



# The Corporation of the Municipality of Leamington

## Meeting of Municipal Council

### Agenda

Monday, April 20, 2015

Commencing at 6:00 PM

In Leamington Council Chambers

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(A) **Call to Order:**

(B) **National Anthem:**

(C) **Disclosures of Pecuniary Interest:**

(D) **Adoption of Council Minutes:**

1. Minutes of the Council Meeting (including Court of Revision for Pettapiece and Settingington Lane Drain and Public Meeting for ZBA #97, #111, #112) held April 13, 2015  
Pages 4 to 23

(E) **Business Arising Out of the Minutes:**

(F) **Public Meetings/Court of Revision:**

1. Public Meeting for Official Plan Amendment, Zoning By-law Amendments and Consent Applications for vacant lands at W/S Cherry Lane (Piroli)

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

1. Delegation, Essex Windsor Emergency Medical Services Presentation to staff of the Leamington Kinsmen Recreation Complex.
  - Bruce Krauter, Chief
  - Brenda Fischer and Pat McLaughlin, Leamington Kinsmen Recreation Complex Staff

2. Report DR-09-15 dated March 23, 2015 regarding Wilkinson Shilson Drain, Celestino Bridge Replacement Part Lots 230, Concession STR, Municipality of Leamington  
Pages 24 to 26
3. Report LWS-01-15 dated April 13, 2015 regarding Union Water Supply System Annual Report for 2014 (Additions 2), Union Water Supply System Summary Report for 2014 (Additions 3), Leamington (Union) Distribution System Annual Report for 2014 (Additions 1), Wheatley Drinking Water System Annual Report for 2014 (Additions 4) Additions 1 to 4 are available on the Agendas, Meetings and Minutes Municipal website page  
Pages 27 to 28
4. Report ES-01-15 dated April 10, 2015 regarding Tender for LPCC Outfall Sewer Manholes  
Pages 29 to 32
5. Report FIN-05-15 dated March 11, 2015 regarding One Investment Program Agreement Renewal and Investment Policy Update  
Pages 33 to 40

**(H) Matters for Approval:**

1. Minutes of the Leamington Municipal Heritage Advisory Committee held March 25 2015  
Pages 41 to 42

**(I) Other Matters for Consideration:**

1. Minutes of the Leamington Police Services Board held November 26, 2014  
Pages 43 to 46

**(J) Report on Closed Session:**

None

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

By-law 466-15 being a by-law to authorize The Corporation of the Municipality of Leamington (the "Corporation") to enter into the Agency Agreement, as defined herein, between CHUMS Financing Corporation and Local Authority Services Limited, as Agent, and Eligible Investors with respect to "The One Investment Program" and to authorize the Treasurer to execute the necessary documents from time to time for that Purpose

By-law 472-15 Being a by-law to appoint Municipal Law Enforcement Officers for the Purpose of Enforcing Dog Registration Compliance for the Municipality of Leamington (The Canadian Corps of Commissionaires Ottawa).

By-law 473-15 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held April 20, 2015.

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

(M) **Open Session:**

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

**Monday, April 27, 2015**

- Council Meeting, 6:00 PM, Council Chambers

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

(P) **Adjournment:**

# **The Corporation of the Municipality of Leamington**

## **Minutes of the Council Meeting**

**Held Monday, April 13, 2015 at 6:00 PM**

**In Leamington Council Chambers**

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**Members Present:** Mayor John Paterson  
Deputy Mayor Hilda MacDonald  
Councillors: Rick Atkin, John Hammond, John Jacobs,  
Larry Verbeke, Tim Wilkinson

**Staff Present:** Chief Administrative Officer Peter A. Neufeld  
Director of Legal and Legislative Services Brian R. Sweet  
Incoming Director of Legal and Legislative Services Ruth Orton  
Director of Infrastructure Services Robert Sharon  
Director of Community & Development Services Tracey Pillon-Abbs  
Manager of Engineering Services Allan Botham  
Manager of Planning Services Danielle Truax  
Supervisor of Water Services Nelson Carvalho  
Drainage Superintendent Lu-Ann Barreto  
Council Services Assistant Mary Ann Manley

### **Disclosures of Pecuniary Interest:**

Councillor Atkin declared an interest with Report LLS-17-15 dated March 11, 2015 regarding Voluntary Toll Road Request, Leamington Lion's Club and Confirmation By-law 470-15. The Councillor did not participate in the discussion or vote on the matters.

### **Adoption of Council Minutes:**

#### **No. C-76-15**

Moved by: Councillor Verbeke  
Seconded by: Councillor Wilkinson

That the Minutes of the Council Meeting held March 16, 2015 be adopted.

**Carried**

#### **No. C-77-15**

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Hammond

That the Minutes of the Special Closed Council Meeting held March 16, 2015 be adopted.

**Carried**

**No. C-78-15**

Moved by: Councillor Jacobs  
Seconded by: Councillor Wilkinson

That the Minutes of the Special Council Meetings held March 30, 2015 be adopted.

**Carried**

**Business Arising Out of the Minutes:**

None.

Chief Administrative Officer Peter A. Neufeld introduced Ruth Orton as the new Director of Legal and Legislative Services replacing Brian Sweet who retires at the end of May 2015. Ms. Orton has worked at the Town of Kingsville in a similar capacity. Prior to working for the Town of Kingsville, Ms. Orton worked with a law firm in Windsor.

The Mayor on behalf of Council welcomed Ms. Orton to the Municipality.

Regarding the Addendum Agenda (2) item Delegation, Court of Revision Settrington Lane Drain, Director of Legal and Legislative Services Brian Sweet noted one of the property owners near the Settrington Lane Drain was concerned that he did not receive the Court of Revision notice. Mr. Sweet said the municipality met its legal obligation by mailing the notices out, however, he said the property owner reported he did not receive the notice. The owner has a valid concern. Mr. Sweet said this is a bit unusual but it is fair to allow the property owner to speak on his concern. Mr. Sweet said administration is recommending the Court of Revision adjourn the Settrington Lane Drain. As well, it will be necessary to repeal By-law 455-15.

The Mayor invited Mr. Donald Murney to address Council

Donald Murney, President 2217273 Ontario Inc., expressed appreciation to Council for the opportunity to state his concern with the mailing of the Court of Revision notices. At the Court of Revision he would only be able to appeal his assessment.

Another property owner, Chris Del Greco was invited to address Council. Mr. Del Greco said he has been before Council in the past regarding this same concern and he is asking Council to move quickly on the issue.

In response to a question from Council, Mr. Del Greco stated he did not receive the Court of Revision notice.

## **Public Meetings:**

### **1. Court of Revision:**

A copy of the minutes is attached.

- Pettapiece Drain, East Branch

#### **No. C-79-15**

Moved by: Councillor Verbeke  
Seconded by: Councillor Wilkinson

That the new maintenance schedule of assessment for the East Branch of the Pettapiece Drain including the amended Schedule C Schedule of Assessment dated April 13, 2015 and the amended overall plan dated April 13, 2015 and, East Branch presented at the Court of Revision on April 13, 2015, in accordance with By-law 456-15 in the Municipality of Leamington, in the County of Essex, be confirmed.

**Carried**

- Settrington Lane Drain

#### **No. C-80-15**

Moved by: Councillor Wilkinson  
Seconded by: Councillor Jacobs

That the Court of Revision to provide for a new petition drain, Settrington Lane Drain in accordance with By-law 455-15, in the Municipality of Leamington, in the County of Essex, be adjourned.

**Carried**

## **Reports of Staff and Delegations:**

### **1. Report LLS-16-15 dated March 11, 2015 regarding Dog Pound Agreement with St. Clair College**

Mr. Sweet provided a brief overview of the report and then introduced Monica M. Tighe, Coordinator Veterinary Technician Program, St. Clair College and Dr. Ken Blanchette, Chair, School of Health Sciences, St. Clair College.

Ms. Tighe stated the St. Clair College program is accredited by eleven (11) organizations and has approximately 90 students enrolled.

Dr. Ken Blanchette spoke on the social interaction between students and the animals noting this interaction is the key success for the high adoption rate for this program.

In response to a question from Council, Mr. Sweet replied the agreement only covers dogs as the Municipality does not receive cats at the pound.

Ms. Tighe provided the 2014 statistics on the reasons for euthanizing dogs. Dr. Blanchette extended an invitation to Council to tour the St. Clair facility.

**No. C-81-15**

Moved by: Councillor Hammond  
Seconded by: Councillor Jacobs

That the agreement with The St. Clair College of Applied Arts and Technology regarding the adoption and euthanasia services on a year round basis for dogs from the Kingsville Leamington Dog Pound as described in report LLS-16-15 be approved.

