

## 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 June 12, 2017  
Pages 6 to 17
  - 4.2. Minutes of the Special Closed Council Meeting held June 12, 2017  
Pages 18 to 19
5. **Business Arising Out of the Minutes**
6. **Public Meetings**
  - 6.1. **Public Meeting, Planning**
    1. **Notice of a Complete Application and Public Meeting to consider a Zoning By-law Amendment ZBA 139 (530 Highway 77)**
      - Notice of Public Meeting dated June 6, 2017  
Pages 20 to 22
      - Report PLA-16-17 dated May 23, 2017 regarding Zoning By-law Amendment 139, 530 Highway 77 (680-03600) Site Plan Application SPC-12-15, 530-538 Highway 77 (690-03600/03801) Highway 77 Truck Service Inc.  
Pages 23 to 30
      - Correspondence from Essex Region Conservation Authority dated June 15, 2017  
Pages 31 to 32
      - Suggested Recommendation:

1. Zoning By-law Amendment Application ZBA#139 to change the zoning of the property at 530 Highway 77 from Agricultural (A5) Zone to Highway Commercial (C4) Zone be approved by Council;
2. Amending By-law #40-17 be forwarded to Council for consideration;
3. Revisions to the 2015 site plan for Highway 77 Trucking for the consolidated properties located at 530 and 538 Highway 77 be approved by Council; and
4. The Manager of Planning Services be authorized to execute the necessary amendment to the site plan control agreement upon necessary approvals being received from the Ministry of Transportation (MTO), Essex Region Conservation Authority (ERCA) and for the storm water management system. (PLA-16-17)

## **6.2 Public Meeting, Drainage**

1. Meeting to Consider Engineer's Report, Silver Creek, Upper Portion, New Culvert and Assessment
  - Notice of Meeting to Consider dated June 15, 2017  
Page 33
  - Report DR-13-17 dated June 1, 2017 regarding Silver Creek, Upper Part New Access and Improvements, J.P.I. Farms Inc. Part Lot 5, Concession 6, Mersea Road 7)  
Pages 34 to 35
  - Suggested Recommendation:
    1. The report provided by N.J. Peralta Engineering Ltd., dated May 26, 2017, for 1 new access culvert and assessments over of the Silver Creek - Upper Part, pursuant to the provisions of Section 78 of the Drainage Act be adopted; and
    2. Council authorize the project be tendered and should the said tenders be within the engineer's construction estimate of \$60,547 (Bridge# 1), that the Mayor and Clerk be authorized to award the tender and enter into necessary agreements; and
    3. By-law 39-17 authorizing the work be presented to Council for 1st and 2nd reading and that the Clerk send by 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 24 day of July, 2017, and that Tony Peralta, P.Eng., Allan Botham, P.Eng., Manager of Engineering Services and Lu-Ann Marentette, Drainage Superintendent, be appointed as Commissioners to let and superintend the said drainage works; and

5. The Essex Region Conservation Authority be advised of the proposed improvements. (Report DR-13-17)

(Engineer's Report as prepared N. J. Peralta dated May 26, 2017, listed under Additions on the Agendas, Meetings and Minutes page of the municipal website)

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

- 7.1. Report DR-17-17 dated June 12, 2017 regarding East Marsh Drainage Scheme: Lakeshore Protection  
Pages 36 to 45

- Tom Dick, Resident
- Ken Hamm, Resident
- John Landschoot, Resident

- 7.2. Delegation, Tourism Windsor Essex Pelee Island - 2016 Year in Review and Tourism Month Activities

- Gordon Orr, Chief Executive Officer

- 7.3. Report LLS-23-17 dated June 5, 2017 regarding Special Events – Leamington  
Pages 46 to 49

(Special Events Guide listed under Additions on the Agendas, Meetings and Minutes page of the Municipal website page)

- 7.4. Report FIN-06-17 dated May 25, 2017 regarding 2016 Audited Financial Statements  
Pages 50 to 54

- Lindsay Iatonna, Partner, Hicks, MacPherson, Iatonna and Driedger LLP

(Financial Statements listed under Additions on the Agendas, Meetings and Minutes page of the Municipal Website)

- 7.5. Report LLS-27-17 dated May 16, 2017 regarding Application for Sign Variance, Bradt's Butcher Block, 34 Mill Street West  
Pages 55 to 58

- Lisa Bradt, Applicant

- 7.6. Report LLS-33-17 dated June 20, 2017 regarding Reconsideration of Cat Spay and Neuter Voucher Program  
Pages 59 to 60

- 7.7. Report LLS-13-16 dated March 9, 2016 regarding Cat Spay and Neuter Voucher Program  
Pages 61 to 65
- Melanie Coulter, Executive Director, Windsor-Essex County Humane Society
- 7.8. Report LLS-29-17 dated May 29, 2017 regarding Tethering of Dogs - Amendment to Animal Control By-law  
Pages 66 to 69
- Melanie Coulter, Executive Director, Windsor-Essex County Humane Society
- 7.9. Report ENG-09-17 dated June 2, 2017 regarding Tender Results - 2017 Asphalt Program  
Pages 70 to 73
- 7.10. Report REC-04-17 dated June 15, 2017 regarding Leamington Kinsmen Recreation Complex Hot Water Boilers  
Pages 74 to 75
- 7.11. Report REC-06-17 dated June 15, 2017 regarding Leamington Kinsmen Recreation Complex Evaporative Condenser  
Pages 76 to 77
- 7.12. Report REC-07-17 dated June 15, 2017 regarding Leamington Kinsmen Recreation Complex Pool Solarium  
Pages 78 to 79
- 7.13. Report EDO-04-17 dated June 19, 2017 regarding Hogs for Hospice Event August 4, 5, 6, 2017  
Pages 80 to 84
- 7.14. Report FIN-08-17 dated June 12, 2017 regarding 2016 Year End Variance Analysis  
Pages 85 to 103
- 7.15. Report FIN-07-17 dated June 9, 2017 regarding 2016 Development Charges  
Pages 104 to 107
- 7.16. Report FIN-09-17 dated June 12, 2017 regarding Proposed Removal of Tax Exempt Portion of Remuneration for Council  
Pages 108 to 111
- 7.17. Report LLS-32-17 dated June 20, 2017 regarding Lease Agreement with the Ministry of Transportation, Leamington Dock  
Pages 112 to 114



**8. Matters for Approval**

- 8.1. Minutes of the Leamington Accessibility Advisory Committee Meeting held May 3, 2017  
Pages 115 to 118

**9. Other Matters for Consideration**

**10. Report on Closed Session**

None

**11. Consideration of By-laws**

- 11.1. By-law 23-17, being a by-law to provide for the construction of two (2) new access culverts over the Reid Drain, 9<sup>th</sup> Concession West Branch in Part Lot 6, Concession 8 (Essex Road 14) in the Municipality of Leamington, in the County of Essex (DR-07-17) (3<sup>rd</sup> and final reading)
- 11.2. 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 (DR-13-17) (1<sup>st</sup> and 2<sup>nd</sup> reading)
- 11.3. By-law 40-17, 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 530 highway 77 (ZBA # 139) (PLA-16-17)
- 11.4. By-law 41-17 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held June 26, 2017

**12. Notices of Motion**

- 12.1 Notice of Motion - Amend Animal Control By-law to include tethering provision (As introduced at the June 12, 2017 Council Meeting)  
Page 119

**13. Open Session**

**14. Statement of Members** (non-debatable)

**15. Adjournment**

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

## **Minutes of the Council Meeting**

**Monday, June 12, 2017 at 6:00 PM**

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

---

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

Staff Present: Clerk/Manager of Legislative Services, Brenda Percy  
Director of Community and Development Services, Paul Barnable  
Director of Finance and Business Services, Laura Rauch  
Director of Legal and Legislative Services, Ruth Orton  
Fire Chief, Tim Berthiaume  
Drainage Superintendent, Lu-Ann Marentette  
Manager of Economic and Community Development, Jeanine  
Lassaline-Berglund  
Manager of Engineering Services, Allan Botham  
Manager of Public Works, Ken Brown  
Manager of Recreation Services, Terry Symons  
Planner, Heather Ross  
Legislative Coordinator, Brianna Coughlin

### **Call to Order**

Mayor Paterson called the Meeting to order at 5:45 PM.

### **Disclosures of Pecuniary Interest and General Nature Thereof:** (Special Closed Meeting Matters)

None noted.

### **Special Closed Meeting**

Moved by: Councillor Jacobs  
Seconded by: Councillor Dunn

That Council move into Special Closed Meeting of Council at 5:45 PM in the Ante Room pursuant to Section 239(2)(e) of the Municipal Act, as amended, to consider Confidential Report LLS-29-17 dated June 6, 2017 regarding Notice of Potential Litigation.

**Carried**

## **Adjournment of Special Closed Meeting**

The Special Closed meeting adjourned at 6:02 PM.

## **Resumption of Regular Council Meeting, 6:00 PM**

Mayor Paterson called the meeting to order at 6:08 PM.

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

None noted.

## **Approval of Council Minutes:**

### **No. C-136-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Wilkinson

That the Minutes of the Council Meeting held May 23, 2017 be approved.

**Carried**

### **No. C-137-17**

Moved by: Councillor Hammond  
Seconded by: Deputy Mayor MacDonald

That the Minutes of the Special Council Meeting held May 31, 2017 be approved.

**Carried**

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

None noted.

## **Public Meeting, Planning:**

### **1. Notice of a Complete Application and Public Meeting to consider a Zoning By-law Amendment ZBA 147 (75 Oak Street West)**

Heather Ross, Planner, reviewed the report. It was advised that notice of the public meeting was provided to property owners in a 120 meter radius of the subject property. Ms. Ross advised that there were no verbal or written comments received from members of the public on this matter.

Ms. Ross explained that the purpose of the Public Meeting was to hear comments from residents regarding the application. A report with planning recommendations will be presented to Council at the June 26<sup>th</sup> meeting.

In response to a question from Council, Ms. Ross clarified that the Official Plan designation allows for a catering service on the property; however, the Zoning By-law does not speak to this, therefore a rezoning application was required.

In response to a question from Council, Ms. Ross advised that the zoning by-law amendment would allow retail as a permitted use accessory to the catering establishment.

It was noted that similar requests for rezoning should be expected in this area due to the location of the new high school.

Jackie Lassaline, Lassaline Planning Consultants, provided Council with a presentation related to the application. In response to a question from Council, she advised that there would be no restaurant on the property, only storage for the catering business.

In response to a question from Council, Ms. Ross advised that buffering for light and sound would be reviewed during the site plan control process.

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

#### **No. C-138-17**

Moved by: Councillor Verbeke  
Seconded by: Councillor Jacobs

Taking into consideration input received prior to and at the statutory public meeting on June 12, 2017, that a further report to Council regarding Zoning By-law Amendment Application ZBA #147, to change the zoning of the lands at 75 Oak Street West to include a catering establishment and accessory uses, be prepared.  
(PLA-17-17)

**Carried**

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

##### **1. Delegation, Communities in Bloom, Power Point Presentation of Best Blooming Street Award and Communities in Bloom Update**

Mr. Charlie Wright, Communities in Bloom Chair and Ms. Catherine Riediger, Vice Chair, provided an update on the activities of the organization. These include curb appeal signs, garden display awards and participation in the National Campaign this year. Council members received an invitation to the Judge's reception at the Marina and were presented with a plaque for Queens Hill which has won the Best Blooming Street 2004, 2005 and 2016.

**2. Report EDO-03-17 dated May 29, 2017 regarding Salvatierra Mexico Sister City Declaration**

Manager of Economic and Community Development, Jeanine Lassaline-Berglund presented the report. It was noted that the Municipality does not currently have a policy relating to Sister Cities and that it was hopeful this type of political, economic and cultural relationship could be the template for future agreements.

Consul de Mexico Alberto Bernal was present to discuss the opportunity. He noted the knowledge transfer between both cities would be important for both parties and that the relationship could expand common industries such as agriculture, tourism and travel exchange. It was noted that there was a possibility to extend an invitation for Leamington representatives to visit Salvatierra as a delegation in the future.

Council members thanked Consul Bernal for opening the door for this type of relationship with communities in Mexico.

In response to a question from Council, Ms. Lassaline-Berglund advised that there is potentially a large economic benefit for this type of Sister City agreement. It was noted that there has already been an expansion of business opportunities after the visit from the Salvatierra delegates.

**No. C-139-17**

Moved by: Councillor Jacobs  
Seconded by: Deputy Mayor MacDonald

1. Council receive the declaration from the Mayor of Salvatierra (attached); and
2. Council enter into a Sister City relationship with Salvatierra, Mexico for the purposes of promoting tourism and economic development. EDO-03-17
3. That the Mayor be authorized to execute any documents required to effect the same.

**Carried**

**3. Report FD-01-17 dated May 25, 2017 regarding Purchase of Command Vehicle and Fire Prevention Van**

Fire Chief, Tim Berthiaume and Deputy Fire Chief, Mike Bradt presented the report.

In response to a question from Council, Chief Berthiaume advised that outfitting the vehicles would cost between \$7,000 and \$10,000. He also noted that he is working with Financial Services to find other savings in the budget that could be used for other items, such as replacing outdated equipment.

In response to a question from Council, Deputy Chief Bradt advised that the Dodge Durango was chosen due to a discounted price for special service vehicles for various police and fire departments.

**No. C-140-17**

Moved by: Councillor Hammond

Seconded by: Councillor Dunn

1. The purchase of one (1) 2017 Dodge Durango from Oxford Chrysler Dodge in the amount of \$40,135 (plus applicable taxes), be approved; and
2. The purchase of one (1) 2017 Dodge Grand Caravan Minivan from Oxford Chrysler Dodge in the amount of \$34,394 (plus applicable taxes), be approved. (FD-01-17)

**Carried**

**4. Report PW-04-17 dated May 29, 2017 regarding Outfitting for Dump Truck Cab and Chassis**

Manager of Public Works, Ken Brown presented the report.

In response to a question from Council, Mr. Brown advised that the slide-in salter to be installed in the vehicle will be interchangeable if a new vehicle is purchased in the future.

**No. C-141-17**

Moved by: Councillor Jacobs

Seconded by: Councillor Hammond

1. The purchase of a dump body, hoist, plow, slide-in salter and necessary attachments in the amount of \$49,610 (plus HST) from Eloquip Ltd, Elora, Ontario, be approved; and
2. The Manager of Public Works be authorized to execute the purchase agreement. (PW-04-17)

**Carried**

**5. Report REC-03-17 dated May 29, 2017 regarding Leamington Kinsmen Recreation Complex Pool Ceiling Painting**

Manager of Recreation Services, Terry Symons presented the report. The consultant for the project, Chris Palmer of Remlap Building Services, was also in attendance to speak to the matter.

In response to a question from Council, Mr. Symons advised that the Municipality has advertised that the pool will be closed for the months of July and August to allow for the painting.

In response to a question from Council, Mr. Palmer noted that there are harmful fumes emitted during the installation process of the solvent-based paint so the contractor will need to use protective equipment. However, it is recommended by the manufacturer,

PPG Protective and Marine Coatings, that the solvent-based paint be used as the pool is a highly humid environment.

In response to a question from Council, Mr. Symons advised that staff is doing regular inspections and detailed analysis to determine if any repairs are needed. A close inspection of the ceiling will be undertaken when the scaffolding is in place. It was noted that staff is moving forward with a dehumidification system and further inspection of the ceiling beams will take place at that time.

