

## Council Agenda

1. **Call to Order**
2. **National Anthem**
3. **Disclosures of Pecuniary Interest and General Nature Thereof**
4. **Approval of Council Minutes**
  - 4.1. Minutes of the Council Meeting held July 10, 2017  
Pages 6 to 17
5. **Business Arising Out of the Minutes**
6. **Court of Revision, Drainage**

### **Attendance**

#### **Members Present:**

Deputy Mayor MacDonald, Chair;  
Councillors John Hammond, John Jacobs, Larry Verbeke, Tim Wilkinson

#### **Others Present:**

Mayor John Paterson  
Councillor Bill Dunn

### **Opening of Court of Revision, Drainage**

#### **Suggested Recommendation:**

That the Court of Revision, Drainage held July 24, 2017, be opened

## **Disclosures of Pecuniary Interest and General Nature Thereof**

### **Item for Consideration**

#### **1. Engineer's Report, Upper Portion of the Silver Creek Drain**

- Notice of Meeting dated June 27, 2017  
Pages 18 to 19
- By-law 39-17 being a by-law to provide for the construction of a new access culvert and assessments over the Silver Creek Drain - Upper Portion in Part Lot 4, Concession 6, Mersea Road 7 in the Municipality of Leamington in the County of Essex  
Pages 20 to 21
- Suggested Recommendation:

That construction of a new access culvert and assessments over the Silver Creek Drain - Upper Portion in Part Lot 4, Concession 6, Mersea Road 7 in the Municipality of Leamington in the County of Essex in accordance with By-law 39-17, be confirmed.

### **Closing of Court of Revision, Drainage**

Suggested Recommendation:

That the Court of Revision, Drainage held July 24, 2017, be closed

## **7. Public Meeting, Drainage**

#### **1. Meeting to consider Engineer's Report regarding Sloan Drain and Branches Maintenance Schedule of Assessment**

- Notice of Meeting to consider dated July 12, 2017  
Page 22
- Report DR-18-17 dated July 7, 2017 regarding Sloan Drain and Branches, New Schedule of Assessment  
Pages 23 to 25
- (Engineer's Report as prepared by Rood Engineering Inc. dated June 19, 2017 listed as Additions on the "Agendas, Meetings and Minutes" page of the Municipal Website)

Suggested Recommendation:

1. Council adopt the Engineer's Report prepared by Rood Engineering Inc., dated June 19th, 2017, pursuant to Section 76 of the Drainage Act, to provide for an Updated Maintenance Schedule on the Sloan Drain & Branches;
2. By-law 53-17 authorizing the report be presented to Council for 1st and 2nd reading;
3. The Clerk send by prepaid mail a copy of the By-law and Notice of the Court of Revision to each of the affected parties; and
4. A Court of Revision be held on the 28th day of August, 2017 (DR-18-17).

### Public Meeting, Planning

1. Notice of a Complete Application and Public Meeting to consider Consent Application (B-14-17) and Zoning By-law Amendment (ZBA #154)
  - Notice of Public Meeting dated July 5, 2017  
Pages 26 to 28
  - Report PLA-20-17 dated June 30, 2017 regarding Lot Addition B-14-17 Zoning By-law Amendment ZBA #154, Charles & Shirley Chevalier, Mersea Rd 10 (880-00500)  
Pages 29 to 37
  - Correspondence received from Essex Region Conservation Authority dated July 17, 2017  
Pages 38 to 39

Suggested Recommendation:

1. The provisional approval of Consent Application B-14-17 to add 0.08 ha (0.21 ac) of land to the residential lot located at 427 Mersea Road 10 from the abutting farm parcel on the north side of Mersea Road 10 be supported by Council subject to the conditions listed in "Schedule A";
2. Zoning By-law Amendment Application ZBA #154 to change the zone of the severed lands from A1 to A5 be approved by Council; and
3. Amending By-law #48-17 be forwarded to Council for consideration. (PLA-20-17)

## **8. Reports of Staff and Delegation**

- 8.1. Report ES-04-17 dated July 13, 2017 regarding Leamington Pollution Control Centre Diesel Pump Tender Award  
Pages 40 to 41
- 8.2. Report LLS-38-17 dated July 18, 2017 regarding Agreement for the Use of a Portion of Seacliff Beach, Rental of Non-motorized Watersport Equipment  
Pages 42 to 46
- 8.3. Report FIN-10-17 dated June 16, 2017 regarding Restatement of 2017 Budget in PSAB Compliant Format and Disclosure of Expenses Excluded in Accordance with Ontario Regulation 284/09  
Pages 47 to 52
- 8.4. Report FIN-11-17 dated July 13, 2017 regarding Development Charges and Fee for Water Service to Greenhouse Developments  
Pages 53 to 59

## **9. Matters for Approval**

None

## **10. Other Matters for Consideration**

None

## **11. Report on Closed Session**

Clerk to provide report on closed session from the Special Closed Meeting held July 19, 2017

## **12. Consideration of By-laws**

- 12.1. By-law 48-17, 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 #154, N/S Mersea Road 10 (PLA-20-17)
- 12.2. By-law 51-17 being a by-law to amend By-law 71-16, being a by-law to provide for a tariff of fees to be charged in 2017 by the Municipality of Leamington (FIN-11-17)
- 12.3. By-law 52-17 being a by-law to repeal By-law 409-14, being a by-law to establish Development Charges in the Municipality of Leamington (Development Charges) (FIN-11-17)
- 12.4. 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 (DR-18-17) (1<sup>st</sup> and 2<sup>nd</sup> reading)
- 12.5. By-law 54-17 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held July 24, 2017

## **13. Notices of Motion**

None

## **14. Open Session**

## **15. Statement of Members** (non-debatable)

## **16. Adjournment**

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

## **Minutes of the Council Meeting**

**Monday, July 10, 2017 at 6:00 PM**

**Council Chambers, 111 Erie Street North, Leamington**

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

**Staff Present:** Director of Legal and Legislative Services/Deputy Clerk, Ruth Orton  
Director of Community and Development Services, Paul Barnable  
Director of Finance and Business Services, Laura Rauch  
Manager of Engineering Services, Allan Botham  
Manager of Environmental Services, Shannon Belleau  
Manager of Planning Services, Danielle Truax  
Manager of Recreation Services, Terry Symons  
Junior Planner, Madeline Gibson  
Lawyer, Ed Posliff  
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-181-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Dunn

That the Minutes of the Council Meeting held June 26, 2017 be approved.

**Carried**

### **Business Arising Out of the Minutes:**

None noted.

Mayor Paterson welcomed two new staff members to the Municipality of Leamington. Director of Legal and Legislative Services, Ruth Orton introduced Lawyer Ed Posliff. Manager of Planning Services, Danielle Truax introduced Madeline Gibson, Junior Planner.

### **Public Meeting, Planning:**

#### **1. Notice of a Complete Application and Public Meeting to consider Consent Application (B/09/17) and Zoning By-law Amendment ZBA #148 (429 Kent Road 1)**

Manager of Planning Services, Danielle Truax reviewed the report.

Ms. Truax advised that there were no verbal or written comments received from members of the public on this matter. Written comments were received from the Essex Region Conservation Authority as well as the County of Essex and included in the Council Meeting Agenda.

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

#### **No. C-182-17**

Moved by: Councillor Verbeke  
Seconded by: Councillor Jacobs

1. The provisional approval of Consent Application B-09-17 to add 0.16 ha (0.403 ac) of land from the residential lot located at 429 Kent Road 1 to the abutting greenhouse farm at 433 Kent Road 1 be supported by Council subject to the conditions listed in "Schedule A";
2. Zoning By-law Amendment Application ZBA #148 to change the zone of the severed lands from A5 to A2 be approved by Council; and
3. Amending By-law #46-17 be forwarded to Council for consideration. (PLA-19-17)

**Carried**

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

#### **1. Report LLS-36-17 dated June 29, 2017 regarding Noise By-law Exemption Request, 1529 Deer Run Road, Leamington**

Director of Legal and Legislative Services, Ruth Orton presented the report. Ms. Orton advised that the applicants will be submitting a Special Event Application in order to address other issues relating to the event, such as parking.

Applicant Shelly Krueger was present to answer any questions relating to this matter. There were no questions from Council.

**No. C-183-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Wilkinson

1. Council grant an exemption from Leamington's Noise By-Law #431-03, Section 2(1) between the hours of 3:00 PM to 11:59 PM on Saturday, August 19, 2017 and from 12:00 AM to 1:00 AM on Sunday, August 20, 2017 for a wedding reception to be held at 1529 Deer Run Road. (Report LLS-36-17)

**Carried**

**2. Report PLA-21-17 dated June 27, 2017 regarding Part Lot Control Exemption, Lots 4-12, Plan 12M-616, Destiny Estates Subdivision, Phase 2**

Manager of Planning Services, Danielle Truax presented the report.

In response to a question from Council, Ms. Truax advised that there was no change in the type of building constructed, however, the builders are simply going through a different type of planning process. Traditionally, this would have gone through a series of applications for consents to sever.

**No. C-184-17**

Moved by: Councillor Hammond  
Seconded by: Councillor Dunn

1. By-law 47-17 to exempt Lots 4-12, Plan 12M-616 (Destiny Estates Subdivision) from the provisions of Part Lot Control in accordance with subsection 50(7) of the Planning Act be approved; and
2. By-law 47-17, together with the documentation in support of the Part Lot Control Exemption be forwarded to the County of Essex for final approval. (PLA-21-17)

**Carried**

**3. Report REC-08-17 dated June 15, 2017 regarding Leamington Municipal Marina GH Dock Consultation Services**

Manager of Recreation Services, Terry Symons presented the report.

In response to a question from Council, Mr. Symons advised that there is an element of the consultation tender that allows for consideration of expanding future uses, however, the project is largely intended to focus on reconstruction of the existing dock.

Mr. Symons noted that discussion regarding future expansion of the dock can be held with the consultant; this would be included in the cost of the tender if there is room in the budget.

In response to a question from Council, Mr. Symons advised that Administration could not use the plan developed after the post-tornado dock reconstruction. A new plan is necessary in order to review the options now that larger boats are attending the dock, and to ensure proper oversight of the construction phase as well.



In response to a question from Council, Mr. Symons advised that construction is expected to begin early October and the project should be complete before the 2018 season begins.

**No. C-185-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Hammond

1. The GH Dock Consultation Services be awarded Dillon Consulting, Windsor, ON N8W 5K8, in the amount of \$50,000 (excluding HST);
2. That the Mayor and Clerk be authorized to execute the contract. (REC-08-17).

**Carried**

**4. Report LWS-03-17 dated June 14, 2017 regarding Leamington (Wheatley) Water Distribution System Inspection Report**

Manager of Environmental Services, Shannon Belleau presented the report.