**Carried**

**Public Meetings (continued):**

**2. Public Meeting for Zoning By-law Amendments:**

A copy of the minutes is attached.

- ZBA 97 and B-05-15, 268 to 282 Seacliff Drive West

**No. C-82-15**

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Jacobs

That the provisional approval of Consent Application B/05/15 for the creation of a parcel 5.021 ha (12.4 acres) from property located at 268 -282 Seacliff Drive West be supported by Council subject to the conditions listed in "Schedule A";

And that Zoning By-law Amendment Application ZBA #97 to change the zone of the severed lands from R1-17 to R1(H) and to amend the permitted uses and zone provisions of the R1-17 zone applicable to the retained lands be approved by Council;

And that if no concerns are raised at the public meeting the Clerk be directed to forward the amending By-law #462-15 to Council for its consideration (PLA-12-15).

**Defeated**

- ZBA 111, B-06-15 and B-09-15, 1531 Mersea Road 1

**No. C-83-15**

Moved by: Councillor Verbeke  
Seconded by: Deputy Mayor MacDonald

That the provisional approval of Consent Applications B/06/07/08/09/15 for the creation of 3 new farm parcels and one surplus dwelling lot located at 1531 Mersea Rd. 1 be supported by Council subject to the conditions listed in "Schedule A";

And that Zoning By-law Amendment Application ZBA #111 to change the zone of the severed surplus dwelling from A1 to A5 be approved by Council;

And that if no concerns are raised at the public meeting the Clerk be directed to forward the amending By-law 463-15 to Council for its consideration (PLA-14-15).

**Carried**

- ZBA 112 and B-10-15, Bruner Lane

**No. C-84-15**

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Jacobs

That the provisional approval of Consent Application B/10/15 for a lot addition of 0.07 ha (0.172 ac) from the vacant hobby farm on the west side of Bruner Lane (690-0300) to be consolidated with the abutting residential lot at 583 Bruner Lane (690-03010) be supported by Council subject to the conditions listed in "Schedule A";

And that Zoning By-law Amendment Application ZBA#112 to change the zone of the resulting parcel to A5-50 be approved by Council;

And that if no concerns are raised at the public meeting the Clerk be directed to forward the amending by-law #464-15 to Council for its consideration (PLA-16-15).

**Carried**



## **Reports of Staff and Delegations (continued):**

### **2. Greater Essex County District School Board, Update of Leamington District Secondary School project**

Kyle Berard, Principal, Leamington District Secondary School provided an update on the Leamington District Secondary School project utilizing a power point presentation.

It is expected students will be attending the school in September 2017.

### **3. Report REC-06-15 dated March 16, 2015 regarding Leamington Triathlon Weekend**

Director of Community & Development Services Tracey Pillon-Abbs summarized the report and introduced Co-Director, David Campbell.

Mr. Campbell thanked Council and the Recreation staff for their support of the event. Mr. Campbell said the spin studio at the Leamington Kinsmen Recreation Complex is probably one of the best spin studios in the area.

Mayor Paterson thanked Mr. Campbell and the Triathlon Weekend Committee for their continued support of the LKRC.

#### **No. C-85-15**

Moved by: Councillor Verbeke  
Seconded by: Councillor Jacobs

That the following road closures from 9:00 AM to 12:00 PM on Saturday June 13, 2015 be approved:

- Alternating lane closure Oak Street West and Oak Street East from Nicholas Street to Sherk Street to allow one way traffic to access businesses;
- Partial closure of Nicholas Street, Northbound traffic only; Ellison Avenue, Westbound traffic only.

That further, the following road closure from 8:00 AM to 10:00 AM on Sunday June 14, 2015 be approved:

- Full closure of Robson Road, from Erie Street South to Cherry Lane;
- Partial closure of Erie Street from Promenade to Seacliff Drive;
- Partial closure of Seacliff Drive, Eastbound traffic only to Cherry Lane.

That further, the Leamington Triathlon Weekend be exempt from the 2015 Tariffs of Fees Bylaw as it relates to fees associated with renting the Leamington Kinsmen Recreation Complex Pool (in-kind value \$300) and use of the steel special event fencing (in-kind value \$350) and the Municipal Parking Lot (Erie Street Promenade Plaza);

That further, the Leamington Triathlon Weekend Organizing Committee submits a certificate of insurance for \$2 million dollars and with The Corporation of the Municipality of Leamington named as additional insured;

That further, the balance charge to purchase the cadence metres be charged to the Reserve Fund (0320) of \$3301.55;

That further, Council provides a letter of acceptance to the Leamington Triathlon Weekend Committee for funding commitment commencing January 1, 2015 to December 31, 2016 to fund the purchase of cadence metres. (REC/06/15)

**Carried**

**4. Report PLA-20-15 dated April 9, 2015 regarding Zoning By-law Amendment, ZBA #115 1859277 Ontario Limited (Seven Heights Inc.), N/S Talbot Street East (ARN 100-00100)**

Mr. Neufeld provided opening comments saying this was another example of staff working to expedite development.

Director of Community & Development Services Tracey Pillon-Abbs presented the report.

In response to a question from Council, Ms. Pillon-Abbs said there would a different style of units similar to Townhouses with parking in the middle and a total of 32 units. Ms. Pillon-Abbs introduced Mr. Richard McGrath, Solicitor for the applicant and his client.

Mr. McGrath stated these units will be strictly rental units. There will some larger units intended for families and some smaller units designed for seniors. These units should fill the need for those wishing to rent rather than own.

In response to a question from Council, Mr. McGrath said the Fire Chief has had his input and the site plan has been changed accordingly.

**No. C-86-15**

Moved by: Councillor Jacobs  
Seconded by: Councillor Verbeke

That Zoning By-law Amendment Application ZBA#115 (1859277 Ontario Ltd.) to change the zone of the subject lands from the Commercial Highway Zone (C2-4) to permit residential uses was reviewed and deemed to be complete pursuant to the requirements of the Planning Act;

And that Administration be directed to schedule the required Public Meeting. (PLA-20-15)

**Carried**

**5. Report REC-08-15 dated April 2, 2015 regarding Leamington Kinsmen Recreation Centre, Software System Upgrade, Contract Award**

The Chief Administrative Officer provided introductory comments regarding the report noting this request was not dealt with at the 2015 budget deliberations. However an employee at the Leamington Kinsmen Recreation Complex retired and the Municipality does not intend to replace that position. This software program will assist the remaining employees in providing services. Mr. Neufeld said one of the recommendations of a 2006 task force established to review service delivery was to pursue online registrations.

The Director of Community & Development Services presented the report.

Manager of Information Technology, Dave DelCiancio felt this was an appropriate time to change to a new system as the current system will no longer be supported in 2017 by the provider.

Mr. Neufeld said the current software does not support the remaining employees without replacing the retired employee.

**No. C-87-15**

Moved by: Councillor Verbeke  
Seconded by: Deputy Mayor MacDonald

That information pertaining to the upgrade to the Leamington Kinsmen Recreation Complex (LKRC) software system be received;

That approval be given to negotiate and award a contract to Active Network;

That implementation, peripheral and annual software licensing costs for 2015 be charged to the Contingency Reserve Fund #40-3-0220-0226-000220;

That further, that the Mayor and Clerk be authorized to execute any required contracts or agreements. (REC-08-15)

**Carried**

**6. Report PLA-17-15 dated March 16, 2015 regarding Investment in Affordable Housing Program for Ontario Extension (IAH-E)**

The Director of Community & Development Services presented the report.

**No. C-88-15**

Moved by: Councillor Verbeke  
Seconded by: Councillor Wilkinson

That the information pertaining to the Investment in Affordable Housing Program for Ontario Extension (IAH-E) be received;

And that Council confirms participation in the IAH-E programs for 2015 (PLA-17-15)

**Carried**

**7. Report LWS-02-15 dated March 27, 2015 regarding Leamington Water System Improvements, 2015 Tender Results**

Director of Infrastructure Services Robert Sharon summarized the report noting all the tenders came in over-budget however he is still recommending the projects proceed because the work needs to be completed. Supervisor of Water Services Nelson Carvalho was also in attendance.

**No. C-89-15**

Moved by: Councillor Atkin  
Seconded by: Councillor Jacobs

That the contract for Hazelton, Queens, Windsor be awarded to the lowest tender of J & J Lepera Infrastructures Inc. in the amount of \$620,600 plus H.S.T. ;

And that the contract for Ivan, Foundry, Clark, Whitney be awarded to the lowest tender of Nevan Construction Inc. in the amount of \$586,370.00 plus H.S.T.;

And that the contract for Melrose, Parkdale be awarded to the lowest tender of Nevan Construction Inc. in the amount of \$369,000.00 plus H.S.T.;

And that the contract for White St. be awarded to the lowest tender of D'Amore Construction (2000) Ltd. in the amount of \$172,783.00 plus H.S.T.;

And further that Administration be authorized to make up the 2015 Water capital budget shortfall with Line Renewal Reserve funds, in an amount not to exceed \$318,813.74 including Net H.S.T. (Report LWS/02/15).