Michael Papp, Director for Hastings Painting Corporation, was present as a delegate to express his concerns with the option chosen by Administration to use solvent-based paint. Mr. Papp provided a number of reasons why he believed the water-based paint should be used rather than the solvent-based paint.

Councillor Verbeke left the Council Chambers at 7:56 p.m. and did not return to the meeting.

In response to a question from Council, Mr. Symons advised that based on the close prices between the bids, it is worth going with the slightly higher price for a solvent-based paint because it is recommended by the manufacturer for the pool environment and should be a longer-lasting product.

**No. C-142-17**

Moved by: Councillor Hammond

Seconded by: Councillor Dunn

1. The LKRC Pool ceiling painting tender be awarded to Performance Painting & Floor Coatings Ltd., 12785 KEW Drive, Windsor, ON N8T 3B7 in the amount of \$292,635 (excluding HST);
2. The LKRC ceiling project include the supply and install of 125 feet of fire resistant drainage piping to replace the existing cast iron roof drain piping;
3. That an additional \$70,000 in funding from the Kinsman Complex Reserve be approved; and
4. That the Mayor and Clerk be authorized to execute the contract. (REC-03-17).

**Carried**

**6. Report ENG-07-17 dated May 12, 2017 regarding Transit Master Plan, Consulting Services**

Manager of Engineering Services, Allan Botham presented the report. In response to a question from Council, Mr. Botham advised that the consultant's report is expected to be submitted in early 2018.

In response to a question from Council, Mr. Botham advised that discussions had been held with neighbouring municipalities regarding the project; however, formal discussions regarding cost-sharing have not occurred.

**No. C-143-17**

Moved by: Councillor Dunn  
Seconded by: Deputy Mayor MacDonald

1. The services of Transit Consulting Network be awarded a contract to prepare a Transit Master Plan in the amount of \$66,180 (plus applicable taxes); and
2. And that the Mayor and Clerk be authorized to sign the necessary agreements. (ENG 07-17)

**Carried**

**7. Report ENG-08-17 dated May 25, 2017 regarding Pedestrian Crossing Assessment and Combined Pedestrian Crossing/Active Transportation Design**

Manager of Engineering Services, Allan Botham presented the report.

Councillor Jacobs left the Council Chambers at 8:19 p.m. and did not return to the meeting.

In response to a question from Council, Mr. Botham noted that it was the intention of the Province to standardize pedestrian crossings in all municipalities through the updates to Ontario Traffic Manual Book 15.

In response to a question from Council, Mr. Botham advised that there should be no pedestrian crossings added at the new high school site, as there will be two traffic signals that can accommodate the pedestrian traffic.

**No. C-144-17**

Moved by: Councillor Hammond  
Seconded by: Councillor Dunn

1. RC Spencer Associates, Leamington, Ontario, be awarded a contract to complete the Pedestrian Crossing Assessment and Combined Pedestrian Crossing/Active Transportation Design assignment in the amount of \$59,950 (plus applicable taxes); and
2. The Mayor and Clerk be authorized to sign the necessary agreements. (ENG 08-17)

**Carried**



**8. Report DR-15-17 dated May 25, 2017 regarding Upper Part of the Silver Creek Drain - Section 65 Report JPI Farm Inc., Parcel # 720-03705**

Drainage Superintendent, Lu-Ann Marentette presented the report. It was noted that the assessment of the property is changing from approximately 7 hectares to 10 hectares, which has resulted in additional costs to the landowner.

Councillor Hammond left the Council Chambers at 8:22 p.m. and was not in attendance for the vote.

**No. C-145-17**

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Dunn

1. The Engineer's Report for the Change of Use to the Upper Part of the Silver Creek Drain prepared by N.J. Peralta Engineering Ltd., dated May 8th, 2017, be adopted by Council pursuant to the provisions of the Drainage Act, Section 65(3&5); and
2. That a buy-in fee of \$63.13 be charged to the owner of #720-03705 (DR-15-17).

**Carried**

Councillor Hammond returned to the Council Chambers at 8:23 p.m.

**9. Report DR-14-17 dated April 11, 2017 regarding 2017 Drain Maintenance Tender Awards**

Drainage Superintendent, Lu-Ann Marentette presented the report, noting that it is the second of three reports being brought forward to Council regarding tender approval for drains. It was further advised that there was an error in the bid submitted by Goodreau Excavating. The price in the recommendation reflects the corrected price; however, the bidder may choose not to enter into the contract.

**No. C-146-17**

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Hammond

1. The following tenders be awarded to the low bidders:
  - a. Goslin Drain - Shilson Excavating & Trucking - \$37,197 plus applicable taxes
  - b. Scott Drain - Sawatzky Excavation Inc. - \$17,348 plus applicable taxes
  - c. 8th Concession Road Drain - Goodreau Excavating - \$37,650 plus applicable taxes
  - d. Zaburney Drain - Sawatzky Excavation Inc. - \$19,261 plus applicable taxes
  - e. B & C Concession Road Drain East - Sawatzky Excavation Inc. - \$24,375 plus applicable taxes
  - f. Collison Drain - Branch #2 - Shilson Excavating & Trucking - \$11,200 plus applicable taxes

g. Silver Creek Drain - Goodreau Excavating - \$57,540 plus applicable taxes.

2. In the event that Goodreau Excavating Ltd. does not enter into a contract with the Municipality for the Silver Creek Drain maintenance, that the tender be awarded to Shilson Excavating & Trucking - \$169,000 plus applicable taxes. (DR-14-17)

**Carried**

**10. Report IS-05-17 dated May 3, 2017 regarding Disposition of 64 Askew Street**

Director of Legal and Legislative Services, Ruth Orton presented the report on behalf of Director of Infrastructure Services, Robert Sharon.

Council noted that selling the land to Habitat for Humanity aligns with Council's priorities for social responsibility.

**No. C-147-17**

Moved by: Councillor Hammond

Seconded by: Councillor Dunn

1. Council select Option #3 as described in this report and approve the sale of Municipally owned lands known as 64 Askew St., Leamington, being Lot 93, Registered Plan 602, to Habitat for Humanity for a purchase price of \$1; and
2. The agreement of purchase and sale be subject to conditions consistent with the content of this report, and in form acceptable to the Municipality's solicitor. (IS 05-17)

**Carried**

**Matters for Approval:**

**No. C-148-17**

Moved by: Councillor Wilkinson

Seconded by: Councillor Dunn

That the Minutes of the Police Services Board Meeting held April 12, 2017 be approved.

**Carried**

**No. C-149-17**

Moved by: Councillor Dunn  
Seconded by: Councillor Hammond

That the Minutes of the Leamington Municipal Heritage Advisory Committee Meeting held February 22, 2017 be approved.

**Carried**

**No. C-150-17**

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Dunn

That the Minutes of the Leamington Municipal Heritage Advisory Committee Meeting held March 22, 2017 be approved.

**Carried**

**Other Matters for Consideration:**

**Correspondence dated April 13, 2017 from The Town of LaSalle regarding Funding for the Great Lakes**

Mayor Paterson provided an overview of the correspondence, noting the importance of protecting the Great Lakes and ensuring clean water for all.

**No. C-151-17**

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Hammond

Whereas algal blooms in Lake Erie threaten its natural and economic resources by negatively impacting the use of water for drinking, fishing, boating and swimming; and

Whereas Lake Erie experienced the largest harmful algal bloom in its history in 2015; and

Whereas toxins from algal blooms can cause severe health issues; and

Whereas communities that depend on Lake Erie as a source for drinking water have made significant investments to ensure it is free from dangerous levels of algal toxins and nuisance algae; and

Whereas algal blooms limit the enjoyment of Lake Erie beaches and other recreational water activities; and

Whereas, local tourism, commercial and residential property values and the commercial and recreational fishing industry may be negatively affected due to the presence of algal blooms; and

Whereas, the United States recently announced a proposal to cut funding to the Environmental Protection Agency that pays 97 percent of the costs for Great Lakes pollution cleanup thereby putting the future health of the Great Lakes in danger;

Now therefore be it resolved that the Minister of Fisheries and Oceans Canada, Ontario Minister of Environment and Climate Change and the Mayors of Great Lakes and St. Lawrence Cities Initiative be requested to lobby U.S. State representatives to overturn the decision by the U.S. federal government to drastically reduce spending on the health of the Great Lakes, and that a copy of this resolution be forwarded to local MP Dave Vankesteren and MPP Rick Nicholls, Essex County municipalities, AMO and FCM to request support of the initiative.

**Carried**

### **Report on Closed Session:**

The Clerk reported that a closed meeting was held at 5:45 PM prior to the open session of Council pursuant to Subsections 239(2)(e) of the Municipal Act, as amended, for the purpose of considering Confidential Report LLS-29-17 dated June 6, 2017 regarding Notice of Potential Litigation.

Proper notice of the meeting was given. No direction nor action was taken.

The meeting adjourned at 6:02 PM.

### **Consideration of By-laws:**

#### **No. C-152-17**

Moved by: Councillor Wilkinson  
Seconded by: Councillor Dunn

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

By-law 38-17 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held June 12, 2017

**Carried**

### **Notices of Motion:**

Councillor Wilkinson read the notice of motion regarding a proposed amendment to the Animal Control By-law to include a tethering provision. This motion will be added to the next Council Meeting agenda for discussion and voting.

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

Councillor Wilkinson advised that he has heard complaints about traffic on Robson Road and into the Marina and noted that he was glad to see the issue was brought up at the Police Services Board meeting.

Mayor Paterson provided Council with a brief update regarding his attendance at the Tourism Windsor Essex Pelee Island (TWEPI) Annual General Meeting as well as the Leamington District Secondary School closure.

**Statement of Members:** non-debatable

None noted.

**Adjournment:**

**No. C-153-17**

Moved by: Councillor Wilkinson  
Seconded by: Councillor Dunn

That the meeting adjourn at 8:39 PM.

**Carried**

John Paterson, Mayor

Brenda M. Percy, Clerk

Minutes approved at Council Meeting held  
June 26, 2017, Resolution C-XXX-17,  
Confirmation By-law XX-17

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

## **Special Closed Meeting Minutes**

**Monday, June 12, 2017 at 5:45 PM**

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

---

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

Staff Present: Clerk/Manager of Legislative Services, Brenda Percy  
Director of Legal and Legislative Services, Ruth Orton  
Director of Finance and Business Services, Laura Rauch  
Director of Community & Development Services, Paul Barnable  
Manager of Engineering Services, Allan Botham

Staff Absent: Director of Infrastructure Services, Robert Sharon

Mayor Paterson called the meeting to order at 5:45 PM.

### **No. S-63-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Dunn

That Council move into Special Closed Meeting of Council at 5:45 PM in the Ante Room pursuant to Section 239 of the Municipal Act, as amended to consider Confidential Report LLS-29-17 dated June 6, 2017 regarding Notice of Potential Litigation to be considered in closed session pursuant to Subsection 239(2) (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

**Carried**

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

None noted.

## **Matter for Consideration:**

Confidential Report LLS-29-17 dated June 6, 2017 regarding Notice of Potential Litigation to be considered in closed session pursuant to Subsection 239(2) (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

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

## **Adjournment:**

### **No. S-64-17**

Moved by: Councillor Wilkinson  
Seconded by: Councillor Dunn

That the meeting adjourn at 6:02 PM and move into public session.

**Carried**

John Paterson, Mayor

Brenda M. Percy, Clerk

Minutes approved at Council Meeting held  
June 26, 2017, Resolution C-XX-17,  
Confirmation By-law XX-17

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

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

#### **ZBA #139 - 530 Highway 77**

---

**TAKE** notice that the Council of The Corporation of the Municipality of Leamington will hold a public meeting concerning a proposed zoning by-law amendment under the provisions of the Planning Act, R.S.O. 1990 on **June 26, 2017 at 6:00 pm** in the Council Chambers at the Municipal Building.

**The Purpose** of the proposed amendment is to change the zoning on property described as Part Lot 7, Concession 5 known municipally as 530 Highway 77 (see inserted key map). The proposed amendment seeks to change the current Agricultural Residential (A5) zoning of the property to Commercial Industrial (C4) to allow the property to be used together with the abutting property to the immediate north at 538 Highway 77 as a truck terminal, including a truck service establishment. The existing truck terminal and service establishment is seeking to expand the operations on the current site, as well as onto the subject property. Expansion of the operation and development of the properties are subject to a site plan control approval (SPC-12-15).

**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 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 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 ext. 1405 or [dtruax@leamington.ca](mailto:dtruax@leamington.ca).

**DATED** at the Municipality of Leamington this 6<sup>th</sup> day of June, 2017.





## Legend



Zoning By-law Amendment #139  
530 Highway 77



Municipal Drains

Aerial Photography : April 2015

## COPYRIGHT

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

This map is the property of the Corporation of the Municipality of Leamington and may not be reproduced without expressed permission and authorization.

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

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

Provided by the: Municipality of Leamington - GIS Services

111 Erie Street North, Leamington, Ontario N8H 2Z9

TEL: (519) 326-5761

FAX: (519) 326-2481







## Report

**To:** Mayor and Members of Council

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

**Date:** May 23, 2017

**Re:** Zoning By-law Amendment #139  
530 Highway 77 (680-03600)  
Site Plan Application SPC-12-15  
530-538 Highway 77 (690-03600/03801)  
Highway 77 Truck Service Inc.

---

### Recommendation:

It is recommended that:

1. Zoning By-law Amendment Application ZBA#139 to change the zoning of the property at 530 Highway 77 from Agricultural (A5) Zone to Highway Commercial (C4) Zone be approved by Council;
2. Amending By-law #40-17 be forwarded to Council for consideration;
3. Revisions to the 2015 site plan for Highway 77 Trucking for the consolidated properties located at 530 and 538 Highway 77 be approved by Council; and
4. The Manager of Planning Services be authorized to execute the necessary amendment to the site plan control agreement upon necessary approvals being received from the Ministry of Transportation (MTO), Essex Region Conservation Authority (ERCA) and for the storm water management system. (PLA-16-17)

### Background:

Site Plan Application SPC-12-15 was presented to Council in 2015 for consideration of an addition to the existing truck depot and service establishment located at 538 Highway 77. After discussion, Council provided direction that the site plan be approved subject to the installation of privacy fencing along the rear of the homes fronting on Highway 77 within one year's time, that the necessary permits from MTO be obtained and that the applicant work with Administration to determine what can be considered appropriate hard surfacing.

Since that time the owner has continued to work with MTO to obtain the necessary permits and to address the requirements for hard surfacing of the parking area with Administration.

The owner has also acquired the property at 530 Highway 77 which is located immediately to the south of the existing trucking operation (see key map below). The intention is to expand the truck parking area of the operation and to convert the existing house to an office.



Key Map of the Subject Properties at 530-538 Highway 77

The consolidated properties have a combined area of 2.09 ha (5.18 ac.) with 72.46 m (237.73 ft.) of frontage along Highway 77. The surrounding uses in the area along the east and west sides of Highway 77 range from existing residential uses fronting directly onto Highway 77, agricultural operations including greenhouse, row crop and the mushroom farm located to the immediate east, and several highway commercial uses such as contractor's and tradesmen shops.