In response to a question from Council, Ms. Belleau advised that there is no Board of Directors for the Leamington (Wheatley) Distribution System, as it is administered by the Municipality of Chatham-Kent. Ms. Belleau noted that she would look into the possibility of bringing Council on a tour of the facility.

**No. C-186-17**

Moved by: Councillor Verbeke  
Seconded by: Councillor Hammond

1. The Ontario Ministry of the Environment and Climate Change (MOECC) Drinking Water System Inspection Report for the Leamington (Wheatley) Distribution System, dated June 13, 2017, be received; and
2. The report be placed on the Municipality's website and also be made available for public inspection at the Municipal Clerk's office, during normal business hours. (Report LWS-03-17)

**Carried**

**5. Report ES-03-17 dated June 12, 2017 regarding Uptown Waste Collection**

Manager of Environmental Services, Shannon Belleau presented the report.

In response to a question from Council, Ms. Orton advised that the current fine for a contravention to the Waste Management By-law is \$125, however, Administration has received approval to increase fines ranging from \$300 to \$500 per offence.

In response to a question from Council, Ms. Belleau explained the bag tag program.

In response to a question from Council, Ms. Belleau advised that the Leamington Business Improvement Association (BIA) was aware that the report was being brought forward to Council at this time.

In response to a question from Council, Ms. Belleau advised that the BIA is supportive of Administration's recommendation, however, Ms. Belleau is unaware of any other waste management program through the BIA.

In response to a question from Council, Ms. Belleau noted that the waste management program won't curb the behaviour of the worst offenders, however, it does provide the ability to educate and lay fines per offence.

In response to a question from Council, Ms. Belleau advised that Administration is prepared to act on the recommendations outlined in the report right away.

In response to a question from Council, Mayor Paterson advised that the possibility of placing cameras in the Uptown area has been brought to Council for consideration in the past, however, they were not approved because Council did not feel the cost should be borne by the taxpayers.

Council discussed a timeline for review of the program and amended the recommendation to reflect this.

**No. C-187-17**

Moved by: Councillor Jacobs

Seconded by: Councillor Hammond

1. Council support the method and enforcement strategy outlined in this report for management of uptown waste collection. (Report ES-03-17) and
2. That the matter be brought back to Council for discussion in a year's time for review.

**Carried**

Councillor Verbeke left the Council Chambers at 7:09 p.m. and returned at 7:12 p.m.

**6. Report ENG-13-17 dated June 30, 2017 regarding Danforth Avenue Sewer Separation and Road Reconstruction Tender Results**

Manager of Engineering Services, Allan Botham presented the report.

In response to a question from Council, Mr. Botham advised that the funds received from the Clean Water and Wastewater Fund (CWWF) is going towards 4 projects, including Danforth Avenue. The funds can be used for all of the construction costs, not only the sewer construction costs.

In response to a question from Council, Mr. Botham advised that it would not be recommended to reduce the portion of the project costs charged to residents, as this would be in contravention of the Sanitary Sewer By-law.

In response to a question from Council, Mr. Botham advised that J & J Lepera has multiple sewer construction crews and will be in a position to start the Danforth project shortly.

In response to a question from Council, Mr. Botham advised that if the construction costs come back lower than the estimated costs, this will be reflected in the amount charged to residents when brought back to Council for consideration.

In response to a question from Council, Mr. Botham advised that when notification letters are mailed to residents, they are typically provided with a breakdown of the project costs, not only their own fee.

In response to a question from Council, Mr. Botham advised that the project will include the installation of barrier curbs with gutters as well as 6 foot wide sidewalks. Driveways will be cut to match.

In response to a question from Council, Mr. Botham advised that Administration is working out a solution for a driveway on the north end of the project to ensure adequate parking for the homeowner.

**No. C-188-17**

Moved by: Councillor Jacobs

Seconded by: Councillor Hammond

1. Council award the Danforth Avenue Sewer Separation and Road Reconstruction project to J&J Lepera Infrastructures Inc., 4405 Seventh Concession Road, Windsor, Ontario, N9A 6J3, for the amount of \$2,787,000, plus HST; and
2. The Mayor and Clerk be authorized to enter into the necessary agreements.  
(ENG 13-17)

**Carried**

**7. Report ENG-12-17 dated June 30, 2017 regarding Tender Results, Signalization Oak and Wigle Intersection and Active Transportation Implementation**

Manager of Engineering Services, Allan Botham presented the report. Mr. Botham advised that the project is estimated to take 25 working days and will include a significant amount of active transportation construction within the project.

In response to a question from Council, Mr. Botham advised that a full report will be coming to Council for consideration regarding the transportation plan for the neighbourhood. Mr. Botham noted that there is a commitment from both school boards to improve parking at both schools.

In response to a question from Council, Ms. Orton advised that Administration received easements across two properties at the corner of Wigle Street in order to accommodate the widening of the intersection.

In response to a question from Council, Ms. Orton advised that Administration is investigating the need for crossing guards in the area, however, it is not anticipated that the number of crossing guards will be reduced at this time.

In response to a question from Council, Mr. Botham advised that Administration will work with the contractor to regulate the noise level of the crossing signal.

**No. C-189-17**

Moved by: Councillor Hammond  
Seconded by: Deputy Mayor MacDonald

1. The Signalization of Oak & Wigle Intersection and Active Transportation Implementation project be awarded to Pierascenzi Construction Limited, 7405 Broderick Rd, Windsor, Ontario, N9H 1W7, in the amount of \$499,310 (plus all applicable taxes);
2. The Mayor and Clerk be authorized to execute the necessary agreements; and
3. Additional funding of \$260,100 from the Federal Gas Tax Reserve be approved. (ENG 12-17)

**Carried**

**8. Report ENG-10-17 dated June 13, 2017 regarding Johnson Avenue and Grace Avenue No Parking**

Manager of Engineering Services, Allan Botham presented the report.

In response to a question from Council, Mr. Botham advised that the no parking regulation will apply to residents as well as visitors.

**No. C-190-17**

Moved by: Councillor Verbeke

Seconded by: Councillor Dunn

1. Schedule D of Leamington By-law 4284-95 be amended to add and amend no parking zones on Johnson Avenue and Grace Avenue; and
2. Schedule Z of Leamington By-law 4284-95 be amended to correct the limits of Permit Parking Residential zones on Johnson Avenue. (ENG 10-17)

**Carried**

**9. Report ENG-11-17 dated June 13, 2017 regarding Elizabeth Crescent No Stopping Zones**

Manager of Engineering Services, Allan Botham presented the report.

In response to a question from Council, Mr. Botham advised that St. Louis School has a fully designed “kiss and ride” area that will accommodate parents dropping off or picking up their children from school.

In response to a question from Council, Mr. Botham advised that it is better to have parking on only one side of the street in this area in order to allow for two lanes of traffic.

In response to a question from Council, Ms. Orton advised that the no stopping regulation will be enforced by the Ontario Provincial Police.

In response to a question from Council, Mr. Botham advised that the school will be providing notification to parents about the no stopping zone prior to the start of the school year.

**No. C-191-17**

Moved by: Councillor Dunn

Seconded by: Councillor Jacobs

1. Schedule B of Leamington By-law 4284-95 be amended to add no stopping zones on Elizabeth Crescent. (ENG 11-17)

**Carried**

**10. Report LLS-30-17 dated June 14, 2017 regarding Council Member Appointment to the Leamington Accessibility Advisory Committee**

Director of Legal and Legislative Services, Ruth Orton presented the report. Councillor Dunn left the Council Chambers at 8:02 p.m. and was not present for the vote on this matter.

**No. C-192-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Wilkinson

1. Councillor Hammond be appointed to the Leamington Accessibility Advisory Committee effective immediately for a term to expire November 30, 2018. (LLS-30-17)

**Carried**

Councillor Dunn returned to the Council Chambers at 8:05 p.m.

**11. Report LLS-35-17 dated June 21, 2017 regarding Essex Power Corporation, Appointment of Proxyholder for the 2016 Annual Meeting of Shareholders**

Director of Legal and Legislative Services, Ruth Orton presented the report.

In response to a question from Council, Mayor Paterson advised that the proxyholder and alternate proxyholder are appointed by Council every four years.

**No. C-193-17**

Moved by: Councillor Hammond  
Seconded by: Councillor Dunn

1. Mayor John Paterson be appointed proxyholder for the Municipality of Leamington to cast its shareholder's votes at Essex Power Corporation's 2016 shareholders' annual meeting; and
2. Frank Ricci be appointed as an alternate proxyholder for the Municipality of Leamington to cast its shareholder's votes at Essex Power Corporation's 2016 shareholders' annual meeting if Mayor John Paterson is absent from the meeting; and
3. The Clerk be authorized to sign and forward to Essex Power all necessary proxy forms to implement this resolution. (Report LLS-35-17)

**Carried**

**12. Report LLS-28-17 dated May 26, 2017 regarding Purchase of By-law Enforcement Vehicles**

Director of Legal and Legislative Services, Ruth Orton presented the report.

In response to a question from Council, Ms. Orton advised that By-law Enforcement will be keeping one of the current vehicles, however, the other will be auctioned off with other fleet in the fall.

In response to a question from Council, Ms. Orton advised that the tender specifications include automatic transmission for ease of use, a maximum 3L engine for fuel efficiency and four wheel drive for use in snow and ice.

**No. C-194-17**

Moved by: Councillor Hammond  
Seconded by: Councillor Dunn

1. The purchase of two (2) 2017 Nissan Jukes in the amount of \$46,990 (plus HST) from Airport Nissan Corp., Brampton, ON, be approved. (LLS-28-17)

**Carried**

**Matters for Approval:**

**No. C-195-17**

Moved by: Councillor Dunn  
Seconded by: Deputy Mayor MacDonald

That the Minutes of the Leamington Municipal Heritage Advisory Committee held May 24, 2017 be approved.

**Carried**

**Other Matters for Consideration:**

None noted.

**Consideration of By-laws:**

**No. C-196-17**

Moved by: Councillor Dunn  
Seconded by: Councillor Jacobs

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

By-law 43-17 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, D and Z) (ENG-11-17, ENG-10-17)

By-law 44-17 being a by-law to amend By-law 668-06, being a By-law to provide for the regulation and registration of dogs (LLS-29-17 June 26, 2017)

By-law 45-17 being a by-law to Appoint By-law Enforcement Officers for the purposes of enforcing animal welfare provisions in the Municipality of Leamington (LLS-29-17 June 26, 2017)

By-law 46-17 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 148 429 Kent Road 1 (PLA-19-17)

By-law 47-17 being a by-law to provide that Part Lot Control shall not apply to certain lands within Registered Plan 12M-616 (PLA-21-17)

By-law 49-17 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held July 10, 2017

**Carried**

### **Notices of Motion:**

None noted.

### **Open Session** of Council and Administration:

Councillor Verbeke requested the key to the old railway station near the high school. Ms. Orton advised that Administration will follow up on this matter.

