

Lu-Ann Marentette will schedule Fall Arrest Training in 2017.

Pumper Payments:

Lindsay Dean explained according to the lawyer, all pumper hours need to be invoiced to the Town to make it consistent to all other contractor work. Everyone was handed invoices and calendars to be completed when needed. This new process will begin in 2017.

Budget Requirements / Planned Works for 2017:

Replacement of the south grate and removal of a few stumps. Trevor Bailey will be looking at this in December. John Landschoot will discuss with Trevor Bailey at that time.

John Landschoot commented that the debris is almost all gone. Lu-Ann Marentette stated that George Sawatzky will be the contact person for removing debris.

Other Matters:

John Landschoot asked if the guard rails will be going in. Lu-Ann Marentette stated that it is up to our Roads department to determine that.

Moved by: John Landschoot
Seconded by: Gerald Rivest

That the meeting adjourn at 2:55 p.m.

Carried

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Municipality of Leamington
Lloyd Drainage Scheme Annual Meeting Minutes
Held Wednesday, November 30, 2016 Commencing at 1:30 PM
in the Ante Room

Present: James Cowan, Mario Barberio, Millie Ann Barberio, Pauline Kniaziew, Richard Lassline, Manuel Antonio, Pina Tatomir, Krystal Martens, Johnny Tatomir, Jim Tatomir

Staff Present: Lu-Ann Marentette, Drainage Superintendent
Lindsay Dean, Assistant Drainage Superintendent
Lucy Simpson, Assistant Drainage Superintendent
Larry Verbeke, Councillor

Adoption of Minutes:

Moved by: Mario Barberio

Seconded by: Richard Lassaline

That the minutes of the Lloyd Drainage Scheme meeting held December 8, 2015 be approved.

Carried

Review of 2016 Expenditures:

Moved by: Mario Barberio

Seconded by: Richard Lassaline

That the 2016 Lloyd Line Drainage Scheme expenditures be received.

Carried

Election of 2017 Commissioner:

Lu-Ann Marentette explained that there was discussion with a lawyer regarding commissioners and pumpers not being considered employees. Commissioners are appointed by Council. Due to the fact that Pump Operators are not in the Drainage Act, all Commissioners and Pump Operators will be passed by our Municipal By-law as Commissioners. The roles of the Commissioners and Pump Operators will not change.

Lu-Ann Marentette informed everyone that Health & Safety must be completed before becoming a Commissioner and/or a Pump Operator and reinforces that safety equipment is needed anytime someone is working at the pump.

Mario Barberio was nominated to stay on as commissioner.

Moved by: Jim Tatomir

Seconded by: Ricahrd Lassaline

That Mario Barberio be appointed as Commissioner for the Lloyd Drainage Scheme for 2017.

Currently the scheme has James Cowan pumping and Mario Barberio will be back up.

Carried

Health & Safety:

Handbook:

Lindsay Dean advised that all Health & Safety Handbooks must be completed and submitted back to the Drainage Department.

Fall arrest training:

Lu-Ann Marentette will schedule Fall Arrest Training in 2017.

Pumper Payments:

Lindsay Dean explained according to the lawyer, all pumper hours need to be invoiced to the Town to make it consistent to all other contractor work. Everyone was handed invoices and calendars to be completed when needed. This new process will begin in 2017.

Budget Requirements / Planned Works for 2017:

No planned projects for 2017

Mario Barberio asked if the rod wire fencing can be changed to another type of fencing. Lu-Ann Marentette stated we will review after the sewer project on Point Pelee Drive is completed.

Other Matters:

Pauline Kniaziew asked about the mucky water and wondered what is in it. Lu-Ann Marentette stated it was agriculture run off.

Moved by: Pauline Kniaziew

Seconded by: Pina Tatomir

That the meeting adjourn at 1:55 p.m.

Carried

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Municipality of Leamington
Marentette Drainage Scheme Annual Meeting Minutes
Held Wednesday, November 30, 2016 Commencing at 2:00 PM
in the Ante Room

Present: Mario Barberio, Millie Ann Barberio, Pina Tatomir, Krystal Martens, Johnny Tatomir, Jim Tatomir

Staff Present: Lu-Ann Marentette, Drainage Superintendent
Lindsay Dean, Assistant Drainage Superintendent
Lucy Simpson, Assistant Drainage Superintendent
Larry Verbeke, Councillor

Adoption of Minutes:

Moved by: Pina Tatomir
Seconded by: Johnny Tatomir

That the minutes of the Marentette Drainage Scheme meeting held December 8, 2015 be approved.

Carried

Review of 2016 Expenditures:

There was a full dyke cleanout needed because of pump damage. Cost of labour and materials was charged back to the landowners and will not be billed till 2017

Moved by: Mario Barberio
Seconded by: Johnny Tatomir

That the 2016 Marentette Drainage Scheme expenditures be received.

Carried

Election of 2017 Commissioner:

Lu-Ann Marentette explained that there was discussion with a lawyer regarding commissioners and pumpers not being considered employees. Commissioners are appointed by Council. Due to the fact that Pump Operators are not in the Drainage Act, all Commissioners and Pump Operators will be passed by our Municipal By-law as Commissioners. The roles of the Commissioners and Pump Operators will not change.

Lu-Ann Marentette informed everyone that Health & Safety must be completed before becoming a Commissioner and/or a Pump Operator and reinforces that safety equipment is needed anytime someone is working at the pump.

Jim Tatomir to remain as commissioner.

Moved by: Pina Tatomir

Seconded by: Mario Barberio

That Jim Tatomir be appointed as Commissioner for the Marentette Drainage Scheme for 2017.

Carried

Health & Safety:

Handbook:

Lindsay Dean advised that all Health & Safety Handbooks must be completed and submitted back to the Drainage Department.

Fall arrest training:

Lu-Ann Marentette will schedule Fall Arrest Training in 2017. Johnny Tatomir mentioned he will be away sometime in the later part of February.

Pumper Payments:

Lindsay Dean explained according to the lawyer, all pumper hours need to be invoiced to the Town to make it consistent to all other contractor work. Everyone was handed invoices and calendars to be completed when needed. This new process will begin in 2017.

Budget Requirements / Planned Works for 2017:

Replacement of pump engine and have engineer to check to either have the wall or part of the wall to come down.

Other Matters:

Jim Tatomir to have someone look at why the fuel separator is filling with water.

Moved by: Pina Tatomir

Seconded by: Mario Barberio

That the meeting adjourn at 2:30 p.m.

Carried

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Municipality of Leamington
Wahl Drainage Scheme Annual Meeting Minutes
Held Wednesday, November 30, 2016 Commencing at 3:00 PM
in the Ante Room

Present: John Landschoot

Staff Present: Lu-Ann Marentette, Drainage Superintendent
Lindsay Dean, Assistant Drainage Superintendent
Lucy Simpson, Assistant Drainage Superintendent
Larry Verbeke, Councillor

Adoption of Minutes:

Moved by: John Landschoot

That the minutes of the Wahl Drainage Scheme meeting held December 8, 2015 be approved.

Carried

Review of 2016 Expenditures:

Moved by: John Landschoot

That the 2016 Wahl Drainage Scheme expenditures be received.

Carried

Election of 2017 Commissioner:

Lu-Ann Marentette explained that there was discussion with a lawyer regarding commissioners and pumpers not being considered employees. Commissioners are appointed by Council. Due to the fact that Pump Operators are not in the Drainage Act, all Commissioners and Pump Operators will be passed by our Municipal By-law as Commissioners. The roles of the Commissioners and Pump Operators will not change.

Lu-Ann Marentette informed everyone that Health & Safety must be completed before becoming a Commissioner and/or a Pump Operator and reinforces that safety equipment is needed anytime someone is working at the pump.

Tom Dick was nominated to remain as commissioner.

Moved by: John Landschoot

That Tom Dick be appointed as Commissioner for the Wahl Drainage Scheme for 2017.

Carried

Health & Safety:

Handbook:

Lindsay Dean advised that all Health & Safety Handbooks must be completed and submitted back to the Drainage Department.

Fall arrest training:

Lu-Ann Marentette will schedule Fall Arrest Training in 2017.

Pumper Payments:

Lindsay Dean explained according to the lawyer, all pumper hours need to be invoiced to the Town to make it consistent to all other contractor work. Everyone was handed invoices and calendars to be completed when needed. This new process will begin in 2017.

Budget Requirements / Planned Works for 2017:

No planned works at this time.

Other Matters:

Moved by: John Landschoot

That the meeting adjourn at 3:10 p.m.

Carried

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Municipality of Leamington
West Marsh Drainage Scheme Annual Meeting Minutes
Held Monday, November 28, 2016 Commencing at 2:30 PM
in the Ante Room

Present: Jim Belluz, Michael Fox, Richard Lassaline, Emil Hrabets,
Don Hicks, Sydor Platsko

Staff Present: Lu-Ann Marentette, Drainage Superintendent
Lindsay Dean, Assistant Drainage Superintendent
Lucy Simpson, Assistant Drainage Superintendent
Larry Verbeke, Councillor
John Jacob, Councillor

Adoption of Minutes:

Moved by: Jim Belluz
Seconded by: Sydor Platsko

That the minutes of the West Marsh Drainage Scheme meeting held December
10, 2015 be approved.

Carried

Review of 2016 Expenditures:

Lu-Ann Marentette advised that the only expense that stand out is the new pump engine that was installed.

Moved by: Richard Lassaline
Seconded by: Jim Belluz

That the 2016 West Marsh Drainage Scheme expenditures be received.

Carried

Election of 2017 Commissioner:

Lu-Ann Marentette explained that there was discussion with a lawyer regarding commissioners and pumpers not being considered employees. Commissioners are appointed by Council. Due to the fact that Pump Operators are not in the Drainage Act, all Commissioners and Pump Operators will be passed by our Municipal By-law as Commissioners. The roles of the Commissioners and Pump Operators will not change.

Michael Fox commented that the harness strap is a nuisance to work around.

Jim Belluz agreed with Michael Fox. He further mentioned when wearing the safety harness, the railing that was installed without asking the Commissioner and Pump Operators is causing a problem with getting debris out and getting down to the ditch.

Lu-Ann Marentette informed everyone that Health & Safety must be completed before becoming a Commissioner and/or a Pump Operator and reinforces that safety equipment is needed anytime someone is working at the pump.

Moved by: Don Hicks

Seconded by: Sydor Plastko

That Tom Dick be appointed as Commissioner for the West Marsh Drainage Scheme for 2017.

That Michael Fox be appointed as Commissioner for the West Marsh Drainage Scheme for 2017.

Carried

Health & Safety:

Handbook:

Lindsay Dean advised that all Health & Safety Handbooks must be completed and submitted back to the Drainage Department.

Fall arrest training:

Lu-Ann Marentette will schedule Fall Arrest Training in 2017.

Pumper Payments:

Lindsay Dean explained according to the lawyer, all pumper hours need to be invoiced to the Town to make it consistent to all other contractor work. Everyone was handed invoices and calendars to be completed when needed. This new process will begin in 2017.

Lu-Ann Marentette will be meeting with Michael Fox and Tom Dick to discuss pumper hours, inspection tags and purchasing.

Budget Requirements / Planned Works for 2017:

Jim Belluz commented that when the first engine was installed there was no meeting conducted and felt that there should have been a notice sent out. He would like to see a notice to residence when installing the second engine.

Lu-Ann Marentette stated a notice of site meeting will be held for the installation of the second engine

Other Matters:

Richard Lassaline commented about garbage being dumped on private property and who controls that issue.

Lu-Ann Marentette stated that it is an OPP matter and nothing the Town can do.

Emil Hrabets informed Lu-Ann Marentette that his property was flooding. Lu-Ann noted that she would meet with him on the property to discuss further.

Moved by: Michael Fox

Seconded by: Jim Belluz

That the meeting adjourn at 3:10 p.m.

Carried

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Municipality of Leamington
West Part B & C Blind Line Drainage Scheme Annual Meeting Minutes
Held Monday, November 28, 2016 Commencing at 3:00 PM
in the Ante Room

Present: Jim Belluz, Don Hicks, Harold Enns

Staff Present: Lu-Ann Marentette, Drainage Superintendent
Lindsay Dean, Assistant Drainage Superintendent
Lucy Simpson, Assistant Drainage Superintendent
Larry Verbeke, Councillor

Adoption of Minutes:

Moved by: Don Hicks

Seconded by: Jim Belluz

That the minutes of the West Part B & C Blind Line Drainage Scheme meeting held December 10, 2015 be approved.

Carried

Review of 2016 Expenditures:

Moved by: Don Hicks

Seconded by: Jim Belluz

That the 2016 West Part B & C Blind Line Drainage Scheme expenditures be received.

Carried

Election of 2017 Commissioner:

Lu-Ann Marentette explained that there was discussion with a lawyer regarding commissioners and pumpers not being considered employees. Commissioners are appointed by Council. Due to the fact that Pump Operators are not in the Drainage Act, all Commissioners and Pump Operators will be passed by our Municipal By-law as Commissioners. The roles of the Commissioners and Pump Operators will not change.

Lu-Ann Marentette informed everyone that Health & Safety must be completed before becoming a Commissioner and/or a Pump Operator and reinforces that safety equipment is needed anytime someone is working at the pump.

Moved by: Don Hicks
Seconded by: Harold Enns

That Jim Belluz be appointed as Commissioner for the West Part B & C Blind Line Drainage Scheme for 2017.

Carried

Health & Safety:
Handbook:

Lindsay Dean advised that all Health & Safety Handbooks must be completed and submitted back to the Drainage Department.

Fall arrest training:

Lu-Ann Marentette will schedule Fall Arrest Training in 2017.

Pumper Payments:

Lindsay Dean explained according to the lawyer, all pumper hours need to be invoiced to the Town to make it consistent to all other contractor work. Everyone was handed invoices and calendars to be completed when needed. This new process will begin in 2017.

General Maintenance:

Jim Belluz commented that all the general maintenance has been completed and all is good.

Budget Requirements / Planned Works for 2017:

Jim Belluz wondered about other residents contributing more than what they are getting charged now.

Lu-Ann Marentette stated that we are looking at this now and wants to know if hiring an Engineer to review assessment schedules for this drainage scheme.

Jim Belluz and Harold Enns agree to hire an Engineer to revise assessment schedules.

Jim Belluz will call Cecil Bailey to put small rocks to patch holes.

Other Matters:

Lu-Ann Marentette spoke about improvements to the pump, stating it will be taking place due to the installation of new sanitary sewers along Point Pelee Drive. A steel retaining wall will be installed, trees will be removed, hydro will be put underground and a soft start on the engine. This work will be done in early January.

Moved by: Jim Belluz

Seconded by: Don Hicks

That the meeting adjourn at 3:40 p.m.

Carried

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Report

To: Mayor and Members of Council

From: Allan Botham, P.Eng., Manager of Engineering Services

Date: August 30, 2017

Re: North Leamington Stormwater Master Drainage Study

Recommendation:

It is recommended that:

1. Council enter into a contract with Stantec Consulting, Windsor , Ontario, to complete the North Leamington Stormwater Master Drainage Study for the amount of \$150,000 (plus applicable taxes);
2. That Council establish a stormwater management fee of \$1,000 per acre for greenhouse development in the study area, and that the fee be added to the User Fee By-law; and
3. The study be funded from the Engineering Reserve. (ENG 18-17)

Background:

Stormwater management in Leamington and Essex County is a primary component of diligent development. The flat topography and soil conditions within Leamington are such that any changes to drainage patterns and/or volumes, can cause flooding, erosion and sedimentation of drains. With the introduction and continued construction of “greenhouse style” farming, the volume of runoff in certain areas of Leamington is continually increasing. These increases in runoff from Leamington properties are impacting drainage systems in Leamington and the neighbouring Towns of Lakeshore and Kingsville.

Climate change is evident in recent rain events in the Town of Essex, the Town of Tecumseh and the City of Windsor, noting principally, frequency and intensity of storm events.

Below is an excerpt from a draft regional stormwater management study, prepared by Stantec Consulting, for the regional municipalities within the County of Essex, and the Conservation Authority, that best describes the importance of watershed planning.