**Carried**

**8. Report ENG-04-15 dated March 11, 2015 regarding Tender Award for the 2015 Resurfacing Program**

Manager of Engineering Services Allan Botham presented the report noting the County of Essex would be funding a portion of the program to cover the section of the County Road included in the project.

**No. C-90-15**

Moved by: Councillor Verbeke  
Seconded by: Councillor Hammond

That the 2015 Surface Treatment Program tender be awarded to Jeff Shepley Road Maintenance, 2964 Malden Road 8, Essex, Ontario, N8M 2X6 for \$188,757.50, plus applicable taxes, and be charged to account:

Mersea Road 19 10-7-0620-8050-301550-600019-7650

And that the 2015 Asphalt Program be awarded to Mill-AM Corporation, 2199 Blackacre Drive, Unit 700, Oldcastle, Ontario, N0R 1L0 for \$361,995.00 plus applicable taxes, and be charged to accounts:

Talbot Street 10-7-0620-8050-302220-600019-7650  
Fire Services 10-7-0410-8020-304140 (Report ENG-04-15)

**Carried**

**9. Report LLS-17-15 dated March 11, 2015 regarding Voluntary Toll Road Request, Leamington Lions Club**

Councillor Atkin declared an interest with this report and did participate in the discussion or vote on the matter.

The Director of Legal and Legislative Services presented the report.

**No. C-91-15**

Moved by: Councillor Jacobs  
Seconded by: Deputy Mayor MacDonald

That the application of the Leamington Lions Club to hold a "Volunteer Toll Road" charity event be approved pursuant to Section 3 of the Safe Streets Act, 1999 subject to the following conditions:

1. All volunteers approaching cars are properly identified and wearing safety vests.
2. Volunteers must only approach cars that are stopped at red lights and not enter the travelled portion of the roadway until traffic has stopped.
3. Prior to the event there should be advertising to let the public know the details of the "volunteer toll road" and that all donations are going to the Leamington Hospice.

4. Volunteers approaching drivers must be polite, well identified and not be persistent if no donation is forthcoming.
5. Volunteers should offer all drivers approached with a "Thank You" dashboard card. The drivers can display the information on their dashboard so the driver will not be approached again by the volunteers.
6. The applicant agrees to indemnify and save harmless the Municipality from all claims resulting from the event and provide a policy of liability insurance in the amount of Five Million Dollars (\$5,000,000.00) designating the Municipality as a named additional insured.

And that the event be approved to be held on Saturday, June 13, 2015 between the hours of 9:00 AM and 3:00 PM at the intersection of Erie Street South and Pulford Avenue (Report LLS-17-15).

**Carried**

**Matters for Approval:**

None

**Other Matters for Consideration:**

None

**Report on Closed Session:**

None

**Consideration of By-laws:**

**No. C-92-15**

Moved by: Councillor Verbeke  
Seconded by: Deputy Mayor MacDonald

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

By-law 463-15 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 #111, 1531 Mersea Road 1;

By-law 464-15 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 #112, W/S Bruner Road and 583 Bruner Road, and

By-law 469-15 being a by-law to appoint Parking Enforcement Officers for the Municipality of Leamington (Connie Simpson and Diane Smith).

**Carried**

**No. C-93-15**

Moved by: Councillor Jacobs  
Seconded by: Councillor Wilkinson

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

By-law 467-15 being a by-law to appoint a Director of Legal and Legislative Services for the Municipality of Leamington.

**Carried**

Councillor Atkin declared an interest with Report LLS-17-15 dated March 11, 2015 regarding Voluntary Toll Road Request, Leamington Lion's Club and Confirmation By-law 470-15. The Councillor did not participate in the discussion or vote on the matters.

**No. C-94-15**

Moved by: Councillor Jacobs  
Seconded by: Councillor Hammond

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

By-law 470-15 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held April 13, 2015.

**Carried**

**Notices of Motion:**

None

**Open Session** of Council and Administration:

Ms. Pillon-Abbs advised the 2015 Pan-Am Torch Relay will be in Leamington on Wednesday, June 17, 2015. The Leamington Marina, Robson Road Park will be a Pan-Am celebration site. Lifelong Leamington resident, Donny Pacheco has been selected as a Leamington community torch bearer and Cole Caccivallani will use a tractor to transport the torch as representative of the agricultural sector. For more information, visit [TORONTO2015.org/torch-relay](http://TORONTO2015.org/torch-relay).

Councillor Jacobs asked administration about WIFI in the downtown park areas. Mr. Sharon replied that he has met with staff on this issue and more of a strategic plan is required. The next step will be a report to Council.

Councillor Verbeke commended Drainage Superintendent LuAnn Barreto and Engineering Assistant Lindsay Dean on the successful phragmites session held Wednesday, April 8, 2015 at 6:00 PM in the Council chambers. Councillor Verbeke stated a farm safety event will be held at June 4<sup>th</sup>, 2015 at Blytheswood Mount Carmel School and is looking for the Municipality's involvement.

Councillor Hammond reported on this Friday, April 17, 2015 the Chamber of Commerce will be holding a Comedy night. The evening will be held at the Best Western Plus and includes dinner and show for \$50.00 a person.

Councillor Hammond invited everyone to watch the Leamington Flyers on Thursday, April 16, 2015 at the Leamington Kinsmen Recreation Complex take on Caledonia in the Sutherland Cup semi-finals. Game time is 7:10 PM.

Councillor Atkin ask if the Chief Building Official could speak at a future Council meeting and provide an update on building statistics.

Ruth Orton thanked Council and administration for their kind words and the opportunity to work for the Municipality.

**Statement of Members:** non-debatable.

Mayor Paterson reported on the following:

- On Saturday April 11, 2015 the Mayor attended the Russell deCarle trio concert at the Leamington Bank Theatre. It was a sold out show;
- On Friday, April 10, 2015 the Mayor attended a fundraiser for Hospice organized by Dr. Lalani and held at the Leamington Portuguese Club;
- On Thursday, April 9, 2015 the Mayor attended a presentation by Libro Credit Union regarding their Prosperity Project. The presentation was held at the Essex Arena; and
- On Wednesday April 8, 2015 the Mayor attended a meeting with the United Way of Windsor Essex County regarding an increased profile in the County.

**Adjournment:**

**No. C-95-15**

Moved by: Councillor Verbeke  
Seconded by: Councillor Wilkinson

That the meeting adjourn at 10:00 PM.

**Carried**

John Paterson, Mayor

Ruth Orton, Clerk



# **The Corporation of the Municipality of Leamington**

## **Court of Revision Minutes, Drainage**

**Monday, April 13, 2015 at 6:11 PM**

**Leamington Council Chambers**

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**Members Present:** Deputy Mayor Hilda MacDonald  
Councillors: John Hammond, John Jacobs, Larry Verbeke,  
Tim Wilkinson

**Also Present:** Mayor John Paterson  
Councillor Rick Atkin

**Staff Present:** Chief Administrative Officer Peter A. Neufeld  
Director of Legal and Legislative Services Brian R. Sweet  
Incoming Director of Legal and Legislative Services Ruth Orton  
Director of Infrastructure Services Robert Sharon  
Director of Community & Development Services Tracey Pillon-Abbs  
Manager of Engineering Services Allan Botham  
Manager of Planning Services Danielle Truax  
Supervisor of Water Services Nelson Carvalho  
Drainage Superintendent Lu-Ann Barreto  
Council Services Assistant Mary Ann Manley

### **Disclosures of Pecuniary Interest:**

None

### **Opening Court of Revision:**

Moved by: Councillor Wilkinson  
Seconded by: Councillor Verbeke

That the Court of Revision to provide for a new maintenance schedule of assessment for the Pettapiece Drain, East Branch in accordance with By-law 456-15, and a new petition drain, Settrington Lane Drain in accordance with By-law 455-15, in the Municipality of Leamington, in the County of Essex, be opened.

**Carried**

Moved by: Councillor Wilkinson  
Seconded by: Councillor Jacobs

That the Court of Revision to provide for a new petition drain, Settrington Lane Drain in accordance with By-law 455-15, in the Municipality of Leamington, in the County of Essex, be adjourned.

**Carried**

**Item for Consideration:**

**1. Pettapiece Drain, East Branch, New Assessment Schedule, Lots 1 and 2, Concession 1:**

Drainage Superintendent, Lu-Ann Barreto noted two (2) changes from the Engineer, the correction in the roll number on the assessment schedule and the merging of two (2) Simoni Farms properties on the assessment schedule and plan dated April 13, 2015.