Councillor Jacobs expressed concern regarding heavy transport traffic through the Uptown area. Ms. Orton advised that there are no by-laws in place that prohibit such traffic, however, Administration could contact local businesses to discuss the concern. It was noted that this issue could be discussed during the strategic session of the Special Council Meeting being held July 19<sup>th</sup>.

Councillor Hammond noted that the Canada Day Parade was very well done and expressed congratulations to the Leamington Chamber of Commerce for their hard work.

Councillor Dunn noted that the Canada Day fireworks were spectacular, particularly from the municipal dock.

Mayor Paterson provided Council with a brief update regarding his attendance at a swearing in ceremony for emergency medical officers, a graduation ceremony for students of Leamington District Secondary School, a Canada Day event at the Leamington Mennonite Home as well as the Arts at the Marina event.

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

None noted.



**Adjournment:**

**No. C-197-17**

Moved by: Councillor Dunn

Seconded by: Councillor Hammond

That the meeting adjourn at 8:18 PM.

**Carried**

John Paterson, Mayor

Ruth Orton, Deputy Clerk

Minutes approved at Council Meeting held  
July 24, 2017, Resolution C-XX-17,  
Confirmation By-law XX-17



## Court of Revision

June 27, 2017

To: All Affected Owners

Dear Sir or Madam:

Re: Engineer's Report - Upper Portion of the Silver Creek Drain  
New Access Culvert and Improvements  
Municipality of Leamington, County of Essex

Please find enclosed By-law Number 39-17, to provide for a new access culvert and assessments over the Silver Creek - Upper Portion in the Municipality of Leamington in the County of Essex.

Please note that the Engineer's Report was forwarded to you on June 15, 2017.

DATE: Monday, July 24, 2017

TIME: 6:00 p.m.

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

Notice is hereby given for the hearing and trial of appeals made against the said assessment or any part thereof, in the same manner prescribed by The Municipal Drainage Act, any notice of such appeal to be served on the Clerk of the Municipality at least ten days before the meeting of the said Court.

Further notice is hereby given that any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of an Engineer, may appeal therefrom to the Drainage Referee and in every such case a written notice of appeal shall be served upon the Head of the

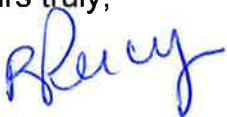
Council of the initiating Municipality or the Clerk thereof within forty days after the date of mailing of the copy of the Engineer's Report and Notice under Section 40 or 41 of The Drainage Act R.S.O. 1990.

Further notice is hereby given that any owner of land, public utility, Conservation Authority or local municipality affected by a drainage works, if dissatisfied with the report of the Engineer, may appeal to the Ontario Drainage Tribunal, and in every case a written notice of appeal shall be served upon the Mayor and Clerk of the initiating Municipality within forty days after the date of mailing of the copy of the Engineer's Report and Notice under Section 40 or 41 of The Drainage Act R.S.O. 1990.

Further notice is hereby given that anyone intending to apply to have such bylaw or any part thereof quashed must, not later than ten days after the final passing thereof, serve a notice in writing upon the Mayor and Clerk of the initiating Municipality of his intention to make application for that purpose to the Drainage Referee, during the six weeks ensuing the final passing of the said Bylaw, or where a notice of intention has been given, an application to quash must be made to the Drainage Referee within three months after the final passing of the said By-law.

Should you have any further questions, please contact the Drainage Department at 519-326-5761 extension 1315.

Yours truly,



Brenda Percy  
Clerk

/ls

Enclosure

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

## **By-Law 39-17**

Being a by-law to provide for the construction of a new access culvert and assessments over the Silver Creek Drain - Upper Portion in Part Lot 4, Concession 6 , Mersea Road 7 in the Municipality of Leamington in the County of Essex

**Whereas** the Council of The Corporation of the Municipality of Leamington has procured a report under Section 78 of the Drainage Act for the construction of one (1) new access culvert and assessments over the Sliver Creek Drain - Upper Portion.

And whereas the report dated May 26, 2017 has been authored by N.J. Peralta Engineering Ltd. and the attached report forms part of this by-law;

And whereas there is no amount to be contributed by the Municipality of Leamington for the drainage works;

And whereas the Council is of the opinion that the drainage of the area is desirable.

**Now therefore**, the Council of The Corporation of the Municipality of Leamington hereby enacts as follows:

### **1. Authorization**

The attached report is adopted and the drainage works are authorized and shall be completed as specified in the report.

### **2. Assessed Costs**

If the actual cost of the drainage works varies from the estimated cost as set out in the Schedule of Assessment contained in the engineer's report, and as included herewith and forming part of this by-law, the actual cost shall be assessed, levied and collected upon and from the said parcels of lands and roads and parts of parcels in the same proportions and in the same manner as provided in the Schedule of Assessment contained in the Engineer's report, or as revised by the Court of Revision or some higher court of appeal.

**3. Citation**

This by-law comes into force on the passing thereof and may be cited as the "New Access Culvert and Assessment over the Silver Creek Drain - Upper Portion By-law".

Read a first and second time this 26<sup>th</sup> day of June, 2017.

*Signature on file*  
John Paterson, Mayor

*Signature on file*  
Brenda M. Percy, Clerk

Read a third time and finally enacted this <sup>th</sup> day of , 2017.

John Paterson, Mayor

Brenda M. Percy, Clerk

## Meeting to Consider

July 12, 2017

To: All Affected Owners

Dear Sir or Madam:

Re: **Engineer's Report - Sloan Drain & Branches  
Maintenance Schedule of Assessment  
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 Report as prepared by Rood Engineering Inc. dated June 19, 2017, a copy of which is attached, was filed with the Clerk of the Municipality of Leamington on July 10, 2017, and will be considered at a meeting of the Leamington Council:

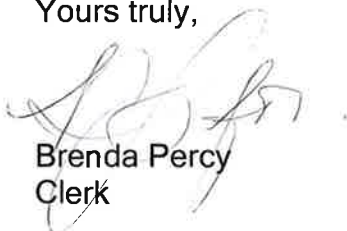
**Date: Monday, July 24, 2017**

**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:** July 7, 2017

**Re:** Sloan Drain & Branches - New Schedule of Assessment

---

### Recommendation:

It is recommended that:

1. Council adopt the Engineer's Report prepared by Rood Engineering Inc., dated June 19<sup>th</sup>, 2017, pursuant to Section 76 of the Drainage Act, to provide for an Updated Maintenance Schedule on the Sloan Drain & Branches;
2. By-law 53-17 authorizing the report be presented to Council for 1st and 2nd reading;
3. The Clerk send by prepaid mail a copy of the By-law and Notice of the Court of Revision to each of the affected parties; and
4. A Court of Revision be held on the 28<sup>th</sup> day of August, 2017 (DR-18-17).

### Background:

In 2015, the Municipality received a request for drain maintenance. In completing the review of this drain, it was determined that cost would not be distributed fairly due to incorrect parcel information in the assessment schedule. Therefore, the Drainage Superintendent determined that prior to any maintenance being performed on the drain, a new schedule shall be created.

Council appointed Rood Engineering (C-50-16) to prepare an updated schedule of assessment.

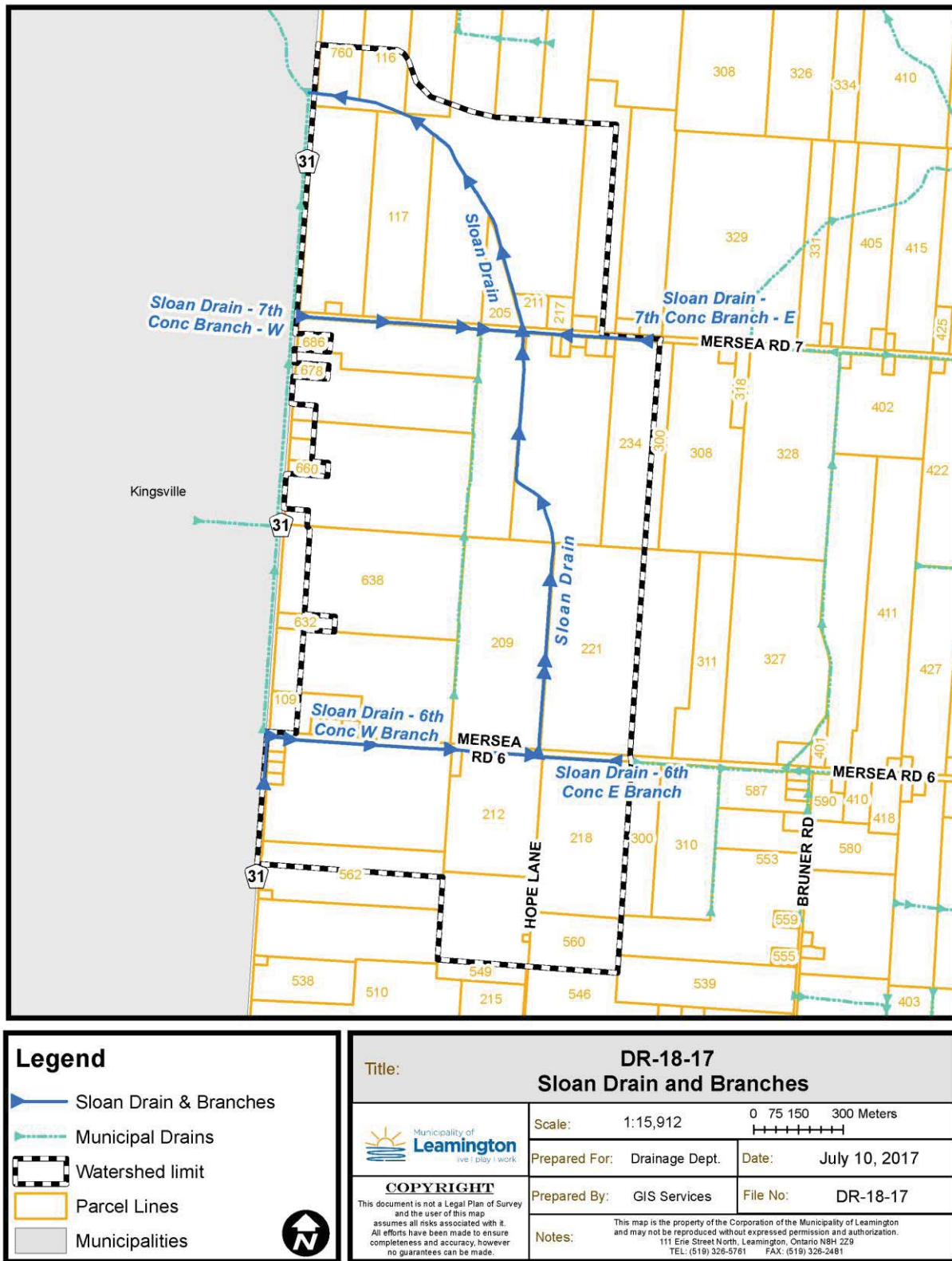


Figure 1 - Local Drainage Areas



## Comments:

When an engineer is appointed to provide a new schedule of assessment, the Municipality typically also requests a cost sharing determination for all existing bridges. Historically, many drainage reports were silent on the cost sharing for maintenance of bridges along a municipal drain. The additional comments regarding bridges allows the Superintendent to replace an existing bridge under maintenance and assess the cost fairly.