## Proposal

Zoning Amendment Application ZBA #139 seeks to change the zoning of the property at 530 Highway 77 (highlighted in green on the key map above) to allow the consolidated properties to operate as a truck depot, including the service shop and dispatch office in the existing dwelling. A truck depot includes the use of land, structures or buildings to store, repair, service or dispatch trucks or vehicles and shall include a transport and truck

terminal for the loading of transport vehicles. As a result of the property acquisition, the owner requires that the site plan that was approved with conditions in 2015 be revised to include the expansion of the operation onto that property.

The following materials have been submitted in support of both the zoning amendment and site plan applications:

1. Planning Justification Report prepared by J. Lassaline dated September 26, 2016;
2. Storm Water Management Report;
3. Mutual Drainage Agreement with Highline Produce Limited; and
4. Site Plan prepared by Baird AE dated June 1, 2017.

## **Comments:**

Provincial Policy Statement (PPS) and County of Essex Official Plan (OP):

The subject property is located within an identified Secondary Settlement area as shown in the planning documents for the County of Essex and the Municipality of Leamington. The application does not seek to enlarge the settlement area, is not removing lands from the agricultural area and is not located in an area of a natural hazard or resource. The subject proposal is consistent with the direction of the PPS, in particular those sections addressing the provision and protection of employment lands, including the efficient use of lands. The proposal conforms to the land use policies for the development of settlement areas as shown in the County OP.

## **Official Plan**

Both properties are designated as “Highway 77 Corridor Commercial District” on Schedule A-3 of the Official Plan. The “Highway 77 Corridor Commercial District” is an area that permits light industrial and highway commercial type uses. New development and redevelopment within this area is encouraged for those uses which are permitted within the Zoning By-law. The proposed amendment will bring the use of the property at 530 Highway 77 into conformity with the Official Plan and is what the intended long term use of the properties in the immediate area are to be used for.

## **Zoning By-law 890-09, as amended (ZB)**

The property located at 538 Highway 77 is zoned Commercial Industrial (C4) as shown on Map 25 of Zoning By-law No. 890-09, as amended. The newly acquired property to the immediate south is currently zoned Agricultural Residential (A5) Zone which recognizes the existing residential use of the property. The proposed zoning amendment application seeks to change the zoning from A5 to C4 to allow the commercial use of the property as intended under the Official Plan.

Any development of the subject property will be required to meet the C4 zone provisions including lot coverage and setbacks. On its own, the property at 538 Highway 77 was deficient in landscaped open space and was considered to be legal non-complying. Upon consolidation with the abutting property and through the proposed development using the area of both properties, the parcel will now be brought into compliance including the provision of adequate grassed areas along the frontage and perimeter of the property.

The location of the existing dwelling which is proposed to be converted into an office does not comply with the required front yard setback however would be permitted as it exists. There are no zoning provisions to regulate the location of transport trailer parking on the site. Site Plan Control can be used to ensure that appropriate buffering is required with respect to encroachments, parking alignment and vehicle headlights.

The required Public Meeting offers an opportunity to hear comments from adjacent property owners with respect to the proposed expansion of the existing truck depot, as well as any current or anticipated nuisances. Comments received from the public and agencies can be considered for implementation within the required site plan sketch and agreement.

Notice of the public meeting for consideration of the Zoning By-law Amendment Application ZBA #139 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, signage posted on-site to prescribed agencies and municipal departments on June 6, 2017.

Subject to receiving comments from the public and consulting agencies, Administration is in a position to state the application to change the land use from Agricultural Residential (A5) to Commercial Industrial (C4):

- i) is consistent with the policy statements issued under subsection 3 (1) of the Planning Act, including Section 1.3 for the promotion and protection of employments lands.
- ii) conforms to and does not conflict with any applicable provincial plan or plans.
- iii) is in keeping with the overall goals and policies for the development of lands designated Highway 77 Corridor Commercial within the Official Plan, including the criteria listed in Section 2.4 to provide adequate buffering between different uses.

If concerns are raised at the public meeting which cannot be satisfactorily addressed through the pending site plan, 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 application.

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

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

#### Site Plan Application SPC-12-15

As noted above, the site plan to allow an addition to the service bay on the property at 538 Highway 77 was considered by Council in December, 2015. Since that time, the applicant



has continued to work with Administration and MTO to satisfy hard surfacing requirements of the parking area and has subsequently purchased the abutting property at 530 for expansion of the same operation.

Upon reviewing the revised site plan, it was brought to the attention of Administration that there was a site plan approved by Council in 2008 which allowed for the development of the entire site as a gravel parking area on the subject lands (PLA 04/08). A copy of the Schedule C to the approved site plan has been attached as Figure 1 to this report. The gravel truck parking area was the accepted standard for the development of the truck parking area in 2008.

However, the request to amend the site plan to allow for the service building addition and the expansion of the parking area now creates an opportunity to improve the past standard or to establish a new standard for the hard surfacing of the parking area on the subject property.

Section 4.39 of Zoning By-law 890-09, as amended, establishes that parking areas shall be hard surfaced to the satisfaction of the Municipality and that additional requirements will be determined through the use of site plan control. In addition to the requirements of the zoning by-law, Sections 5.04 and 5.05 of the Property Standards By-law requires that all non-residential properties which abut residential properties have a surface covering of asphalt or similar hard surface. Tar and chip, recycled asphalt and clear stone aggregate are not considered hard surfacing by the municipality.

The requirement to hard surface parking areas of truck depots is a standard which varies widely between municipalities and can be dependent on the location of the yard in relation to the type of surrounding development. The current provisions of Zoning By-law 890-09, as amended do not establish what the standard is or how that will be determined. For that reason it is necessary to look to the expected nuisances to be created by the use of the parking area and use the provisions of site plan control to reasonably address them.

The subject property is located in an area that is intended to be developed for Commercial Industrial uses. The surrounding area includes Agricultural uses which are exempt from provisions to prevent the creation of dust. The applicant has implemented improvements to the 2008 agreement to improve the development as it relates to the impacts on the existing residential uses in the immediate area, including:

1. Asphalt apron onto Highway 77 and approach into the parking area;
2. Tar and chip driveway up to and into service bay area;
3. Clear aggregate to be placed in areas where transport trailers will be parked.

A copy of the proposed site plan, which includes both properties has been attached as Figure 2 to this report.

In an attempt to better address the nuisance of dust, the site plan agreement can contain provisions to require the owner to treat the entire gravel surface area to control dusts at all times or within 24 hours of receiving direction of the municipality. Despite the additional provision, it is noted that it will be difficult for the Municipality to successfully enforce and prosecute violations for dust under the current by-laws and regulations in place. This type

of use will generate dust as part of its normal operations within a yard that is not entirely hard surfaced. Municipal records indicate that no concerns with respect to the general operation, specifically the creation of dust have been received by the Municipality for this property.

#### Other Site Plan Matters

As per the original site plan, a privacy fence will be installed along the rear yard of the residential properties fronting on Highway 77 and will be installed within one year. The remainder of the property will be fenced within three years' time and is required for security purposes. It is noted that there is an existing residential use on the property to the south of 530 Highway 77. The site plan includes a 3.0 m (9.87 ft.) grassed buffer strip, fencing and cedars to be planted and maintained along this property line. The applicant has also installed large boulders as parking stops at each parking space to ensure that trailers do not encroach into the required buffer area.

The site plan includes improvements to the frontage of the property along Highway 77. Currently the entire area is gravel and is used for the parking of vehicles. The site plan shows that this area will be grassed, creating a more aesthetic appearance along this commercial corridor, as well as for the rural residential uses located along the east and west sides of Highway 77.

The applicant is required to obtain final approval of the storm water management system and clearance from the Ministry of Transportation. The approval of a site plan will allow the owner to proceed with the shown improvements on the site, comply with the existing order on the dwelling at 530 Highway 77 which is to be converted to an office, including the installation of an adequate septic system and to construct a service bay addition to the main service building on 538 Highway 77 which was proposed in 2015.

#### Financial Impact:

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

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: 2017.06.22 10:19:11 -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: 2017.06.22 11:53:30 -04'00'

Paul Barnable  
Director of Community and Development Services

dt

Attachments: Figure 1 Schedule C - 2008 Site Plan Agreement  
Figure 2 Site Plan - 2017 Site Plan Agreement

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: 2017.06.22 12:13:50 -04'00'



Figure 1 Schedule C - 2008 Site Plan Agreement

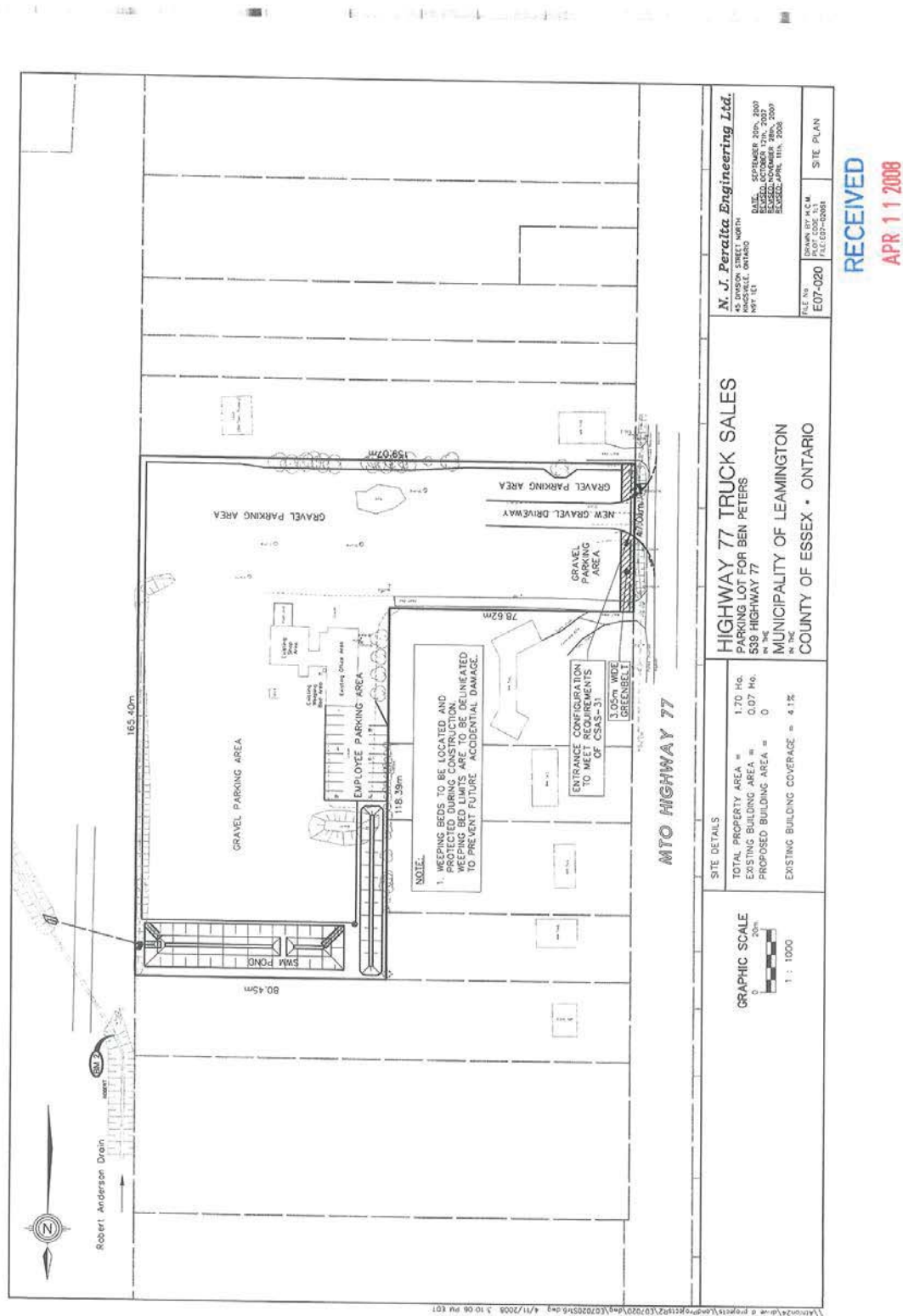
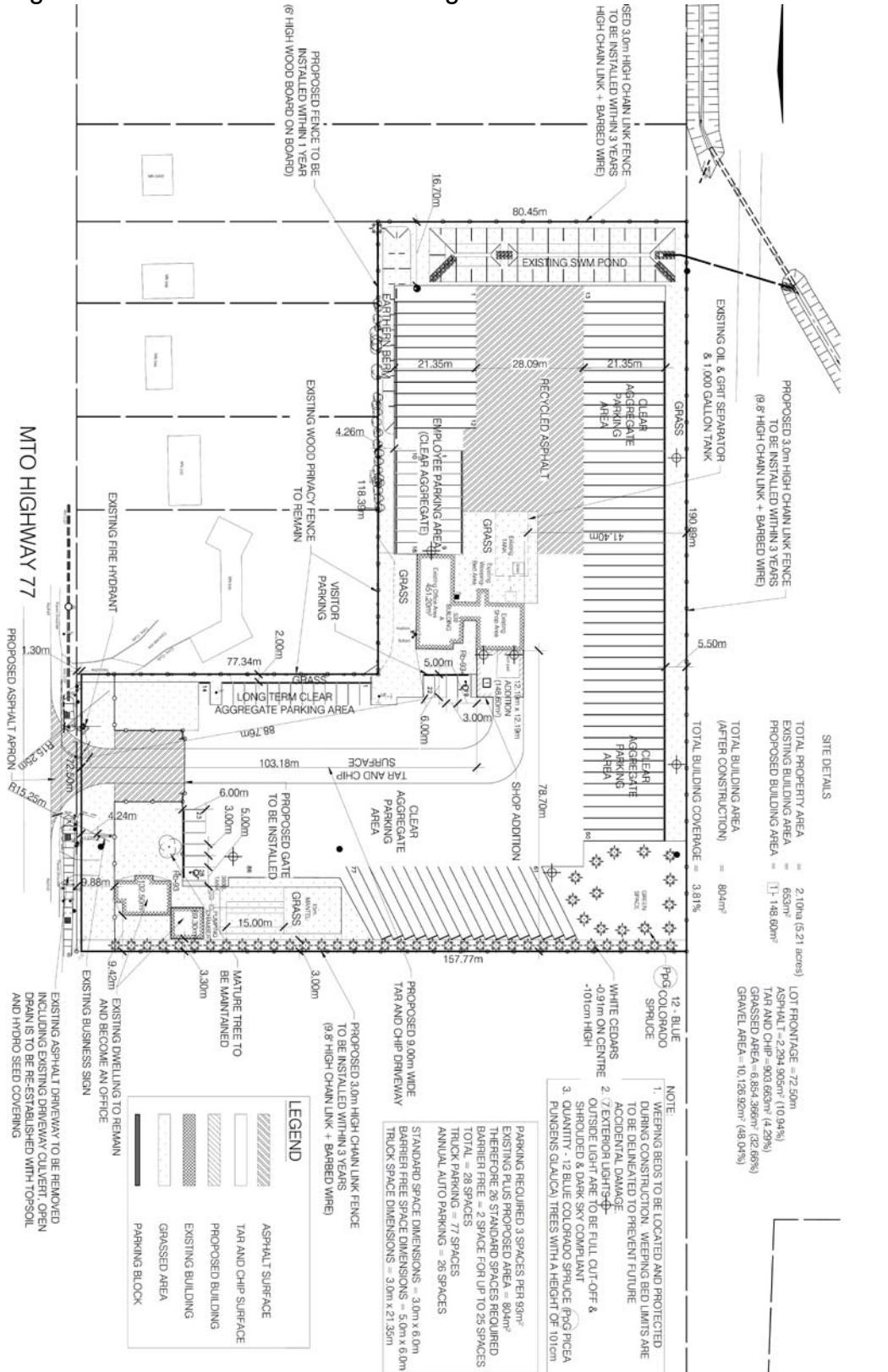


Figure 2 Site Plan - 2017 Site Plan Agreement





regs@erca.org

P.519.776.5209

F.519.776.8688

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

June 15, 2017

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

Dear Ms. Truax:

RE: Zoning By-Law Amendment ZBA #139 530 HWY 77  
ARN 370668000003600; PIN: 750920504  
Applicant: HWY 77 Truck Service Inc.