Dennis McCready, Dillon Consulting was in attendance.

Deputy Mayor MacDonald asked if there was anyone in the audience wishing to speak regarding this public meeting. No one responded.

Moved by: Councillor Verbeke  
Seconded by: Councillor Wilkinson

That the new maintenance schedule of assessment for the East Branch of the Pettapiece Drain including the amended Schedule C Schedule of Assessment dated April 13, 2015 and the amended overall plan dated April 13, 2015 and, East Branch presented at the Court of Revision on April 13, 2015, in accordance with By-law 456-15 in the Municipality of Leamington, in the County of Essex, be confirmed.

**Carried**

**Closing Court of Revision:**

Moved by: Councillor Verbeke  
Seconded by: Councillor Hammond

That the Court of Revision to provide for a new maintenance schedule of assessment for the Pettapiece Drain, East Branch in accordance with By-law 456-15, in the Municipality of Leamington, in the County of Essex, be closed.

**Carried**

**Adjournment:**

Meeting adjourned at 6:15 PM

Minutes approved at Council Meeting held  
April 20, 2015, Resolution C-XX-15,  
Confirmation By-law XXX-15

# The Corporation of the Municipality of Leamington

## Public Meeting Minutes, Zoning By-Law Amendments

**Monday, April 13, 2015 at 6:28 PM**

**In Leamington Council Chambers**

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Members Present: Mayor John Paterson  
Deputy Mayor Hilda MacDonald  
Councillors: Rick Atkin, John Hammond, John Jacobs, Larry Verbeke,  
Tim Wilkinson

Staff Present: Chief Administrative Officer Peter A. Neufeld  
Director of Legal and Legislative Services Brian R. Sweet  
Incoming Director of Legal and Legislative Services Ruth Orton  
Director of Infrastructure Services Robert Sharon  
Director of Community & Development Services Tracey Pillon-Abbs  
Manager of Engineering Services Allan Botham  
Manager of Planning Services Danielle Truax  
Supervisor of Water Services Nelson Carvalho  
Drainage Superintendent Lu-Ann Barreto  
Council Services Assistant Mary Ann Manley

### **1. Consent Application B/05/15 and Zoning By-law Amendment #97 for 268 to 282 Seacliff Drive West (Keepsake Plants Ltd.)**

Manager of Planning Services, Danielle Truax, provided background information regarding Consent Application B/05/15 to sever the existing office building from the balance of the vacant land at 268 Seacliff Drive and the required Zoning Amendment Application ZBA # 97. Ms. Truax advised comments were received from the Essex Region Conservation Authority and The County of Essex. These comments were the same as those submitted at the public meeting held October 14, 2014. Ms. Truax noted that a petition was received from the Collards for the public meeting held October 14, 2014 and again for this public meeting objecting to the zoning amendment.

In response to a question from Council, Mr. Sweet stated that the recommendation can be separated into parts and voted on separately, however, the issues are related and should be kept together.

In response to a question from Council, Ms. Truax noted a previous consent application for the subject lands was approved at a previous Committee of Adjustment however the conditions were not fulfilled in time and the conditional approval expired and it was necessary to bring both the consent and zoning by-law amendment to Council for approval.

In response to a question from Council, Ms. Truax provided further explanation on the allowed definitions. Ms. Truax said any proposed development would need to satisfy the conditions of the Zoning By-law.

Mayor Paterson asked if there was anyone in the audience wishing to speak regarding this public meeting.

Howard and Marilyn Collard, 284 Seacliff Drive West, presented a petition with 73 signatures (two additional signatures were received prior to the public meeting) opposing the Zoning By-law Amendment application. The Collards are not opposed to development however are opposed to any commercial designations on the property to protect the properties of concerned neighbours.

Marilyn Collard stated there is no commercial designation currently on this property. She also felt there was no need for commercial property to be available in this area as there are many vacant commercial properties in Leamington. It was Ms. Collard's opinion the market will always dictate the need and there is no need for this property to be designated commercial. Council requested that Ms. Collard be more specific with her objections.

In response to a question from Council, Ms. Truax explained since the property presently permitted both agricultural and commercial uses the R1-17 zone would bring the property closer to the desired residential zone. She also stated if the zoning amendment was approved a bunkhouse would not be permitted.

Mr. Sweet corrected some of the comments put forth by the Collards. The Municipality puts restrictions on properties through the zoning by-law. The Municipality's zoning by-law is enforceable. He also clarified no taverns are presently permitted and would not be permitted in the proposed zoning.

Dean Clark, 290 Seacliff Drive West, is not opposed to the zoning change in the larger parcel of land from agricultural to residential. Mr. Clark notes there is no lake access and wonders who would want to pay a high price for a property without lake access. In relation to the smaller parcel the uses would have to be complimentary to the existing residential uses. Mr. Clark felt the trend in the area is upscale homes. He did not feel the possible increase in traffic which could result by a commercial use to be beneficial to the area. He felt a clinic or other uses would be better suited in an area that is already zoned commercial. Mr. Clark asked if a traffic study would be really necessary. Mr. Clark asked Council to deny this application.

Ben Barnett, 259 Seacliff Drive, hopes Council will remember the history of the area and the subject property. Mr. Barnett does not feel open retail was ever intended to be allowed on this property.

Elvey Marshall, Agent and Karl Tanner, Planner along with Tracey Wiper and Mr. Nolan were in attendance.

Mr. Tanner stated that he supports administration's recommendations. Mr. Marshall took exception to the comments presented by the neighbours stating the Owner wants to simply flip the property for a profit. The Owner wants to provide for a high end development on the property.

There was a Council discussion regarding the issue with commercial property abutting residential property.

In response to a comments made by the delegations, the Chief Administrative Officer stated that the Municipal Planner was providing her professional opinions and that needed to be respected. Council agreed.

Mr. Marshall advised the two (2) properties were brought forward together to protect the future development. He felt the existing zoning could allow for more non-compatible uses and was in support of administration's recommendation.

Mr. Sweet said Council has two (2) options; one, to pass the recommendation or leave the zoning as it is currently. Council can designate any zoning on any piece of property, however, the owners of the property have the option to Council's decision to the Ontario Municipal Board (OMB). Council is governed by the Municipality's Official Plan. A lengthy Council discussion occurred on the options.

In response to a question from Council, Mr. Marshall said one of the conditions of consent approval is the rezoning of the property.

Vince Bavetta, James Court, made the decision to move to the Leamington in the 80's and feels this area is a hidden treasure. It is his opinion the property in question should be turned into a "gateway" to the proposed subdivision.

Mr. Neufeld asked if there was any hope to find a middle ground he would be willing to broker a deal between the parties.

Mr. Marshall could not provide comments on Mr. Neufeld's suggestion because he has not had this type of discussion with his client.

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Jacobs

That the provisional approval of Consent Application B/05/15 for the creation of a parcel 5.021 ha (12.4 acres) from property located at 268 -282 Seacliff Drive West be supported by Council subject to the conditions listed in "Schedule A";

And that Zoning By-law Amendment Application ZBA #97 to change the zone of the severed lands from R1-17 to R1(H) and to amend the permitted uses and zone provisions of the R1-17 zone applicable to the retained lands be approved by Council;

And that if no concerns are raised at the public meeting the Clerk be directed to forward the amending By-law #462-15 to Council for its consideration (PLA-12-15).

**Defeated**

**2. Consent Applications B/06/15 to B/09/15 and Zoning By-law Amendment #111 for 1531 Mersea Road 1, Tiessen**

Manager of Planning Services, Danielle Truax, provided background information regarding Consent Applications B/06/15 to B/09/15 for the creation of three (3) new farm parcels, B/09/15 for the creation of a surplus dwelling lot and the required zoning amendment ZBA #111. Comments were received from the Essex Region Conservation Authority. They are not opposed as there is no proposed change in land use.

Elvey Marshall, Agent for the Applicant and Paul Tiessen, Applicant were in attendance.

Mayor Paterson asked if there was anyone in the audience wishing to speak regarding this public meeting.

Martin Rahn, resident, living across from the severed parcels is concerned about the condition of one of the bridges. Mr. Rahn feels he will be assessed for a portion of the bridge if it is replaced.

It is Mr. Marshall's understanding the cost of the bridge repair will be charged to the benefitting land owner.

Ruth Orton stated if it is a municipal drain and the bridge crosses the drain then all benefitting upstream owners are responsible.

Mr. Neufeld reminded Council this was a public meeting for a zoning by-law amendment. Under the Drainage Act, Mr. Rahn could appeal his assessment at a Court of Revision.

Mr. Botham advised if it is an existing bridge on a municipal drain, and is written in the engineers report then it would be paid for by the benefitting landowners.