“Good planning provides a fundamental basis for addressing stormwater requirements efficiently and cost effectively. Stormwater planning should be undertaken by municipalities to provide economies of scale at the watershed level. In the absence of stormwater planning at the watershed level, the land developer and consultant are often responsible to define stormwater management objectives through pre-consultation with local agencies and municipalities. This approach may result in the following:

- Watershed ecosystem and water management issues and priorities may not be identified.
- Cumulative impacts of development on flooding, water quality, erosion, and base flow cannot be assessed at the site level without significant engineering evaluations being undertaken by the development engineer related to the receiving drainage system.
- The identification of natural area linkages and wildlife corridors is best accomplished at the watershed scale.
- Regional stormwater management approaches and/or improvements to conveyance features cannot be evaluated.

In instances where a watershed plan does not exist, individual developments have been allowed to proceed on the basis that stormwater measures that match pre-development peak flow conditions. The rationale supporting this approach is such that the post-development outflow will not exceed the pre-development outflow for the same proposed development area and thus should not create any adverse hydraulic impacts to the watershed (i.e. does not make things worse). The issue with this approach is that pre-development conditions cannot be properly assessed at the lot level scale of individual developments. There are potential consequence of this is incremental and cumulative negative impacts on the watershed. Additionally, when rainwater is collected and diverted to stormwater management ponds for eventual release to the drains, this substantially reduces the amount of rainwater that permeates through the soil and increases the volume of stormwater that must be conveyed via the drainage infrastructure.

To ensure that development does not make things worse it is imperative that pre-development conditions are evaluated on the watershed scale. In the absence of watershed planning, a watershed scale evaluation of pre-development conditions must be a standard requirement as part of development stormwater plans. Conservative assumptions may be warranted to simplify the watershed evaluations and make them manageable for small scale developments.

Undoubtedly, this will place a significant burden on development for which the only remedy is proper watershed planning. Ideally, watershed planning will not only ensure that development maintains pre-existing conditions but it can improve upon the existing condition and address existing issues with well planned development.”

The Provincial Policy Statement 2014 (PPS), Clause 1.6.6.7 states that “Planning for stormwater management shall:

- a. minimize, or, where possible, prevent increases in contaminant loads;
- b. minimize changes in water balance and erosion;

- c. not increase risks to human health and safety and property damage;
- d. maximize the extent and function of vegetative and pervious surfaces; and
- e. promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.”

The PPS also states in Section 2.2.1 that Planning authorities shall:

“protect, improve or restore the *quality and quantity of water* by:

- a. using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- b. minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts; ...
- h. ... ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.”

Comments:

As described in staff report ENG 27-16 - Northeast Trunk Sewer Update, the area north of Mersea Road 6 and along the Highway 77 corridor is becoming a “greenhouse cluster”. The concentration of greenhouses is likely due to the recent expansion of utilities in the area (Hydro One, Union Gas), easy access to market via Highway 77, and most noticeably, local ingenuity and know how.

The Municipality, and developers have a responsibility to all the rate payers of the drainage systems that provide service between the greenhouse properties, and Lakes St. Clair and Erie. It is no longer acceptable, or possible under the PPS, to review development plans, focusing on the proposed development parcel and the adjacent storm drain alone, or at only the “lot level”. Development will impact a number of downstream municipal drains, other infrastructure and other municipalities.

To date Leamington has managed and reviewed greenhouse developments together with the Conservation Authority, using lot level evaluations and controls. This practice is no longer appropriate or sustainable. Regional watershed planning, versus individual farm lot assessment, should be implemented.

Administration, staff from the Essex Region Conservation Authority, and staff from local consulting firms have met several times to discuss and understand the problem. Stantec Consulting has already provided some initial, high level, analysis of the Reid drainage scheme to the Municipality since they have been working with the conservation authority, and local municipalities, to prepare a regional storm water management guideline for Essex County.

The regional storm water guideline will address regional review and approval issues such as: consistency between municipalities, consultants, design, and review process. The guideline will also recognize the need for local parameters that satisfy local needs. The regional guideline will not develop individual design parameters. These design parameters are needed as soon as possible to continue with responsible design and approval of new

greenhouse developments. If the municipality does not take the lead in conducting a master study, significant stormwater management review would become the responsibility on each individual developer at the time of development.

There is an immediate need to study the Silver, Reid and Big Creek drainage systems as they are the within the new greenhouse cluster area along Highway 77 (See attachment #1). Stantec's office in Windsor has the necessary background, local knowledge, technical skills and momentum to deliver this assignment, which includes:

- Culvert and Drain Inventory necessary for modelling
- Topographic survey
- Hydrologic/hydraulic modelling - hydrologic modelling generates the predicted rainfall, and hydraulic modelling provides performance characteristics of the drain.
- Erosion analysis - as it relates to the recommended release rates for storm water.
- Floodline mapping - will provide the 1:100 year predicted flood elevations which are used in design of structures.
- Final report/recommendations for allowable release rates at a Lot scale, and/or Concession scale.

Stantec Consulting has the technical expertise and experience and recent experience in working on the regional storm water management guideline for Essex County.

Financial Impact:


The estimate of fees for completion of this assignment is \$150,000, and Administration is recommending that the costs be financed from the Engineering Reserve.

As this study is intended to specifically serve the greenhouse development sector (new greenhouse development), it is recommended that a new fee be established for all new greenhouse development that occurs within the study area to cover the cost of the study.

As mentioned earlier, if the municipality does not take the lead in conducting a master study, this responsibility will be placed on each individual developer. If each developer were required to conduct the level of analysis included in the master study, the cost would likely be far greater than the \$1,000 per acre fee established as part of this exercise. Additionally, there would time delays for each developer as they conducted the stormwater management review exercise.

Respectfully submitted,

Peter Neufeld
B.A. LL.B.

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email=pneufeld@leamington.ca, c=US
Date: 2017.09.21 13:26:39 -04'00'

Allan Botham P.Eng
Manager of Engineering Services

Robert Sharon CMO
Director of Infrastructure Services

/AB

Attachments: Attachment #1: Map of subject area



Report

To: Mayor and Members of Council

From: Katie McLean, Financial Systems Specialist

Date: August 24, 2017

Re: 2018 Fee Schedule

Recommendation:

It is recommended that:

1. The proposed 2018 Fee Schedule be approved; and
2. Administration be directed to forward By-Law 73-17 to provide for a Tariff of Fees to be charged in 2018 by the Municipality of Leamington. (Report FIN-15-17)

Background:

Funding for municipal services is largely based on a combination of taxation revenues and user fees. Municipal fees are established to apply a 'user pay' or 'fee for service' approach to services that benefit a particular individual or group.

Municipal fees are reviewed annually and adopted under municipal by-law for implementation on January 1 of the following fiscal year. These fees are then used in estimating related revenues in that fiscal year's budget, which mitigate the dollars required to be raised through taxation for funding municipal services.

Comments:

The proposed 2018 Fee Schedule, with comparative data for 2017 fees, is attached as Schedules A through M.

The proposed fee schedule has been compiled based on input from the various operating departments. In determining recommended fees, Administration considered market rate comparisons, service delivery and commodity costs increases, using the best information available at this time.

As noted above, municipal fees are generally effective January 1 each year, and are effective from January 1 through December 31. Exceptions are made for the Kinsmen Recreation Complex and Arena Fees, where fees are implemented July 1 of each year and are effective through June 30 to follow the common ice season and school year. These exceptions are noted on Schedule A and Schedule B.

Recommended 2018 rate adjustments are shown in relation to 2017 fees, and include increases, decreases or remain unchanged as noted in the attached schedules.

Highlights for 2018 are as follows:

Schedule A - Kinsmen Recreation Complex Fees: A review of similar programs has resulted in recommended increases to youth day camp and specialized program fees. Several fees have been updated to reflect current practice. Fees for advertising in the activity guide have been adjusted to attract more interest and a quarter page ad has been included. Other various adjustments are also being recommended.

Schedule B - Arena Fees: Various ice rate increases are being recommended to stay competitive.

Schedule C - Fire Services Fees: New fees are being recommended for nuisance alarms, fire extinguisher training, risk and safety management plans, and liquor licence extensions. First unit inspection fees are recommended for increase and a non-compliance fee has been added.

Schedule D - Marina Fees: Due to the increasing hydro costs, it is being recommended that seasonal dock hydro fees are increased. In addition, increases to jet-ski dock rentals and the overnight transient mooring rate are recommended. The fee for the Captain's Club Membership has been shown in Canadian dollars, resulting in a recommended increase.

Schedule E - Planning and Building Fees: An increase is recommended to reflect actual costs incurred and services provided for site plan agreements and site plan amendments. It is also recommended that the Committee of Adjustment Special Meeting fee be increased. The fee for zoning and work order certificates has been moved to Schedule M - Legal and Legislative Service Fees.

Schedule F - Finance and Business Service Fees: A new fee is being recommended for on-line tax certificates, ownership changes, mortgage listings, payment receipts and for adding Provincial Offences Act fines to tax rolls. Various other fees have been removed as they no longer exist in the Vadim system and reflect current practice. Photocopy fees have been moved to Schedule M - Legal and Legislative Service Fees.

Schedule H - Public Works Operations Fees: Garbage collection fees are recommended to increase to match the increase in contract costs.

Schedule I - Pollution Control Centre Fees: Sewer surcharges are recommended to increase as per the approved rate study.

Schedule K - Water Services Fees: As a result of increased material costs, service connections, and inside set ups are recommended for increases. Other various adjustments are also being recommended including water rates as per the approved rate study.

Schedule L - Engineering Fees: Increases to subdivision engineering review fees and drainage tile loan - inspection services fees are being recommended. Other adjustments to mapping fees are also being recommended.

Schedule M - Legal and Legislative Services Fees: New fees are being recommended that relate to the taxicab plates and decision appeals, noise by-law application for exemption, and routine disclosure. Other various adjustments are also being recommended.

Approval of the 2018 fee schedule is requested at this time to facilitate operations such as preparation of the 2018 budget. Should circumstances change throughout the year or budget implications dictate, further reports recommending 'in year' fee adjustments may be brought forward for Council's consideration at a later date.

Financial Impact:

The cost of delivering services to users increases annually based on internal (staffing, equipment, etc.) and external cost factors (materials, utilities, insurance, purchase of service contracts, etc.). The decision to reduce fees or forego fee increases may be justified where market sensitivity would result in a reduction in users and therefore a reduction in total revenues based on a fee increase. However, all else equal, holding 2018 fees at the 2017 level would result in a net increase in demand from taxation revenue to cover increased operating costs not passed along to service users through fee increases.

Respectfully submitted,



Katie McLean, CPA, CA
Financial Systems Specialist



Laura Rauch, CPA, CMA
Director of Finance & Business Services

km

Attachments: 2018 Fee Schedule Draft A-M

Peter Neufeld B.A.
LL.B.

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email=pneufeld@leamington.ca, c=US
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Schedule A
Kinsmen Recreation Complex Fees

(applicable taxes will be added to all fees)

Note: Effective July 1, 2018 - June 30, 2019

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Memberships					
a) Individual					
12 Month fee	435.00	435.00	-		2016
6 Month fee	270.00	270.00	-		2016
3 Month fee	160.00	160.00	-		2016
1 Month fee	58.00	58.00	-		2011
12 Month student fee	239.00	239.00	-		2016
12 Month senior fee	345.00	345.00	-		2016
6 Month senior fee	220.00	220.00	-		2016
3 Month senior fee	145.00	145.00	-		2016
3 Month New Year Shape-Up	120.00	120.00	-		2016
3 Month Spring Shape-Up	120.00	120.00	-		2016
4 Month Student Summer Special	120.00	120.00	-		2016
12 Month Youth (13 and under)	149.00	149.00	-		2013
Promotional Discount - one month individual membership	(29.00)	(29.00)	-		2017
b) Couples					
12 Month fee	820.00	820.00	-		2016
6 Month fee	505.00	505.00	-		2016
3 Month fee	295.00	295.00	-		2016
12 Month senior fee	640.00	640.00	-		2016
6 Month senior fee	405.00	405.00	-		2016
3 Month senior fee	257.00	257.00	-		2016
Flexible Use Passes					
Adult (14+) (10 visits)	56.64	56.64	-		2012
Youth (-13) (10 visits)	30.00	30.00	-		2012
Pickleball/Badminton (10 visits)	26.55	26.55	-		2017
Single Visit Fees					
Adult (14+)	7.08	7.08	-		2012
Youth (-13)	4.00	4.00	-		2017
Family (Immediate 6 or less)	15.04	15.04	-		2016
Community Living Adult (14+)	3.54	3.54	-		2017
Community Living Youth (-13)	3.00	3.00	-		2017
Pickleball/Badminton	3.54	3.54	-		2017
Personal Trainer					
1 Session - 60 minutes	45.00	45.00	-		2011
5 Sessions - 60 minutes	200.00	200.00	-		2011
10 Sessions - 60 minutes	350.00	350.00	-		2011
1 Session - 30 minutes	30.00	30.00	-		2012
5 Sessions - 30 minutes	125.00	125.00	-		2012
Couples: 1 Session - 60 minutes	70.00	70.00	-		2012
Couples: 5 Sessions - 60 minutes	325.00	325.00	-		2012
Couples: 10 Sessions - 60 minutes	600.00	600.00	-		2012
Youth Day Camps & Specialized Programs					
Youth Day Camp Program Daily	30.00	28.50	1.50	Market Comparison	2016
Youth Day Camp Program Weekly	140.00	130.00	10.00	Market Comparison	2016
Youth Instructional Fitness Program (10 classes)	70.00	60.00	10.00	Market Comparison	2014
Late Program Registration Fee (per program)	10.00	10.00	-		2013
Children's Program (under 6 years old, 10 classes)	60.00	50.00	10.00	Market Comparison	2015
Youth Day Camp Program Daily Multi-child Discount	-	(2.50)	2.50		2016
Youth Day Camp Program Weekly Multi-child Discount (per child)	(14.00)	(13.00)	(1.00)	10% per child	2016

Schedule A
Kinsmen Recreation Complex Fees

(applicable taxes will be added to all fees)

Note: Effective July 1, 2018 - June 30, 2019

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Aquatic/Fitness Instructional Standard Programs					
Standard Instructional Swim Program (10 classes)	70.00	70.00	-		2016
Specialty Instructional Swim Programs:					
Private Swim Lessons (10 classes)	170.00	170.00	-		2016
Family Swim Lessons (10 classes)	220.00	220.00	-		2016
Aquafitness Instructional Program (10 classes)	52.00	52.00	-		2016
Standard Instructional Fitness Program (10 classes)	52.00	52.00	-		2016
Specialty Instructional Fitness Program	all costs	all costs		Full Cost Recovery	
Standard First Aid - CPR C	105.00	106.19	(1.19)		2016
Standard First Aid - CPR Recert	75.00	75.22	(0.22)		2016
Standard First Aid - HCP	125.00	125.65	(0.65)		2016
Offsite Training - CPR daily	75.00	-	75.00	New Fee	
Babysitting Course	60.00	60.00	-		2015
Aquatic Leadership				Full Cost Recovery	
Rentals (Daily rates are > 4 hours)					
a) Squash/Racquet Courts (per hour/person, max \$45)				Maximum set for groups wanting to book the courts	
Adult	8.85	8.85	-		2011
Youth	8.50	8.50	-		2011
b) Racquet Rental	2.00	2.00	-		2001
c) Gymnasium (one-half)					
Non-Profit hourly	50.00	50.00	-		2016
Non-Profit daily	250.00	250.00	-		2016
Profit hourly: Concert & Trade Shows. etc.	70.00	70.00	-		2016
Profit daily: Concert & Trade Shows. etc.	350.00	350.00	-		2016
d) Gymnasium (whole)					
Sport Instructional Rate (open to the public)	50.00	50.00	-		2017
Non-Profit hourly	94.00	94.00	-		2016
Non-Profit daily	630.00	630.00	-		2016
Profit hourly: Concert & Trade Shows. etc.	210.00	210.00	-		2012
Profit daily: Concert & Trade Shows. etc.	750.00	750.00	-		2012
Birthday Party (all charges apply plus surcharges)					
Hourly Gym Rental	50.00	-	50.00	Current Practice	
Room Rental (per hour)	25.00	-	25.00	Current Practice	
Staffing and Supplies				Full Cost Recovery	
e) Fitness Studio					
Non-Profit hourly	45.00	45.00	-		2012
Non-Profit daily	225.00	225.00	-		2012
Profit hourly: Concert & Trade Shows. etc.	65.00	65.00	-		2012
Profit daily: Concert & Trade Shows. etc.	325.00	325.00	-		2012
f) Capital Facility Surcharge	6.00	6.00	-		2010
g) Swimming Pool* (hourly rates)					
Full Pool*	74.00	74.00	-		2015
Tot & Leisure Pool*	48.00	48.00	-		2014
Swim Team 25m Pool *	45.00	45.00	-		2014
Birthday Party (all charges apply plus surcharges)					
Hourly Pool Rental	54.00	54.00	-		2015
Room Rental (per hour)	25.00	-	25.00	Current Practice	
Staffing and Supplies				Full Cost Recovery	
Lifeguard (hourly rate)	Actual Cost	15.76		Actual costs instead of set amount	2016
Swim Instructor (hourly rate)	Actual Cost	18.65			2016
* Plus cost of guards (per guard/per hour)	Actual Cost	15.76			2016
h) Capital Pool Surcharge	6.00	6.00	-		2010