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-139. We understand that the purpose of this application is to change the zoning from Agricultural Residential (A5) to Commercial Industrial (C4) to allow the property to be used along with the northern adjacent property at 538 Highway 77 to expand the truck terminal and service establishment.

## **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**

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

## **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  
June 15, 2017

**FINAL RECOMMENDATION**

We have no objections to this zoning change.

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 Chiasson', with a large, stylized initial 'C'.

Corinne Chiasson, *Resource Planner*  
/cor



## Meeting to Consider

June 15, 2017

To: All Affected Owners

Dear Sir or Madam:

Re: Engineer's Report - Silver Creek- Upper Portion  
New Culvert and Assessments  
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 N.J. Peralta Engineering Ltd. dated May 26, 2017, a copy of which is attached, was filed with the Clerk of the Municipality of Leamington on May 26, 2017, and will be considered at a meeting of the Leamington Council:

Date: Monday, June 26, 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:** June 1, 2017  
**Re:** Silver Creek - Upper Part  
New Access and Improvements - J.P.I. Farms Inc.  
Part Lot 4, Concession 6, Mersea Road 7

---

### Recommendation:

It is recommended that:

1. The report provided by N.J. Peralta Engineering Ltd., dated May 26, 2017, for 1 new access culvert and assessments over of the Silver Creek - Upper Part, pursuant to the provisions of Section 78 of the Drainage Act be adopted; and
2. Council authorize the project be tendered and should the said tenders be within the engineer's construction estimate of \$60,547 (Bridge# 1), that the Mayor and Clerk be authorized to award the tender and enter into necessary agreements; and
3. By-law 39-17 authorizing the work be presented to Council for 1st and 2nd reading and that the Clerk send by 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 XX day of June, 2017, and that Tony Peralta, P.Eng., Allan Botham, P.Eng., Manager of Engineering Services and Lu-Ann Marentette, Drainage Superintendent, be appointed as Commissioners to let and superintend the said drainage works; and
5. The Essex Region Conservation Authority be advised of the proposed improvements. (Report DR-13-17)

### Background:

Administration received a request from J.P.I. Farms Inc., on January 12, 2017, to install a new access culvert for their proposed greenhouse development at 430 Mersea Road 7. The property currently has one entrance that is too small and in the wrong location for their layout of the storm water management pond and greenhouses.

During the site meeting the Drainage Superintendent requested a review on the 2 culverts downstream of the new request since the current drainage report does not provide adequate maintenance provision for assessing costs during maintenance.

### Comments:

The engineer has provided his report and his findings include:

1. Bridge #1 - Serving as a second access to parcel #720-03705 - 100% assessed to landowner
2. Bridge #2 - Serving as a first access to parcel #720-03705 - no replacement required at this time - future assessment will be 77.5% to the bridge owner and 22.5% of the maintenance cost to the upstream landowners
3. Enclosure (Lawn piping) #3 - Serving parcel #720-03700 - requires no replacement at this time - future construction will require an 1800 mm pipe replace the existing 1500 mm portion and the 1702 mm portion. Future assessment will be 54.6% to parcel #720-03650, 31.3% to parcel #720-03700 and 14.1% to the upstream landowners.

Note: Secondary access crossings are acceptable under the Drainage Act, but not grantable under the OMAFRA ADIP program.

### Financial Impact:

A deposit in the amount of \$5,000 has been received from the owner for engineering costs. Once the project is tendered, and prior to construction, the owner will provide a deposit for the total construction cost. Following completion of the works, the owner will be required, if necessary, to pay for any additional costs or be reimburse the surplus amount.

This project is not included in the 2017 budget, however, all costs will be assessed to the landowner, J.P.I. Farms Inc., Roll #720-03705. The latest estimate of total project costs is \$77,691.00.

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer

Digitally signed by Peter Neufeld, Chief Administrative Officer  
DN: cn=Peter Neufeld, Chief Administrative Officer, o=JPI, email=pneufeld@leamington.ca, c=CA  
Date: 2017.06.22 11:26:01 -04'00'

Lu-Ann Marentette  
Drainage Superintendent

Allan Botham, P.Eng  
Manager of Engineering

Robert Sharon, CMO  
Director of Infrastructure Services

/LB attachments - 1. Engineer's Report, N.J. Peralta Eng., dated May 26, 2017- under separate cover

File: T:\Community Services\Community Services\Community Services Council Reports\2017 Report\Drainage\DR-13-17 - Silver Creek - New Access - JPI\DR-13-17 - Silver Creek - Access for JPI.doc





## Report

**To:** Mayor and Members of Council

**From:** Lu-Ann Marentette, Drainage Superintendent

**Date:** June 12, 2017

**Re:** East Marsh Drainage Scheme: Lakeshore Protection

---

### Recommendation:

It is recommended that:

1. The report be received for information. (DR 17-17)

### Background:

#### Original Drainage Works:

In 1973, the Township of Mersea procured a drainage report from drainage engineer William J. Settrington, to examine parts of the East Marsh Drainage Scheme. This report was a result of concerns from landowners that the existing infrastructure was inadequate, and that the present state of the infrastructure was 'injurious to their land and crops'.

The 1973 report found that that the high water level of Lake Erie was causing 'considerable erosion of the shoreline along Lake Erie in front of the East Marsh Drainage Scheme'. The report also concluded that water from the Lake is overflowing the existing dyke (along the Lake Erie shoreline), and flooding the lands and roads within the scheme. Additionally, the report found that a build-up of water within the Hillman Marsh resulting from lake waters or from rain events, was causing water levels to rise, overtop the banks, and flood the East Marsh Drainage Scheme.

The drainage report identified three areas of concern, and recommended solutions to address the concerns. While this Council report is specific to a matter relating to Phase A: Lakeshore Protection, the other two recommendations are described briefly below.



1) Phase A: Lakeshore Protection.

In order to minimize the effect of erosion along the shoreline of Lake Erie, including the overflowing of the existing dykes or berms, and the subsequent flooding of lands and roads in the East Marsh Drainage Scheme, that Lake Erie Shoreline protection works were required.

2) Phase B: Open Drain

After a survey of the open drains, it was concluded that the drains were filled with sediment and where unable to provide adequate drainage. This sediment was deposited in the drains as a result of erosion that occurred when Lake Erie overflowed the existing dykes or berms along the East side (lake side), and flooded the lands. Some of the existing drains were recommended to be improved, and some additional drains were recommended.

3) Phase C: 1<sup>st</sup> Concession Dyke

The dyke along Hillman Marsh was deemed inadequate in size and height to properly contain the water within Hillman Creek. The report recommended that the dyke be raised and strengthened.

The report then determined, for all three phases, the recommended compensation to landowners for the damage to land and crops to construct the works, the estimated cost of the works, and the assessment of costs to the benefitting landowners. Phase A: Shoreline Protection, represented over 80% of the cost of all three phases.

The report recommended that the works be kept up and maintained at the expense of the lands and roads assessed for its construction, at the proportions contained in the schedule of assessment for construction, or until otherwise determined under the provisions of the Drainage Act. The report was adopted by Council of the Township of Mersea. The assessment schedule was finally approved after amendments at the Court of Revision, as well by the County Court Judge.

The works were constructed in and around 1973, and assessed to the benefitting landowners in accordance with the assessment schedule.

**New Maintenance Schedule of Assessment:**

In and around 1999, the former Township of Mersea was approached to undertake maintenance work to a portion of the existing armour stone breakwall originally constructed in 1973 under the Drainage Act. The maintenance work requested was to re-establish the original height of the armour stone breakwall. After reviewing the drainage report for the East Marsh Drainage Scheme, the Drainage Superintendent found that numerous land boundary changes and other circumstances had arisen since the date of the original report, and that a new schedule of assessment was in order to properly distribute the cost of maintenance to all affected landowners.

Pursuant to Section 76 of the Drainage Act, a new maintenance schedule of assessment for the breakwall portion of the East Marsh Drainage scheme was prepared by Bruce D. Crozier Engineering in 1999. This new report recommended that the breakwall be kept up and maintained in accordance with the plan and specification found in the original 1973 report, but that cost were to be assessed using a new updated schedule. The new assessment schedule increased the proportional assessment for shoreline residential lands, and established rates of \$21 to \$386 per hectare (assuming \$20,000 in cost), depending on the location and use of the lands. The Report was adopted under Bylaw-120-99.

## **Comments:**

Armour stone breakwalls constructed under the Drainage Act are considered Municipal Drainage Works. In this circumstance, the armour stone breakwall acts as a Dyke and was built as a form of flood protection to the East March Drainage Scheme.

In the fall of 2016, the Drainage Superintendent became aware of two locations along the breakwall which required repair. High winds and wave action against the breakwall, and the impacts of overtopping, caused significant damage to the infrastructure. Some parts of the armour stone breakwall had moved, and erosion was evident on the back side of the breakwall. Damage was particularly severe at two locations: 368 and 342 East Beach Road. Administration understands that some property owners have altered the breakwall in front of their property over the years, but this was not the case at these locations.

The damage was deemed severe enough by the Drainage Superintendent to warrant emergency repairs. Cobby Marine was hired to place 18 loads of armour stone along the breakwall, and straighten some existing rock as was necessary. The cost of emergency work at the two locations along the breakwall was \$87,336 (including net HST). This cost was then assessed to all the landowners based on the most current by-law from the 1999 Report under Bylaw-120-99. As the assessment schedule is prepared on a rate per hectare, the more land owned in the scheme, the higher the assessment.

Some landowners within the scheme were unhappy with their assessment and requested to speak to Council. This report is intended to provide Council with the necessary background information for the discussion.

Administration recognizes the complexity of the matter as well as the magnitude of costs, and intends to conduct a more comprehensive review of options available to the Council of the Municipality, as well as to the benefitting landowners, in dealing with the repair and maintenance of the infrastructure on a go-forward basis. The Infrastructure was built under the Drainage Act, and this legally compels the Municipality to respond, and act, in a certain manner. Options to consider going forward could include recommendations to: remain status quo; hire an engineer to create a new assessment schedule under Section 76 of the Drainage Act; hire an engineer to create a new repair and improvements report under Section 78, or a consideration to abandon the works under the Drainage Act. Administration will need time to review the matter and will bring a report back to Council later in 2017.

The costs of any new report under the Drainage Act would be charged to the drainage scheme based on the new report. A new assessment schedule would not change the way in which the 2016 works must be assessed, but would apply to all future maintenance work.

### **Financial Impact:**

There was a municipal road share of assessment to Mersea Road 1, Mersea Road B, Kildeer Road and East Beach Road, at a total cost of \$6,675.45. There were also two municipality owned parcels in the scheme, and the assessment totalled \$875.

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: 2017.06.22 15:19:11 -0400

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

Robert Sharon, CMO  
Director of Services  
Infrastructure Services

/LB

Attachments: Schedule 'A' - East Marsh Breakwall  
Schedule 'B' - Schedule of Assessment

File: T:\Community Services\Community Services\Community Services Council Reports\2017 Report\Drainage\DR-17-17 - East Marsh Breakwall\DR 17-17 - East Marsh Breakwall.doc