Mr. Marshall reminded Council this was a severance not a Drainage Act issue.

Moved by: Councillor Verbeke  
Seconded by: Deputy Mayor MacDonald

That the provisional approval of Consent Applications B/06/07/08/09/15 for the creation of 3 new farm parcels and one surplus dwelling lot located at 1531 Mersea Rd. 1 be supported by Council subject to the conditions listed in "Schedule A";

And that Zoning By-law Amendment Application ZBA #111 to change the zone of the severed surplus dwelling from A1 to A5 be approved by Council;

And that if no concerns are raised at the public meeting the Clerk be directed to forward the amending By-law 463-15 to Council for its consideration (PLA-14-15).

**Carried**

3. Consent Application B/10/15 and Zoning By-law Amendment #112 for W/S Bruner Road, DeGoey

Manager of Planning Services, Danielle Truax, provided background information regarding Consent Application B/10/15 to add 0.07 ha of land from a vacant farm to the abutting residential lot and the required zoning amendment ZBA #112.

Mayor Paterson asked if there was anyone in the audience wishing to speak regarding this public meeting. No one responded.

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Jacobs

That the provisional approval of Consent Application B/10/15 for a lot addition of 0.07 ha (0.172 ac) from the vacant hobby farm on the west side of Bruner Lane (690-0300) to be consolidated with the abutting residential lot at 583 Bruner Lane (690-03010) be supported by Council subject to the conditions listed in "Schedule A";

And that Zoning By-law Amendment Application ZBA#112 to change the zone of the resulting parcel to A5-50 be approved by Council;

And that if no concerns are raised at the public meeting the Clerk be directed to forward the amending by-law #464-15 to Council for its consideration (PLA-16-15).

**Carried**

The meeting adjourned at 8:38 PM.

Minutes approved at Council Meeting held  
April 20, 2015, Resolution C-XX-15,  
Confirmation By-law XXX-15

## Report

**To:** Mayor and Members of Council

**From:** Lu-Anne Barreto, Drainage Superintendent

**Date:** March 23, 2015

**Subject:** Wilkinson-Shilson Drain,  
Celestino Bridge Replacement  
Part Lots 230, Concession STR,  
Municipality of Leamington

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### Aim:

To recommend Council appoint N.J. Peralta Engineering to prepare a report and the necessary plans, pursuant to the provisions of Section 78 of The Drainage Act R.S.O. 1990, for a bridge replacement over the Wilkinson-Shilson Drain.

### Background:

On February 16, 2015 a Request for Repairs & Improvements under Section 78 of the Drainage Act was received by the Municipality to replace an existing bridge over the Wilkinson-Shilson Drain. (please refer to attached map)

Section 78 of the Drainage Act states:

***Improving, upon examination and report of engineer***

***78. (1)*** *Where, for the better use, maintenance or repair of any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, or of lands or roads, it is considered expedient to change the course of the drainage works, or to make a new outlet for the whole or any part of the drainage works, or to construct a tile drain under the bed of the whole or any part of the drainage works as ancillary thereto, or to construct, reconstruct or extend embankments, walls, dykes, dams, reservoirs, bridges, pumping stations and other protective works as ancillary to the drainage works, or to otherwise improve, extend to an outlet or alter the drainage works or to cover the whole or any part of it, or to consolidate two or more drainage works, the council of any municipality whose duty it is to maintain and repair the drainage works or any part thereof may, without the petition required in section 4 but on the report of an engineer appointed by it, undertake and complete the drainage works as set forth in such report. R.S.O. 1990, c. D.17, s. 78 (1).*



**Comments:**

The owner of parcel # 570-05800, 556 Talbot Road E, John Celestino, is proposing to build a new house on this parcel of land. The house would be situated south of the drain. The existing bridge is an old timber structure, and should not be used for vehicular traffic.

**Financial Impact:**

This project is not identified in the 2015 Drainage Budget since the Drainage Superintendent has just been notified of the need for the replacement.

It is not known at this time whether or not the costs will be shared with upstream owners or borne entirely by the property owner. The appointed engineer will make that determination. If the costs are shared, net impact to the municipality will be negligible.

This replacement may be eligible for grant according to the Agricultural Drainage Infrastructure Program provided through the Ministry of Agriculture Food and Rural Affairs.

It is estimated that the engineering design will be approximately \$5,000. While it is very early in the process, a preliminary estimate of the bridge construction cost is \$20,000.

**Recommendation:**

That N.J. Peralta Engineering Inc. be appointed for the preparation of a report together with the necessary plans and profile to provide for a replacement bridge for John Celestino, owner of 556 Talbot Road E. over the Wilkinson-Shilson Drain pursuant to Section 78 of the Drainage Act;

And that all costs be charged to account number 10-7-0680-7680-977000-200092 and assessed out as per the assessment schedule approved in the report;

And that the Essex Region Conservation Authority be advised of the proposed improvements. (Report DR-09-15).

Respectfully submitted,

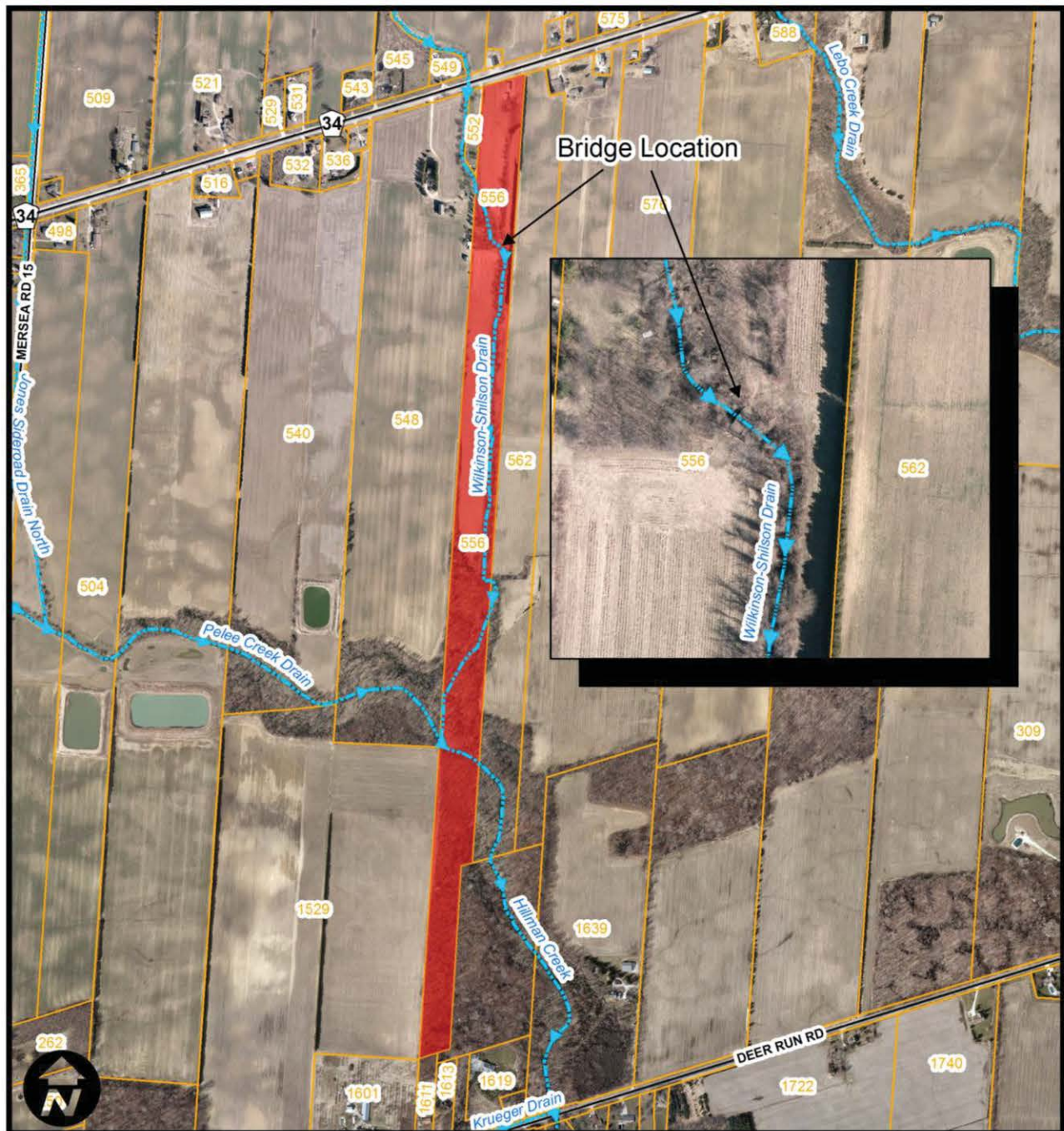
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Neufeld, CAO

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Lu-Ann Barreto  
Drainage Superintendent

Allan Botham, P.Eng.  
Manager of Engineering  
Services

Robert Sharon, CMO  
Director of Infrastructure  
Services



<b>Legend</b> Municipal Drains Subject Parcel Parcel Lines <p style="text-align: right;">*2013 Aerial Photography</p>		<b>Title:</b> <b>DR-09-15</b> <b>Wilkinson-Shilson Drain -Celestino Bridge</b>	
		LEAMINGTON ONTARIO CANADA <b>COPYRIGHT</b> 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.	<b>Scale:</b> 1:10,000 0 50 100 200 Meters 
		<b>Prepared For:</b> Drainage Dept.	<b>Date:</b> March 30, 2015
		<b>Prepared By:</b> GIS Services	<b>File No:</b> DR-09-15
		<b>Notes:</b> 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) 328-5761 FAX: (519) 328-2481	

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.