Schedule A
Kinsmen Recreation Complex Fees

(applicable taxes will be added to all fees)

Note: Effective July 1, 2018 - June 30, 2019

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
i) Meeting Rooms (Auditorium A or B, Leamington Arena Meeting Room)					
i) Minor Sport Daily Rate	65.00	65.00	-		2015
ii) Hourly without liquor	50.00	50.00	-		2015
Hourly with liquor	90.00	90.00	-		2017
Daily without liquor	250.00	250.00	-		2015
Daily with liquor	450.00	450.00			2012
iii) Additional Hourly Charge for Full Auditorium	25.00		25.00	Current Practice	
Additional Daily Charge for Full Auditorium	125.00		125.00	Current Practice	
j) Main Lobby	-	100.00	(100.00)	Fee Removed	2006
i) For Profit	65.00	65.00	-		2016
ii) Non-Profit	50.00	50.00	-		2016
Activity Guide/Electronic Advertising					
Half page - no colour		250.00	(250.00)	No longer black and white	2015
Full page - no colour		325.00	(325.00)	No longer black and white	2015
Quarter page - full colour	150.00		150.00	New Fee	
Half page - full colour	250.00	280.00	(30.00)	Lower to attract more interest	2015
Full Page - full colour	350.00	375.00	(25.00)	Lower to attract more interest	2015
Pool Advertising (Per Sign/Year)					
Pool	500.00	500.00	-		2011
Lane	350.00	350.00	-		2011
Corner	650.00	650.00	-		2011
Second sign	400.00	400.00	-		2016
Racquet Court Advertising (Per sign/year)					
Racquetball/Squash Court	350.00	350.00	-		2013
Locker Rental (annual members)	100.00	100.00	-		2013
Administration Charges					
Reprinting Receipts	10.00	10.00	-		2012
Membership cancellation	25.00	25.00	-		pre 2005
Program Cancellation	15.00	15.00	-		pre 2005
Permit cancellation - more than two weeks prior to commencement	10% of permit cost			Current Practice	
Permit cancellation - within two weeks of commencement	50% of permit cost			Current Practice	
Permit cancellation - day of commencement	100% of permit cost			Current Practice	

**Schedule B
Arena Fees**

(applicable taxes will be added to all fees)

Note: Effective July 1, 2018 - June 30, 2019

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Ice Rates					
Prime Time (per hour)	164.00	161.00	3.00	Fee increase due to comparable rates	2017
Monday-Friday 3:00 pm to 11:00 pm					
Sat/Sun 6:30 am to 11:00 pm					
Non-Prime time (per hour)	116.00	114.00	2.00	Fee increase due to comparable rates	2016
Monday-Friday 6:00 am to 3:00 pm					
Non-Prime time Profit (per hour)	126.00	124.00	2.00	Fee increase due to comparable rates	2016
Monday-Friday 6:00 am to 3:00 pm					
Development Ice (30 mins, max 8 people)	74.00	74.00	-		2016
Minor Hockey Association (per hour)	144.00	142.00	2.00	Fee increase due to comparable rates	2017
Figure Skating Club (per hour)	144.00	142.00	2.00	Fee increase due to comparable rates	2017
Junior Hockey Club					
Regular Season (per game)	545.00	535.00	10.00	Fee increase due to comparable rates	2017
Shinny Hockey (Mon. to Fri 12 -1:00 p.m.)					
Person	6.64	6.64	-		2011
Season	150.00	150.00	-		2011
Icetime Programming (per person/hr)	6.64	6.64	-		2017
High School Hockey Academy					
Monday-Friday 6:00 am to 11:00 am	90.00	90.00	-		2016
Birthday Party (all charges apply plus surcharges)					
Hourly Ice Rental	144.00	144.00	-	Plus cost for staff if necessary	2015
Room Rental - first hour	-		-	Current practice	
Room Rental - additional hour	25.00		25.00	Current practice	
Staffing and Supplies				Full Cost Recovery	
Public Skating Rates					
Child/Student	3.10	3.10	-		2011
Adult	3.54	3.54	-		2011
Parent & Tots (Parent)	2.21	2.21	-		2013
Parent & Tots (Tots)	2.50	2.50	-		2013
Family (immediate, max. 6)	9.51	9.51	-		2011
Ice Rental Capital Surcharge	6.00	6.00	-		2012
Arena Floor Rental					
Special Events (Not for Profit per hour)	90.00	90.00	-		2010
Minor Sport (per hour)	60.00	60.00	-		2010
Commercial Rental (per day)	2,000.00	2,000.00	-		2010
Multiple Day Rental (to be negotiated)					
Arena Instructional Programs				Full Cost Recovery	
Advertising Space (per sign/year)					
Arena Rink Boards - HCC & Unico	500.00	500.00	-		2005
2 nd Rink Ad	400.00	400.00	-		2005
Press Box	1,000.00	1,000.00	-		2005
Ice Logos	1,000.00	1,000.00	-		2005
Floor Logos	1,000.00	1,000.00	-		2005
Zamboni Exit Doors	750.00	750.00	-		2016
Bench Ads	750.00	750.00	-		2016
Unico Clock	750.00	750.00	-		2016
Flyers Office Space					
September - March (per month)	175.00	175.00	-		2016

Schedule C
Fire Services Fees

(applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
File Search	66.37	66.37	-		2013
Insurance Company Information Reports	66.37	66.37	-		2013
False Alarms* (activation of any fire alarm system not caused by heat, smoke or fire and results in a response by the fire department)					
Per Response	300.00	300.00	-		2000
* When there are three false alarms in a one year period					
Nuisance Alarms					
a) First Nuisance Alarm in any 12 month period	-	-		New Fee	
b) Second Nuisance Alarm in any 12 month period	410.00	-	410.00	New Fee	
c) Third Nuisance Alarm in any 12 month period	820.00	-	820.00	New Fee	
d) Fourth Nuisance Alarm in any 12 month period	1,230.00	-	1,230.00	New Fee	
e) Fifth Nuisance Alarm in any 12 month period	1,640.00	-	1,640.00	New Fee	
f) Sixth Nuisance Alarm in any 12 month period	2,050.00	-	2,050.00	New Fee	
Inspections					
a) First Unit	101.77	66.37	35.40		2013
b) Non Compliance upon Re-inspection	101.77	-	101.77	New Fee	
c) Additional Units/per unit up to maximum 6 units	26.55	26.55	-		2013
d) 7 or More Units Flat Rate	300.00	300.00	-		2009
Fire Department Liquor Licence Inspection					
a) Inspection, Occupancy Load Signage & Approval Letter	101.77	101.77	-		2015
b) Liquor Licence Extension	101.77	-	101.77	New Fee	
Open Air Fire Permit	17.70	17.70	-		2013
Standby for Events (full recovery)				Full Cost Recovery	
Fire Extinguisher Training					
a) Up to 25 Persons	150.00	-	150.00	New Fee	
b) Up to 50 Persons	225.00	-	225.00	New Fee	
c) Over 50 Persons	300.00	-	300.00	New Fee	
			-		
Risk & Safety Management Plans					
a) Initial Review	250.00	-	250.00	New Fee	
b) Update	100.00	-	100.00	New Fee	

**Schedule D
Marina Fees**

(applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Seasonal Mooring*					
a) Serviced docks (per foot for boats 26ft+)	50.00	50.00	-		2017
b) Boats exceeding slip size (minimum plus)	50.00	50.00	-		2017
c) Seasonal dock hydro fee 40ft +	175.00	150.00	25.00	Adj for all seasonal hydro fees.	2015
d) Seasonal dock hydro fee 36ft-39ft	150.00	125.00	25.00	Adj for all seasonal hydro fees.	2015
e) Seasonal dock hydro fee 31ft-35ft	125.00	100.00	25.00	Adj for all seasonal hydro fees.	2015
f) Seasonal dock hydro fee 26ft-30ft	100.00	75.00	25.00	Adj for all seasonal hydro fees.	2015
g) Seasonal dock hydro fee 19ft-25ft	75.00	50.00	25.00	Adj for all seasonal hydro fees.	2015
h) Additional small craft (used in the same well)	150.00	150.00	-		2014
i) 1 month dockage 30ft or less	500.00	500.00	-		2017
j) 1 month dockage 31-50ft	600.00	600.00	-		2017
k) 1 week additional dockage 30ft or less	125.00	-	125.00	Current Practice	
l) 1 week additional dockage 31-50ft	150.00	-	150.00	Current Practice	
m) Serviced dock 15-18 feet (Flat fee)	750.00	750.00	-		2017
n) Serviced dock 19-25 feet @ \$40/ft	40.00	40.00	-		2017
o) Jet-ski dock rentals (per unit)	500.00	450.00	50.00	Low supply, high demand. Currently have a waitlist	2017
p) Referral Credit	(100.00)	(100.00)	-		2017
q) Prorated dockage	% of season	% of season			2017
* Includes complimentary pump-outs Sunday to Thursday and free with a fuel purchase on Friday & Saturday, complimentary Wi-Fi on the marina grounds, complimentary one-time pavilion rental per season, 3% discount on fuel purchases paid by cash only.					
Transient Mooring					
a) overnight rate (per foot/day)	2.00	1.75	0.25	Fees have not been increased since 2012	2012
b) daily day dock rate (3 hr max.stay)	20.00	20.00	-		2012
c) Mid Week 3 Day Special	125.00	125.00	-		2013
d) Captains Club Rate (per foot/day)	1.50	1.50	-		2012
e) Weekly rental (2 nights free)	\$2/foot x 5 nig	-		Current Practice	
Boat Launching Ramp					
a) In and out rate (per day)	11.50	11.50	-		2011
b) Seasonal pass per boat (Unlimited)	150.00	150.00	-		2010
c) Senior seasonal pass (60+)	125.00	125.00	-		2014
d) Weekend stay with truck & trailer (up tp 2 days)	22.12	22.12	-		2012
e) Long stay with truck & trailer (between 3-30 days)	44.25	44.25	-		2012
Sanitary Pump-out					
Seasonal/Transient	11.50	11.50	-		2013
Marina Picnic Shelter					
LYC Rentals - Complimentary					
a) Seasonal Boaters (no charge) 1 per season					No Fee
Half-Shelter per event (2nd and subsequent rentals)	100.00	100.00	-		2015
Full-Shelter per event (2nd and subsequent rentals)	150.00	150.00	-		2015
b) Transient Boaters					
Half-shelter per event	100.00	100.00	-		2014
Full-shelter per event	150.00	150.00	-		2014
c) Hospital, School, Church, Not for Profit					
Half-shelter per event	250.00	250.00	-		2015
Full-shelter per event	400.00	400.00	-		2015
d) Area Rentals					
Half-shelter per event	250.00	250.00	-		2013
Full-shelter per event	400.00	400.00	-		2009
e) Business/Commercial					
Half-shelter per event	350.00	350.00	-		2009
Full-shelter per event	500.00	500.00	-		2009
f) Clean up fee (deposit)	100.00	100.00	-		2015
g) Staff time (per hour)	25.00	25.00	-		2015
Community Barbecue					
Use of one BBQ	25.00	25.00	-		2014
Use of both BBQ's	50.00	50.00	-		2014
Use of portable BBQ	10.00	10.00	-		2008
Fuel Mark-Up					
Per litre	0.20	0.20	-		2015

**Schedule D
Marina Fees**

(applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Advertising Kiosk - 20x20 Signage (May-October)	300.00	300.00	-		2016
Advertising Kiosk - 40x40 Signage (May - October)	500.00	500.00	-		2016
Mooring Rate/Day (Jet Express or Cruise Ship)	250.00	250.00	-		2013
Captain's Club Membership	65.00	50.00	15.00	2017 fee in US\$, 2018 in CDN\$	2012
Bike Rental					
Half-day	20.00	20.00	-		2015
Full-day	25.00	25.00	-		2015

Schedule E
Planning and Building Fees

(applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Planning Services					
Plan of Subdivision/Condominium	5,000.00	5,000.00	-		2016
Draft Plan of Subdivision Approval Extension	250.00	250.00	-		2016
Amendment to Draft Plan of Subdivision	1,500.00	1,500.00	-		2016
Development Agreement Amendment	1,000.00	1,000.00	-		2016
Part Lot Control	1,000.00	1,000.00	-		2016
Part Lot Control Extension	750.00	750.00	-		2016
Official Plan Amendment	3,000.00	3,000.00	-		2016
Combined Official Plan and Zoning By-law Amendment	4,500.00	4,500.00	-		2016
Zoning By-law Amendment	3,000.00	3,000.00	-		2016
Temporary Use By-law	1,000.00	1,000.00	-		2016
Temporary use By-law Extension	750.00	750.00	-		2016
Removal of "H" holding Zoning	1,000.00	1,000.00	-		2016
Site Plan Agreement	1,250.00	1,000.00	250.00	Reflects the cost incurred	2009
Site Plan Amendment	750.00	500.00	250.00	Reflects the cost incurred	2009
Minor Variance	550.00	550.00	-		2016
Creation of New lot	750.00	750.00	-		2016
Lot Addition	750.00	750.00	-		2016
Easement, right of way etc.	750.00	750.00	-		2016
Certificate of Validation	250.00	250.00	-		2016
Consent Freeze Release	80.00	80.00	-		2012
Park Land Fees	660.00	660.00	-		2012
Combined Consent & Minor Variance	975.00	975.00	-		2016
Minor Combined Zoning and Consent (Agricultural)	1,100.00	1,100.00	-		2014
Major Combined Zoning and Consent (New Use or Zone Regulation)	3,375.00	3,375.00	-		2016
Committee of Adjustment Special Meeting Fee	1,000.00	500.00	500.00		2016
Recirculation Fees	75.00	75.00	-		2012
Subdivision Compliance Letter	75.00	75.00	-		2013
Zoning Certification - OMVIC, TSSA, Micro FIT & Small FIT	75.00	75.00	-		2016
2 nd Dwelling Agreement (\$1,000 Security deposit)	250.00	250.00	-		2009
Official Plan Publication (incl. Update Service)	100.00	100.00	-		2009
Zoning By-law Publication (incl. Update Service)	100.00	100.00	-		2009
Development Manual (per copy)	50.00	50.00	-		2007
Subdivision Tree Fee (per lot)	250.00	250.00	-		2007