Schedule "B" - Schedule of Assessment

| Jur# | ROLL#        | RTC | PRESENT OWNER                      | ACRES OWNED | HECTARES OWNED | AREA DRAINED | ORIGINAL ASSESSMENT | CURRENT YEAR ASSESSMENT | 1/3 GRANT | NET ASSESSMENT | POST-AGE | ADMI N FEE | NET BEFORE POSTAGE & ADM |
|------|--------------|-----|------------------------------------|-------------|----------------|--------------|---------------------|-------------------------|-----------|----------------|----------|------------|--------------------------|
| 1    | 460 00000100 | F   | RIVEST GERALD JOSEPH               | 19.85       | 8.03           | 8.093        | \$320.69            | \$1400.40               | \$466.80  | \$943.60       | \$0.00   | \$10.00    | \$933.60                 |
| 2    | 460 00000200 | *   | LETOURNEAU JAMIE EMILE             | 5.04        | 2.04           | 2.052        | \$81.31             | \$355.07                | \$0.00    | \$365.07       | \$0.00   | \$10.00    | \$355.07                 |
| 3    | 460 00000300 | F   | NAIM JACOB                         | 9.99        | 4.04           | 4.047        | \$160.37            | \$700.31                | \$233.44  | \$476.87       | \$0.00   | \$10.00    | \$466.87                 |
| 4    | 460 00000400 | F   | PETRYSCHUK WILLIAM JOHN            | 10.18       | 4.12           | 4.047        | \$160.37            | \$700.31                | \$233.44  | \$476.87       | \$0.00   | \$10.00    | \$466.87                 |
| 5    | 460 00000500 | *   | BARNIER ANNE                       | 5.44        | 2.2            | 2.023        | \$80.16             | \$350.04                | \$0.00    | \$360.04       | \$0.00   | \$10.00    | \$350.04                 |
| 6    | 460 00000600 | F   | RIVEST GERALD JOSEPH               | 9.09        | 3.68           | 4.047        | \$160.37            | \$700.31                | \$233.44  | \$476.87       | \$0.00   | \$10.00    | \$466.87                 |
| 7    | 460 00000700 | *   | RIVEST GERALD JOSEPH               | 0.82        | 0.33           | 0.437        | \$17.32             | \$75.63                 | \$0.00    | \$85.63        | \$0.00   | \$10.00    | \$75.63                  |
| 8    | 460 00000800 | F   | THOMAS J. DICK FARMS INC           | 26.18       | 10.6           | 6.88         | \$272.63            | \$1190.53               | \$396.84  | \$803.69       | \$0.00   | \$10.00    | \$793.69                 |
| 9    | 460 00000900 | *   | STERLING RAYMOND WILLIAM           | 0.46        | 0.19           | 4.047        | \$160.37            | \$700.31                | \$0.00    | \$710.31       | \$0.00   | \$10.00    | \$700.31                 |
| 10   | 460 00001100 | F   | PETRYSCHUK HELEN                   | 4.95        | 2              | 1.991        | \$78.89             | \$344.50                | \$114.83  | \$239.67       | \$0.00   | \$10.00    | \$229.67                 |
| 11   | 460 00001200 | F   | IVES STEVEN JOHN                   | 5.02        | 2.03           | 1.991        | \$78.89             | \$344.50                | \$114.83  | \$239.67       | \$0.00   | \$10.00    | \$229.67                 |
| 12   | 460 00001300 | F   | WEIKO TERRY M                      | 9.94        | 4.02           | 4.047        | \$160.37            | \$700.31                | \$233.44  | \$476.87       | \$0.00   | \$10.00    | \$466.87                 |
| 13   | 460 00001500 | *   | FRIESEN BEN                        | 8.48        | 3.43           | 3.44         | \$118.84            | \$518.95                | \$0.00    | \$528.95       | \$0.00   | \$10.00    | \$518.95                 |
| 14   | 460 00001600 | *   | CRUMP GREGORY JOHN                 | 0.87        | 0.35           | 5.059        | \$174.77            | \$763.19                | \$0.00    | \$773.19       | \$0.00   | \$10.00    | \$763.19                 |
| 15   | 460 00001700 | F   | J & K HAMM FARMS LTD               | 9.96        | 4.03           | 4.047        | \$127.47            | \$556.64                | \$185.55  | \$381.09       | \$0.00   | \$10.00    | \$371.09                 |
| 16   | 460 00001800 | F   | JACKSON PAULINE ANN                | 10.89       | 4.41           | 4.047        | \$127.47            | \$556.64                | \$185.55  | \$381.09       | \$0.00   | \$10.00    | \$371.09                 |
| 17   | 460 00001900 | *   | MOIR RILEY                         | 0.26        | 0.11           | 0.093        | \$2.93              | \$12.79                 | \$0.00    | \$22.79        | \$0.00   | \$10.00    | \$12.79                  |
| 18   | 460 00002000 | *   | THIESEN ABRAM WIEBE                | 10.16       | 4.11           | 4.168        | \$131.28            | \$573.28                | \$0.00    | \$583.28       | \$0.00   | \$10.00    | \$573.28                 |
| 19   | 460 00002050 | *   | STASSO MARK DOUGLAS                | 0.46        | 0.19           | 0.182        | \$5.73              | \$25.02                 | \$0.00    | \$35.02        | \$0.00   | \$10.00    | \$25.02                  |
| 20   | 460 00002200 | F   | J & K HAMM FARMS LTD               | 30.41       | 12.31          | 11.943       | \$378.05            | \$1650.88               | \$550.29  | \$1110.59      | \$0.00   | \$10.00    | \$1100.59                |
| 21   | 460 00002300 | *   | LANE SHERI ANNE<br>LANDSCHOOT JOHN | 0.96        | 0.39           | 0.368        | \$11.59             | \$50.61                 | \$0.00    | \$60.61        | \$0.00   | \$10.00    | \$50.61                  |
| 22   | 460 00002400 | F   | LANDSCHOOT LINDA                   | 51.06       | 20.66          | 19.846       | \$625.10            | \$2729.70               | \$909.90  | \$1829.80      | \$0.00   | \$10.00    | \$1819.80                |
| 23   | 460 00002500 | F   | THOMAS J DICK FARMS INC            | 50.58       | 20.47          | 19.631       | \$618.32            | \$2700.10               | \$900.03  | \$1810.06      | \$0.00   | \$10.00    | \$1800.06                |
| 24   | 460 00002510 | *   | REMPEL ADAM KRAIG                  | 1.49        | 0.6            | 0.603        | \$18.99             | \$82.93                 | \$0.00    | \$92.93        | \$0.00   | \$10.00    | \$82.93                  |
| 25   | 460 00002600 | *   | HARRIS ERIN ELIZABETH              | 0.9         | 0.36           | 12.95        | \$407.89            | \$1781.19               | \$0.00    | \$1791.19      | \$0.00   | \$10.00    | \$1781.19                |
| 26   | 460 00002601 | F   | THOMAS J DICK FARMS INC            | 23.7        | 9.59           | 9.712        | \$335.51            | \$1465.11               | \$488.37  | \$986.74       | \$0.00   | \$10.00    | \$976.74                 |
| 27   | 460 00002700 | F   | DICK THOMAS JAMES                  | 27.01       | 10.93          | 6.192        | \$213.91            | \$934.11                | \$311.37  | \$632.74       | \$0.00   | \$10.00    | \$622.74                 |
| 28   | 460 00002710 | *   | GRIEVE NORMAN EDDY                 | 0.47        | 0.19           | 0.19         | \$6.56              | \$28.65                 | \$0.00    | \$38.65        | \$0.00   | \$10.00    | \$28.65                  |
| 29   | 460 00002800 | F   | DRIEDGER LEONARD WAYNE             | 44.97       | 18.2           | 17.616       | \$608.55            | \$2657.43               | \$885.81  | \$1781.62      | \$0.00   | \$10.00    | \$1771.62                |
| 30   | 460 00002900 | F   | WYNNCKY DMYTRO                     | 5.97        | 2.42           | 2.428        | \$83.88             | \$366.29                | \$122.10  | \$254.19       | \$0.00   | \$10.00    | \$244.19                 |

| Jur# | ROLL#        | RTC | PRESENT OWNER            | ACRES OWNED | HECTARES OWNED | AREA DRAINED | ORIGINAL ASSESSMENT | CURRENT YEAR ASSESSMENT | 1/3 GRANT | NET ASSESSMENT | POST-AGE | ADMIN FEE | NET BEFORE POSTAGE & ADM |
|------|--------------|-----|--------------------------|-------------|----------------|--------------|---------------------|-------------------------|-----------|----------------|----------|-----------|--------------------------|
| 31   | 460 00003000 | F   | FRIESEN ABRAHAM          | 13.69       | 5.54           | 5.573        | \$220.83            | \$964.33                | \$321.44  | \$652.88       | \$0.00   | \$10.00   | \$642.88                 |
| 32   | 460 00003100 | F   | ELWOOD EDWARD LINDSEY    | 33.64       | 13.62          | 12.95        | \$447.36            | \$1953.54               | \$651.18  | \$1312.36      | \$0.00   | \$10.00   | \$1302.36                |
| 33   | 460 00003200 | *   | BARRACO ANDREA           | 3.1         | 1.26           | 1.214        | \$41.94             | \$183.14                | \$0.00    | \$193.14       | \$0.00   | \$10.00   | \$183.14                 |
| 34   | 460 00003300 | F   | DALY BRIAN THOMAS        | 16.82       | 6.81           | 6.673        | \$264.42            | \$1154.68               | \$384.89  | \$779.78       | \$0.00   | \$10.00   | \$769.78                 |
| 35   | 460 00003400 | *   | VRIESACKER THOMAS ALBERT | 0.28        | 0.11           | 0.121        | \$4.79              | \$20.92                 | \$0.00    | \$30.92        | \$0.00   | \$10.00   | \$20.92                  |
| 36   | 460 00003500 | F   | RIVEST GERALD JOSEPH     | 14.69       | 5.94           | 6.07         | \$240.53            | \$1050.35               | \$350.12  | \$710.24       | \$0.00   | \$10.00   | \$700.24                 |
| 37   | 460 00003600 | F   | RIVEST GERALD JOSEPH     | 24.15       | 9.77           | 9.81         | \$388.73            | \$1697.52               | \$565.84  | \$1141.68      | \$0.00   | \$10.00   | \$1131.68                |
| 38   | 460 00003601 | *   | MILINKOVIC MIRO          | 0.82        | 0.33           | 0.332        | \$13.16             | \$57.47                 | \$0.00    | \$67.47        | \$0.00   | \$10.00   | \$57.47                  |
| 39   | 460 00003700 | F   | RIVEST GERALD JOSEPH     | 26.76       | 10.83          | 10.724       | \$424.95            | \$1855.68               | \$618.56  | \$1247.12      | \$0.00   | \$10.00   | \$1237.12                |
| 40   | 460 00003800 | F   | THOMAS J. DICK FARMS INC | 27.89       | 11.29          | 9.061        | \$359.05            | \$1567.91               | \$522.64  | \$1055.27      | \$0.00   | \$10.00   | \$1045.27                |
| 41   | 460 00003801 | F   | LANDSCHOOT JOHN PETER    | 24.43       | 9.88           | 9.891        | \$391.94            | \$1711.53               | \$570.51  | \$1151.02      | \$0.00   | \$10.00   | \$1141.02                |
| 42   | 460 00003802 | *   | NEUFELD JOHN J H         | 1           | 0.4            | 0.405        | \$16.05             | \$70.09                 | \$0.00    | \$80.09        | \$0.00   | \$10.00   | \$70.09                  |
| 43   | 460 00003900 | *   | HAMM CORNELIUS WALL      | 0.5         | 0.2            | 0.202        | \$8.00              | \$34.93                 | \$0.00    | \$44.93        | \$0.00   | \$10.00   | \$34.93                  |
| 44   | 460 00004000 | F   | ROBERTSON WILLIAM LLYOD  | 7.75        | 3.14           | 3.035        | \$120.26            | \$525.15                | \$175.05  | \$360.10       | \$0.00   | \$10.00   | \$350.10                 |
| 45   | 460 00004100 | F   | LANDSCHOOT JOHN PETER    | 23.39       | 9.47           | 9.308        | \$321.55            | \$1404.15               | \$468.05  | \$946.10       | \$0.00   | \$10.00   | \$936.10                 |
| 46   | 460 00004200 | *   | JANZEN PETER             | 0.6         | 0.24           | 0.243        | \$8.39              | \$36.64                 | \$0.00    | \$46.64        | \$0.00   | \$10.00   | \$36.64                  |
| 47   | 460 00004300 | F   | LANDSCHOOT JOHN PETER    | 29.97       | 12.13          | 11.979       | \$413.82            | \$1807.08               | \$602.36  | \$1214.72      | \$0.00   | \$10.00   | \$1204.72                |
| 48   | 460 00004400 | F   | DALY BRIAN THOMAS        | 40.97       | 16.58          | 16.187       | \$559.19            | \$2441.89               | \$813.96  | \$1637.92      | \$0.00   | \$10.00   | \$1627.92                |
| 49   | 460 00004500 | F   | DALY BRIAN THOMAS        | 32.42       | 13.12          | 13.557       | \$468.33            | \$2045.12               | \$681.71  | \$1373.41      | \$0.00   | \$10.00   | \$1363.41                |
| 50   | 460 00004600 | *   | ORTIZ FRANCISCO JR       | 1.51        | 0.61           | 0.607        | \$20.97             | \$91.57                 | \$0.00    | \$101.57       | \$0.00   | \$10.00   | \$91.57                  |
| 51   | 460 00004700 | F   | DRIEDGER LEONARD WAYNE   | 87.08       | 35.24          | 34.414       | \$734.29            | \$3206.52               | \$1068.84 | \$2147.68      | \$0.00   | \$10.00   | \$2137.68                |
| 52   | 460 00004710 | *   | SCRATCH GERRY STUART     | 0.51        | 0.21           | 0.186        | \$3.97              | \$17.34                 | \$0.00    | \$27.34        | \$0.00   | \$10.00   | \$17.34                  |
| 53   | 460 00004805 | *   | GOULD CARMEN ANDREW      | 0.64        | 0.26           | 0.255        | \$5.44              | \$23.76                 | \$0.00    | \$33.76        | \$0.00   | \$10.00   | \$23.76                  |
| 54   | 460 00004900 | F   | DALY BRIAN THOMAS        | 111.82      | 45.25          | 43.429       | \$926.64            | \$4046.48               | \$1348.83 | \$2707.65      | \$0.00   | \$10.00   | \$2697.65                |
| 55   | 460 00005000 | *   | PETERS PETER GIESBRECHT  | 7           | 2.83           | 2.833        | \$60.45             | \$263.97                | \$0.00    | \$273.97       | \$0.00   | \$10.00   | \$263.97                 |
| 56   | 460 00005100 | F   | PETERS PETER GIESBRECHT  | 23.1        | 9.35           | 23.937       | \$826.92            | \$3611.02               | \$1203.67 | \$2417.34      | \$0.00   | \$10.00   | \$2407.34                |
| 57   | 460 00005200 | F   | DALY BRIAN THOMAS        | 30.87       | 12.49          | 12.464       | \$430.58            | \$1880.27               | \$626.76  | \$1263.51      | \$0.00   | \$10.00   | \$1253.51                |
| 58   | 460 00005400 | F   | PETRYSCHUK HELEN         | 13.16       | 5.33           | 5.666        | \$224.52            | \$980.44                | \$326.81  | \$663.63       | \$0.00   | \$10.00   | \$653.63                 |