## Report

**To:** Mayor and Members of Council

**From:** Nelson Carvalho, Supervisor of Water Services

**Date:** April 13, 2015

**Re:** Union Water Supply System Annual Report for 2014  
Union Water Supply System Summary Report for 2014  
Leamington (Union) Distribution System Annual Report for 2014  
Wheatley Drinking Water System Annual Report for 2014

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### Aim:

To provide Council with the Annual Report and Summary Report for the Union Water Supply System, the Leamington (Union) Water Distribution System Annual Report, and the Annual Report for the Wheatley Drinking Water System; in accordance with Ontario Reg. 170/03, of the Safe Drinking Water Act.

### Background:

The operator of a water system is required to provide annual reports to the owner of the system, in this case the Municipality of Leamington through the municipal council. Thus the Union Water Supply System (UWSS) provides annual reports for the Leamington System supplied by UWSS, and the Chatham-Kent PUC provides annual reports for the portion of Leamington system supplied by the Wheatley water treatment plant.

In addition because the UWSS is in part owned by the Municipality of Leamington, UWSS also provides Leamington with a separate annual report for the UWSS System (treatment), and a Summary Report for its operations. All reports are to be made available to the public, and advertised as such.

### Comments:

The reports have been provided to Council under separate cover, and will be placed on the municipal web site.

This public report will also satisfy the MOE requirement to advertise the fact that the reports are available on the municipal web site.

Both the Wheatley Water and the UWSS Leamington distribution system annual reports noted only one instance of an adverse sampling result. In both cases resampling produced fully compliant readings. The UWSS summary report noted one non-compliance item

caused by a Programmable Logic Controller (PLC) failure. Chlorine was not fed to the reservoir for a 45 minute period. Despite this, reservoir chlorine levels remained within parameters. Corrective action has been taken to prevent a similar occurrence in the future.

Other than the identified items there were no instances in 2014 when either the Union Water Supply System, the Wheatley Water System, or the Leamington Water Distribution System were out of compliance with the requirements of the Safe Drinking Water Act 2002, associated regulations, system approvals, or provincial officer orders.

### **Recommendation:**

That Council receive the Union Water Supply System Annual Report for 2014 for information;

And that Council receive the Leamington (Union) Water Distribution System Annual Report for 2014 for information;

And that Council receive the Union Water Supply System Summary Report for 2014 for information;

And that Council receive the Wheatley Drinking Water System Annual Report for 2014 for information;

And further that the reports be placed on the Municipality's website and also be made available for public inspection at the Municipal Clerk's office, during normal business hours. (Report LWS-01-15)

Respectfully submitted,

Signed: \_\_\_\_\_

Nelson Carvalho  
Supervisor of Water Services

Signed: \_\_\_\_\_

Robert Sharon, CMO  
Director of Infrastructure Services

Signed: \_\_\_\_\_

Kit Woods P. Eng.  
Manager, Environmental Services

Peter  
Neufeld, CAO

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## Report

**To:** Mayor and Members of Council  
**From:** Kit Woods, Manager of Environmental Services  
**Date:** April 10, 2015  
**Re:** Tender for LPCC Outfall Sewer Manholes

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### Aim:

To recommend an award of tender for construction of 5 manholes on the outfall of the Pollution Control Centre.

### Background:

The Pollution Control Centre outfall is of indeterminate age, but at least dates back to the early 1940's. It is a single pipe with no manholes or means of access, running from the PCC approximately parallel to the Selkirk Drain to the edge of the lake, a distance of approximately 4300 ft. (1.3 km). The pipe starts at 30" diameter and expands to 34" diameter and subsequently 36" diameter to the edge of the lake. At the edge of the lake the pipe now connects through a chamber to a 42" diameter concrete pipe that extends into the lake approximately 2550ft (0.78km). At the discharge end of the pipe there is a wooden crib filled with rocks that protects the pipe from damage as it rises up approximately 7ft above the lake bed. The lake is approximately 22ft deep at that point.

As part of the design of the recent upgrade of the PCC the outfall size and distances were used to determine the available flow that could be accommodated by the pipe. (The effluent flows by gravity from the plant to the lake.) Based on the calculation the plant capacity was determined and the PCC Certificate of Approval from the Ministry of Environment specifies that the PCC shall take two times its rated capacity, or 70,000 m<sup>3</sup>/day, through full treatment during rain events.

The plant has been experiencing backups however in the outfall when attempting to send that flow rate through the pipe. Tree roots have been observed at the connection manhole at the lake edge. Investigation determined that the cost to camera the outfall pipe was going to be prohibitive and the exercise problematic. The main problem is that unlike normal sewers the outfall is 1.3 km long with no manholes. Traditional maintenance, using small cameras, flushing, eeling, etc. of sewer pipes are limited to approximately 300ft along a pipe, and require manholes at each end so that equipment can be retrieved.

Therefore, in order to inspect and subsequently maintain sections of the outfall in areas where trees are close by, it was proposed to construct manholes at strategic points along the route. Once these are installed inspection and future maintenance of those sections

will be possible. These inspections will also hopefully determine the long term viability of the outfall and a schedule for refurbishment or replacement as may be required.

One manhole was constructed on PCC property to iron out any constructability issues. The pipe in that area was then inspected and it was confirmed that tree roots are creating a significant blockage. It was then possible to cut out the roots between the PCC UV building outlet and the first manhole.

A further 5 manholes were then designed, with locations where access is available and where potential tree roots can be dealt with. The location of the manholes is shown approximately on the attached map.

### Comments:

Tenders were prepared by Stantec Consulting for the five manholes' construction and closed on April 2, 2015. The tenders were publicly opened on the same day. A total of four (4) tenders were received. All tenders were accompanied with the required tender deposit in the form of a Bid Bond. The tenders were reviewed and the tendered amounts excluding HST are shown below:

Nevan Construction Inc. 9590 Seacliff Drive Kingsville, ON N9Y 2K9	\$198,000.00 Excluding HST
D'Amore Construction (2000) Ltd. 3914 North Servioce Road East Windsor, ON N8W 5X2	\$249,500.00 Excluding HST
SLR Contracting Group Inc. 6260 Westar Drive Windsor, ON N9J 3W3	\$249,500.00 Excluding HST
Major Construction (2010) Ltd. 2393 Walker Road Windsor, ON N8W 3P7	\$259,950.00 Excluding HST

Stantec Consulting have reviewed the tenders and found no inconsistencies. They recommend the low bidder be awarded the work. Nevan Construction constructed the manhole on the PCC property and so they are very familiar with the issues involved. They performed well during that contract. Administration is therefore recommending the project be awarded to Nevan Construction Inc. at the tender price of \$198,000.00 plus HST.

### Financial Impact:

The 2015 capital budget for this project is \$195,000.00. Construction supervision and administration will be \$13,724.00 plus HST. This combined with the low bid of

\$198,000.00 plus HST results in a total of \$215,450.00 including net HST. Thus there is a potential shortfall of \$20,450.00

However, because of some uncertainties regarding the exact position and depth of the outfall along its length, provisional sums for these uncertainties were included in the tender documents. The sums were based on unit prices quoted by bidders for certain amounts of labour and materials should they be needed if the outfall is deeper than, or offset from, its anticipated location. These provisional items will only be paid if required.

In Nevan Construction Inc. base price the following provisional sums are included:

Extra depth should it be encountered:	\$7,000.00
Investigation of outfall location & any other issues:	\$29,000.00
Restoration of damaged areas:	\$29,500.00
General contingency:	\$9,000.00
<b>Total:</b>	<b>\$74,500.00</b>

It is not anticipated that all the provisional work will be required, and therefore it is unlikely that there will be a shortfall at the end of the project. However in the unlikely event that there is, Administration is recommending that the shortfall be made up from the PCC Reserve.