Schedule E
Planning and Building Fees

(applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
ERCA fees - per application				As set by ERCA	2013
Building Services					
Zoning & Work Order Certificates (fees doubled if a response is required within 3 business days)	-	200.00	(200.00)	Fee moved to Schedule M	2016
Swimming Pool Enclosure	100.00	100.00	-		2012
Demolition Permit (per \$1,000 value) *	11.00	11.00	-		2012
Note: Agricultural buildings are exempt					
Residential Building Permits *					
New (per square foot)	0.80	0.80	-		2012
New Basement/Renovations (per square foot)	0.35	0.35	-		2012
Additions (per square foot)	0.80	0.80	-		2012
Detached Accessory Structures (per square foot)	0.25	0.25	-		2012
Renovations and Alterations (per \$1,000 value)	11.00	11.00	-		2012
Revised Plan Review (per square foot)	0.40	0.40	-		2006
Farm Permits - New/Additions *					
Greenhouse (per sq ft for first 10 acres, min \$1,000)	0.02	0.02	-		2012
Greenhouse (per sq ft, remainder)	0.01	0.01	-		2006
Boiler Room (per \$1,000 value)	11.00	11.00	-		2012
Packing/Warehouse (per \$1,000 value)	11.00	11.00	-		2012
Barns (per square foot)	0.25	0.25	-		2012
Farm Building Renovation (per \$1,000 value)	11.00	11.00	-		2012
Commercial/Industrial/Institutional/Assembly *					
New Construction-Building Shell (per square foot)	0.60	0.60	-		2012
New/Interior/Renovations and Alterations (per \$1,000 value)	11.00	11.00	-		2012
Plumbing *					
New Residential (per unit)	160.00	160.00	-		2012
Other than Residential (per fixture)	11.00	11.00	-		2012
Renovations (per fixture)	11.00	11.00	-		2012
Sanitary Sewer Inspection	100.00	100.00	-		2012
Storm Sewer Inspection	100.00	100.00	-		2012
Septic Tank New/Exemption for purpose of outlet to sanitary sewer (inspection only)	100.00	100.00	-		2012
Backflow Preventor	100.00	100.00	-		2012
Underground for Site Servicing (per \$1,000 value)	10.00	10.00	-		2012
Water Service Connector	75.00	75.00	-		2012
On-site Sewage Systems					
New Installation *	650.00	650.00	-		2012
Septic Inspection for Severance	100.00	100.00	-		2012
Septic Inspection for Minor Variance	100.00	100.00	-		2012
Repair or Alteration to Existing System *	350.00	350.00	-		2012
Miscellaneous Fees					
Encroachment Permit Fee	150.00	150.00	-		2017
Encroachment Deposit	1,000.00	1,000.00	-		2017
Security Deposit - new subdivisions (per lot)	1,000.00	1,000.00	-		2017
Inspection fees not listed above	100.00	100.00	-		2012
Inspections - Ontario Renovate Program	200.00	200.00	-		2014
Inspections - Rental Supplement Program	100.00	100.00	-		2014
Liquor Licence Inspection	75.00	75.00	-		2012
Change of Use Permit	75.00	75.00	-		2012
Designated Structures sign, tower, tank, retaining wall (per \$1,000 value)	10.00	10.00	-		2009
Minimum Permit Fee *	75.00	75.00	-		2012
Designated Structures	100.00	100.00	-		2012
Greenhouse	1,000.00	1,000.00	-		2012
All Other Septic Inspections (i.e. Demo)	100.00	100.00	-		
911 Signage	75.00	75.00	-		2017

* Building Permit Fees (building, plumbing & septic) double if any work requiring a permit is commenced prior to receiving a Building permit.

Schedule F
Finance and Business Services Fees

(applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Tax Account/Assessment Information					
Tax Certificate - Sec 352 MA	75.00	75.00	-		2013
Tax Certificate - Sec 352 MA - response required within 3 business days	150.00	150.00	-		2013
On-line Tax Certificate (unverified) - Sec 352 MA	75.00	-	75.00	New fee - Vadim on-line ordering and generation by clients; need to see how many years can be obtained with one fee	
Detailed Account History *					
On-line database - current year	-	25.00	(25.00)	Fee removed	2006
Off-line database - current year	-	25.00	(25.00)	Fee removed	2003
plus - per year of past history	-	10.00	(10.00)	Fee removed	2003
Statement of Account (per year charge*)	20.00	15.00	5.00		2010
Statement of Account - required within 3 business days*	-	30.00	(30.00)	Fee removed	2010
Statement of Account - for each additional year	10.00	-	10.00	New fee	
Tax Notice Reprint (per year charge)	10.00	10.00	-		2012
Ownership Changes (per change)	25.00	-	25.00	New fee - assessed to new property owner	
Mortgage Listing (for mortgage companies only, per listing)	50.00	-	50.00	New fee - assessed to mortgage company	
Payment Receipt (per year charge)	10.00	-	10.00	New fee - listing of tax payments only (income tax purposes)	
Provincial Offences Act fine added to tax roll	25.00	-	25.00	New fee	
Refund/Misposting of Payment	25.00	25.00	-		2012
Tax Sale Tender Package	10.00	10.00	-		2013
Municipal Tax Sale - Part XI of the Municipal Act					
Third party preparation / services - 100% recovery of actual costs				Realtax	
Returned Cheque or Electronic Payment	25.00	25.00	-		2002
Photocopies (per page)					
Letter, Legal, 11 x 17	-	0.40	(0.40)	Moved to Schedule M	2014
Oversize copier	-	7.50	(7.50)	Moved to Schedule M	2006
Digital Plotter	-	7.50	(7.50)	Moved to Schedule M	2006
Courier Services - customer service required	20.00	20.00	-		2013
Accounts Receivable - invoices outstanding over 30 days	1.25% monthly	1.25% monthly		Council policy	
Administration fee for debentures (per property)	100.00	100.00	-		2014

* Available only to Owners Registered on Title or by written authorization to designate.

Schedule G
Parks and Seasonal Facilities Fees

(applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Baseball Diamonds					
Minor Ball Association (per diamond/time slot*)	15.00	15.00	-		2016
Adult (per diamond/time slot*)	36.00	36.00	-		2016
Tournaments**	875.00	875.00	-		2016
Baseball Light Charges (per diamond/time slot*)	46.50	46.50	-		2016
Key for Lights - Refundable Deposit (per season)	250.00	250.00	-		pre 2005
Call out for Lights (per occasion)	50.00	50.00	-		pre 2005
Capital surcharge for improvements (per diamond/league)	250.00	250.00	-		pre 2005
Beach Volleyball Courts					
Regular rental (per hour/court)	10.00	10.00	-		2017
League rental (per hour/court)	5.00	5.00	-		2017
Soccer Pitches					
Minor Soccer (per time slot*)	15.00	15.00	-		2016
Adult (per time slot*)	36.00	36.00	-		2016
Seacliff Park Picnic Facility					
Citizens or Non-Profit	100.00	100.00	-		2017
Business/Commercial	200.00	200.00	-		2017
Mersea Park Picnic Facility					
Citizens or Non-Profit	75.00	75.00	-		2017
Business/Commercial	150.00	150.00	-		2017
Miscellaneous					
Portable fencing (per section)	10.00	10.00	-		2013
Snowfence-fencing, posts etc. (per foot)	1.00	1.00	-		2012
Snowfence deposit	250.00	250.00	-		

Definitions:

*Time slot allocations for baseball/soccer:

8:30-12:30 pm, 12:30-4:30 pm

4:30-8:30 pm, 8:30-11:30 pm

**Tournament costs refers to a maximum of 3 days,

(Friday, Saturday, Sunday) and includes one float of assigned diamonds

Schedule H
Public Works Operations Fees

(applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Encroachment					
Permit Fee	150.00	150.00	-		2015
Deposit (Refundable)	1,000.00	1,000.00	-		2015
Winter On-Street Parking Permit - Urban	100.00	100.00	-		2017
Materials/Goods					
911 Signs	75.00	75.00	-		2017
Miscellaneous Signs and Materials				(Cost + 15% admin+HST)	2016
Equipment					
Cat Traps - Deposit (Refundable)	50.00	50.00	-		2012
Cat Traps - Urban only (per day)	5.00	5.00	-		2012
Front End Loader/Operator (per hour)	108.22	108.22	-		2015
Road Grader/Operator (per hour)	117.74	117.74	-		2015
Single Axle Dump/Operator (per hour)	118.99	118.99	-		2015
Sweeper/Operator Rental (regular hours)	111.20	111.20	-		2015
Tandem Dump/Operator (per hour)	116.97	116.97	-		2015
Tractor/Operator-10 ft. mower (per hour)	108.29	108.29	-		2015
Labour/service					
Operator (per hour)	46.32	46.32	-		2015
Senior Citizen Clear Driveways (per house)	25.00	25.00	-		2012
Weed Cutting (per lot per hour)	105.00	105.00	-		2014
Garbage Collection *					
Residential Unit Collection	139.50	136.50	3.00	CPI increase per contract	2017
Yard Waste Collection	18.50	18.00	0.50	CPI increase per contract	2017

* The charge is per unit as assessed by MPAC up to 5 units; multi-residential greater than 5 units is exempt. If privately serviced; charges are included with property tax notices and collected in a like manner as taxes.

Schedule I
Pollution Control Centre Fees

(applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Septic Tank Rebate	(67.50)	(67.50)	-		2015
Residential/Industrial/Commercial Sewer Surcharge (collected as an additional charge on metered water bills)					
Base rate 0 - 20.91 cubic metres/month	46.51	44.30	2.21	Per approved rate study	2017
Remainder of consumption per 1000 gallon - no cap	10.12	9.64	0.48	Per approved rate study	2017
Remainder of consumption per cubic metre - no cap	2.23	2.12	0.11	Per approved rate study	2017
Leachate Disposal (per cubic metre)	2.75	2.75	-		2005
Septage Disposal (per gallon)	0.09	0.09	-		2015
Holding Tank Waste Disposal (per gallon)	0.09	0.09	-		2015
Grey Water Disposal (per gallon)	0.09	0.09	-		2015

**Schedule J
Transit Fees**

(applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Transit Rates*					
a) Adult	2.00	2.00	-		2009
b) Student	1.50	1.50	-		2014
c) Senior	1.75	1.75	-		2009
d) Child (12 and under)	1.00	1.00	-		2004
e) Passes (22 rides)	35.00	35.00	-		2013
f) Passes - Senior (22 rides)	30.00	30.00	-		2013
g) Passes (monthly)	35.00	35.00	-		2017
h) Passes - Senior (monthly)	30.00	30.00	-		2017
*One child under 6 rides free when accompanied by a paying adult					2013
Transit Bus Advertising					
a) Exterior - side / two weeks	60.00	60.00	-		2002
Exterior - side / month	110.00	110.00	-		2013
b) Exterior - rear					
17x35 space / 2 weeks	35.00	35.00	-		2013
17x35 space / month	60.00	60.00	-		2013
17x50 space / 2 weeks	45.00	45.00	-		2013
17x50 space / month	85.00	85.00	-		2013
30x40 space / 2 weeks	65.00	65.00	-		2013
30x40 space / month	115.00	115.00	-		2013
Transit Shelter Advertising					
a) Per poster per month	150.00	150.00	-		2010
b) Per poster per month for 3 month contract	125.00	125.00	-		2010

Schedule K
Water Services Fees

(applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Municipal Service Connections					
Size of Line:					
¾ inch	2,625.00	2,550.00	75.00	Increase in material costs	2017
1 inch	3,275.00	3,000.00	275.00	Increase in material costs	2017
2 inch with meter pit	6,500.00	6,500.00	-		2017
2 inch, shut off valve only	3,500.00	3,500.00	-		2017
MTO encroachment permit for excavation on or near MTO Highways	520.00	520.00	-		2015
Disconnect / Reconnect - each	50.00	50.00	-		2014
Note: Service connections do not include road curb or sidewalk restoration. Actual cost will be applied					
Supplementary Watermain Buy In Assessment					
a) Residential/com/ind/parcel	5,000.00	5,000.00	-	Pre-existing agreements only	pre 2005
b) Convert vacant to connection	2,500.00	2,500.00	-		pre 2005
c) Additional cost per supplementary water assessment	5,000.00	5,000.00	-		pre 2005
d) Greenhouse water service connection fee (per growing acre)	5,000.00	5,000.00	-		2017
Water Distribution Rates					
a) To supply metered water from a fire hydrant during working hours	85.00	84.00	1.00		2017
b) To supply metered water from fire hydrant after normal working hours	165.00	165.00	-		2017
Inside Set Ups					
5/8 inch meter & setter	225.00	185.00	40.00	Increase in material costs	2012
3/4 inch meter & setter	290.00	250.00	40.00	Increase in material costs	2012
1 inch meter & setter	380.00	340.00	40.00	Increase in material costs	2012
1 1/2 inch meter & flanges	725.00	675.00	50.00	Increase in material costs	2012
2 inch meter & flanges	900.00	900.00	-		2013
Large Water Connections				Consolidated North/South Trunk Watermain and Future High Prescon Pipe Connections	
4 inch water service connection	Actual cost	Actual cost		Full cost recovery	2017
6 inch water service connection	Actual cost	Actual cost		Full cost recovery	2017
8 inch water service connection	Actual cost	Actual cost		Full cost recovery	2017
Water Consumption by Residential, Commercial; Water Meters Less than 25mm (1 inch)					
a) Basic Water Charge (includes meter replacement, per month)	21.70	17.66	4.04	Per approved rate study	2017
b) Metered replacement charge (per month)	-	3.62	(3.62)	Consolidated with line above	2017
c) Metered water (per 1000 gallons)	3.84	3.73	0.11	Per approved rate study	2017
d) Metered water (per cubic metre)	0.84	0.82	0.02	Per approved rate study	2017
e) Monthly flat rate users	52.00	50.98	1.02	Per approved rate study	2017
Water Consumption by Commercial, Greenhouse, Field Drip Irrigation Water Meters Greater than 25mm (1 inch)					
Regulated* Greenhouse/Commercial					
Basic water charge (includes meter replacement, per month)	21.70	17.66	4.04	Per approved rate study	2017
Meter replacement charge (per month)	-	3.62	(3.62)	Consolidated with line above	2017
Metered water (per 1000 gallons)	4.18	4.06	0.12	Per approved rate study	2017
Metered water (per cubic metre)	0.92	0.89	0.03	Per approved rate study	2017

*A regulated greenhouse must have a Municipality of Leamington approved on-site reservoir and rate of flow control system.

Schedule K
Water Services Fees

(applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Unregulated Greenhouse/Commercial					
Basic water charge (includes meter replacement, per month)	21.70	17.66	4.04	Per approved rate study	2017
Meter replacement charge (per month)	-	3.62	(3.62)	Consolidated with line above	2017
Metered water (per 1000 gallons) under 3 acres	4.56	4.43	0.13	Per approved rate study	2017
Metered water (per cubic metre) under 3 acres	1.00	0.97	0.03	Per approved rate study	2017
Metered water (per 1000 gallons) over 3 acres	9.12	8.85	0.27	Per approved rate study	2017
Metered water (per cubic metre) over 3 acres	2.00	1.95	0.06	Per approved rate study	2017

Schedule L
Engineering Services Fees

(applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Subdivision Engineering Review (Per lot)	75.00	50.00	25.00	Remains only partial cost recovery	2013
Property Inquiry Request Letters - Engineering	75.00	75.00	-		2013
Drainage Fees					
Property Inquiry Request Letters - Drainage	100.00	100.00	-		2017
Drainage Apportionment Agreements (as a request of severance)	150.00	150.00	-		2015
Proof of Drainage Review (as a request of severance)	75.00	75.00	-		2015
Drainage Admin Fee per Parcel (Maintenance & Capital)	10.00	10.00	-		2015
Drainage Admin Fee Per Parcel (Pump Schemes)	5.00	5.00	-		2015
Drainage Admin Fee (Policy E09 Fees)	200.00	200.00	-		2015
Drainage Postage (project mailing costs)	Actual Costs	Actual Costs		Cost Recovery	
Mutual Drain Agreement	75.00	75.00	-		2013
Drainage Tile Loan - Inspection services	175.00	150.00	25.00	Fee remains below comparators	2014
Mapping Fees					
Points of Interest Maps (11 X 17) max. 5	2.00	-	2.00		
Points of Interest Map (11 X 17) per map after 5	4.00	2.00	2.00		2012
Street Map per sq ft	2.50	2.50	-		2012
Airphoto per sq ft	3.00	3.00	-		2012
Custom Mapping (size TBD) - cost/hour	40.00	40.00	-		2015
Infrastructure Improvement Fees					
Storm Sewer (\$/m) (\$/m of Frontage)	345.00	345.00	-		2017
Storm Service Connection (Per each)	1,700.00	1,700.00	-		2016
Sanitary Sewer (\$/m of Frontage)	320.00	320.00	-		2016
Sanitary Connection (Per each)	2,000.00	2,000.00	-		2016
Curb & Gutter (\$/m of Frontage)	50.00	50.00	-		2017
Asphalt Pavement (\$/m of Frontage)	370.00	370.00	-		2017
Sidewalk	100.00	100.00	-		2017
Street Light	5,000.00	5,000.00	-		2017