## Financial Impact:

This project is in the 2017 Drainage Budget.

As per the Agricultural Drainage Infrastructure Program (ADIP) Section 76 reports are ineligible for grant.

Administration notes that the maintenance schedule of assessment created by the engineer, and attached to the report, uses an arbitrary number of \$10,000 to assess costs. This is common practice in drainage reports.

Administration notes that the municipal portion of this project is 8% for Mersea Road 6 and Mersea Road 7.

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer

Digitally signed by Peter Neufeld, Chief Administrative Officer  
DN: cn=Peter Neufeld, Chief Administrative Officer, o=, ou, email=pneufeld@leamington.ca, c=CA  
Date: 2017.07.20 09:41:18 -0400

Lu-Ann Marentette  
Drainage Superintendent

Allan Botham P.Eng  
Manager of Engineering

Robert Sharon CMO  
Director of Services  
Infrastructure Services

/LB

Attachments: Engineer's Report under separate cover

File: T:\Community Services\Community Services\Community Services Council Reports\2017 Report\Drainage\DR-18-17 - Sloan Drain - Maintenance Sched\DR 18-17 - Sloan Drain Maintenance Sched.doc

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

### **Notice of a Complete Application and Public Meeting to consider Consent Application (B-14-17) and Zoning By-law Amendment (ZBA #154)**

---

**Take Notice** that the Council of The Corporation of the Municipality of Leamington has received a combined Consent Application B-14-17 and Zoning By-law Amendment Application ZBA #154 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, July 24, 2017 at 6:00 pm** in the Council Chambers at the Municipal Building to consider these applications which apply to vacant lands located on the north side of Mersea Road 10.

**The Purpose** of Consent Application B-14-17 is to add an “L” shaped parcel of land approximately 0.08 ha (0.214 ac) in area from the vacant farm land located on the north side of Mersea Road 10 (see attached key map) to the residential lot at 427 Mersea Road 10. The proposed lot addition is requested to correct existing encroachments of the driveway and shed used by the residential lot on the vacant farm. An amendment to Zoning By-law #890-09, as amended will be necessary to change the zoning of the severed lands from the Agricultural General Zone (A1) to the Agricultural Residential Zone (A5) to reflect the proposed residential use of the severed lands once merged with 427 Mersea Road 10.

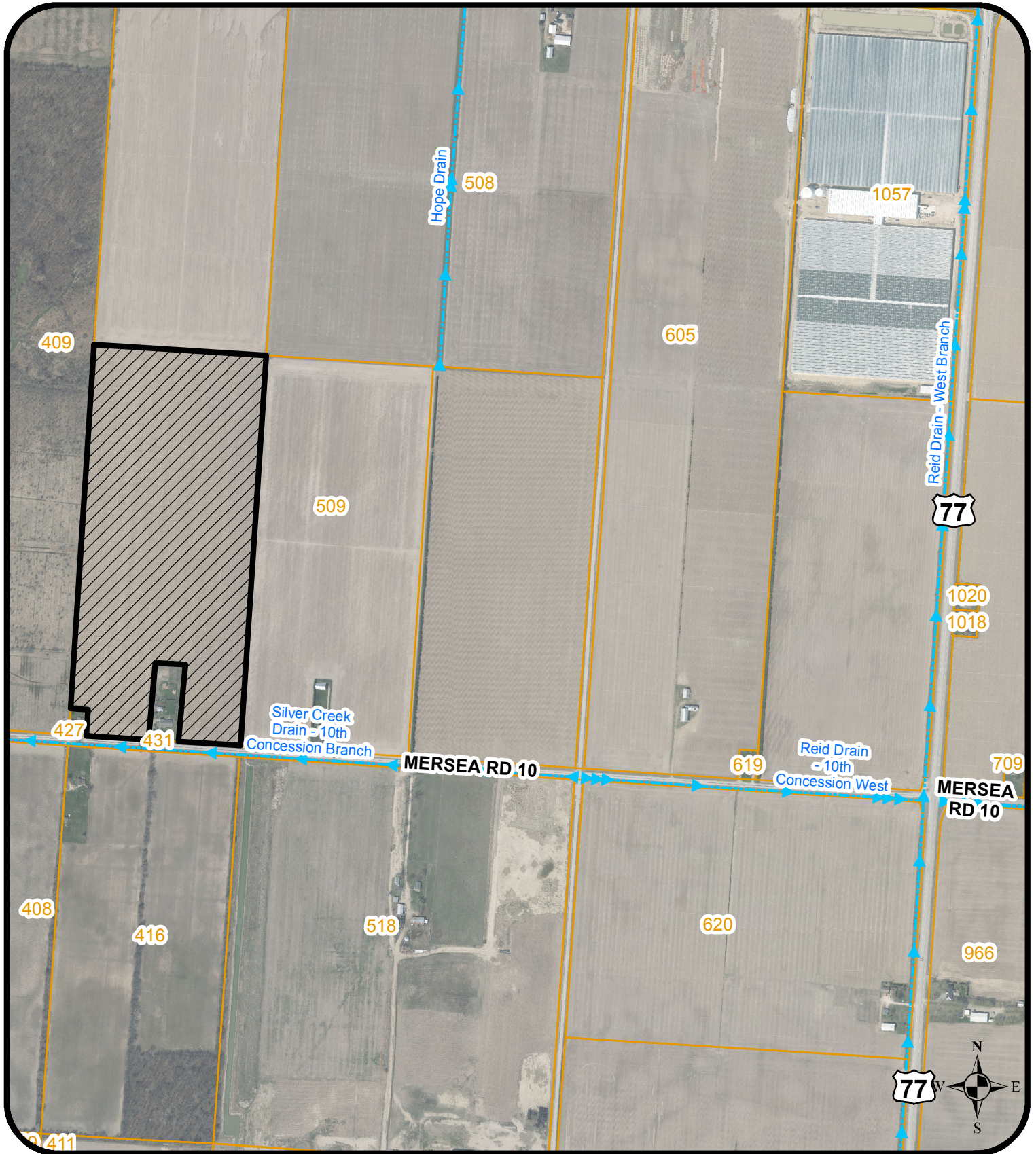
**Any Person** may attend the public meeting and/or make written or verbal comments either in support of or in opposition to the proposed consent or zoning by-law amendment. If you wish to be notified of the decision of Municipality of Leamington, you must make a written request to the Corporation of 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 Danielle Truax, Manager of Planning Services at 519-326-5761 extension 1405 for further information.





## Legend



NS Mersea Road 10  
Consent Application B/14/17 and ZBA #154  
C. & S. Chevalier

Aerial Photography : April 2015

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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

27-01-59







## Report

**To:** Mayor and Members of Council

**From:** Danielle Truax, Manager of Planning Services

**Date:** June 30, 2017

**Re:** Lot Addition B-14-17  
Zoning By-law Amendment ZBA #154  
Charles & Shirley Chevalier - Mersea Rd 10 (880-00500)

---

### Recommendation:

It is recommended that:

1. The provisional approval of Consent Application B-14-17 to add 0.08 ha (0.21 ac) of land to the residential lot located at 427 Mersea Road 10 from the abutting farm parcel on the north side of Mersea Road 10 be supported by Council subject to the conditions listed in "Schedule A";
2. Zoning By-law Amendment Application ZBA #154 to change the zone of the severed lands from A1 to A5 be approved by Council; and
3. Amending By-law #48-17 be forwarded to Council for consideration. (PLA-20-17)

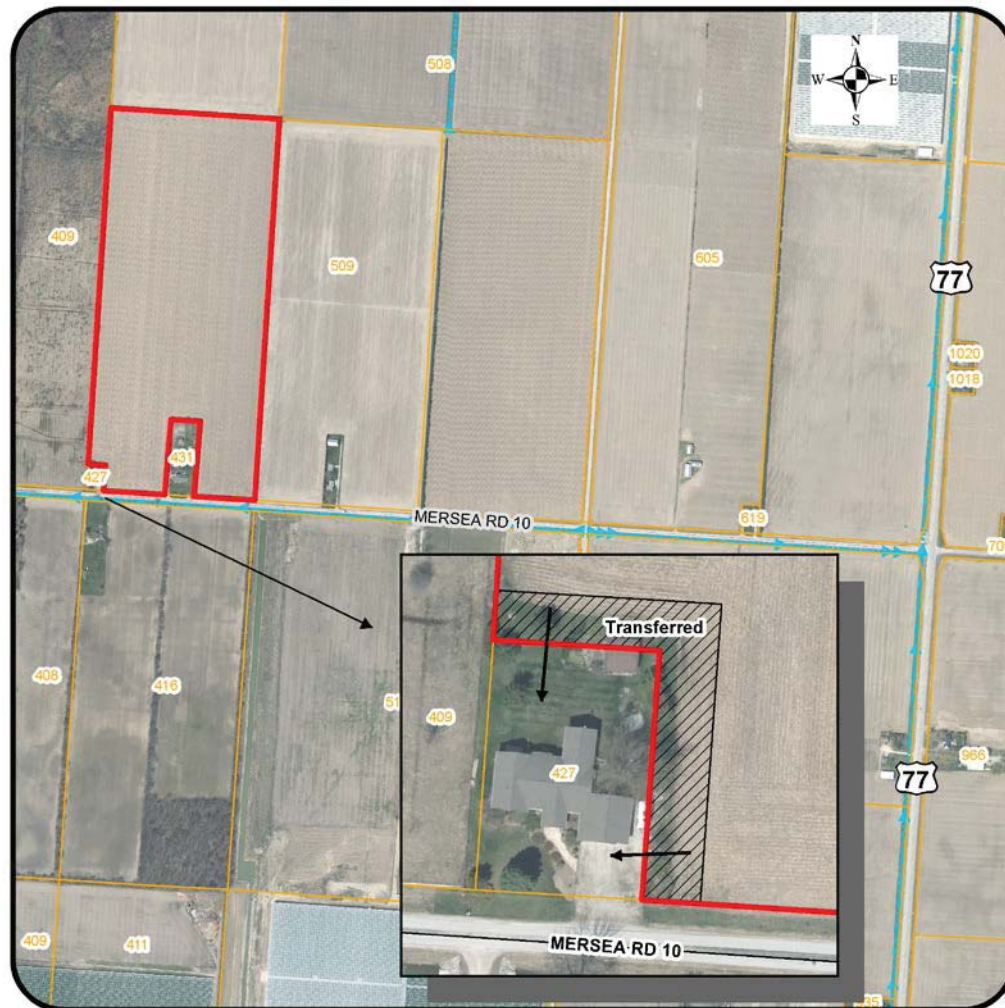
### Background:

Administration has received a consent application to add land from a vacant farm located on the north side of Mersea Road 10 which will require as a condition of approval, a zoning amendment be obtained for the severed lands.