|    | Jur# | ROLL#    | RTC | PRESENT OWNER              | ACRES OWNED | HECTARES OWNED | AREA DRAINED | ORIGINAL ASSESSMENT | CURRENT YEAR ASSESSMENT | 1/3 GRANT | NET ASSESSMENT | POST-AGE | ADMIN FEE | NET BEFORE POSTAGE & ADM |
|----|------|----------|-----|----------------------------|-------------|----------------|--------------|---------------------|-------------------------|-----------|----------------|----------|-----------|--------------------------|
| 59 | 460  | 00005500 | F   | PETRYSCHUK HELEN           | 9.15        | 3.7            | 3.658        | \$144.95            | \$632.97                | \$210.99  | \$431.98       | \$0.00   | \$10.00   | \$421.98                 |
| 60 | 460  | 00005600 | F   | DICK THOMAS JAMES          | 35.54       | 14.38          | 13.759       | \$545.21            | \$2380.84               | \$793.61  | \$1597.23      | \$0.00   | \$10.00   | \$1587.23                |
| 61 | 460  | 00005700 | F   | PETRYSCHUK HELEN           | 5.83        | 2.36           | 2.023        | \$80.16             | \$350.04                | \$116.68  | \$243.36       | \$0.00   | \$10.00   | \$233.36                 |
| 62 | 460  | 00005800 | F   | THOMAS J. DICK FARMS INC   | 15.14       | 6.13           | 6.05         | \$239.74            | \$1046.90               | \$348.97  | \$707.94       | \$0.00   | \$10.00   | \$697.94                 |
| 63 | 460  | 00005900 | F   | PETRYSCHUK HELEN           | 5.05        | 2.04           | 2.023        | \$80.16             | \$350.04                | \$116.68  | \$243.36       | \$0.00   | \$10.00   | \$233.36                 |
| 64 | 460  | 00006000 | F   | THOMAS J. DICK FARMS INC   | 26.16       | 10.59          | 9.814        | \$388.89            | \$1698.22               | \$566.07  | \$1142.14      | \$0.00   | \$10.00   | \$1132.14                |
| 65 | 460  | 00007700 | *   | CLIFFORD CAMERON DOUGLAS   | 1.61        | 0.65           | 0.607        | \$238.06            | \$1039.57               | \$0.00    | \$1049.57      | \$0.00   | \$10.00   | \$1039.57                |
| 66 | 460  | 00007800 | *   | GREEN JOHN AND ANNIE MARIE | 0.18        | 0.07           | 0.064        | \$25.10             | \$109.61                | \$0.00    | \$119.61       | \$0.00   | \$10.00   | \$109.61                 |
| 67 | 460  | 00007900 | *   | WAKELEY WILLIAM DAVID      | 0.18        | 0.07           | 0.066        | \$25.88             | \$113.01                | \$0.00    | \$123.01       | \$0.00   | \$10.00   | \$113.01                 |
| 68 | 460  | 00008000 | *   | MARCO STANLEY STEPHEN      | 0.35        | 0.14           | 0.139        | \$54.51             | \$238.04                | \$0.00    | \$248.04       | \$0.00   | \$10.00   | \$238.04                 |
| 69 | 460  | 00008100 | *   | BRUCE STEPHANIE JENNIFER   | 0.17        | 0.07           | 0.054        | \$21.18             | \$92.49                 | \$0.00    | \$102.49       | \$0.00   | \$10.00   | \$92.49                  |
| 70 | 460  | 00008200 | *   | KELLEY YOLANDA LOU         | 0.2         | 0.08           | 0.076        | \$29.81             | \$130.18                | \$0.00    | \$140.18       | \$0.00   | \$10.00   | \$130.18                 |
| 71 | 460  | 00008300 | *   | PLICHTA ROLAND             | 0.22        | 0.09           | 0.069        | \$27.06             | \$118.17                | \$0.00    | \$128.17       | \$0.00   | \$10.00   | \$118.17                 |
| 72 | 460  | 00008400 | *   | SMITH KATHLEEN HOYLES      | 0.3         | 0.12           | 0.121        | \$47.46             | \$207.25                | \$0.00    | \$217.25       | \$0.00   | \$10.00   | \$207.25                 |
| 73 | 460  | 00008500 | *   | PAONE DOMINIC              | 0.21        | 0.09           | 0.057        | \$22.36             | \$97.64                 | \$0.00    | \$107.64       | \$0.00   | \$10.00   | \$97.64                  |
| 74 | 460  | 00008600 | *   | BARKLEY PAUL               | 0.21        | 0.09           | 0.055        | \$21.57             | \$94.19                 | \$0.00    | \$104.19       | \$0.00   | \$10.00   | \$94.19                  |
| 75 | 460  | 00008700 | *   | HARRIS KATHY R             | 0.29        | 0.12           | 0.097        | \$38.04             | \$166.11                | \$0.00    | \$176.11       | \$0.00   | \$10.00   | \$166.11                 |
| 76 | 460  | 00008800 | *   | BENNETT MARY FRANCES       | 0.25        | 0.1            | 0.061        | \$23.92             | \$104.45                | \$0.00    | \$114.45       | \$0.00   | \$10.00   | \$104.45                 |
| 77 | 460  | 00008900 | *   | PILLON PEARL               | 0.61        | 0.25           | 0.153        | \$60.01             | \$262.05                | \$0.00    | \$272.05       | \$0.00   | \$10.00   | \$262.05                 |
| 78 | 460  | 00008950 | *   | ROTONDI SANDRA & AMELIA    | 1.41        | 0.57           | 0.623        | \$60.77             | \$265.37                | \$0.00    | \$275.37       | \$0.00   | \$10.00   | \$265.37                 |
| 79 | 460  | 00009000 | *   | ELLIOTT RYAN WILLIAM       | 0.46        | 0.19           | 0.185        | \$72.56             | \$316.86                | \$0.00    | \$326.86       | \$0.00   | \$10.00   | \$316.86                 |
| 80 | 460  | 00009050 | *   | ROTONDI SANDRA & AMELIA    | 4.65        | 1.88           | 1.834        | \$178.89            | \$781.18                | \$0.00    | \$791.18       | \$0.00   | \$10.00   | \$781.18                 |
| 81 | 460  | 00009100 | *   | HEIL PHILIP JOHN           | 0.87        | 0.35           | 0.353        | \$138.44            | \$604.54                | \$0.00    | \$614.54       | \$0.00   | \$10.00   | \$604.54                 |
| 82 | 460  | 00009300 | *   | HAYES LAURALEE KAY         | 0.64        | 0.26           | 0.213        | \$83.54             | \$364.80                | \$0.00    | \$374.80       | \$0.00   | \$10.00   | \$364.80                 |
| 83 | 460  | 00009500 | *   | DIMMICK JOAN               | 0.31        | 0.13           | 0.123        | \$48.24             | \$210.66                | \$0.00    | \$220.66       | \$0.00   | \$10.00   | \$210.66                 |
| 84 | 460  | 00009600 | *   | ALMQUIST PATRICIA          | 0.26        | 0.11           | 0.105        | \$41.18             | \$179.83                | \$0.00    | \$189.83       | \$0.00   | \$10.00   | \$179.83                 |
| 85 | 460  | 00009700 | *   | MOSS NIKKI HELEN           | 0.27        | 0.11           | 0.109        | \$42.75             | \$186.68                | \$0.00    | \$196.68       | \$0.00   | \$10.00   | \$186.68                 |
| 86 | 460  | 00009800 | *   | POTUK NANCY                | 0.4         | 0.16           | 0.167        | \$65.50             | \$286.03                | \$0.00    | \$296.03       | \$0.00   | \$10.00   | \$286.03                 |

|     | Jur# | ROLL#    | RTC | PRESENT OWNER           | ACRES OWNED | HECTARES OWNED | AREA DRAINED | ORIGINAL ASSESSMENT | CURRENT YEAR ASSESSMENT | 1/3 GRANT | NET ASSESSMENT | POST-AGE | ADMI N FEE | NET BEFORE POSTAGE & ADM |
|-----|------|----------|-----|-------------------------|-------------|----------------|--------------|---------------------|-------------------------|-----------|----------------|----------|------------|--------------------------|
| 87  | 460  | 00009900 | *   | GIRLING SHIRLEY M       | 0.67        | 0.27           | 0.277        | \$27.02             | \$117.99                | \$0.00    | \$127.99       | \$0.00   | \$10.00    | \$117.99                 |
| 88  | 460  | 00010100 | *   | GUMP HOLDINGS LTD       | 0.54        | 0.22           | 0.217        | \$85.11             | \$371.66                | \$0.00    | \$381.66       | \$0.00   | \$10.00    | \$371.66                 |
| 89  | 460  | 00010300 | *   | QUIGLEY HARLEY DAVID    | 0.42        | 0.17           | 0.169        | \$66.28             | \$289.43                | \$0.00    | \$299.43       | \$0.00   | \$10.00    | \$289.43                 |
| 90  | 460  | 00010400 | *   | ROBERTS ROBERT LAWRENCE | 0.63        | 0.26           | 0.261        | \$102.36            | \$446.99                | \$0.00    | \$456.99       | \$0.00   | \$10.00    | \$446.99                 |
| 91  | 460  | 00010500 | *   | TESOLIN DINO            | 0.54        | 0.22           | 0.193        | \$75.69             | \$330.53                | \$0.00    | \$340.53       | \$0.00   | \$10.00    | \$330.53                 |
| 92  | 460  | 00010501 | *   | WALSH MICHAEL           | 0.51        | 0.21           | 0.149        | \$58.44             | \$255.20                | \$0.00    | \$265.20       | \$0.00   | \$10.00    | \$255.20                 |
| 93  | 460  | 00010700 | *   | QUIGLEY ROBERT CHARLES  | 0.39        | 0.16           | 0.235        | \$92.17             | \$402.49                | \$0.00    | \$412.49       | \$0.00   | \$10.00    | \$402.49                 |
| 94  | 460  | 00010900 | *   | ROURKE CAROLYNE JEAN    | 0.49        | 0.2            | 0.201        | \$78.83             | \$344.24                | \$0.00    | \$354.24       | \$0.00   | \$10.00    | \$344.24                 |
| 95  | 460  | 00011000 | *   | ROURKE GEORGE BERNARD   | 0.29        | 0.12           | 0.115        | \$45.10             | \$196.94                | \$0.00    | \$206.94       | \$0.00   | \$10.00    | \$196.94                 |
| 96  | 460  | 00011300 | *   | TIVRICA MIHAELA CARMEN  | 2.47        | 1              | 0.997        | \$97.25             | \$424.67                | \$0.00    | \$434.67       | \$0.00   | \$10.00    | \$424.67                 |
| 97  | 460  | 00012200 | *   | TIVRICA GHEORGHE        | 0.22        | 0.09           | 0.091        | \$35.69             | \$155.85                | \$0.00    | \$165.85       | \$0.00   | \$10.00    | \$155.85                 |
| 98  | 460  | 00012500 | *   | PERKINS STEVEN WALTER   | 0.77        | 0.31           | 0.307        | \$120.40            | \$525.77                | \$0.00    | \$535.77       | \$0.00   | \$10.00    | \$525.77                 |
| 99  | 460  | 00012600 | *   | ODINE RICHARD CHARLES   | 0.39        | 0.16           | 0.161        | \$63.14             | \$275.72                | \$0.00    | \$285.72       | \$0.00   | \$10.00    | \$275.72                 |
| 100 | 460  | 00012800 | *   | MAYNARD SALLY JO        | 0.4         | 0.16           | 0.166        | \$65.10             | \$284.28                | \$0.00    | \$294.28       | \$0.00   | \$10.00    | \$284.28                 |
| 101 | 460  | 00012900 | *   | GILLIS DONALD KEVIN     | 0.52        | 0.21           | 0.212        | \$83.14             | \$363.06                | \$0.00    | \$373.06       | \$0.00   | \$10.00    | \$363.06                 |
| 102 | 460  | 00012950 | *   | KING MARK MAURICE       | 0.54        | 0.22           | 0.216        | \$21.07             | \$92.01                 | \$0.00    | \$102.01       | \$0.00   | \$10.00    | \$92.01                  |
| 103 | 460  | 00013000 | *   | SAVAGE JAMES THOMAS     | 0.81        | 0.33           | 0.33         | \$32.19             | \$140.57                | \$0.00    | \$150.57       | \$0.00   | \$10.00    | \$140.57                 |
| 104 | 460  | 00013100 | *   | HANNA JOSEPH J          | 0.27        | 0.11           | 0.11         | \$10.73             | \$46.86                 | \$0.00    | \$56.86        | \$0.00   | \$10.00    | \$46.86                  |
| 105 | 460  | 00013200 | *   | SCHNEIDER FREDERICK     | 0.26        | 0.11           | 0.105        | \$10.24             | \$44.72                 | \$0.00    | \$54.72        | \$0.00   | \$10.00    | \$44.72                  |
| 106 | 460  | 00013400 | *   | NYHOFF LORRAINE BETH    | 0.79        | 0.32           | 0.304        | \$119.23            | \$520.66                | \$0.00    | \$530.66       | \$0.00   | \$10.00    | \$520.66                 |
| 107 | 460  | 00013600 | *   | CONFLITTI GIANCARLO     | 0.25        | 0.1            | 0.098        | \$9.56              | \$41.75                 | \$0.00    | \$51.75        | \$0.00   | \$10.00    | \$41.75                  |
| 108 | 460  | 00013700 | *   | CONFLITTI GIANCARLO     | 0.24        | 0.1            | 0.098        | \$38.43             | \$167.82                | \$0.00    | \$177.82       | \$0.00   | \$10.00    | \$167.82                 |
| 109 | 460  | 00013800 | *   | NAIM JACOB S            | 0.24        | 0.1            | 0.097        | \$38.04             | \$166.11                | \$0.00    | \$176.11       | \$0.00   | \$10.00    | \$166.11                 |
| 110 | 460  | 00013900 | *   | GILBERT ROBERT DOUGLAS  | 0.76        | 0.31           | 0.285        | \$111.78            | \$488.12                | \$0.00    | \$498.12       | \$0.00   | \$10.00    | \$488.12                 |
| 111 | 460  | 00014100 | *   | TAYLOR TRAVIS LEE       | 0.44        | 0.18           | 0.196        | \$76.87             | \$335.68                | \$0.00    | \$345.68       | \$0.00   | \$10.00    | \$335.68                 |
| 112 | 460  | 00014200 | *   | LEMIEUX ROGER ALBERT    | 0.34        | 0.14           | 0.139        | \$54.51             | \$238.04                | \$0.00    | \$248.04       | \$0.00   | \$10.00    | \$238.04                 |
| 113 | 460  | 00014300 | *   | GRAS ROBIN              | 0.23        | 0.09           | 0.063        | \$24.71             | \$107.90                | \$0.00    | \$117.90       | \$0.00   | \$10.00    | \$107.90                 |
| 114 | 460  | 00014400 | *   | HILL ROBERT ANDREW      | 0.13        | 0.05           | 0.037        | \$14.51             | \$63.36                 | \$0.00    | \$73.36        | \$0.00   | \$10.00    | \$63.36                  |



| Jur#               | ROLL# | RTC      | PRESENT OWNER | ACRES OWNED             | HECTARES OWNED | AREA DRAINED | ORIGINAL ASSESSMENT | CURRENT YEAR ASSESSMENT | 1/3 GRANT  | NET ASSESSMENT | POST-AGE  | ADMIN FEE | NET BEFORE POSTAGE & ADM |
|--------------------|-------|----------|---------------|-------------------------|----------------|--------------|---------------------|-------------------------|------------|----------------|-----------|-----------|--------------------------|
| 115                | 460   | 00014500 | *             | HUGHES THOMAS PAUL      | 0.15           | 0.06         | 0.046               | \$18.04                 | \$78.78    | \$0.00         | \$88.78   | \$0.00    | \$78.78                  |
| 116                | 460   | 00014600 | *             | 1818685 ONTARIO LTD     | 0.28           | 0.11         | 0.093               | \$36.47                 | \$159.26   | \$0.00         | \$169.26  | \$0.00    | \$159.26                 |
| 117                | 460   | 00014700 | *             | PATTERSON MARIE ROXANNE | 0.42           | 0.17         | 0.13                | \$50.99                 | \$222.66   | \$0.00         | \$232.66  | \$0.00    | \$222.66                 |
| 118                | 460   | 00014900 | *             | LEAMINGTON MUNICIPALITY | 0.83           | 0.34         | 0.174               | \$16.97                 | \$74.11    | \$0.00         | \$84.11   | \$0.00    | \$74.11                  |
| 119                | 460   | 00009400 | *             | LEAMINGTON MUNICIPALITY | 0.71           | 0.29         | 0.456               | \$178.84                | \$780.96   | \$0.00         | \$780.96  | \$0.00    | \$780.96                 |
| 120                | 999   | 31       | *             | MERSEA RD B             | 9.49           | 3.84         | 3.55                | \$295.77                | \$1291.58  | \$0.00         | \$1301.58 | \$0.00    | \$1291.58                |
| 121                | 999   | 31       | *             | MERSEA RD 1             | 11.67          | 4.72         | 4.29                | \$300.76                | \$1313.37  | \$0.00         | \$1323.37 | \$0.00    | \$1313.37                |
| 122                | 999   | 31       | *             | KILDEER RD              | 3.05           | 1.23         | 1.25                | \$87.63                 | \$382.67   | \$0.00         | \$392.67  | \$0.00    | \$382.67                 |
| 123                | 999   | 31       | *             | EAST BEACH RD           | 15.81          | 6.4          | 4.78                | \$835.35                | \$3647.83  | \$0.00         | \$3657.83 | \$0.00    | \$3647.83                |
| TOTAL              |       |          |               | 1152                    | 466.24         | 480.599      | \$20000.00          | \$87336.56              | \$20020.25 | \$68536.31     | \$0.00    | \$1220.00 | \$67316.31               |
| Maintenance Charge |       |          |               | 87336.56                |                |              |                     |                         |            |                |           |           |                          |
|                    |       |          |               |                         |                |              | \$13753.86          | \$60060.74              | \$20020.25 | \$40450.49     |           |           |                          |
|                    |       |          |               |                         |                |              | \$1519.51           | \$6635.44               |            | \$6675.44      |           |           |                          |
|                    |       |          |               |                         |                |              | \$4726.63           | \$20640.38              |            | \$21410.38     |           |           |                          |
|                    |       |          |               |                         |                |              | \$20000.00          | \$87336.56              | \$20020.25 | \$68536.31     |           |           |                          |



## Report

**To:** Mayor and Members of Council

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

**Date:** June 5, 2017

**Re:** Special Events - Leamington

---

### Recommendation:

It is recommended that:

1. Council receive the Special Events Guide and Special Event Application for information. (LLS-23-17)

### Background:

The Municipality of Leamington recognizes the importance of special events in enhancing quality of life, tourism, culture, recreation, and in providing economic benefits to the local economy. Each year, there are a number of special events held in Leamington including runs, walks, festivals, fairs, parades, and public gatherings. In 2016, the Municipality was made aware of 24 events.