Schedule M
Legal and Legislative Services Fees

Licencing Fees established under specific by-laws are not included in this schedule (applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Affidavits					
Resident	23.00	23.00	-		2015
Non-Resident	33.00	33.00	-		2015
Agreements					
Encroachment or Licence	300.00	290.00	10.00	Represents time and resources	2014
Animal Control					
Dog Tags (per dog)	20.00	20.00	-		2014
Late Fee - after March 31st	20.00	20.00	-		2014
New Dog to Home after March 31st or Seasonal Resident	20.00	20.00	-		2014
Replacement Tag	5.00	5.00	-		2010
Kennel (includes 1 dog tag)	115.00	115.00	-		2014
By-law Enforcement					
Non-compliance at re-inspection	100.00	100.00	-		2016
Death Registration					
Registration of Death	28.00	28.00	-		2015
Registration of Outside Death	38.00	38.00	-		2015
Letter of Residency	-	33.00	(33.00)	Fee removed	2015
Property Information Report			-		
Response within 10 business days	200.00		200.00	Moved from Schedule E	
Response within 3 business days	400.00		400.00	Moved from Schedule E	
Lottery Licences:					
Raffles, Break Open Tickets	3% of prize	3% of prize	-	AGCO	
Bingo per session	3% of prize	3% of prize	-		2005
Marriages					
Licence	135.00	135.00	-		2013
Ceremony (office hrs)	245.00	245.00	-		2012
Ceremony (office hrs, other than English)	290.00	290.00	-		2012
Ceremony (after hours and/or off site)	325.00	325.00	-		2012
Ceremony Mileage: per Canada Revenue Agency (after hours Leamington border & back)	per CRA	per CRA			
Ceremony Cancellation Fees (withheld from refund):					
During office hours	30.00	30.00	-		2014
After hours/off site - with 24 hrs notice	60.00	60.00	-		2014
After hours/off site - without 24 hrs notice	160.00	160.00	-		2014
Gallery Rental (2 hour photo session)	200.00	200.00	-		2014
Municipal Freedom of Information & Protection of Privacy Act					
Access/Correction Application Request	5.00	5.00	-	Required by Legislation	2007
Miscellaneous charges per OReg 823					
Municipal Parking Lots					
Parking Permit					
Annual	130.00	130.00	-		2012
6 month	70.00	70.00	-		2012
Monthly	15.00	15.00	-		2012
P/T uptown annual	65.00	65.00	-		2012
11 Mill St Parking Lot (maximum 10 permits)					
Parking Permit					
Annual	300.00	300.00	-		2011
6 month	150.00	150.00	-		2011
Monthly	25.00	25.00	-		2011
Noise By-law			-		
Application for Exemption	25.00		25.00	New fee	

Schedule M
Legal and Legislative Services Fees

Licencing Fees established under specific by-laws are not included in this schedule (applicable taxes will be added to all fees)

Description of Fee or Service	2018 Fees	2017 Fees	Change	Comment	Last Year Changed
	\$	\$	\$		
Taxi By-law					
Taxi Cab Licence Initial Application	200.00	200.00	-	Per vehicle	2017
Taxi Cab Licence Renewal	100.00	100.00	-	Per vehicle	2017
Taxi Cab Licence Renewal - Received Late	150.00	150.00	-		2017
Taxi Cab Driver Licence Initial Application	65.00	65.00	-		2014
Taxi Cab Driver Licence Renewal	65.00	65.00	-		2017
Taxi Cab Driver Licence Renewal - Received Late	90.00	90.00	-		2017
Taxi-Cab Driver Licence 2nd replacement within year	25.00	25.00	-		2014
Replacement of Taxicab Plate (per plate)	100.00		100.00	New fee	
Transfer of Taxicab Plate and Validation Tag (per plate and tag)	25.00		25.00	New fee	
Appeal of Decision	100.00		100.00	New fee	
Fireworks Permits					
Mobile Sales Premises Licence	125.00	100.00	25.00	Based on admin time to process	2005
Display/Theatrical	125.00	100.00	25.00	Based on admin time to process	2005
Family	50.00	25.00	25.00	Based on admin time to process	2005
Sign Permits					
Portable Sign - per month	53.00	53.00	-		2015
Facia Sign	79.00	79.00	-		2015
Ground Sign	79.00	79.00	-		2015
Billboard Sign	161.00	161.00	-		2015
Removal of sign (non-portable) cost recovery	56.00	56.00	-		2015
Removal of portable sign & storage	86.00	86.00	-		2015
Plus after 5 days of storage charged per day	11.00	11.00	-		2015
Application for Sign Variance	106.00	106.00	-		2015
Vendor Permits					
Transient Trader Licence (per event)	1,600.00	1,600.00	-		2013
Peddler Licence (annual)	260.00	260.00	-		2014
Mobile Vendor Motorized Licence (annual)	260.00	260.00	-		2014
Mobile Vendor Licence Non Motorized (annual)	110.00	110.00	-		2014
Routine Disclosure	10.00		10.00	New fee	
Photocopies (per page)					
Letter, Legal, 11 x 17	0.40	-		Moved from Schedule F	2014
Oversize copier	7.50	-		Moved from Schedule F	2006
Digital Plotter	7.50	-		Moved from Schedule F	2006



Report

To: Mayor and Members of Council

From: Alexander N Del Brocco, C.E.T., Engineering Project Manager

Date: September 15, 2017

Re: Erie South, Stewart, Conover, & Forest Road Reconstruction and Sewer Separation

Recommendation:

It is recommended that:

1. Council approve \$445,000, for utility upgrades for the Erie South, Stewart, Conover, & Forest Road Reconstruction project; and
2. That the Federal Gas Tax Reserve Fund be used to fund the initiative.
(ENG-19-17)

Background:

Sewer Separation for the area of Erie Street South between Seacliff and Robson, Conover between Erie South and Forest, Stewart from Conover to the North end and Forest from Seacliff to Park is the next step in the continuation of the Municipality's Sewer Separation Program (Steps 115,116,117). The extent of the reconstruction is shown on Figure 1.

On August 5, 2016 the Municipality was notified that the project was approved for 50% funding, up to \$2,000,000 from the Small Communities Fund (SCF).

Specifically, the works will include the installation of new sanitary and storm sewers, removal of existing combined sewers, replacement of old water mains, new trees, and complete reconstruction of the roadway including traffic calming and streetscaping, new street lighting and sidewalks.

The project is planned to move forward with a cost share from benefitting properties for the sanitary sewer component of the works only. A Public Information Center (PIC) was held on July 26, 2017, to notify the residents and property owners of the work and the Municipality's intent to assess a share of the cost of the works to benefitting properties.

Thirty (30) parties attended the PIC and provided similar comments. Residents support the need for separated sewers and new curbing and upgrades, but feel the property owner share of the work is too high.

Figure 1: Erie Street South, Conover, Stewart Forest Construction Area



Comments:

Leamington's Active Transportation Plan (ATP) identified Erie Street, between Provincial Highway 77 to the waterfront, as a primary north/south connection. This section of road connects the downtown area to many key destinations located within the municipality, such as; commercial areas, municipal buildings, the waterfront, parks, trails, marina, etc.

As a result of the ATP, the pavement width of Erie South between Seacliff Drive and Robson road will be increased to allow for two lanes of vehicular travel and two bicycle lanes. To aid in traffic calming, some centre islands will also be installed. See attachment #1.

As this project includes the desire to redevelop and improve the Leamington Waterfront, coupled with the need to relocate some of the existing utilities for construction purposes, there is opportunity to bury all utilities in the Erie Street South Right of Way. Note that the beautification costs do not form any part of the charges to be recuperated from benefitting properties.

While only design works were planned for 2017, there is an opportunity to bury the utility infrastructure this year, thus removing this preliminary work from the 2018 construction schedule and permitting work to be conducted in 2018. In order to complete this work, Council will need to approve funding for the burying of the utilities in 2017.

Financial Impact:

When the Municipality submitted for an SCF grant on the project in the fall of 2015, the estimated total cost was \$4 million. At the time of preparing the 2017 budget, the cost was estimated to be \$4.7 million. Currently, the estimate to complete the works is now \$5.7 million. The projected project cost is illustrated in Table 1 below.

Table 1: Estimated Project Costs

Account	Amount
Engineering and Design	\$ 250,000
Utility Relocates	\$ 445,000
Estimated Construction Costs	\$ 4,600,000
Contract Administration and Testing	\$ 400,000
Total Cost	\$ 5,695,000

The SCF agreement with the Federal Government will only permit up to 1/3 of the total eligible costs (\$1.8 million) to be funded by the Federal Government. As the Federal government is currently contributing \$1 million through the SCF program, gas tax can be used to fund the utility relocation.

Respectfully submitted,

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

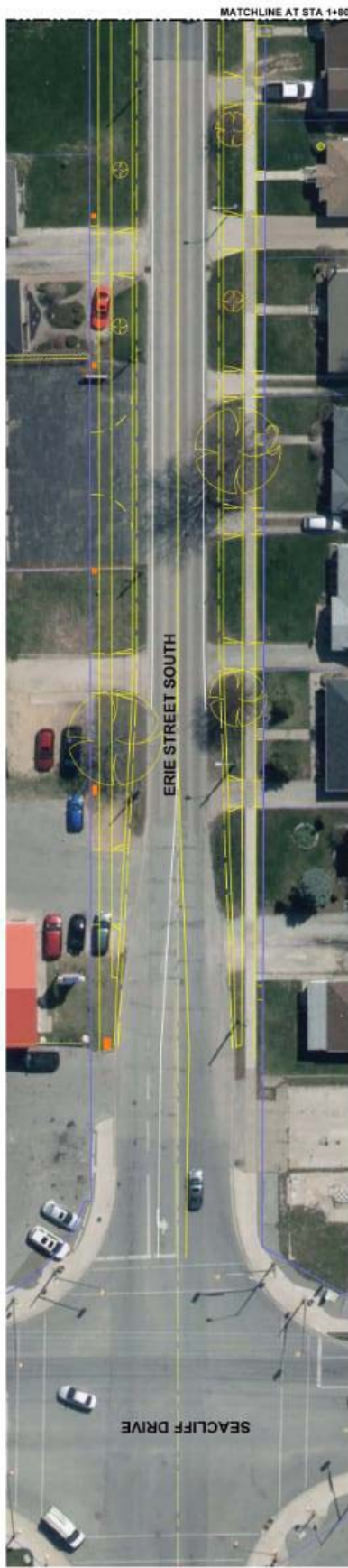
Allan Botham, P.Eng
Manager of Engineering
Services

Robert Sharon, CMO
Director of Infrastructure
Services

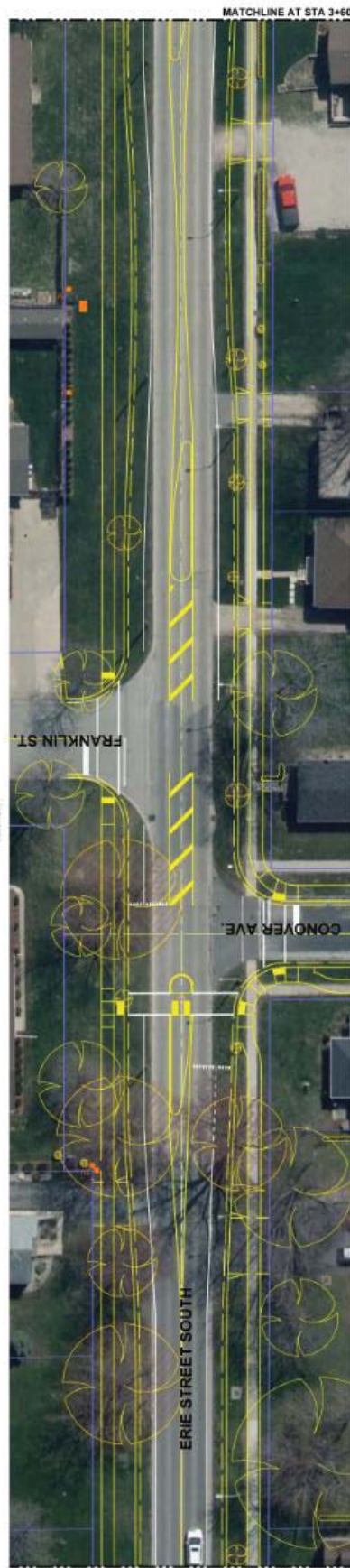
/AND

Attachments: Attachment #1 - Erie Street South Seacliff to Robson - Proposed Road Section

Attachment #1 - Erie Street South Seacliff to Robson - Proposed Road Section



ERIE STREET SOUTH - 0+00 to 1+80
Scale: 1"=20'



ERIE STREET SOUTH - 1+80 to 3+60
Scale: 1"=20'



ERIE STREET SOUTH - 3+60 to 5+00
Scale: 1"=20'



Report

To: Mayor and Members of Council

From: Andrew Dowling, Engineering Project Manager

Date: September 14, 2017

Re: 2017 Pedestrian Crossover (PXO) and Active Transportation Facilities Contract Award

Recommendation:

It is recommended that:

1. The 2017 Pedestrian Crossover and Active Transportation Facilities contract be awarded to Ron Field & Son Electrical Ltd., 90 Borrowman St., Chatham, Ontario, N7M 5K8, in the amount of \$559,540.50 (plus applicable taxes),
2. The Mayor and Clerk be authorized to execute the necessary agreements; and
3. And that additional funding up to \$19,388 be approved from the Federal Gas Tax Reserve Fund. (ENG 20-17).

Background:

Prior to 2016, and in the absence of a common provincial standard, a variety of configurations of signs and pavement markings for uncontrolled pedestrian crossings have been installed in many Ontario municipalities, including Leamington.

The Municipality installed "Courtesy Crossings" at a number of locations where pedestrian activity is known to exist (please refer to Figure 1).



Figure 1

In 2016, the Province of Ontario provided critical updates to the Ontario Traffic Manual (OTM) Book 15 guideline regarding pedestrian crossings. A methodology and decision making process now exists to assess and grade these crossings, providing more options for design professionals.

On or about the same time, Leamington Municipal Council approved an Active Transportation Master Plan which provides locations for on-and-off-road pedestrian and bicycle facilities, such as recreational trails and on-road bicycle lanes. Many of the locations recommended for on-road bicycle facilities are adjacent to the locations of pedestrian crossings. Accordingly, the designs of the pedestrian crossings took into account the recommended Active Transportation Plan facilities at or in the vicinity of the PXO locations.

As previously presented to Council by way of staff report ENG 08-17, the Municipality of Leamington contracted an engineering assignment with RC Spencer Associates. The assignment was to prepare necessary documents in order to convert all of the existing “Courtesy Crossings” to conform to the new standards established by the Province of Ontario through a new OTM Book 15, and construct associated Active Transportation facilities (bike lanes).

The recommended PXO configurations include pavement markings, signage, and street lighting infrastructure at all locations. Amber flashing lights will also be included at some locations (example below in Figure 26 from OTM Book 15).