Notice of a public meeting for consideration of Consent Application B-14-17 and the concurrent Zoning By-law Amendment Application ZBA #154 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 July 5, 2017. Signage containing information about the purpose of the application and public meeting was posted on-site for both the consent and zoning amendment application.

## Comments:

The subject property is a 20.23 ha (50.00 ac) farm described as Part of Lot 4, Concession 10 located on the north side of Mersea Road 10 (see inserted key map below).



**Key Map of Subject Properties**

The farm is a regular shaped parcel which appears to be farmed with traditional row crops. Municipal records indicate two residential lots have been severed from the subject property. The residential lot located at 427 Mersea Road 10 was severed on March 4<sup>th</sup>, 1975 (B-41-75) and measures 30.48 m (100 ft.) by 45.72 (150 ft.). This property is the subject of Application B-14-17, which is being heard jointly with ZBA #154. The second residential lot located at 431 Mersea Road 10 was severed on June 25<sup>th</sup>, 2001 (B-61-01) and measures 52.73 m (173 ft.) by 135.64 m (445 ft.). On August 27<sup>th</sup>, 2001, the owners of the farm property entered into an agreement with the Municipality of Leamington that no further severances shall be permitted for the said farm lands.

The farm property is designated Agricultural in the Official Plan (OP) on Schedule A-1 and is zoned Agricultural General Zone (A1) under Zoning By-law #890-09, as amended and as shown on Map 5.

The property is located in an area serviced by municipal water, private on-site septic systems and municipal drains. The surrounding area consists of farm parcels of various sizes and severed residential lots. The applicant has verified that no livestock operations are located within 500 metres of the subject property.

### **Description of Proposed Lot Addition B-14-17**

The consent application seeks to add an “L” shaped parcel of land from the subject farm to the abutting residential lot located at 427 Mersea Road 10. The proposed lot addition will add 0.08 ha (0.21 ac) of land from the farm and to side and rear yard of the residential lot, shown as Part 1 on the Building Sketch (Figure 1.0). The proposed lot addition is being requested to ensure the existing shed and driveway are entirely located on the residential lot.

The Provincial Policy Statement 2014 (PPS) permits lot additions and minor boundary adjustments provided the severance does not result in the creation of a new residential lot in the prime agricultural area. The proposed severance is viewed to be a minor boundary adjustment which conforms to Section 3.3.3.4 e) of the Agricultural Land Use Policies of the County Official Plan.

Section 5.4.3 of the Official Plan also permits lot additions and minor boundary adjustments in agricultural areas for legal or technical reasons subject to the meeting the following criteria:

1. Both the severed and retained parcels comply with the zoning by-law.
  - a. The retained farm lands and resulting residential lot will comply with the lot area and frontage zone provisions for the respective zones.
2. The severed lands must merge on title of the lands located at 427 Mersea Road 10.
  - b. 427 Mersea Road 10 was created by severance (B-41-75) and will require a one square foot parcel located along the municipal right of way be transferred to the municipality to “break” the consent stamp.
3. The proposed lot addition will not result in the creation in a new residential lot in the agricultural area.

Approval of the proposed lot addition can be supported subject to receiving comments from internal departments, prescribed agencies and residents and subject to those conditions listed in Schedule A and 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.

### **Compliance with Zoning By-law #890-09, as amended**

Administration is in a position to support the requested lot addition subject to a successful zoning by-law amendment to recognize the resulting residential use of the severed parcel.

### **Retained farm parcel - North Side Mersea Road 10**

Based on the survey provided, the retained farm will be 20.15 ha (49.79 ac) in area with 208.18 m (683 ft.) of frontage and will comply with the required A1 zone provisions.

### **Severed lands and resulting residential lot - 427 Mersea Road 10**

The severed parcel measuring 0.08 ha (0.21 ac) will be added to the existing residential lot at 427 Mersea Road 10. The resulting residential lot will measure 0.22 ha (0.56 ac) in area with 41.15 m (135 ft.) of frontage and will comply with the A5 zone provisions. As a result of the lot addition, the existing outbuildings will comply with the Section 4.1 of the zoning by-law for accessory buildings.

### **Conclusion:**

The purpose of the public meeting is to receive 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 the applications as proposed:

- i) conform to the Land Division Policies of Section 5.4.3 Lot Adjustments of the Official Plan subject to the recommended conditions as listed in “Schedule A”;
- ii) conform to the Agricultural Land Use Policies of Section 3.1 of the Official Plan;
- iii) are consistent with the direction of the PPS, including Section 2.3.4.2; and
- iv) 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 creation for a dwelling deemed surplus to a farming operation and 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 applications.

Respectfully submitted,

**Danielle  
Truax**

Digitally signed by Danielle Truax  
DN: cn=Danielle Truax,  
o=Municipality of Leamington,  
ou=Planning Dept,  
email=dtruax@leamington.ca, c=CA  
Date: 2017.07.19 13:18:27 -04'00'

Danielle Truax  
Manager of Planning Services

**Paul  
Barnable**

Digitally signed by Paul Barnable  
DN: cn=Paul Barnable,  
o=Municipality of Leamington, ou,  
email=pbarnable@leamington.ca,  
c=US  
Date: 2017.07.19 13:25:23 -04'00'

Paul Barnable  
Director of Community and Development Services

dt

Attachments: Figure 1.0 Building Sketch  
Figure 2.0 Schedule 'A'

Peter Neufeld, Chief  
Administrative Officer

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Officer  
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ou; email=pneufeld@leamington.ca, c=CA  
Date: 2017.07.20 09:35:32 -04'00'

\\filesrv\files\Planning\Council Reports\2017\PLA-20-17 NS Mer. Rd. 10 - ZBA 154 - Chevalier\PLA-20-17 ZBA 154 Chevalier NS Mer.  
Rd. 10.doc



Figure 2.0 Severance Conditions - Schedule 'A'  
**SEVERANCE CONDITIONS**  
**(SCHEDULE "A")**

Consent Application - B-17-17      K. & S. Chevalier

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 (J. & M VICKERY, 3706-880-000-00501, PT LOT 4 CON. 10 BEING PART 1, 12R-2389). 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. Legal - Transfer to the Municipality

Prior to consent being endorsed on the deeds, the applicant shall cause the transfer a one foot parcel of land to the Municipality from 427 Mersea Road 10 in a location abutting the municipal right of way and acceptable to the Municipality.

8. 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/retained lands from A1 to A5.

9. Legal - Consent Freeze Release

Prior to consent being endorsed on the deed, the applicant is required to request, in writing to the Municipality of Leamington, a consent freeze release.

10. 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*

11. 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.*

*The conditions imposed above shall be fulfilled to the satisfaction of the Municipality by July 14, 2018 or this application shall be deemed to be denied in accordance with Section 53(41) of The Planning Act.*

**Reason for Decision:**

- i) The application is consistent with the policy statements issued under subsection 3 (1) of the Planning Act.
- ii) The application conforms to or does not conflict with any applicable provincial plan or plans.
- iii) The application conforms to the official plan of the municipality.



regs@erca.org

P.519.776.5209

F.519.776.8688

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

July 17, 2017

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

Dear Ms. Truax:

RE: Applications for Consent B-14-17, & Zoning By-Law Amendment ZBA-154  
MERSEA 10 RD N  
ARN 370688000000500; PIN: 750850143  
Applicant: Charles & Shirley Chevalier

The following is provided for your information and consideration as a result of our review of Applications for Consent B-14-17, & Zoning By-Law Amendment ZBA-154. The owners wish to sever a parcel of land and add it to the property identified as 427 Mersea Road 10. The parcel will be rezoned from agricultural use to residential use.

## **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.

Ms. Truax  
July 17, 2017

**FINAL RECOMMENDATION**

We have no objections to these applications for Consent and Minor Variance.

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', with a large, flowing loop at the top and a trailing flourish at the bottom.

Corinne Chiasson, *Resource Planner*  
/cor



## Report

**To:** Mayor and Members of Council

**From:** Shannon Belleau, Manager of Environmental Services

**Date:** July 13, 2017

**Re:** LPCC Diesel Pump Tender Award

---

### Recommendation:

It is recommended that:

1. Administration be authorized to issue a purchase order to Aquatech Pump and Power Inc. in the amount of \$64,491, excluding HST, to purchase a new portable diesel pump for use at the Leamington Pollution Control Centre. (Report ES-04-17)

### Background:

The Leamington Pollution Control Centre is looking to replace the existing 1987 diesel pump that is used in wastewater applications at both the PCC and associated pumping stations. The existing unit is aged and not able to provide the required pumping capacity in existing conditions.

The existing 1987 diesel pump was also used by the drainage department pump operators, as required, and has been provided to the drainage department for continued use in stormwater applications.

### Comments:

Administration issued a tender to purchase a new self-priming portable diesel pump in June 2017. A summary of the compliant tender submissions are presented below.

Aquatech Pump and Power Inc. 331 Rodinea Road Maple, ON L6AN4P5	\$64,491 Excluding HST
Atlas Dewatering Corp. 111 Ortona Court Concord, ON L4K 3M3	\$69,990 Excluding HST



United Rental of Canada Inc. 3185 Pitfield Blvd Saint-Laurent, QC H4S 1H6	\$72,075 Excluding HST
Toromont CAT 268 Oredna Road Brampton, ON L6T 1E9	\$92,992 Excluding HST

Administration undertook a review of the tenders and has confirmed the accuracy of all tenders submitted. One submission was deemed non-compliant and was rejected.

Administration therefore recommends awarding the diesel pump purchase to Aquatech Pump and Power Inc. in the amount of \$64,491 excluding HST. The submission received by Aquatech Pump and Power Inc. met all of the required specifications and the company is well known in the pump industry.

### Financial Impact:

The portable diesel pump is approved under the PCC 2017 Capital Budget, as an Other M&E purchase. A summary of the allocated budget is provided below:

Account	2017 Capital Budget (incl. net HST)	Tender Price (incl. net HST)	Current Other M&E Spending (incl. net HST)	Other M&E Variance (incl. net HST)
20-7-0660-8030-566000	\$160,000	\$65,626	\$27,511	\$66,863

The Other M&E capital account was to include various mechanical and electrical components that are part of asset inventory, including a portable diesel pump. To date, PCC has spent \$27,511 on other M&E purchases. Combining these costs with the portable diesel pump purchase results in approximately \$66,863 left for other expenditures throughout 2017. Administration will manage additional purchases to stay within the allocated budget.