The planning and management of an event often requires the coordinated efforts of event organizers, volunteers, affiliated agencies (e.g. OPP, Health Unit, etc.) and municipal staff. Feedback received from organizers is that it is difficult to determine what permits and licences are required in order to hold a special event in Leamington and to navigate through municipal approvals.

### Comments:

In order to address this feedback and make it easier to plan an event, a special event committee was organized to create a process and guide encompassing all aspects of organizing an event, which event organizers could easily reference. The committee members included representatives from Public Works, Tourism, Recreation, Legal and Legislative Services, Building Department, Communications, and the Fire Department. The committee's goal was to help co-ordinate and maintain standards, which are applicable and beneficial to all the parties involved in a special event. It was also important to create one-stop shopping type of service, and not require people to contact numerous

departments to make arrangements for the event. Other municipalities were investigated to determine how public events were supported and administered in those communities. The review of current processes also helped to identify opportunities to implement and strengthen corporate policies or procedures to ensure that the application process is fair and predictable for all special events organizers.

### **Special Event Application**

Event organizers have been required to complete a special event application for several years. The application is received by Legislative Services and circulated to various departments to provide feedback. The process was not without challenges. It was not clear when a special event application was required, and event organizers often contacted staff members directly without completing an application resulting in departments being unaware of a particular event occurring that impacted a municipal service or the residents.

### **When is a Special Event Application required?**

Great consideration was given to what defines a special event and when a special event application is required. It was determined that a special event application is required when:

- a) An event is contemplated to be held on any outdoor property owned or operated by the Municipality of Leamington. This includes:
  - Roads / road allowances (street festivals, parades and races)
  - Parks and parkettes
  - Parking lots
  - Alleyways, both assumed and un-assumed
  - Walkways, pathways and trails
  - Waterfront areas and/or beaches
  - Open spaces
- b) The event is contemplated to be held on any outdoor property and the event includes any of the following:
  - Food being given or sold to the general public at an event open to the public
  - Sale or consumption of alcohol at an event open to the public
  - Sound amplification
  - Tents larger than 30m<sup>2</sup> (Fire Safety Plan is required and possibly a Building Permit)
  - Tents larger than 60m<sup>2</sup> (Note: Building permit and Fire Safety Plan are required)
  - Stages that are more than 225m<sup>2</sup> in area (Note: building permit may be required)
  - Amusement rides or inflatables
  - Projected attendance of over 250 people
- c) The Municipality requests the organizer do so because the event may significantly affect municipal services. This includes events that are held on private property or

inside municipally-owned facilities. Affected services can include fire department, police department, public works (roads), emergency services, etc.

A special event guide and special event permit application has been created. The guide is designed to help the event organizer navigate through all requirements. A special event permit is issued once all affected municipal departments have been informed of the event; that all health and safety guidelines have been met; that all necessary permits, permissions, insurance and approvals are secured.

## **The Process**

It was determined that Legislative Services will receive and coordinate the special event application creating a "one-stop-shop" process for event organizers. The Legislative Coordinator will meet with the event organizer when the application is submitted and review the details of the event, provide advice as to what permits may or may not be required and ask any additional questions. Should the event be a larger event, a meeting of the committee may be required at which time the event organizer may be asked to attend to discuss event specifics. Once all requirements have been met and all necessary permits and/or licences have been obtained, a special event permit will be issued to the event organizer. Conditions may be imposed with the issuance of the permit. Outside agencies will be consulted as necessary (e.g. Ontario Provincial Police, Windsor-Essex Health Unit, etc.). Event Organizers may also be required to enter into a special event agreement with The Corporation of the Municipality of Leamington as part of the special event approval.

## **Implementation**

The intent is that the new process will begin immediately. There will be a planned public education session for event organizers whereby Administration will review the guide, application form, process and answer any questions.

## **Conclusion**

It is hoped that the new process, guide and application will ensure that events held in Leamington are fun, safe, memorable and don't negatively affect the community. The process is not intended to create red-tape, delays or confusion for event organizers but instead establish consistent processes, guidelines and information that event organizers can follow when planning an event while at the same time ensuring that the Municipality's risk is mitigated.

**Financial Impact:**

There is no financial impact as a result.

Respectfully submitted,

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

Ruth Orton,  
Director, Legal & Legislative Services

Attachments: Special Event Guide

Peter Neufeld, Chief  
Administrative Officer

Digitally signed by Peter Neufeld, Chief Administrative  
Officer  
DN: cn=Peter Neufeld, Chief Administrative Officer, o, ou,  
email=pneufeld@learnington.ca, c=CA  
Date: 2017.06.22 11:38:59 -0400



## Report

**To:** Mayor and Members of Council

**From:** Ginny Campbell, Manager of Accounting Services

**Date:** May 25, 2017

**Re:** 2016 Audited Financial Statements

---

### Recommendation:

It is recommended that:

1. The 2016 audited consolidated financial statements for the Corporation of the Municipality of Leamington be approved;
2. Administration be authorized to publish the 2016 audited consolidated financial statements on the municipal website ([www.learmington.ca](http://www.learmington.ca)); and
3. Hicks, MacPherson, latonna & Driedger LLP be appointed as the external auditors for the Corporation of the Municipality of Leamington for fiscal 2017. (FIN-06-17)

### Background:

Part VII - Financial Administration, of the Municipal Act, 2001 requires the following:

#### Annual return

**294. (1)** The treasurer of a municipality shall in each year provide the Minister with a return containing information designated by the Minister with respect to the financial affairs of the municipality, at the times and in the manner and form designated by the Minister.

#### Publication of financial statements, etc.

**295. (1)** Within 60 days after receiving the audited financial statements of the municipality for the previous year, the treasurer of the municipality,

(a) shall publish in a newspaper having general circulation in the municipality,

(i) a copy of the audited financial statements, the notes to the financial statements, the auditor's report and the tax rate information for the current and previous year as contained in the financial review, or

(ii) a notice that the information described in subclause (i) will be made available at no cost to any taxpayer or resident of the municipality upon request; and

(b) may provide the information described in subclause (a) (i) or (ii) to such persons and in such other manner as the treasurer considers appropriate.

### **Auditor**

**296. (1)** A municipality shall appoint an auditor licensed under the *Public Accountancy Act* who is responsible for,

(a) annually auditing the accounts and transactions of the municipality and its local boards and expressing an opinion on the financial statements of these bodies based on the audit; and

(b) performing duties designated by the municipality or local board.

### **Scope**

**296. (2)** A duty designated by the Minister under this section may be general or specific in its application and may be restricted to the municipalities, local boards or auditors designated.

### **Term**

**296. (3)** An auditor of a municipality shall not be appointed for a term exceeding five years.

In addition to the financial statements, the Municipality prepares Financial Information Return (FIR) schedules. The FIR schedules were submitted to the Ministry of Municipal Affairs & Housing (MMAH) on May 29, 2017. The Municipality's books of account along with information provided by municipal departments provide the basis for the FIR and the audited financial statements.

## **Comments:**

### **Financial Statements**

The draft 2016 financial statements are attached to this report (Appendix A) and will become final upon approval by Council.

The consolidated financial statements of the Municipality are the representation of management prepared by management in accordance with accounting standards for the public sector, as recommended by the Public Sector Accounting Board (PSAB). The preparation of financial statements requires management to make estimates that affect the reported amounts of assets and liabilities as at the year-end date, and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ as information becomes available in the future.

In 2009, the Municipality adopted PSAB standards for fiscal reporting in accordance with requirements of the Ministry of Municipal Affairs for all municipalities.

Note 1 to the financial statements details some of the significant accounting policies applied in the financial statement presentation for 2016. It is notable that reporting includes recognition of the tangible capital assets on the Consolidated Statement of Financial Position and the recognition of amortization, donated tangible capital assets, future liability for post-employment benefit costs and the removal of debt principal payments from the Consolidated Statement of Financial Operations.

The 2016 annual budget as adopted by Council was derived based on a modified cash basis of accounting in order to facilitate determination of municipal tax levy requirements and related tax rates for the year based on the cash requirements of the Municipality. The 2016 budget disclosed for comparative purposes in the Consolidated Statement of Financial Operations has been restated in accordance with PSAB requirements as outlined in Note 14 (reference report FIN-09-16 for 2016 Budget Restatement).

The financial statements consolidate all of the boards and activities under the Municipality's control. This includes 100% of the Leamington Police Services Board, the Uptown Business Improvement Area (B.I.A.) and the Joint Animal Control Board.

Leamington's equity in Essex Power Corporation (EPC) is reported on a modified equity basis that includes Leamington's share of EPC accumulated earnings (losses) and investment in EPC (Note 3). Leamington's equity in the Union Water Supply System (UWSS) is reported on a proportionate equity basis. This basis includes Leamington's share of UWSS's operations in the Statement of Financial Activities (revenues and expenditures by line item), Leamington's share of UWSS's assets, obligations and accumulated equity on the Statement of Financial Position (Note 5).



The Consolidated Statement of Financial Position (Balance Sheet) reflects all of the financial assets, liabilities and accumulated surplus of the Municipality. Financial assets are those that could provide resources to discharge liabilities or finance future operations. Liabilities include items such as the future obligations for post-employment benefits (Note 12), long-term debt retirement (Note 10) and landfill closure cost liability (Note 15). Municipal surplus represents the financial position of the Municipality and is the difference between its assets and liabilities. It provides information about the Municipality's overall future revenue requirements and its ability to finance activities and meet its obligations.

The Consolidated Statement of Financial Operations presents a summary of the Municipality's revenues and expenditures for the fiscal year.

The Statement of Change in Net Financial Assets is a statement that provides a reconciliation of the annual surplus to the change in net financial assets.

The Statement of Cash Flow provides an analysis of changes to the Municipality's cash position for the year when incorporating the operations, asset purchases and debt payments.

The Notes to the Financial Statements provide a more detailed explanation of many of the Consolidated Statement of Financial Position balances and are an integral component of the Financial Report.

Trust Funds under the Municipality's administration, for cemetery perpetual care and maintenance, are presented separately within the Financial Report.

### **Auditors**


The accounting firm of Hicks, MacPherson, latonna, & Driedger LLP has presented an audit opinion indicating that the 2016 Financial Statements are fairly presented.

## Financial Impact:

The 2016 fiscal year ended with cumulative net surplus position of approximately \$268.9M (2015 restated - \$257M). The increase in net surplus results mainly from:

- 1) Certain capital projects were not completed during the year for the following departments:
  - a. Parks,
  - b. Sewers,
  - c. Engineering,
  - d. Marina, and
  - e. Drainage;
- 2) Increased bank interest and investment income earned;
- 3) Increased supplemental tax revenues;
- 4) Decreased storm sewer maintenance; and
- 5) Insurance premium reductions.

Respectfully submitted,

  
Digitally signed by  
Ginny Campbell, CPA,  
CA, Manager of  
Accounting  
Date: 2017.06.20  
16:16:54 -04'00'

Ginny Campbell, CPA, CA  
Manager of Accounting Services

**Laura  
Rauch,  
CPA,  
CMA**  
Digitally signed by Laura  
Rauch, CPA, CMA  
DN: cn=Laura Rauch,  
CPA, CMA,  
o=Municipality of  
Leamington, ou=Finance  
and Business Services,  
email=lrauch@leamingt  
on.ca, c=CA  
Date: 2017.06.21  
08:45:04 -04'00'

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

Peter Neufeld, Chief  
Administrative Officer

Digitally signed by Peter Neufeld, Chief  
Administrative Officer  
DN: cn=Peter Neufeld, Chief Administrative Officer, o,  
ou=Finance and Business Services, email=pneufeld@leamington.ca, c=CA  
Date: 2017.06.22 11:28:43 -04'00'

gc

Attachments: Appendix A - Draft 2016 Audited Consolidated Financial Statements

T:\Finance\Reports\2017\FIN-06-17 2016 Financial Statements



## Report

**To:** Mayor and Members of Council  
**From:** Ruth Orton, Director of Legal and Legislative Services  
**Date:** June 6, 2017  
**Re:** Application for Sign Variance  
Bradt's Butcher Block, 34 Mill St. West

---

### Recommendation:

It is recommended that:

1. That Council deny the application for a variance to Sign By-law 110-11 received from Bradt's Butcher Block, 34 Mill St. West. (LLs-27-17)

### Background:

In 2011, Council passed By-law 110-11, being a By-law to regulate the size, use, location, construction and maintenance of signs within the Municipality of Leamington. The purpose of the by-law is to regulate signs in the Municipality with the intent of authorizing signs that:

- a) are appropriate in size, number, and location to the type of activity or use to which they pertain;
- b) provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion;
- c) are compatible with their surroundings;
- d) protect and enhance the aesthetic qualities and visual character of the Municipality;
- e) are consistent with the planning, urban design, and heritage objectives of the Municipality;
- f) do not create a distraction or safety hazard for pedestrians or motorists;
- g) are regulated in a manner that balances the public's right to expression with the purpose of the By-law.

Pursuant to Section 5.1 (c) of the by-law, a projection sign is prohibited. A projection sign is defined as a sign attached to and projecting from the face of a building where the sign face is not parallel to the face of the building to which it is attached. A typical projection sign would encroach over Municipal property, usually a sidewalk. Permitting projection signs would require research into the appropriate standards of construction, design and engineering that would be required to mitigate any risk of a sign detaching in whole or in part, falling onto the sidewalk and causing injury or damage.

Section 9 of the by-law allows for a property owner to apply to Council for a variance to the regulations of the sign by-law. The application must include information that demonstrates how the variance requested satisfies the intent of the by-law or how compliance with the by-law would create unreasonable hardship for the applicant.

The Council of the Municipality may authorize variances from the provisions and regulations of the by-law and may attach any conditions to the variance that Council deems appropriate.