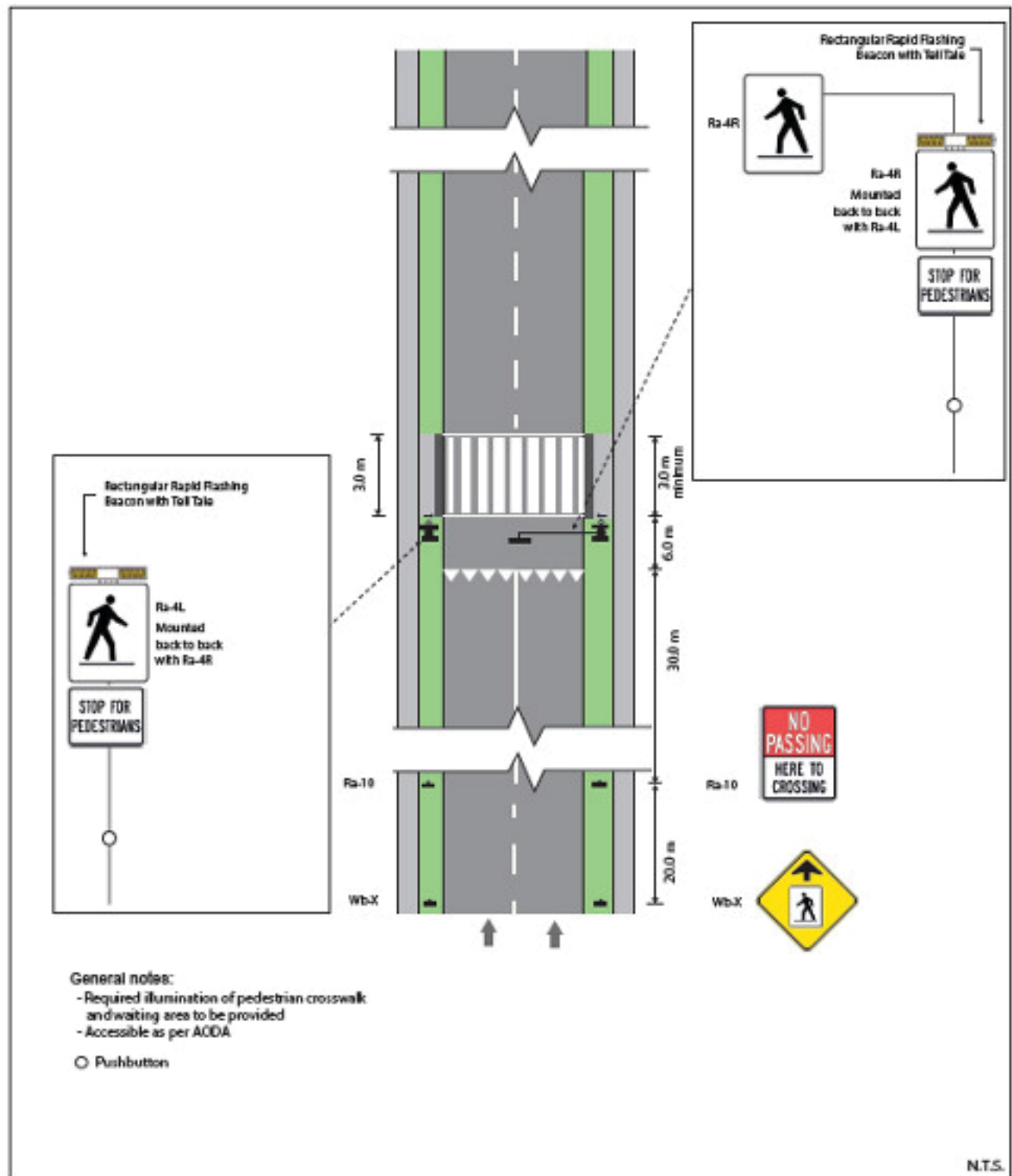


Figure 26: Pedestrian Crossover Type B – Mid-block (2-lane, 1-way)

The PXO locations under consideration in this report are identified on Figure 3.

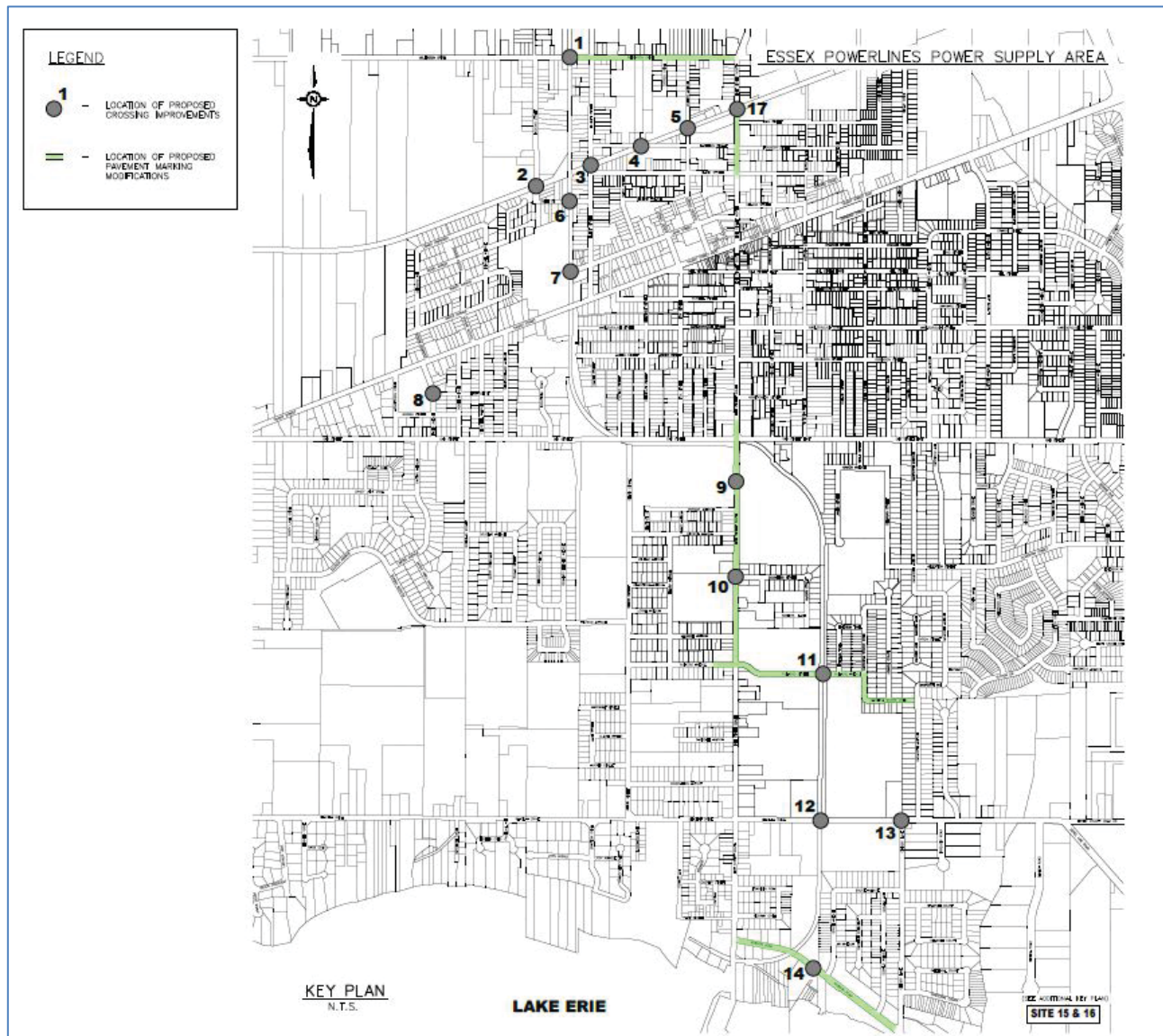


Figure 3

Of particular importance under this contract is the establishment of bike lanes along Erie Street South between Oak and Melrose and the four travel lanes will be replaced by two lanes and a centre two way left turn lane.

Comments:

Further to analysis and recommendations by RC Spencer, and as presented in their final PXO Selection report, tender documents were prepared and made available on our Bids and Tenders web page. Ron Field and Son Electrical Ltd. (Field) was the only tender received through this public process.

Field's tender price is \$558,540 (plus applicable taxes). Further to a review of Field's tender, a mathematical error was found that increased the tender amount by \$1,000 for a total tender price of \$559,540 (plus applicable taxes).

Proposed By-law Changes

The installation of new traffic signage will require amendments to our existing Traffic By-law 4284-95 as presented in attached Schedules B (No Stopping), BB (Designated Bike Lanes), C (Restricted Parking), D (No Parking Areas), DD (Designated Turning Lanes), H (Though Highways), I (Stop Signs), K (Pedestrian Crossovers).

Financial Impact:

The subject project is funded from several budgets: Courtesy Crossing Updates with Active Transportation Improvements, the AT Study Implementation and Pedestrian Crossings and the Urban Street Lighting Budget, as presented in Table 1 below.

Table 1

Budget (Funding Source)	Amount
Courtesy Crossing Updates with Active Transportation Improvements (Gas Tax)	\$290,000
AT Study Implementation and Pedestrian Crossings (Gas Tax)	\$230,000
Urban Street Lighting (Taxation)	\$30,000
Total Budget	\$550,000

The total tender price from Field is \$569,388 (including Net HST), and therefore, a variance of \$19,388. The tender price includes a contingency allowance of \$30,000.

Administration is recommending that the \$19,388 variance be funded from the Gas Tax Reserve Fund.

Respectfully submitted,

Peter Neufeld
B.A. LL.B.

Digitally signed by Peter Neufeld B.A. LL.B.
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email=pneufeld@leamington.ca, c=US
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Andrew Dowling
Engineering Project
Manager

Allan Botham, P. Eng.
Manager of Engineering
Services

Robert Sharon, CMO
Director of Infrastructure
Services

T:\Community Services\Community Services\Community Services Council Reports\2017 Reports\Engineering\ENG 20-17

Attachments: Traffic By-law 4284-95 Schedules B (No Stopping), BB (Designated Bike Lanes), C (Restricted Parking), D (No Parking Areas), DD (Designated Turning Lanes), H (Though Highways), I (Stop Signs), K (Pedestrian Crossovers)

By-law 4284-95
Schedule B
No Stopping

Column 1 Street	Column 2 Side	Column 3 From	Column 4 To	Column 4 Period
DELETE				
Pulford Avenue	South Side	165m West of Carolina Woods Crescent	130m West of Carolina Woods Crescent	Anytime
Robson Road	South Side	290m East of Erie Street South	339m East of Erie Street South	Anytime
Erie Street North	West Side	Hazelton Avenue	41.7m South of Clark Street West	Anytime
ADD				
Wilkinson	North	Elliott	105m west of Elliott	Anytime
Wilkinson	South	57m west of Elliott	103m west of Elliott	Anytime
Hodgins	East	464m south of Wilkinson	509m south of Wilkinson	Anytime
Hodgins	West	448m south of Wilkinson	498m south of Wilkinson	Anytime
Elliott	West	372m south of Wilkinson	412m south of Wilkinson	Anytime
Elliott	East	Clark St W	39m north of Clark St W	Anytime
Hazelton	North	138m west of Queens	207m west of Queens	Anytime
Hazelton	South	114m west of Queens	202m west of Queens	Anytime
Queens	West	53m north of Hazelton	107m north of Hazelton	Anytime
Queens	East	Hazelton	122m north of Hazelton	Anytime
Smith	North	53m west of Elliott	99m west of Elliott	Anytime
Smith	South	59m west of Elliott	115m west of Elliott	Anytime
John	North	49m west of Elliott	West Limit	Anytime
John	South	59m west of Elliott	West Limit	Anytime
Fader	East	19m north of Lamarsh	28m south of Lamarsh	Anytime
Fader	West	77m south of Talbot St W	58m north of Brown	Anytime
Erie St S	West	130m south of Oak	160m south of Oak	Anytime
Erie St S	West	150m south of Georgia	186m south of Georgia	Anytime
Erie St S	East	126m south of Oak	175m south of Oak	Anytime
Erie St S	East	Countess	38m south of Countess	Anytime
Pulford	South	195m west of Carolina Woods	130m west of Carolina Woods	Anytime
Robson	South	290m east of Erie St S	345m east of Erie St S	Anytime
Robson	North	229 m east of Augusta	261m east of Augusta	Anytime
Robson	South	214m east of Augusta	262m east of Augusta	Anytime
Robson	North	710m east of Augusta	Monarch	Anytime
Robson	South	705m east of Augusta	Monarch	Anytime
Erie St N	West	Hazelton	56m south of Clark St W	Anytime
Erie St N	East	Ivan	66m north of Ivan	Anytime
Erie St N	West	96m north of Hazelton	177m north of Hazelton	Anytime

By-law 4284-95
Schedule C
Restricted Parking

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Street	From	To	Side	Limit	Period
DELETE					
Erie Street North	64.4m North of John Street	41.7m South of Clark Street West	West Side	2 Hour	Anytime
Erie Street North	30m south of Ivan Street	21m North of Foundry Street	East Side	2 Hour	Anytime
ADD					
Erie St N	64.4m North of John	56m South of Clark St W	West	2 Hour	Anytime
Erie St N	55m south of Ivan	21m north of Ivan	East	2 Hour	Anytime

By-law 4284-95
Schedule D
No Parking Areas

Column 1 Street	Column 2 From	Column 3 To	Column 4 Side	Column 5 Period
DELETE				
Wilkinson Drive	70m West of Erie Street North	150m West of Erie Street North	North Side	Anytime
Wilkinson Drive	Elliott Street	20m East of Elliott Street	North Side	Anytime
Wilkinson Drive	Erie Street North	Hodgins Street	South Side	Anytime
Elliott Street	Talbot Street West	Wilkinson Drive	West Side	Anytime
Queens Avenue	Wilkinson Drive	John Street	West Side	Anytime
John Street	West Limit	30m East of Elliott	North Side	Anytime
John Street	9m East of Albert Street	West Limit	South	Anytime
Fader Avenue	Essex County Road #48	Talbot Street West	East Side	Anytime
Fader Avenue	Essex County Road #48	Talbot Street West	West Side	Anytime
Erie Street South	130m South of Oak Street West	South Limit	West Side	Anytime
Erie Street South	126m South of Oak Street East	South Limit	East Side	Anytime
Pulford Avenue	80m West of Erie Street South	165m West of Carolina Woods Crescent	South Side	Anytime
Pulford Avenue	30m East of Theresa Trail	12m East of Theresa Trail	North Side	Anytime
Carolina Woods Crescent	Joanne Court (South Intersection)	60m South of Pulford Avenue	East / North Side	Anytime
Carolina Woods Crescent	Danforth Avenue	Joanne Court (South Intersection)	North Side	Anytime
Carolina Woods Crescent	Pulford Avenue	156m West of Danforth Avenue	South / West Side	Anytime
Carolina Woods Crescent	Danforth Avenue	45m West of Danforth Avenue	South Side	Anytime
Carolina Woods Crescent	Theresa Trail	57m North of Theresa Trail	West Side	Anytime
Carolina Woods Crescent	Theresa Trail	Pulford Avenue	West Side	Anytime
Robson Road	515m East of Malibu Drive	660m East of Malibu Drive	North Side	Anytime
Robson Road	339m East of Erie Street South	528m West of Monarch Lane	South Side	Anytime
Erie Street North	King's Highway #3	30m South of Ivan Street	East Side	Anytime
Erie Street North	King's Highway #3	Hazelton	West Side	Anytime
ADD				
Wilkinson	70m west of Erie St N	Elliott	North	Anytime
Wilkinson	105m west of Elliott	Hodgins	North	Anytime
Wilkinson	Erie St N	57m west of Elliott	South	Anytime
Wilkinson	103m west of Elliott	Hodgins	South	Anytime
Elliott	Wilkinson	372m south of Wilkinson	West	Anytime
Elliott	412m south of Wilkinson	Talbot St W	West	Anytime
Queens	Wilkinson	107m north of Hazelton	West	Anytime
Queens	53m north of Hazelton	John	West	Anytime
John	9m east of Albert	59m west of Elliott	South	Anytime
John	30m east of Elliott	49m west of Elliott	North	Anytime
Fader	Oak St W	28m south of Lamarsh	East	Anytime
Fader	Talbot St W	19m north of Lamarsh	East	Anytime
Fader	Oak St W	58m north of Brown	West	Anytime
Fader	Talbot St W	77m south of Talbot	West	Anytime
Erie St S	160m south of Oak	150m south of Georgia	West	Anytime
Erie St S	186m south of Georgia	South Limit	West	Anytime
Erie St S	175m south of Oak	Countess	East	Anytime
Erie St S	38m south of Countess	South Limit	East	Anytime
Pulford	80m West of Erie St S	195m west of Carolina Woods	South	Anytime
Pulford	12m east of Theresa Trail	Carolina Woods	North	Anytime
Carolina Woods	Danforth	9m north of Pulford	North/East Side	Anytime
Carolina Woods	Danforth	57m north of Theresa Trail	South/West Side	Anytime
Robson	262m east of Augusta	705m east of Augusta	South	Anytime
Robson	78m west of Augusta	65m east of Augusta	North	Anytime
Robson	345m east of Erie	214m east of Augusta	South	Anytime
Robson	16m west of Destiny	25m east of Destiny	North	Anytime
Erie St N	Ivan	55m south of Ivan	East	Anytime
Erie St N	Hazelton	96m north of Hazelton	West	Anytime
Erie St N	177m north of Hazelton	Hwy 3	West	Anytime
Erie St N	66m north of Ivan	Hwy 3	East	Anytime