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer

Digitally signed by Peter Neufeld, Chief Administrative Officer  
DN: cn=Peter Neufeld, Chief Administrative Officer, o,  
ou, email=pneufeld@leamington.ca, c=CA  
Date: 2017.07.20 09:40:33 -0400

Shannon Belleau, P.Eng.  
Manager of Environmental Services

Robert Sharon, CMO  
Director of Infrastructure Services

:sb

Attachments: None

<T:\Community Services\Community Services\Community Services Council Reports\2017 Report\Environmental\ES-04-17 Diesel Pump Tender Award\ES-04-17 Diesel Pump Tender Award.doc>



## Report

**To:** Mayor and Members of Council

**From:** Ruth Orton, Director of Legal and Legislative Services

**Date:** July 18, 2017

**Re:** Agreement for the Use of a Portion of Seacliff Beach  
Rental of Non-motorized Watersport Equipment

---

### Recommendation:

It is recommended that:

1. Council authorize an agreement with Pelee Wings, in a form satisfactory to the Municipal Solicitor, for the use of a portion of Seacliff Park Beach for the rental of non-motorized watersport equipment.
2. The Director of Legal and Legislative Services be authorized to execute the agreement. (Report LLS-38-17)

### Background:

There have been a great deal of upgrades to Seacliff Park and the waterfront in recent years, including the ongoing construction of the amphitheatre, the installation of volleyball courts and enhanced walkways. Participation in non-motorized watersports, such as kayaking and paddle boarding have also increased in popularity over the past few years. Although planning for Leamington's waterfront has commenced, it is still in its early stages and Administration has been considering if these types of activities are appropriate to be located on the waterfront and the beach areas.

### Comments:

Administration was recently approached by Pelee Wings with a proposal to offer non-motorized watersport equipment for rent at Seacliff Park Beach. In keeping with the Municipality's strategic plan to promote the area as a sports tourism destination, it is recommended that Council consider the request by Pelee Wings as a pilot project and authorize an agreement to allow for Pelee Wings to utilize a portion of Seacliff Beach for the rental of kayaks and paddle-boards for the remainder of this season only.

It should be noted that there would be no commitment, express or implied, that such activity would be permitted in the future.

An aerial map on the last page of this report shows the proposed location for the operation, southwest of the newly constructed volleyball courts (the "Subject Property"). Parking for the trailer used to haul the kayaks and paddleboards would be to the southeast of the existing parking lot along the westerly property limit.

The agreement with Pelee Wings will contain provisions including the following:

1. The term of the Agreement shall commence upon the date of its execution and terminate on September 15, 2017.
2. Signage shall be erected indicating hours of operation and the form, content and location of such signage shall be approved by the Municipality.
3. The Operator shall abide by all by-laws, laws, regulations, orders and ordinances of any federal, provincial and municipal authorities and public bodies having jurisdiction and shall indemnify the Municipality against any and all damages, charges, actions or costs resulting from any non-compliance. Without limiting the generality of the foregoing, the Operator shall not do or permit anything to be done on, around or in relation the Subject Property, or bring or keep anything thereon which may in any way increase or cause environmental contamination, adverse environmental effects, or which may be in contravention with *The Environmental Protection Act*, R.S.O. 1990, c.E. 19 as amended, or any other federal, provincial or municipal legislation, regulation ordinances or rules regarding environmental protection. The Operator shall be solely and entirely responsible for the clean-up and repair of any environmental damage, or adverse effects arising as a result of the breach of the covenants herein contained.
4. The use of the Subject Property shall not interfere with the entrance to any parking area or pedestrian crossing areas.
5. The Operator shall not make any improvements or alterations to the Subject Property without the prior written consent of the Municipality, which consent may be arbitrarily or unreasonably withheld. Any improvements or alterations made by the Operator in accordance with this Agreement shall be at the sole risk, cost and expense of the Operator and shall be made to the sole satisfaction of the Municipality.
6. Unless consent in writing has been provided by the Municipality to the Operators, the Operator shall not place in, on or attach anything to trees, utility poles, light standards, receptacles, furniture or property owned by either the Municipality.

7. The Operator shall, at its own expense:
  - a) return the Subject Property to the Municipality in the same condition as it was received by the Operator, including, but not limited to replacing any trees, plantings and/or turf damaged by the Operator in relation to the use of the Subject Property or the operating of the Event;
  - b) keep the Subject Property clean and keep the adjacent property clear of refuse and debris;
  - c) ensure that any chattels and equipment brought onto the Subject Property are sufficiently maintained, affixed, or weighted to prevent their being lifted or carried by wind and do not unreasonably obstruct visibility on the beach;
  - d) remove all chattels, equipment, and goods, debris, refuse and recycling from the Subject Property at the end of each day; and
  - e) ensure that there are adequate persons in place to maintain and manage the operation.
8. The Operator shall release and hold harmless the Municipality its directors, officers, employees, agents and elected or appointed officials, of and from all actions, causes of action, suits, claims and demands of every nature and kind arising out of the execution of this Agreement or any action taken or things done or maintained by virtue of this Agreement or the exercise in any manner of rights arising thereunder.
9. The Operator shall at all times indemnify and save harmless the Municipality its directors, officers, employees, agents and elected or appointed officials from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted in any manner based upon, occasioned by or attributable to the execution of this Agreement or any action taken or things done or maintained by virtue hereof; or the exercise in any manner of rights arising hereunder.
10. The Operator shall obtain and keep in force or cause to maintain and keep in force Commercial General Liability Insurance underwritten by an insurer licensed to conduct business in the province of Ontario and including the following:
  - a) a limit of liability in the amount of \$2 million per occurrence and coverage shall include but not limited to bodily injury including death, personal and advertising injury, property damage, contractual liability and non-owned automobile.
  - b) the Municipality named as an additional insured; and
  - c) a provision for cross liability in respect of the named insured.

11. To require that each person participating in the offered activity enter into a release agreement, which agreement shall include a release of the Municipality.
12. If the Operator is in breach of any of the terms of this Agreement, the Municipality may, at its option, immediately terminate the Agreement.
13. If the Municipality exercises its right to terminate this Agreement, the Municipality shall not be liable in any way to compensate the Operator for any loss, costs, or damages which may be suffered by the Operator or by any person claiming under the Operator by reason of such termination.

### **Financial Impact:**

As this is a pilot project for the purposes of determining the feasibility of this type of activity on the waterfront, it is proposed that the use be without consideration. In the event that such activity is approved for a longer term, Administration will provide a recommended fee to be charged to any future operator.

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer

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Ruth Orton  
Director of Legal and Legislative Services

RO/jb

**Attachments: Aerial map of Seacliff Beach**

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The volleyball court area is shown in red. It is contemplated that area used by Pelee Wings be located between the courts and the water's edge.





## Report

**To:** Mayor and Members of Council

**From:** Bin Wu, Financial Analyst

**Date:** June 16, 2017

**Re:** Restatement of 2017 Budget in PSAB Compliant Format and Disclosure of Expenses Excluded in Accordance with Ontario Regulation 284/09

---

### Recommendation:

It is recommended that:

1. The Municipality of Leamington's budget prepared on a full accrual basis of accounting as required by the Public Sector Accounting Board (PSAB) for disclosure in the Municipality's 2017 financial statements, and attached as Schedule 1, be approved; and
2. The impact on the accumulated surplus by excluding expenses for amortization of tangible capital assets (\$8,124,761) and post-employment benefits (\$1,132,300) from the 2017 adopted budget, as required by Ontario Regulation 284/09, be received for information. (Report FIN-10-17)

### Background:

#### PSAB Accounting - Budget Impact and Disclosure Requirements

Section 290 of the Municipal Act, 2001 requires municipalities to prepare balanced budgets which include all of the expenditures and revenues for the taxation year. These budgets are prepared on a cash basis (cash-based budget). Starting in 2009, municipalities were required to adopt the full accrual basis of accounting under the Chartered Professional Accountants (CPA) Canada Handbook and report expenses on municipal financial statements instead of expenditures. As such, the budget on the financial statements must also be reported using the full accrual basis (PSAB budget). Under PSAB, municipal expenses include amortization of tangible capital assets over their useful lives, and the annual change in liabilities for post-employment benefits and solid waste landfill closure and post-closure.

For the cash-based budget, expenditures represent outlays of assets to purchase goods and services. For the PSAB Budget, expenses represent the consumption of assets to provide goods, services and intangibles. For example, the 2017 adopted budget allowed an expenditure of \$50,000 to purchase a truck for the Water department. Under PSAB, the truck is a tangible capital asset that will be used up over time. If the truck is expected to last 10 years, the PSAB Budget would only include the annual share of the amortization expense, or \$5,000 per year, as part of operating expenses. The cost of the asset for reporting purposes is distributed to several years rather than one year, to reflect 'consumption' of the asset.

The implementation of PSAB requirements for tangible capital asset and full accrual accounting starting in the 2009 fiscal year was an accounting change, not a budgeting change. That said, the CPA Handbook requires that budget numbers shown in the financial statements be presented on the same basis and scope as the actual figures for the year.

Further, the budget numbers reported in the financial statements must be reconcilable or relate back to the budget that was approved by Council.

The 2017 operating and capital budgets were approved and adopted by Leamington Municipal Council on February 9, 2017. These budgets were compiled on a 'cash-basis' to determine the funds required from taxation to meet annual expenditure requirements. The impact of PSAB on the budget does not change the methodology for determining the tax funds needed to be raised each year.

### **Ontario Regulation 284/09**

On June 5, 2009, the Government of Ontario approved Bill 162 - An Act Respecting the Budget Measures and Other Matters and Schedule 18 Municipal Act, 2001. Then on July 31, 2009, Regulation 284/09 titled Budget Matters - Expenses was filed with the Ontario Registrar of Regulations.

Regulation 284/09 states that municipal budgets may exclude from estimated expenses: amortization expenses on tangible capital assets, post-employment benefits expenses, and solid waste landfill closure and post-closure expenses. In addition, a report about the excluded expenses and their impact on the accumulated surplus shall be approved by Council and adopted by resolution.

Please note that the Municipality currently includes the annual charge from Essex-Windsor Solid Waste Authority (EWSWA) for post-closure cost of the landfill site #2 in the Sanitation department's budget.



## Comments:

The starting point for preparation of the PSAB budget is the Municipality's adopted cash-based budget. The following adjustments are made to arrive at the Municipality's PSAB budget:

### Tangible Capital Asset Adjustments:

1. Remove the net transfer to capital. Under PSAB, capital outlays are expensed as the assets are used up over time and revenues are recognized as they are received;
2. Remove purchases of tangible capital assets from the operating expenses. Under PSAB, these need to be capitalized and amortized over the life of the asset;
3. Include as an expense in the operating budget any projects under the capital budget that are not an asset such as engineering's roads needs study. Under PSAB, these items need to be expensed as incurred;
4. Add amortization expense to the operating expenses;
5. Add in the capital revenue from deferred revenue, grants and sundry to the operating revenues. Under PSAB, these capital revenue items need to be recognized as revenue in the year;

### Reserve and Reserve Fund Adjustments:

6. Remove the net transfer to/from reserves and reserve funds from/to operating. Under PSAB, reserve funds form part of the overall surplus;
7. Add interest income from reserve funds to the operating budget, these need to be recognized as revenue in the year;

### Other Adjustments:

8. Add in the change in post-employment benefit liability to the operating expenses;
9. Remove debt principal payments. Under PSAB, repayment of debt principal is paying down a liability, not an expense; and
10. Remove landfill post-closure costs. Under PSAB, payment of landfill post closure costs is paying down a liability, not an expense.