It should be noted that this project will be funded by the Sewer Surcharge rate, which rate has already been established for 2015 by Council. There will be no impact on the tax rate therefore as a result of this project.

### **Recommendation:**

That the low tender for the Leamington Pollution Control Centre Outfall Sewer Manhole construction be awarded to Nevan Construction Inc. in the amount of \$198,000.00 plus HST;

And that Administration be authorised to make up the 2015 PCC capital budget shortfall with PCC Reserve funds if necessary, in an amount not to exceed \$20,450.00.(ES-01-5)

Respectfully submitted,

Peter Neufeld,  
CAO

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Signed: \_\_\_\_\_  
Kit Woods  
Manager, Environmental Services

Signed: \_\_\_\_\_  
Robert Sharon  
Director of Infrastructure Services

## Proposed Manholes on LPCC Outfall

### Legend

 Parcels



1: 10,719.70



0 748.77 Meters



4/2/2015 1:49 PM

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes

Red - Proposed New

Blue - Existing



## Report

**To:** Mayor and Members of Council

**From:** Ramona Nordemann, Director of Finance & Business Services

**Date:** March 11, 2015

**Re:** One Investment Program Agreement Renewal and Investment Policy Update

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### Aim:

To renew the agreement between The One Investment Program and the Municipality of Leamington to include all options offered by The One Investment Program and to update the investment policy for the Municipality.

### Background:

The Association of Municipalities of Ontario (AMO), through its wholly owned subsidiary Local Authority Services (LAS), and the Municipal Finance Officers' Association of Ontario (MFOA), through its wholly owned subsidiary CHUMS Financing Corporation, operates a joint municipal investment program. This program assists municipalities in obtaining professionally managed investments that comply with the restrictions of the Municipal Act. The Municipality of Leamington continues to be a significant and long-standing partner in The One Funds Investment Program.

Council approved re-enrolment into "ONE - The Public Sector Group of Funds" and passed **By-law 55-99** to authorize entering into the Agency Agreement as of May 31, 1999. At that time, a money market and a bond fund were in existence.

Since 1999, additional investment options that comply with the Municipal Act have been added to the One Investment Program. In 2010, the One Investment Program updated and amended the Agency Agreement. Leamington has not yet entered into this updated agreement.

The Investment Policy **F12-Investments** was enacted in 1999. It is attached as Schedule A. The proposed Investment Policy is attached as Schedule B.

### Comments:

The Municipality of Leamington has not reviewed nor updated the investment agreement or investment policy since amalgamation in 1999. Funds have continued to be invested in money market funds over this period, with an average return of less than 1% over the past 5 years. More options are available that meet the requirements of the Municipal Act while providing greater returns to investing municipalities. It is the

intention of administration to reallocate the mix of investments to include a majority of funds in short term and long term bond portfolios, add exposure to equities and maintain bank balances sufficient to cover cash flow requirements. The initial planned change would leave approximately 25% of funds in the bank, with the remaining investment portfolio fund mix of 50% short term bonds, 35% long term bonds and 15% equities. Although this does increase the investment risk to the municipality, it remains within the conservative range of investments allowed under the Municipal Act.

It is appropriate that the investment policy and agreement with One Funds be updated at this time.

### **Financial Impact:**

The Municipality should be able to maintain liquidity and safety of investments while at the same time obtaining a more competitive rate of return. This will assist in easing the pressure of increasing costs on ratepayers. As with all investments, including money market funds, specific rates of return cannot be guaranteed.


### **Recommendation:**

That the updated investment policy **F12 - Investments** be adopted; and

That the Mayor and Clerk be authorized to sign the necessary by-law to enter into the updated Agency Agreement for the One Investment Program.

Respectfully submitted,

Peter Neufeld,  
CAO



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email=pneufeld@leamington.ca, c=CA  
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Ramona Nordemann, CPA, CA  
Director of Finance and Business Services



POLICY NO.  
DATE ENACTED:  
AMENDED BY:  
PAGE:

F12-Investments  
July 19<sup>th</sup>, 1999  
  
1 of 1

SUBJECT: STATEMENT OF INVESTMENT POLICIES & GOALS

POLICY APPLICATION

This policy will govern the investment of surplus cash, reserve and reserve funds and sinking funds of the Corporation of the Municipality of Leamington in accordance with Ontario Regulation 74/97 and 77/97 made under the Municipal Act (in force March 22, 1997).

INVESTMENT GOAL

The goal of this policy is to invest all available funds of the Corporation in a prudent manner so as to maximize the rate of return while minimizing the degree of risk and insuring an adequate level of liquidity.

ELIGIBLE INVESTMENTS

All investments by the municipality will be subject to Section 167 of the Municipal Act and Ontario Regulation 74/97 and 77/97 made under the Municipal Act.

(CAO 22/99)



<b>Policy No.:</b>	F12 - Investments
<b>Date Enacted:</b>	July 19, 1999, updated March 2015
<b>Amended By:</b>	FIN-05-15

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## **Subject**

Investment Policy and Goals

## **Purpose**

The Corporation of the Municipality of Leamington strives for the optimum utilization of its cash resources within statutory limitations and the basic need to protect and preserve capital, while maintaining solvency and liquidity to meet on-going financial requirements.

This policy will govern the prudent management of the Municipality's surplus funds and investment portfolio.

## **Scope**

This policy applies to all of the Municipality's surplus cash, reserve and reserve funds, sinking funds, deposits and other cash resources of the Corporation.

## **Objectives**

The primary objectives of the Investment Program, in priority order, shall be:

### **1. Adherence to Statutory Requirements:**

All investment activities shall be governed by the Municipal Act, as amended from time to time. Investments, unless limited further by Council, will be those deemed eligible under the provisions of the Municipal Act or as authorized by subsequent provincial regulations.

### **2. Preservation of Capital:**

Safety of principal is an important objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

### **3. Maintaining Liquidity:**

The investment portfolio shall remain sufficiently liquid to meet all operating or cash flow requirements and limit temporary borrowing requirements. This shall be done

where possible by structuring the portfolio such that securities mature concurrent with anticipated cash demands. Furthermore, since all possible cash demands cannot be anticipated, the portfolio shall consist largely of securities with active secondary or resale markets. A portion of the portfolio may be placed in local government investment pools which offer liquidity for short-term funds.

#### **4. Competitive Rate of Return:**

Without compromising other objectives, the Municipality shall maximize the rate of return earned on its portfolio by implementing a dynamic investment strategy as part of its investment program.

Trends in macro-economic variables will be monitored including interest rates, inflation, and foreign exchange rates, as affected through the political arena and international developments and perceptions.

Diversification, as well as ensuring safety of principal by limiting exposure to credit, sector or term risks, also provides opportunities to enhance the investment returns of the Municipality's portfolio by means of prudent and timely adjustments to asset mix.

### **Standard of Care**

#### **1. Prudence**

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Investment officers acting in accordance with written procedure and this investment policy and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risks or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidation or the sale of securities are carried out in accordance with the terms of this Policy.

#### **2. Ethics and Conflicts of Interest**

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio.

## Authorized Investments

The following are authorized investments:

- Bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or another province of Canada;
- Bonds, debentures, term deposits, deposit receipts, deposit notes, certificates of instruments issued, accepted, guaranteed or endorsed by any bank in Schedule I or II to the *Bank Act* (Canada);
- Bonds, debentures or promissory notes of a metropolitan, regional or district municipality, a school board, or a local board as defined in the *Municipal Affairs Act* or a conservation authority established under the *Conservation Authorities Act*;
- Bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development;
- Pooled investments operated by The One Investment Program

Investments in local government investment pools are permitted, in addition to direct investments made by the Municipality, to the extent they meet provincial regulations.

Investments in the One Investment Program are permitted. For municipalities such as Leamington, which are not individually rated by a recognized rating firm, no direct commercial paper investments are permitted. However, credit and term restrictions in addition to eligible security types are somewhat less restrictive for the One Investment Program than those restrictions applicable to individual municipalities. The One Investment Program is afforded these less stringent restrictions allowing municipal access to higher yielding security classes while being protected through professional portfolio management.

## Performance Standards

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and cash flow needs of the Municipality. Short-term funds will be compared to the return on the three month Government of Canada Treasury Bills and the One Fund's Money Market Fund. Long-term funds will be compared to Scotia McLeod's All Government Short Term Bond Index and One Fund's Bond Fund. The policy recognized that the rate of return will be influenced by external factors such as budgetary and economic cycles

and cash flow requirements of the Municipality. Further, the achievement of the targeted rate of return shall not supersede the stated objectives identified in this policy.