By-law 4284-95
Schedule "H"
Through Highways

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Street</u>	<u>From</u>	<u>To</u>
<u>DELETE</u>		
Seacliff Drive East	E/S of Bevel Line	Mersea Road 1
Seacliff Drive East	Erie Street South	E/S of Bevel Line
<u>ADD</u>		
Seacliff Drive East	Erie St S	W/S of Cherry Lane
Seacliff Drive East	E/S Cherry Lane	Mersea Road 1

By-law 4284-95

Schedule "I"

Stop Signs

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Highway</u>	<u>Intersecting Highway</u>	<u>Facing Traffic</u>
<u>ADD</u>		
Seacliff Dr E	Cherry Lane	Westbound
Seacliff Dr E	Cherry Lane	Eastbound

By-law 4284-95
Schedule "K"
Pedestrian Crossovers

<u>Column 1</u>	<u>Column 2</u>
<u>Street</u>	<u>Location</u>
<u>ADD</u>	
Robson	250m east of centerline of Augusta
Robson	45m west of centreline of Bruce
Seacliff Dr E	305m west of centreline of Cherry Lane
Pulford	60m west of centreline of Theresa Trail
Erie St S	110m north of centreline of Morgan Ave
John	81m west of centreline of Elliott
Smith	81m west of centreline of Elliott
Hodgins	481m south of centreline of Wilkinson
Elliott	25m north of centreline of Clark St W
Hazelton	170m west of centreline of Queens Ave
Queens Ave	71m north of centreline of Hazelton
Erie St N	47m north of centreline of Ivan
Wilkinson Dr	77m west of centreline of Elliott
Erie St S	10m south of centreline of Countess
Fader	5m north of centreline of Lamarsh
Robson	737m east of centreline of Augusta

By-law 4284-95
Schedule "BB"
Designated Bike Lanes

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>	<u>Column 6</u>
<u>Highway</u>	<u>From</u>	<u>To</u>	<u>Side</u>	<u>Lane</u>	<u>Direction</u>
<u>ADD</u>					
Wilkinson	66m west of Elliott	110m west of Erie St N	North	Adjacent to curb	Westbound
Wilkinson	71m west of Elliott	108m west of Erie St N	South	Adjacent to curb	Eastbound
Erie St S	23m north of Marlborough	Oak St	East	Adjacent to curb	Northbound
Erie St S	Oak St	79m south of Oak	East	2nd Lane off Curb	Northbound
Erie St S	79m south of Oak	70m north of Pulford	East	Adjacent to curb	Northbound
Erie St S	23m north of Marlborough	Melrose	West	Adjacent to curb	Southbound
Pulford	97m east of Erie St S	Carolina Woods	North	Adjacent to curb	Westbound
Pulford	60m east of Erie St S	Carolina Woods	South	Adjacent to curb	Eastbound
Carolina Woods	10m south of Pulford	76m south of Pulford	East	Adjacent to curb	Northbound
Carolina Woods	Pulford	76m south of Pulford	West	Adjacent to curb	Southbound
Carolina Woods	Danforth	78m west of Joanne	North	Adjacent to curb	Westbound
Carolina Woods	Danforth	78m west of Joanne	South	Adjacent to curb	Eastbound
Robson	Erie	Cherry Lane	North	Adjacent to curb	Westbound
Robson	Erie	678m east of Erie	South	Adjacent to curb	Eastbound
Erie St N	Clark St W	40m north of Ivan	West	Adjacent to curb	Southbound
Erie St N	Clark St E	40m north of Ivan	East	Adjacent to curb	Northbound

By-law 4284-95
Schedule "DD"
Designated Turning Lanes

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Highway	From	To	Lane	Direction	Compulsory Turn
DELETE					
Erie St S	114m south of Countess	Meirose	center	northbound/southbound	left
Erie St S	114m south of Countess	Pulford	curb lane	southbound	straight/right
Erie St S	114m south of Countess	Pulford	second lane east of west curb	southbound	straight
Erie Street South	Oak St	45m south of Oak	curb lane	northbound	right
Erie Street South	Oak St	45m south of Oak	second lane west of east curb	northbound	straight
Erie Street South	Oak St	45m south of Oak	third lane west of east curb	northbound	left
Erie St N	73m south of Wilkinson	45m north of Ivan	center	northbound/southbound	left
ADD					
Erie St S	Oak	48m south of Oak	curb lane	Northbound	right
Erie St S	160m south of Oak	Countess	center	Northbound/Southbound	left
Erie St S	25m south of Countess	Meirose	center	Northbound/Southbound	left
Erie St S	30m north of Pulford	51m north of Pulford	curb lane	Northbound	right
Erie St N	73m south of Wilkinson	49m north of Ivan	center	Northbound/Southbound	left

Report

To: Mayor and Members of Council
From: Robert Sharon, Director of Infrastructure Services
Date: September 14, 2017
Re: Bank Theatre Grant

Recommendation:

It is recommended that:

1. Council approve a grant in the amount of \$25,000 to the Sun Parlour Player Community Theatre organization for the Bank Theatre Master Plan; and
2. The Cultural Arts Reserve (0276) be used to fund the initiative. (IS-07-17)

Background:

In October 2016, Council approved a grant in the amount of \$8,500 to the Sun Parlour Player Community Theatre organization for a schematic design study at the Bank Theatre (IS-14-16). The purpose of the schematic design study was to produce a document that captured the vision of the facility, the necessary renovations required to complete that vision, and a preliminary estimate of project cost.

Comments:

As discussed in Council report IS-14-16, now that the schematic design is complete, the Sun Parlour Players have a document that developed a vision for the facility. The next step is to develop the Bank Theatre Master Plan. The Master Plan will refine the visionary exercise of the schematic design study, work towards more detailed design of the facility, and refine cost estimates for the work. The Bank Theatre engaged the architectural firm of Passa Associates to complete the master planning exercise in the spring of 2017.

The Bank Theatre has also received a grant of approximately \$162,500 from the Canada 150 program (which represents a 50% cost sharing relationship), for the construction of the entrance into the theatre, washrooms, and work required to connect the buildings of 6 and 10 Erie Street South. Given the need for continuity in the design and construction of the facility, Passa Associates is the architect designing and managing this phase of construction as well.


The grant requested of Council at this time is for the costs associated with the master planning exercise only, as the Bank Theatre will cover the costs associated with this next phase of construction. It is expected that the master planning exercise will be complete in the fall of 2017.

Financial Impact:

It is recommended that the \$25,000 grant be funded from the Cultural Arts Reserve (0276). The estimated 2017 year-end balance of this reserve is \$131,000.

Respectfully submitted,

Peter Neufeld B.A.
LL.B.

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email=pneufeld@leamington.ca, c=US
Date: 2017.09.21 13:23:03 -04'00'

Robert Sharon, MPA, CMO
Director of Infrastructure Services

Attachments: none



Report

To: Mayor and Members of Council

From: Brenda Percy, Manager of Legislative Services/Clerk

Date: September 15, 2017

Re: Bill 68 - Modernizing Ontario's Municipal Legislation Act

Recommendation:

It is recommended that:

1. Council receive the report outlining the changes as made under Bill 68 - Modernizing Ontario's Municipal Legislation Act. (Report LLS-34-17)

Background:

The Province of Ontario has recently reviewed the Municipal Act (the "Act"), the City of Toronto Act, and the Municipal Conflict of Interest Act. The government is required by legislation to review the Municipal Act every five years. At the same time the Municipal Conflict of Interest Act was reviewed. The review focused on:

- Accountability and Transparency
- Municipal Financial Sustainability
- Responsive and Flexible Municipal Government

As a result of this review, the provincial government tabled Bill 68: Modernizing Ontario's Municipal Legislation Act in November, 2016. Bill 68 introduces a number of reforms to the Municipal Act, Municipal Conflict of Interest Act, Municipal Elections Act and several other pieces of municipally-relevant legislation. The Bill received Royal Assent on June 1, 2017; however, not all changes enacted by Bill 68 become effective immediately.

Comments:

Bill 68 includes a number of changes that affect the Municipality both administratively, and financially. The purpose of this report is to provide Council with a summary of a few of the key changes.

Integrity Commissioners

At present, the requirement to have an integrity commissioner is permissive and is typically in place only in those municipalities that have a council code of conduct. Bill 68 requires that all municipalities have an integrity commissioner. If a municipality does not have an integrity commissioner it would be required to make arrangements for the functions to be performed on a retainer basis or by an integrity commissioner of another municipality. In addition, the role of the integrity commissioner has been expanded to include:

- investigate complaints from electors or persons demonstrably acting in the public interest;
- after completing an investigation, an Integrity Commissioner could decide to apply to a judge for a determination as to whether the member contravened the Municipal Conflict of Interest Act;
- if after an investigation of a Municipal Conflict of Interest Act complaint an integrity commissioner decided not to apply to a judge, the person making the complaint may do so (person can no longer apply directly to a judge before an investigation by integrity commissioner);

Bill 68 also established certain rules around investigations during an election period including that any investigations not completed before nomination day must be terminated (another investigation may be launched after voting day).

On December 7, 2015, the Municipality of Leamington appointed Robert Swayze as the Municipality's integrity commissioner for a three year period. Administration will review the additional requirements and authorities under Bill 68 with respect to the integrity commissioner and report back in due course.

Codes of Conduct

Previously, municipalities chose to have codes of conduct for members of council and local boards. Each municipality determined the content of its code of conduct (if it chose to have one) and determined how the code would be enforced. As a result, codes of conduct varied from municipality to municipality. Some common issues that codes of conduct address include use of municipal resources, gifts and benefits and conduct at council meetings. Many large municipalities had adopted a code of conduct, but most medium sized or small municipalities did not. As a result of Bill 68, codes of conduct for members of council and local boards are now mandatory for all municipalities in Ontario. Further municipalities will be required to have an integrity commissioner enforce the code of conduct.

The Municipality of Leamington passed a Code of Conduct for Council on June 9, 2008. Administration will review the Code of Conduct for any changes required. Under Bill 68, a municipality is required to establish codes of conduct for all local boards as well ("local board" means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board

and a conservation authority). Administration will report back in due course on any changes required in the current Code of Conduct and also a code of conduct for the Municipality's local boards.

Policy on Council - Staff Relations

Bill 68 requires municipal councils to also pass a policy on council-staff relations that address the roles and responsibilities of the interaction between Council and Administration. Currently, sections 224 and 227 of the Municipal Act, 2001 define the roles and responsibilities of Council and the municipal administration respectively. The Municipality's Code of Conduct includes a section addressing conduct respecting staff. Administration will review this section to ensure that the sections enacted under Bill 68 are satisfied.

Definition of Meeting

Bill 68 provides an updated definition of "meeting" in the legislation to provide clarity for municipal officials, local board members and the public. This clarification should put an end to any inconsistency that has been used by the Office of the Ontario Ombudsman and other closed meeting investigators.

Closed Meetings

Municipal meetings must be open to the public however, there are a limited number of reasons why meetings may be closed to the public. For example, meetings may be closed for discussion of matters that are before the courts, a pending purchase or sale of land, or personal matters about an identifiable individual. Bill 68 expands on the categories of matters that a Council may consider in a closed session to include:

- information explicitly supplied in confidence to a municipality or local board by Canada, a province or territory or a Crown agency;
- certain third party information supplied in confidence to a municipality or local board;
- trade secret or financial, commercial or scientific or technical information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- a position, plan, procedure, criteria or instruction to be applied to any negotiations by or on behalf of the municipality or local board.

The intent of these changes is to increase the consistency between the Municipal Act, 2001 and the Municipal Freedom of Information and Protection of Privacy Act relating to third party information and to provide councils with greater flexibility in considering matters in closed session.

Closed Meeting Investigation Reports

A new subsection of the Act requires a municipality or a local board to pass a resolution stating how it intends to address a report provided by a meeting investigator, where the investigator reports on his or her opinion that a meeting has been closed contrary to the

open meeting provisions of the Act. Administration will incorporate this information within the Procedural By-law.

Electronic Meetings (E-Meetings)

As a result of Bill 68, municipalities to provide for electronic participation by members at council, local board and committee members that are open to the public. Each municipality has the authority to decide whether or not it wants to adopt a policy on electronic meetings and the related rules. Participants would not be counted towards quorum and members would not be able to participate electronically in meetings that are closed to the public. This new subsection may be of benefit to members of the Accessibility Advisory Committee who may participate in meetings electronically and may otherwise face challenges in attending meetings physically. Administration will bring forward a report in this regard in due course for Council consideration.

Temporary Replacements on Upper-tier Council

A new section of the Act permits a local municipality to appoint an alternate member of lower tier council to temporarily replace a person who is a member of both the lower-tier and upper-tier council to attend an upper-tier council meeting. One member would be appointed at the beginning of the council term in the event that a temporary replacement is needed. An amendment will be required to the Procedural By-law to provide for same.

Municipal Conflict of Interest Act

Bill 68 includes an additional responsibility for members of council to submit a written disclosure of interest statement when declaring a conflict of interest at a meeting. This disclosure statement would set out the interest and its general nature and be filed with the Clerk. The statement would need to be filed as soon as possible after disclosing the interest at the meeting. In addition, every municipality is now required to establish and maintain a registry which keeps a copy of each statement filed. The registry must be available for public inspection in the manner and during the time as determined by the municipality. At present, a member of council must disclose if they have a conflict of interest in a matter before council during the meeting by stating in general terms what the interest is. This is noted in the minutes of the meeting. If a member is not present at a meeting where a matter for which they have an interest is discussed, they must disclose this interest at the next available opportunity and this is also noted in the meeting minutes. This additional requirement to file a written disclosure and keep it in a registry provides additional information related to potential conflicts of interests to members of the public. Administration will provide for a form and include the provision within the Procedural By-law. The Registry will be kept on the municipal website for public view.

Pregnancy Leaves - Council members

Section 259 of the Act currently sets out circumstances where a council member's office becomes vacant. A new subsection has been added to provide that an office is not vacated due to absences related to pregnancy or the birth or adoption of the member's child. Further, a municipality would be required to have a policy on pregnancy and parental leave

for council members. A policy will be prepared and brought to Council for consideration in due course.

Amendments to the Elections Act

Bill 68 makes a number of changes to the Municipal Elections Act, including a change to the term of office. The term of council will now end on November 14th. This is an effort to shorten the potential lame duck period between when the existing Council is still sitting and the new Council takes office. This change will not affect this Council but instead is applied to the 2018-2022 council term.

Bill 68 would also increase the maximum campaign contribution limits to a single candidate or third party advertiser from \$750 to \$1,200. These are the same limits set out for Provincial elections.

In addition, Bill 68 sets out a formula for determining the amount that a candidate and his or her spouse may contribute to the candidate's own campaign. In general, the formula for calculating a candidate's limit would be \$7,500 plus .20 cents per eligible elector for the head of council and \$5,000 plus .20 cents per eligible elector for other council offices. These provisions will be communicated to the candidates in the 2018 election.

In conclusion, Bill 68 provides a number of amendments to the Municipal Act, 2001, the Municipal Conflict of Interest Act, the Municipal Elections Act as well as other pieces of legislation. In general, a number of the amendments will provide clarity which is positive for elected officials, municipal staff and residents. Other amendments will broaden municipal authority.

Financial Impact:

There is no financial impact with this information report.

Respectfully submitted,

Brenda M. Percy, CMO
Manager of Legislative Services/Clerk

Ruth Orton,
Director of Legal and
Legislative Services

Attachments: None



Report

To: Mayor and Members of Council

From: Brenda M. Percy, Manager of Legislative Services/Clerk

Date: September 12, 2017

Re: Video Surveillance Policy

Recommendation:

It is recommended that:

1. The Municipality establish a Video Surveillance Policy as outlined in the report. (LLS-45-17)

Background:

The Municipality of Leamington utilizes video surveillance to ensure the safety and security of staff, customers, public and municipal property. Video surveillance promotes a safe environment, deters criminal activity or vandalism while also providing an appropriate and necessary tool for the use in law enforcement.