Schedule 1 attached is the budget by department shown in three different formats:

- First column - shows the 2017 cash-based budget as adopted;
- Second column - shows the PSAB Budget, to be disclosed in the 2017 Financial Statements; and
- Third column - reflects the impact of adjusting the 2017 adopted cash-based budget to exclude the amounts for amortization expense and post-employment benefits, as allowed under O.Reg.284/09.

Schedule 2 attached summarizes the adjustments for the taxation funded departments and then the rate funded departments in two different formats:

- First column - summarizes adjustments made to the 2017 adopted cash-based budget, resulting in the PSAB budget. Under the PSAB budget, financial results reflect a \$16,463,935 surplus in taxation supported operations and a \$1,636,476 net surplus in user rated departments, resulting in a net surplus of \$18,100,410.
- Second column - summarizes adjustments made to the 2017 adopted cash-based budget to derive an O.Reg.284/09 compliant budget resulting in \$21,732,476 surplus in taxation supported operations and a \$5,624,995 surplus in user rated departments, resulting in a net surplus of \$27,357,471.

## Financial Impact:

Restatement of the budget in PSAB compliant format does not have an actual financial impact on the Municipality; rather it is a different basis on which to report the budget for disclosure in the financial statements. The restatement affects the reported accumulated surplus as certain expenses included in the PSAB compliant financial statements are not included in the adopted cash-based budget.

Restatement of the budget under O.Reg.284/09 also affects calculation of accumulated surplus of the Municipality as expenses for tangible asset amortization and post-employment benefits are excluded.

Respectfully submitted,

**Bin Wu,**  
**CPA, CMA**

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Bin Wu, CPA, CMA  
Financial Analyst

**Laura Rauch,**  
**CPA, CMA**

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Director of Finance and Business Services

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## Attachments:

Schedule 1 - 2017 Budget Summary - by Department  
Schedule 2 - 2017 Budget Summary - by Fund

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## Schedule 1

**The Corporation of the Municipality of Leamington  
2017 Budget Summary - by Department**

	2017 Budget As Adopted	2017 Budget PSAB Compliant	2017 Budget O.Reg. 284/09
General Government	\$ (1,024,048)	\$ (614,730)	\$ (931,973)
Finance and Business Services	104,001	191,850	104,001
IT Services	1,001,607	845,412	796,607
Finance and Business Services	81,560	422,532	(31,365)
Office of the CAO	294,517	414,039	394,517
Council	334,890	334,890	334,890
Communications	104,757	114,518	104,757
Fire Services	2,016,049	2,272,287	2,034,549
Office of the CAO	2,750,213	3,135,734	2,868,713
Legal and Legislative Services	963,819	1,031,668	943,819
Human Resources (HR)	308,185	327,707	308,185
Bylaw Enforcement	401,281	432,236	396,281
Parking Enforcement	-	32,050	(16,420)
Animal Control	5,415	5,415	5,415
Legal and Legislative Services	1,678,700	1,829,076	1,637,280
Planning	556,411	917,271	878,227
Building Services	(35,000)	(244,216)	(302,782)
Tourism	222,101	231,862	222,101
Economic Development	165,721	175,482	165,721
Development Services	909,233	1,080,399	963,267
Engineering Services	2,601,648	(5,048,618)	(5,241,352)
Sewers - Urban	1,665,990	(5,658,509)	(6,403,010)
Drainage	257,262	(516,804)	(540,212)
Engineering Services	4,524,900	(11,223,931)	(12,184,574)
Infrastructure Services	-	39,044	-
Transit	125,747	127,323	104,747
Infrastructure Services	125,747	166,367	104,747
Public Works	3,833,574	5,098,907	3,182,174
Sanitation	169,094	(44,900)	(44,900)
Cemeteries	68,694	76,741	68,694
Parks	1,120,353	427,554	101,353
Public Works	5,191,715	5,558,302	3,307,321
Complex	2,323,119	1,973,325	1,301,083
Complex-Programming	62,250	72,011	62,250
Marina	190,428	137,468	(58,072)
Library and Culture	276,245	230,100	181,245
Recreation and Culture	2,852,042	2,412,904	1,486,506
General Debt Service	1,504,075	462,852	462,852
Urban Debt Service	679,593	150,555	150,555
<b>Council Determined</b>	<b>20,297,778</b>	<b>3,994,790</b>	<b>(1,234,698)</b>
Police Services	5,118,203	4,957,256	4,918,203
<b>Taxation Supported</b>	<b>25,415,981</b>	<b>8,952,046</b>	<b>3,683,505</b>
Taxation Revenues	(25,415,981)	(25,415,981)	(25,415,981)
<b>Taxation Funded Total</b>	<b>-</b>	<b>(16,463,935)</b>	<b>(21,732,476)</b>
Water Services	-	481,180	(1,742,193)
WasteWater Facility	-	(2,117,655)	(3,882,802)
<b>Grand Total</b>	<b>\$ -</b>	<b>\$ (18,100,410)</b>	<b>\$ (27,357,471)</b>

## Schedule 2

The Corporation of the Municipality of Leamington  
2017 Budget Summary - by Fund

		2017 Budget PSAB Compliant	2017 Budget O.Reg. 284/09
<b>2017 Budget (Surplus) as adopted</b>		\$ -	\$ -
<b>Taxation Funded Adjustments</b>			
1. Net transfer to capital		(4,547,716)	(4,547,716)
2. Budgeted operating expenses that are capital in nature		-	-
3. Budgeted capital expenses that are operating in nature		1,639,348	1,639,348
4. Amortization Expense	A	4,292,442	-
5. Capital revenue from deferred revenue, grants and sundry		(16,398,580)	(16,398,580)
6. Reserve transfers		(629,247)	(629,247)
7. Reserve Fund Interest		-	-
8. Change in Post-Employment Benefits	B	976,100	-
9. Debt Principal		(1,627,187)	(1,627,187)
10. Landfill post-closure costs		(169,094)	(169,094)
<b>2017 Adjusted Budget (Surplus) - Taxation Funded</b>		<b>\$ (16,463,935)</b>	<b>\$ (21,732,476)</b>
<b>Rate Funded Adjustments</b>			
1. Net transfer to capital		(2,114,000)	(2,114,000)
2. Budgeted operating expenses that are capital in nature		-	-
3. Budgeted capital expenses that are operating in nature		-	-
4. Amortization Expense	A	3,832,319	-
5. Capital revenue from deferred revenue, grants and sundry		(919,805)	(919,805)
6. Reserve transfers		(1,574,026)	(1,574,026)
7. Reserve Fund Interest		-	-
8. Change in Post-Employment Benefits	B	156,200	-
9. Debt Principal		(1,017,164)	(1,017,164)
10. Landfill post-closure costs		-	-
<b>2017 Adjusted Budget (Surplus) - Rate Funded</b>		<b>\$ (1,636,476)</b>	<b>\$ (5,624,995)</b>
<b>2017 Adjusted Budget (Surplus) - Total</b>		<b>\$ (18,100,410)</b>	<b>\$ (27,357,471)</b>
Total 2017 Amortization Expense	ΣA	8,124,761	-
Total 2017 Change in Post-Employment Benefits	ΣB	1,132,300	-



## Report

**To:** Mayor and Members of Council

**From:** Laura Rauch, Director of Finance and Business Services

**Date:** July 13, 2017

**Re:** Development Charges and Connection Fee for Water Service to Greenhouse Developments

---

### Recommendation:

It is recommended that:

1. The Fees and Charges By-law be amended to include a water service connection fee to greenhouse developments at an amount of \$5,000 per acre;
2. The water service connection fees collected be directed to a new Water System Expansion Reserve;
3. By-law #409-14, to establish Development Charges be repealed effective August 12, 2017; and
4. Council direct Administration to complete the necessary financial transactions to close the DC Reserve funds and to fund the existing debt servicing as outlined in this report. (FIN-11-17)

### Background:

Under the Development Charges Act, 1997, as amended (DCA), municipalities may through a by-law impose development charges (DC) to provide for the recovery of growth-related capital expenditures required as a result of demands from new development.

On August 25, 2009, the Municipality of Leamington passed By-law Number 925-09. This by-law came into effect on September 1, 2009 and expired on August 31, 2014. This by-law imposed development charges on residential and non-residential uses.

In 2014, the Municipality completed a comprehensive background study and through the legislated process, provided the report at a mandatory public meeting on July 14, 2014. This public meeting provided interested parties with sufficient background information on

the legislation, the recommendations resulting from the study, and an outline of the basis for these recommendations. At the Council meeting held on August 11, 2014, By-law 409-14 to establish DC's was passed by Council. This DC by-law is in effect until August 12, 2019. (Schedule I)

Although the by-law is in effect for a period of five (5) years, section 3(c) of this by-law imposed the following percentages of each DC service for residential, non-residential and greenhouse uses to be charged for the period of August 12, 2014 to August 11, 2017.

Municipal Wide Service	Non-Residential				
	Residential	Commercial	Industrial	Institutional	Greenhouse
Roads and Related	0%	0%	0%	0%	
Fire Protection Services	0%	0%	0%	0%	
Police Services	0%	0%	0%	0%	
Outdoor Recreation Services	0%	0%	0%	0%	
Indoor Recreation Services	0%	0%	0%	0%	
Library Services	0%	0%	0%	0%	
Administration	0%	0%	0%	0%	
Water	0%	0%	0%	0%	53.34%
Urban Services					
Wastewater	0%	0%	0%	0%	

### Comments:

The Development Charge Background Study, prepared by Watson & Associates Economists Ltd. in June, 2014, established a water service DC for greenhouses at \$7,882 per acre (Schedule I) indexed annually. This amount was established using the 2002 Watermain Distribution Master Plan as the basis of the calculation, adjusted for actual spending, as well as an estimate of the remaining phases to be completed. The projects identified for the DC study, as well as the growth assumptions, corresponding average day flows and average annual flows for each phase by development type, are provided in Schedule II. These inputs are the basis to determine the allocation of costs for water services growth.

By-law #409-14 included a discount for greenhouse water DC's of 46.66%, which imposed a 53.34% charge of the \$7,882 per acre, indexed annually, until August 11, 2017. In 2014, the water DC for greenhouses was set at \$4,204 (\$7,882\*53.34%). This was done to keep the DC charge for greenhouses similar to the charge from the previous DC By-law.