### **Investment Parameters**

The investments shall be diversified by:

- Limiting investments to avoid over-concentration in securities from a specific issuer or sector (excluding Government of Canada securities);
- Limiting investment in securities to those that have higher credit ratings;
- Investing in securities with varying maturities; and
- Investing in mainly liquid, marketable securities which have an active secondary market, to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

### **Safekeeping and Custody**

All securities shall be held for safekeeping by a financial institution approved by the Municipality. Individual accounts shall be maintained for each portfolio. All securities shall be held in the name of the Municipality.

The depository shall issue a safekeeping receipt to the Municipality listing the specific instrument, rate, maturity and other pertinent information. On a monthly basis, the depository will also provide reports which list all securities held for the Municipality, the book value of holdings and the market value as of month-end.

### **Reporting Requirements**

The Treasurer shall submit an investment report for Council at least annually, including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last year. The report will include the following:

- Listing of individual securities held at the end of the reporting period;
- Listing of investment by maturity date;
- Percentage of the total portfolio which each type of investment represents;
- A statement about the performance of the investment portfolio during the period covered by the report;

- A statement by the Treasurer as to whether or not, in his or her opinion, all investments were made in accordance with the investment policies and goals adopted by the Municipality;
- Such other information that the Council may require or that, in the opinion of the Treasurer, should be included.

## **Responsibilities and Authority**

The Treasurer and/or Deputy-Treasurer has the authority to:

- Enter into arrangements with banks, investment dealers and brokers, and other financial institutions for the purchase, sale, redemption, issuance, transfer and safekeeping of securities
- Execute and sign documents on behalf of the corporation and perform all other related acts in the day-to-day operation of the investment and cash management program
- Develop and maintain all necessary operating procedures for effective control and management of the investment function and reasonable assurance that the Corporation's investments are properly managed and adequately protected
- Obtain adequate insurance coverage to guard against any losses that may occur due to misappropriation, theft, or other unscrupulous acts of fraud with respect to the Corporation's financial assets

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**Leamington Municipal Heritage Advisory Committee  
LMHAC**

**Minutes**

**Wednesday, March 25, 2015**

**Ante Room, 111 Erie Street North, Leamington**

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**Members Present:** Chris Chopchik  
Maria Kouhang  
Scott Holland  
Mark Stevenson  
Tony Duncan

**Staff Present:** Manager of Legislative Services Kim Siddall  
Manager of Planning Services Danielle Truax  
Planning Assistant Carol Derksen

**Call to Order:**

Ms. Truax called the meeting to order at 3:00 PM and requested nominations for Chair of the meeting.

**Moved by:** Tony Duncan

**Seconded by:** Scott Holland

That Chris Chopchik be appointed the Chair for the Wednesday, March 25, 2015 meeting.

**CARRIED**

**Call to Order:**

Chris Chopchik called the meeting to order at 3:05 p.m.

**Minutes:**

**Moved by:** Tony Duncan

**Seconded by:** Scott Holland

That the minutes of the Wednesday, February 25, 2015 meeting of the Leamington Municipal Heritage Advisory Committee be adopted.

**CARRIED**

**Business Arising from Minutes: None**

**Business:**

Danielle Truax distributed and explained the forms below:

A. Reference Materials:

1. CHO Newsletter

- i. Winter 2015
2. CHO Heritage Matters
  - i. February 2015 Ontario's Sport Heritage
3. Windsor Community Museum Newsletter
  - i. Winter 2015
4. Ministry Correspondence (MTCS) -
  - i. 2015 Waiver of Registry Office Fees
  - ii. Criteria for Evaluating Archaeological Potential
  - iii. Criteria for Evaluating Cultural & Built Heritage Potential

Kim Siddall noted committee members should use name tags while visiting the registry office. Ms. Siddall stated new members will receive name tags, Carol Derksen to create names tags for new members.

Leamington Home & Garden Show - March 27-29

The committee reviewed attendance schedule and noted that many time slots were remaining. Additional pictures were to be provided for staff to assemble into a display. Ms. Chopchik offered to assemble raffle basket with Municipal items.

**New Business:** None

**Adjournment:**

**Moved by:** Maria Kouhang

**Seconded by:** Mark Stevenson

That the meeting adjourn at 3:30 PM

**Carried**

The next LMHAC Committee meeting date is Wednesday, **April 22, 2015** at 3:00 PM.

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# **Minutes - Leamington Police Services Board Meeting**

**Held Wednesday, November 26, 2014**

**Commencing at 8:30 AM**

**in the West End Meeting Room # 112**

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

**Also Present:** Inspector Glenn Miller  
Staff Sergeant Mike Beatty  
Sergeant Jerry Ribble  
Secretary Brian Sweet  
Recording Secretary Jennifer Bavetta

**Disclosures of Pecuniary Interest:** None.

## **Delegations:**

Constable Ryan Burney, Ron Funkenhauser and Ernie Harris of the Windsor Essex Crimestoppers were in attendance to provide an overview of the program. It was noted the program has been in existence in Essex County for thirty years and during that time over \$1,000,000.00 in rewards have been awarded for anonymous tips leading to solving of crimes.

Board member were informed that people may provide anonymous tips over the telephone or via the internet.

Constable Burney noted the Crimestoppers would be interested in attending community events in order to promote the program and that they currently collaborate with the CBC, AM800 and CTV and make presentations to the law classes of local high schools.

Inspector Miller noted this area has the highest crime clearance rate in the region extending to Owen Sound.

There was a discussion regarding the possibility of Crimestoppers representatives attending an upcoming Leamington BIA meeting in order to review concerns raised by the BIA members. It was suggested members of both the OPP and Crimestoppers should attend an upcoming meeting.

John Paterson thanked Constable Burney, Mr. Funkenhauser and Mr. Harris for attending the meeting and providing the valuable information.

## **Public Portion of the Meeting:**

### **Business Arising from the Minutes:**

Staff Sergeant Beatty noted a correction was required on Page 3 of the minutes. He noted in the third last paragraph of the page it states "...the OPP have compiled similar statistics for other police services boards..." however that is not true. They have not compiled such statistics before. He further noted the OPP do call tow truck companies in emergency situations and that the OPP would review records to determine tow truck statistics as best as they could.

#### **No. 39-11-14**

Moved by: Judy Butler

Seconded by: Joan McSweeney

That the Minutes of the Leamington Police Services Board Meeting held September 24, 2014 be approved as amended.

**"Carried"**

Staff Sergeant Beatty reviewed the Detachment Commander reports for the months of September and October, 2014. It was noted violent crime rates are down overall for 2014 while the total number of incidents has remained steady. With respect to overtime, it was noted a number of the hours are due to required court attendances.

It was noted there is a 93% clearance rate for violent crimes in Leamington.

In response to an inquiry from the Board, it was confirmed there were no additional costs to Leamington for the additional police staff and resources brought in to assist with the recent shooting incident in the uptown as the contract includes such costs.

#### **No. 40-11-14**

Moved by: Joan McSweeney

Seconded by: Judy Butler

That the Detachment Commander's Reports for the months of September and October, 2014 be received.

**"Carried"**

**No. 41-11-14**

Moved by: Judy Butler

Seconded by: Joan McSweeney

That the Windsor & Essex County Crime Stoppers Statistical Report for the month of October, 2014 and the Community Events report to date be received.

**“Carried”**

**No. 42-11-14**

Moved by: Judy Butler

Seconded by: Joan McSweeney

That the Community Events report to date be received.

**“Carried”**

**Addendum Item - Tow Truck Statistics from January 1 to September 30, 2014**

Staff Sergeant Mike Beatty reviewed the tow truck statistics for the period of January 1, 2014 to September 30, 2014. He noted the OPP do not get involved with every tow truck call and that the statistics do not include incident that occur on private property.

Following the review and a brief discussion Johan McSweeney thanked Staff Sergeant Beatty for providing the information.

**No. 43-11-14**

Moved by: Judy Butler

Seconded by: Lorraine Hodgson

That the Board receive the tow truck statistics for the months of January through September of 2014 for information.

**“Carried”**

**Questions and Statement Session:**

The Chair, John Paterson confirmed neither the Board nor the OPP had any items to discuss during the question and statement portion of the meeting.

**Closed Portion of the Meeting:**

**No. 44-11-14**

Moved by: Lorraine Hodgson

Seconded by: John Jacobs

That the meeting be closed at 9:37 AM to receive an update on ongoing litigation.

**“Carried”**

Brian Sweet provided an update on ongoing litigation. There was no direction given by the Board or resolutions passed during the Confidential portion of the meeting.

The Board moved into public session at 9:45 AM.

**Adjournment:**

**No. 45-11-14**

Moved by: Judy Butler

Seconded by: Joan McSweeney

That the meeting be adjourned at 9:45 AM.

**“Carried”**

**Next Meeting: Wednesday, January 28, 2015 at 8:30 AM.**

/jb

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