Currently, video surveillance cameras are used at the Municipal Building, Kinsmen Recreation Complex, Marina, Water Department and Fire Department.

Comments:

While video surveillance cameras are installed for safety and security reasons, the Municipality's video surveillance system must also be designed to minimize privacy intrusion and ensure compliance with the key requirements of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) - Guidelines established for the Use of Video Surveillance Cameras in Public Places (Information and Privacy Commissioner of Ontario, Ann Cavoukian, Ph.D. Commissioner September 2007).

A Video Surveillance Policy will include the following:

1. Video Surveillance equipment should be used only where surveillance is necessary for the safety of individuals or protection of property.
2. The public should be made aware of the use of video surveillance by installing clearly written signs which are prominently displayed at the entrance, exterior walls, interior building, or perimeter of the video surveillance areas.
3. The Manager of Information Technology is the authorized person to operate the system and is responsible for ensuring appropriate training of any designates on the use of the equipment and their responsibilities for protection of privacy and confidentiality.
4. Define the purpose of collecting the information, including;
 - a. Safety and security measures for a facility;
 - b. Investigate an incident involving the safety or security of people, facilities or assets;
 - c. Provide law enforcement agencies with evidence related to an incident under police investigation;
 - d. Provide evidence as required to protect the Municipality's legal rights;
 - e. Respond to a request for information under MFIPPA.
5. Set out retention periods and storage of the records.
6. Establish access provisions to the records being those that only have legitimate need to view the record. It also sets out the process of accessing the records and that those who have a legitimate need to view the record would be required to complete an access form and must be authorized by the Clerk who, in making the determination may consult with the municipal solicitor.

Financial Impact:

There is no financial impact as a result of approving this policy.

Respectfully submitted,

Brenda M. Percy, CMO
Manager of Legislative Services

Ruth Orton, Director, Legal and
Legislative Services

Attachments: None

Peter Neufeld
B.A. LL.B.

Digitally signed by Peter Neufeld B.A. LL.B.
DN: cn=Peter Neufeld B.A. LL.B., o,
ou=CAO, email=pneufeld@leamington.ca,
c=US
Date: 2017.09.21 13:21:55 -04'00'



Report

To: Mayor and Members of Council

From: Ruth Orton, Director of Legal and Legislative Services

Date: September 13, 2017

Re: The Salvation Army Leamington Corps “Boot Drive” Request

Recommendation:

It is recommended that:

1. The application of The Salvation Army Leamington Corps to hold a “boot drive” on Saturday, October 28th, 2017 between the hours of 10:00 AM and 3:00 PM at the intersections of Erie Street South and Pulford Avenue, Talbot Street East and Lutsch Avenue and Talbot Street West and Elliott Street be approved pursuant to Section 3 of the Safe Streets Act, 1999 subject to the following conditions:
 - (a) All volunteers approaching cars are properly identified and wearing hard hats or helmets, safety vests or bunker gear and safety footwear.
 - (b) Volunteers must only approach cars that are stopped at red lights and not enter the travelled portion of the roadway until traffic has stopped.
 - (c) Prior to the event, The Salvation Army Leamington Corps shall advise the public of the boot drive and that all donations will help finance the programs of The Salvation Army in Leamington.
 - (d) Volunteers approaching drivers must be polite, well identified and not be persistent if no donation is forthcoming.
 - (e) Volunteers should offer all drivers approached with information on the Salvation Army.
 - (f) The applicant agrees to indemnify and safe harmless the Municipality from all claims resulting from the event and provide a policy of liability insurance in the amount of \$5,000,000 designating the Municipality as an additional insured. (Report LLS-46-17)

Background:

For many years the Leamington Firefighters' Association conducted "boot drives" that successfully raised substantial funds for charities. The boot drives involved firefighters approaching drivers stopped at red lights at designated signalized intersections. The driver was requested to make a donation. Unused firefighter boots were used to collect the donations.

In 1999, the Province of Ontario passed the Safe Streets Act, 1999 (the "Act") which prohibited, among other things, solicitation of people while they sat in their car. Section 3(2) of the Act provides that no person shall:

- (a) solicit a person who is using, waiting to use, or departing from an automated teller machine;
- (b) solicit a person who is using or waiting to use a pay telephone or a public toilet facility;
- (c) solicit a person who is waiting at a taxi stand or a public transit stop;
- (d) solicit a person who is in or on a public transit vehicle;
- (e) solicit a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot; or
- (f) while on a roadway, solicit a person who is in or on a stopped, standing or parked vehicle.

The Act had the effect of prohibiting the Leamington Firefighters' Association boot drive.

In 2005, the Act was amended to provide an exemption to Section 3(2) if:

- the solicitation is conducted by a charitable organization registered under the Income Tax Act on a roadway where the maximum speed limit is 50 kilometres per hour; and
- the solicitation is permitted by a by-law of the municipality in which the activities are conducted.

Based upon this amendment, in 2006 Council granted permission to The Salvation Army Leamington Corps to hold the boot drive with the assistance of the Leamington Firefighters' Association. That event was a successful fundraiser and was held without incident and was also held in 2009, 2010, 2011, 2012, 2013, 2015 and 2016.

In 2016, the Firefighters' Association collected \$10,000 in donations for the Salvation Army.

Comments:

The Salvation Army Leamington Corps has submitted a request and members of Leamington Firefighters' Association have volunteered their time to conduct a boot drive in Leamington on Saturday, October 28, 2017 at the following intersections (as indicated on map on the next page):

- Erie Street South and Pulford Avenue
- Talbot Street East and Lutsch Avenue
- Talbot Street West and Elliott Street



Proposed Boot Drive Locations

All money raised during the fundraising event will support the programs and activities of The Salvation Army in Leamington.

Municipal By-law

As indicated, the legislation only permits the activity if the Municipality enacts a by-law to permit this type of fundraising event. The purpose of this section in the Act is an acknowledgement that each municipality has valid reasons why these types of events should be prohibited or, if allowed, regulated. These issues include safety, nuisance and liability.

Safety

Approaching vehicles stopped in traffic, especially at Leamington's busiest intersections on a Saturday is an inherently dangerous activity. Therefore, all volunteers approaching cars must be identified and wear hard hats or helmets, safety vests or bunker gear and safety footwear. Although the firefighters are not conducting this event as a part of their job duties, they have requested permission to wear their firefighter gear which will meet safety requirements. If Council approves this event the Fire Chief has advised that he will grant such permission.

Volunteers must only approach cars that are stopped at red lights and not enter the travelled portion of the roadway until traffic has stopped.

Nuisance

Many drivers do not want to be approached while in their cars. Most people do not want to feel pressured into making a donation, especially for a cause they may not support.

Prior to the event, The Salvation Army Leamington Corps will advise the public of the boot drive and that all donations will help finance programs of The Salvation Army in Leamington.

Volunteers approaching drivers must be polite, well identified and not be persistent if no donation is forthcoming. Volunteers should offer all drivers approached with information about The Salvation Army so that the driver may display the information on the vehicle's dashboard to avoid further solicitation.

Liability

The Salvation Army must provide proof of insurance and indemnify the Municipality against all claims that may arise as a result of the fundraising event. During the boot drive, the firefighters will not be covered by workplace safety insurance as the event is not occurring in the course of their employment.

Financial Impact:

There will be no financial impact to the Municipality as a result of this event.

Respectfully submitted,

Ruth Orton
Director of Legal and Legislative Services

Attachments: Correspondence from the Salvation Army



Giving Hope Today

The Salvation Army
Leamington Community Church
88 Settrington Street
Leamington ON N8H 4S9
Telephone: 519-326-4901
519-326-0319
Fax: 519-326-3294

September 13, 2017

Attn: Ruth Orton

The Salvation Army Leamington Corps in partnership with The Leamington Firefighter Association are seeking the council's approval to hold its annual "Boot Drive" fundraiser on October 28th, 2017. The drive will take place at the intersections of Erie South and Pulford Talbot East and Lutsch Avenue and Talbot West and Elliott Street. The proceeds of this fundraiser will help finance the programs of The Salvation Army in the municipality of Leamington.

With kind regards,

Brad Webster
Lieutenant

**The Corporation of the Municipality of Leamington
Leamington Accessibility Advisory Committee (LAAC) Minutes
June 7, 2017**

MEMBERS PRESENT

Karen Jones, Chair
Robert Bahry
Donald Giesbrecht
Tim Wilkinson

STAFF PRESENT

Bechara Daher, Manager of Building Services
Debra Bellamy, Building Services
Denise McGregor, Building Technician

REGRETS

Paul Child

Call to Order

Karen Jones called the meeting to order at 4:29 pm

1) Adoption of LAAC May 3rd, 2017 Minutes

Moved by: Tim Wilkinson
Seconded by: Robert Bahry

That the minutes of the LAAC committee meeting held May 3rd, 2017 be adopted.

Carried

2) Business Arising Out of the Minutes

a) Accessibility Plan

The Committee reviewed photos to include on the front page of the Accessibility Plan and agreed to use a picture of inside the accessible playground at Seacliff Park.

b) June 15th Accessibility workshop in Leamington

The Committee reviewed the planning for the June 15th event.

Report on previous Action Items:

- | | |
|---------|--|
| Tim | Contact BIA and Chamber of Commerce - complete.
Tim will follow up with the BIA and Chamber to encourage participation. |
| Bechara | Contact Communications Department - flyer, advertising, website
Contact Southpoint Sun - complete.
Poster ad was placed in the Southpoint Sun on June 7 th -
Event is posted on Municipality website Community Calendar. |
| Debra | Contact County of Essex to distribute information to accessibility network -
Complete. Poster distributed by County to accessibility network
Email sent to all retirement and nursing homes in Leamington. Debra to
send follow up email. |
| Karen | Draft content for flyer and advertising - complete. Karen posted flyers at
various locations including at the Recreation Complex.
Liaison with Dr. Preston - Karen will follow up with Dr. Preston and greet
him at Sun Parlour at 1pm on June 15 th . |

New Action Items:

Refreshments: Paul has made arrangements for refreshments with Sun Parlour. Debra will follow up with Paul to ask if refreshments can be available for 1:30 pm.

Signage: Debra will prepare and post lots of signage at the Sun Parlour location directing attendees to accessible and general parking and the event room.

Speaker Appreciation: Bechara will make arrangements for a speaker gift.

Event Registration: Debra will prepare a sign and a list to have at the event.

Logistics: Debra will tend to logistics the day of the event to ensure everything is ready.

Agenda for Event:

Refreshments available as attendees arrive

Welcome - Bechara

Introduce Speaker - Karen

Presentation

Thank you - Committee member

c) Library parking update

The barrier free parking spot has been installed at the library, however there is an issue with a right to access for the Masonic Lodge. This matter is being reviewed in order to grant access to the Masonic Lodge and provide barrier free parking. In the interim the barrier free parking spot will remain in the current location until new spots are created.

d) Shoppers Drug Mart barrier free parking update

Bechara advised the matter is with the Town Planning Department to review the approved Site Plan and a letter will be sent to the property owner advising them to comply with the approved site plan. Bechara will follow up with the Planning Department.

e) Sidewalk Tactile Indicators

Tim had previously inquired about a rusting issue with the sidewalk warning plates (tactile indicators) newly installed on the sidewalk in the new subdivision off Robson Road and why other municipalities warning plates are painted yellow.

Bechara will follow up with the Engineering Department and invite them to attend the next meeting.

3) **New Business**

a) LAAC meeting start time

The 4:30 pm meeting start time was reviewed and the Committee agreed to revert back to the 3:00 pm start time for meetings.

b) Site Plan:

195 Erie Street South - proposed car wash and service shop.

Bechara presented the proposed site plan to be reviewed by the Accessibility Committee and comments will be provided.

Councillor Wilkinson asked a question on behalf of a resident whether a car wash is an approved use for this site. Bechara advised that the Planning Department will review the Zoning By-Law and confirm the use. Committee members noted an entrance on Georgia instead of Erie Street may work better for traffic flow.

4) Other Business

Johnny's Gas Bar on Talbot Street West had previously agreed to add an accessible parking spot by the car wash, however, there is no signage indicating the spot is barrier free. Bechara will review the site plan and report back to the Committee.

5) Announcement of Next Meeting

The next meeting will be held at the Leamington Municipal Building, 111 Erie Street North on Wednesday, September 13th, 2017 at 3:00 pm.

Adjournment

Moved by: Robert Bahry
Seconded by: Donald Geisbrecht

That the meeting adjourn at 5:24 pm

Carried

“Signature on File”

Karen Jones, Chair



The Corporation of the Town of Tecumseh

August 24, 2017

Rick Nicholls, MPP Chatham-Kent-Essex
Queen's Park
Room 316 Main Legislative Building
Toronto, Ontario M7A 1A8
Email: rick.nicholls@pc.ola.org

Via E-mail

Re: Bill 94 Proposed Amendments to Highway Traffic Act and Pilot Project

The Council of the Town of Tecumseh, at its regular meeting held Tuesday, July 11, 2017, considered the Highway Traffic Act proposed amendments under Bill 94.

At their meeting, Tecumseh Council passed the following resolution:

***“THAT** the Council of the Town of Tecumseh support Bill 94 An Act to amend the Highway Traffic Act with respect to evidence obtained from school bus camera systems;*

***AND THAT** the Province be encouraged to mandate school bus cameras on all school buses;*

***AND FURTHER THAT** a copy of this resolution be sent to the Premiere of Ontario, Minister of Transportation, area MPPs, Leader of the Opposition Party, Leader of the Third Party, AMO, County of Essex, area municipalities, and Chatham-Kent.*

Carried”

Please consider this letter as confirmation of the Town of Tecumseh's support of the above matter.

Yours very truly,
TOWN OF TECUMSEH

Laura Moy,
Dipl.M.M, CMMIII HR Professional
Director Corporate Services & Clerk
LM/nm

Cc: Office of the Premier of Ontario - Queen's Park, Toronto Ontario, M7A 1A1 kwynne.mpp.co@liberal.ola.org
Parliament of Ontario – Leader of the Official Opposition – Progressive Conservative Party, Patrick Brown, Room 381, Main Legislative Building, Queen's Park, Toronto Ontario, M7A 1A8 patrick.brown@pc.ola.org
Parliament of Ontario - Leader of the New Democratic Party – Andrea Horwath, Room 115, Main Legislative Building, Queen's Park, Toronto Ontario, M7A 1A5 ahorwath-qp@ndp.on.ca
Member of Parliament Windsor-Tecumseh - 733 Tecumseh Rd. East, Suite 2, Windsor Ontario N8R 1A5
Cheryl.Hardcastle@parl.gc.ca
Member of Parliament Windsor West - 1398 Ouellette Avenue, Suite 2, Windsor, Ontario, N8X 1J8 brian.masse@parl.gc.ca

Member of Parliament Essex - 316 Talbot Street North, Unit 6, Essex, ON N8M 2E tracey.ramsey@parl.gc.ca
Member of Provincial Parliament Windsor Tecumseh – Queen's Park, Room 363, Main Legislative Building, Toronto Ontario
M7A 1A5 PHatfield-QP@ndp.on.ca
Member of Provincial Parliament Essex – Queen's Park, Room 370, West Wing, Main Legislative Building, Toronto Ontario M7A
1A5 tnatyshak-gp@ndp.on.ca
Member of Provincial Parliament Windsor West – Queen's Park, Room 170, Main Legislative Building, Toronto Ontario M7A 1A5
LGretzky-QP@ndp.on.ca
Association of Municipalities of Ontario, 200 University Ave., Suite 801, Toronto, Ontario M5H 3C6 amo@amo.on.ca
Dan Metcalfe, County of Essex dmetcalfe@countyofessex.on.ca
Municipal Clerks - Windsor vcritchley@citywindsor.ca; Essex County Municipalities (Amherstburg pparker@amherstburg.ca ,
Essex rauger@essex.ca , Lakeshore mmasse@lakeshore.ca , LaSalle bandreat@lasalle.ca , Leamington
bpercy@leamington.ca Kingsville jastrologo@kingsville.ca)