If Council wishes to repeal the DC by-law as recommended in this report, Administration recommends that funds continue to be collected for greenhouse development at a rate similar to the per acre amount currently charged for the future growth of water infrastructure to serve the sector. If a charge is not collected, there will be inadequate

funds for new water services infrastructure to serve demands, and this could threaten the growth and viability of the sector.

At any time, Council could reinstate development charges following the legislative process as prescribed in the DCA. This reinstatement process includes a complete background study, updating of the asset management plan to include future projects, public consultation, and the passing of a new by-law.

Under the authority of section 391 of the Municipal Act, 2001, such funds may be collected as a fee for service and use of municipal property, including the capital costs related to the same and, although the funds may be used for the purposes of expanding the water distribution system, the use of such funds would not be limited to growth related projects.

Based solely on the expected cost of future infrastructure, the connection fee should be \$7,882 per acre. However, Administration recognizes that Council may not wish to possibly deter growth through municipal fees. Taking this into account, Administration recommends that the new connection fee be established at \$5,000 per acre. Alternatively, Council would be fully justified in setting the fee at \$7,882 per acre. The fee will be reviewed annually as part of the Fees and Charges By-law. It is also recommended that the fees collected be maintained in a new Water System Expansion Reserve.

### **Financial Impact:**

As outlined in FIN-05-17, repealing By-law #409-14, requires that the DC reserve funds be wound up. Prior to winding up the DC reserve funds, all year to date transactions will be completed, and current year's budgeted funding will be appropriately recorded.

Year end balances for each of the DC reserve funds are provided below.

	2013	2014	2015	2016
DC Water	\$4,484,718	\$5,182,916	\$5,340,750	\$6,145,966
DC Admin	(\$532,231)	(\$620,098)	(\$330,509)	(\$35,457)
DC Roads	\$272,828	\$310,534	\$310,697	\$466,023
DC Sanitary	(\$1,318,240)	(\$1,729,093)	(\$1,939,103)	(\$2,476,840)
Total DC Reserve Funds	\$2,907,069	\$3,144,254	\$3,381,830	\$4,099,686

The future of the existing annual debt servicing through DC's was also considered as part of FIN-05-17, 2017 Development Charges report. This existing debt relates to growth projects already completed and include such projects as the Kinsmen Recreation Complex, Seacliff Park improvements (2011), North/South Trunk Watermain, PCC upgrades, Union Water Supply System clarifier, sewer upgrades (Robson Road, Clark/Victoria), etc. Currently there is an annual debt servicing of approximately \$1M in principal and interest.

The development charge transactions will be calculated up to and including August 12, 2017, and the remaining balances in each development charge reserve funds will be treated as follows:



### Water DC Reserve Fund

The positive balance in the water DC reserve funds collected under the current DC by-law would still be required to fund growth related water projects. The amounts contributed by the Municipality (the discount) are not encumbered funds as they were not collected from the developers as part of a DC charge. Since 2009, \$5.6M has been contributed by the Municipality. Administration recommends that:

- the balance of approx. \$3.7M, after the repayment of the existing \$2.4M growth related debt for North/South Trunk Watermain - Phases I & II, also be transferred to the new Water System Expansion Reserve.

### DC Admin and DC Roads Reserve Funds

The combined balance of these DC reserve funds is \$431k. The future debt servicing for these two reserve funds combined, after 2017, is \$1.76M, or approximately \$218k annually for projects already completed. Administration recommends that:

- the funding from the DC Roads reserve fund be transferred to the DC Admin reserve fund;
- the balance of approx. \$431k be used to fund the existing debt servicing and
- the remaining debt servicing of approx. \$1.33M be funded annually through the contingency reserve and included in the annual budget process.

### DC Sanitary

The current balance in the DC Sanitary reserve fund is a negative balance of (\$2.5M). This negative balance is due to the difference in the amount of DC's collected or funded into this DC reserve fund compared to the amount of debt servicing required annually. This debt is related to the PCC upgrades. Administration recommends that:

- \$2.5M be transferred from the PCC Plant reserve to fund the deficit;
- the remaining future growth debt servicing be also funded from the PCC Plant reserve and included in the annual budget process.

Respectfully submitted,

**Laura  
Rauch, CPA,  
CMA**



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

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**Peter Neufeld, Chief  
Administrative Officer**



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Attachment: Schedules from Development Charge Background Study - June 30, 2014

T:\Finance\Reports\2017\FIN-11-17 Development Charges and Fee for Water Service



# Schedule I

## BY-LAW NO. 2014 - \_\_\_\_ SCHEDULE OF

### DEVELOPMENT CHARGES

Service	RESIDENTIAL					NON-RESIDENTIAL	
	Single and Semi-Detached Dwelling	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Other Multiples	Special Care/Special Dwelling	(per ft² of Gross Floor Area)	Greenhouses (per acre)
<b>Municipal Wide Services:</b>							
Roads and Related	1,422	768	594	840	454	0.04	-
Fire Protection Services	400	216	167	236	128	0.02	-
Police Services	256	138	107	151	82	0.01	-
Outdoor Recreation Services	1,038	561	434	614	332	-	-
Indoor Recreation Services	3,981	2,151	1,664	2,353	1,271	0.01	-
Library Services	124	67	52	73	40	-	-
Administration	117	63	49	69	37	-	-
Water	1,175	635	491	695	375	0.13	7,882
<b>Total Municipal Wide Services</b>	<b>8,513</b>	<b>4,599</b>	<b>3,558</b>	<b>5,031</b>	<b>2,719</b>	<b>0.21</b>	<b>7,882</b>
<b>Urban Services</b>							
Wastewater	3,128	1,690	1,307	1,848	934	0.42	-
<b>Total Urban Services</b>	<b>3,128</b>	<b>1,690</b>	<b>1,307</b>	<b>1,848</b>	<b>934</b>	<b>0.42</b>	<b>-</b>
GRAND TOTAL RURAL AREA	8,513	4,599	3,558	5,031	2,719	0.21	7,882
GRAND TOTAL URBAN AREA	11,641	6,289	4,865	6,879	3,653	0.63	7,882

## Schedule II

### Water Distribution Capital Costs

Prj.No	Increased Service Needs Attributable to Anticipated Development  2014-Urban Build Out	Timing (year)	Gross Capital Cost Estimate	Financing (Discounted)	Gross Capital Cost Estimate Including Financing
1	Trunk Watermain Works - Phase 1 - Contract No. 1A	2003-2007	2,801,826	878,184	3,680,010
2	Trunk Watermain Works - Phase 1 - Contract No. 1B	2003-2007	2,333,532	731,405	3,064,937
3	Trunk Watermain Works - Phase 1 - Contract No. 1C (Replacement Erie Street)	2003-2007	344,294	107,913	452,207
4	Trunk Watermain Works - Phase 2	2007	3,472,219	1,088,307	4,560,526
5	Trunk Watermain Works - Phase 3	2020	8,265,900	2,375,552	10,641,452
6	Trunk Watermain Works - Phase 4	2025	3,375,291	970,031	4,345,322
7	East Side Arterial Works - Phase 5	2010	1,104,126	342,025	1,446,151
	<b>Total</b>		<b>21,697,187</b>	<b>6,493,418</b>	<b>28,190,605</b>

Based upon 20 Year Planning Period  
Gallons

#### Water System Flows

Growth Assumptions				Total Average Day Flows (MGD)				Total Annual (Average) Day Flows (MG)			
Phase	Greenhouse Acres	Residential Units	Commercial Industrial Acres	Greenhouse	Residential	Commercial Industrial	Total Daily Flows	Greenhouse	Residential	Commercial Industrial	Total Annual Flows
1a	75.7			0.122			0.122	44.53	-	0	44.53
1b	235.6			0.365			0.365	133.225	-	0	133.23
1c & 2	408.7			0.247			0.247	90.155	-	0	90.16
3	490.0	2,586	125	0.647	0.500	0.060	1.207	236.155	183	21.9	440.56
4	430.2	414		0.486	0.080		0.566	177.39	29	0	206.59
5		3,000			0.580		0.580	0	212	0	211.59
	1,640.2	6,000	125	1.867	1.160	0.060	3.087	681.455	423	21.9	1,126.65

Cubic Metres

Growth Assumptions				Total Average Day Flows (m3)				Total Annual (Average) Day Flows (m3)			
Phase	Greenhouse Acres	Residential Units	Commercial Industrial Acres	Greenhouse	Residential	Commercial Industrial	Total Daily Flows	Greenhouse	Residential	Commercial Industrial	Total Annual Flows
1a	75.7			554.5	-	-	554.5	202,409.1	-	-	202,409.1
1b	235.6			1,659.1	-	-	1,659.1	605,568.1	-	-	605,568.1
1c & 2	408.7			1,122.7	-	-	1,122.7	409,795.4	-	-	409,795.4
3	490.0	2,586	125	2,940.9	2,272.7	272.7	5,486.4	1,073,431.7	829,545.4	99,545.4	2,002,522.5
4	430.2	414		2,209.1	363.6	-	2,572.7	806,318.1	132,727.3	-	939,045.3
5		3,000			2,635.0	-	2,635.0	-	961,791.7	-	961,791.7
	1,640.2	6,000	125	8,486.4	5,271.4	272.7	14,030.5	3,097,522.4	1,924,064.3	99,545.4	5,121,132.1

TABLE 5-3  
Calculation of Development Charge  
2014\$

	% Allocation				Allocation of Capital Cost						DC Calc Based on Allocation		
	Greenhouse	Residential	Commercial Industrial	Total Daily Flows	Greenhouse	Residential	Commercial Industrial	Existing Residential <sup>1</sup>	Existing Greenhouses <sup>2</sup>	Total Capital Costs	Greenhouse (per acre)	Residential (per unit)	Commercial Industrial (per acre)
1a	4.0%	0.0%	0.0%	4.0%	2,157,633	-	-	1,522,377	-	3,680,010	28,502	-	-
1b	11.8%	0.0%	0.0%	11.8%	766,234	-	-	-	2,298,702	3,064,937	3,252	-	-
1c & 2	8.0%	0.0%	0.0%	8.0%	5,012,733	-	-	-	-	5,012,733	12,265	-	-
3	21.0%	16.2%	1.9%	39.1%	-	-	-	-	-	-	-	-	-
4	15.7%	2.6%	0.0%	18.3%	-	-	-	-	-	-	-	-	-
5	0.0%	18.8%	0.0%	18.8%	-	1,446,151	-	-	-	1,446,151	-	482	-
	60.5%	37.6%	1.9%	100.0%	7,936,601	1,446,151	-	1,522,377	2,298,702	13,203,831	4,839	241	-
Average all Costs across all Development					5,675,167	3,525,200	182,384			9,382,751	7,882	1,175	-

Schedules from Municipality of Leamington Development Charge Background Study, June 30, 2014