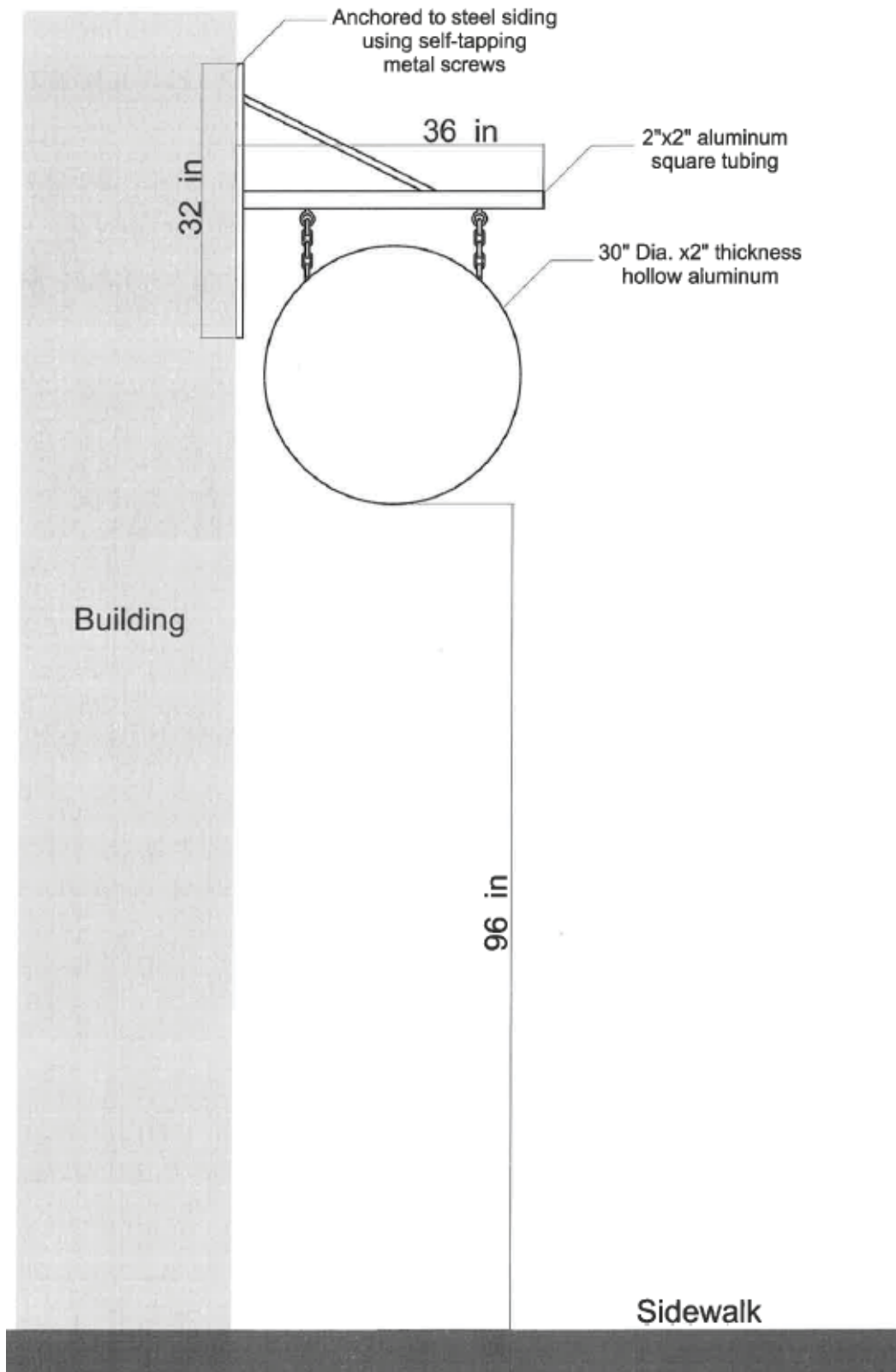
### Comments:

On May 8, 2017, the Municipality received an Application for Sign Variance from Bradt's Butcher Block to permit a projection sign at the business located at 34 Mill St. West, as shown in red on the map below.



Aerial map showing the property location for the proposed sign.

The applicant is proposing to erect a projection sign on the north façade of the building. The proposed sign projects 36" from the building, has a diameter of 30" with a 2" thickness, and has a height clearance of 96" above the sidewalk, as shown on the diagram.







Concept drawings showing the proposed projection sign attached to the building.

The applicant has provided the following submission in support of its variance application:

“As proposed in our initial concept drawings, the projection sign adds architectural interest and a quaint feeling as well as provides store recognition to pedestrians and those driving down the street. Many local businesses have expressed the desire for these types of signs to be re-instated to improve the aesthetics of the uptown core.”

As Council is aware, the Municipality has begun its revitalization of Mill Street West, however, such development is in the early stages and there is no streetscape plan that has been approved. It is the opinion of Administration that the request to incorporate a projection sign into the design of Mill Street is premature and that it is not appropriate to approve a variance to the Sign By-law prior to the development of a streetscape plan which may not incorporate the concept of projection signs, or may incorporate a concept that is inconsistent with this model. Accordingly, the application does not meet the general intent and purpose of the by-law.

### Financial Impact:

There is no financial impact.

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: 2017.06.08 14:55:11 -0400

Ruth Orton  
Director of Legal and Legislative Services  
/ja

Attachment: None.

T:\Corporate\A00-Administration\A00-Council Reports\2016 Legal and Legislative Services Reports\LLS5716-Sign Variance Report -SPG Media 75 Erie St S.doc



## Report

**To:** Mayor and Members of Council

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

**Date:** June 20, 2017

**Re:** Reconsideration of Cat Spay and Neuter Voucher Program

---

### Recommendation:

For information purposes. (Report LLS-33-17)

### Background:

Council, at its meeting held March 21, 2016, considered report LLS-13-16 dated March 9, 2016 regarding Cat Spay and Neuter Voucher Program. Council passed the following motion:

*No. C-83-16*

*Moved by: Councillor Dunn*

*Seconded by: Councillor Verbeke*

*That Council adopt Policy No. P14 - Spay and Neuter Voucher Program as described in Council Report LLS-13-16.*

The Motion was defeated. Council then considered the following motion:

*No. C-84-16*

*Moved by: Councillor Verbeke*

*Seconded by: Councillor Dunn*

*That Council adopt Policy No. P14 Spay and Neuter Voucher Program as described in Council Report LLS-13-16 with the amendment of limiting the vouchers to three (3) per household for pets or feral cats.*



The Motion was defeated. Council then passed the following motion:

*No. C-85-16*

*Moved by: Councillor Wilkinson*

*Seconded by: Councillor Dunn*

*That Report Council Report LLS-13-16 be deferred until all Council members are present.*

At the May 23, 2017 Council meeting, Council received Report LLS-22-17 dated April 25, 2017 regarding Cat Control and a delegation from Bill Gee with regard to feral cats. Council passed the following motion:

*No. C-123-17*

*Moved by: Deputy Mayor MacDonald*

*Seconded by: Councillor Wilkinson*

*The current Trap Program established with the Public Works department be maintained, that educational information on how to humanely deter cats from a property be placed on the municipal website, and the spay and neuter voucher program be brought back for Council consideration. (LLS-22-17)*

## **Comments:**

Further to the direction of Council at the March 21, 2016 and the May 23, 2017 Council meeting, Report LLS-13-16 is before Council for consideration. In order for Council to discuss the issue, a motion to reconsider is necessary. The Clerk will provide procedural direction on reconsidering the report at the council meeting.

## **Financial Impact:**

The approved 2016 budget included \$10,000 for the cat spay and neuter voucher program. In 2016, the Animal Control department in total was \$7,383 favourable to budget. This amount remains as part of the 2016 taxation funded surplus considered to be transferred to reserves in the 2016 Year End Variance Analysis Report (FIN-06-17).

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: 2017.06.22 11:46:27 -0400

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

Ruth Orton,  
Director, Legal & Legislative Services

Attachments: None

## Report

**To:** Mayor and Members of Council  
**From:** Ruth Orton, Director of Legal and Legislative Services  
**Date:** March 9, 2016  
**Re:** Cat Spay and Neuter Voucher Program

---

### Aim:

To report upon a spay and neuter voucher program for feral cats and those owned by low income families who are residents of Leamington.

### Background:

Over the past few years the Municipality has received complaints and concerns over the feral cat population in Leamington. In an effort to control the feral cat population, administration has developed a program that includes vouchers for a maximum of seventy-five dollars (\$75) towards the spaying or neutering of feral cats and cats owned by low income families.

### Comments:

In order to qualify for a voucher, applicants must submit an application form for either or both of the vouchers. Applicants who are applying for low income family vouchers must provide proof that their family income falls within the limits of the Low Income Cut-Offs Before Tax (LICO). These are the income levels as established by Statistics Canada from time to time at which a family may be strained because it has to spend a greater proportion of its income on necessities than the average family of similar size.

The vouchers will expire after ninety days and will be handed out on a first come, first served basis to those who qualify. Each applicant is eligible for three of each voucher annually. As you will note, only one applicant per family is eligible.

When an applicant receives a spay or neuter voucher(s) the applicant must bring the voucher(s) to one of the veterinarians listed on the voucher along with the cat requiring spaying or neutering. The veterinarian will complete the procedure and keep the voucher. Within ninety (90) days the veterinarian must submit an invoice for up to a maximum of \$75.00 to the Municipality for each spay or neuter procedure and include the corresponding voucher(s) with the invoice. The veterinarian will then be reimbursed this amount by the Municipality. Any costs related to the procedure over and above this amount are payable to the veterinarian by the applicant.

Similar programs have been administered in local Municipalities and have proven to be quite popular. It is expected the program will be well received in Leamington as well.

Policy number P14 - Spay and Neuter Voucher Program sets out the definitions and criteria for administration of the program. This Policy is attached to this report for Council's consideration.

### **Financial Impact:**

The approved 2016 budget includes \$10,000.00 for the cat spay and neuter voucher program. It is anticipated that the Municipality could issue approximately 125 vouchers, with the remainder of the funds used for promotion of the program and postage.

### **Recommendation:**

That Council adopt Policy No. P14 - Spay and Neuter Voucher Program as described in Council Report LLS-13-16.

Respectfully submitted,

**Peter Neufeld,**  
**CAO**

Digitally signed by Peter Neufeld, CAO  
DN: cn=Peter Neufeld, CAO, o, ou,  
email=pneufeld@leamington.ca, c=CA  
Date: 2016.03.17 12:36:50 -04'00'

Ruth Orton  
Director of Legal and Legislative Services

Attach.

RO/jb T:\Corporate\A00-Administration\A00-Council Reports\2016 Legal and Legislative Services Reports\LLS1316-Cat Spay and Neuter Voucher Program.doc



Policy No.: P14 - Spay and Neuter Voucher Program  
Date Enacted: February 22, 2016  
Amended By:

---

## **Subject**

Spay and Neuter Voucher Program for Feral Cats and Low Income Families caring for cats.

## **Purpose**

The purpose of this policy is to provide the circumstances by which Spay or Neuter Vouchers may be distributed to low income families and to persons caring for feral cats.

## **Scope**

This policy applies to all residents of the Municipality of Leamington.

## **Definitions**

For the purposes of this policy only:

- a) “Applicant” means a person who submits an application for a Spay or Neuter Voucher for Low Income Families and/or an application for a Spay or Neuter Voucher for Feral Cats.
- b) “Application” means the form of Application for Spay or Neuter Vouchers established by the Municipality of Leamington from time to time.
- c) “Director” means the Director of Legal and Legislative Services or his or her delegate.
- d) “Funds” means the amount which may be allocated to the Spay or Neuter Vouchers in the Municipality of Leamington’s annual budget.
- e) “Family” means the Applicant alone or with one or more persons who reside together and are related to each other by blood, marriage, common-law or adoption.
- f) “Feral Cat” means a cat that is not accustomed to contact with people and is too fearful or wild to be handled and which may never adapt to living in close contact with people or is not an Owned Cat.

**Page 2, Policy Manual, P14 - Spay and Neuter Voucher Program**

---

- g) Low Income Cut-Offs Before Tax ("LICO") means the income level as established by Statistics Canada from time to time at which a Family may be in straitened circumstances because it has to spend a greater proportion of its income on necessities than the average family of similar size.
- h) "Owned Cat" means a cat that resides with and receives food, shelter and care from a Family.
- i) "Spay or Neuter Voucher for Feral Cats" means a voucher issued to an Applicant who is eligible in accordance with this Policy and who wishes to spay or neuter a Feral Cat.
- j) "Spay or Neuter Voucher for Low Income Families" means a voucher issued to an Applicant who is eligible in accordance with this Policy and who wishes to spay or neuter an Owned Cat.

## **Procedures**

The Director may issue Vouchers based upon the criteria as set out in this Policy.

### **Criteria for Issuing Vouchers**

1. An Applicant is eligible to receive Spay or Neuter Vouchers for Low Income Families if:
  - a) he or she submits a completed and signed Application;
  - b) he or she is 18 years of age or older;
  - c) he or she has resided in the Municipality of Leamington for one year or more; and
  - d) the annual before-tax income of the Family is no greater than the LICO;
2. An Applicant is eligible to receive Spay or Neuter Vouchers for Feral Cats if:
  - a) he or she submits a completed and signed Application;
  - b) he or she is 18 years of age or older; and
  - c) he or she has resided in the Municipality of Leamington for one year or more;



**Page 3, Policy Manual, P14 - Spay and Neuter Voucher Program**

---

3. A Spay or Neuter Voucher for Low Income Families may be issued:
  - a) to only one Applicant per Family;
  - b) to a maximum of 3 per Applicant; and/or
  - c) to an Applicant who is also in receipt of Spay or Neuter Vouchers for Feral Cats.
4. A Spay or Neuter Voucher for Feral Cats may be issued:
  - a) to only one Applicant per Family
  - b) to a maximum of 3 per Applicant; and/or
  - c) to an Applicant who is also in receipt of Spay or Neuter Vouchers for Low Income Families.



## Report

**To:** Mayor and Members of Council

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

**Date:** May 29, 2017

**Re:** Tethering of Dogs - Amendment to Animal Control By-law

---

### Recommendation:

It is recommended that:

1. Administration bring forward an amending by-law to prohibit the tethering of dogs longer than 4 hours in a 24 hour period, for Council consideration with the condition that the Windsor-Essex County Humane Society enforce the provision, at no cost to the Municipality of Leamington;
2. The Mayor and Clerk be authorized to enter into an Agreement with the Windsor-Essex County Humane Society for the provision of enforcing a tethering regulation in the animal control by-law at no cost; and
3. Administration bring forward a by-law appointing the Windsor-Essex County Humane Society for the purpose of enforcing the tethering provision in By-law 668-06. (LLS-29-17)

### Background:

At the March 17, 2014 Council meeting, Council heard a presentation from Melanie Coulter of the Windsor-Essex County Humane Society, Larry Wood, Animal Control Officer and three Leamington residents with regard to a request to amend the Leamington Animal Control By-law to include provisions for the welfare of animals. As a result of the delegations, Administration was directed to prepare a report to provide Council with information on legislation and municipal by-laws relating to animal cruelty and an opportunity for public input regarding the need for an animal cruelty by-law.



Based upon our review of municipal records, it does not appear that such a report was brought to Council.

The Joint Animal Control Committee, at its meeting held on May 17, 2017 asked that Leamington Council consider including a provision regarding tethering in its Animal Control By-law.

### **Comments:**

Tethering (or chaining) refers to the fastening of a dog to a stationary object or stake using a rope or a chain, usually in the owner's yard, as a means of keeping the animal under control. These terms do not refer to those periods of time when the dog is walked on a lead (leash) or is penned.

Protection of animals is identified in the Ontario Society for Prevention of Cruelty to Animals Act (OSPCA Act), which is enforced by the Windsor-Essex County Humane Society. Although the OSPCA Act does regulate tethering dogs outside, it only includes limits on the length of the chain, and requires that food, shelter and water be provided to the dog. There are no limits with regard to the amount of time a dog can be tethered under the OSPCA Act nor any provincial law or federal law. Currently, if any complaints are received of a dog being tethered, the complainant would be directed to the Windsor-Essex County Humane Society where they are investigated. By-law Enforcement has indicated that to date, no calls have been received with regard to dogs being tethered.

Many municipalities have passed by-laws or included regulations within a by-law to address the concern of a dog being tethered for an extended period of time. The set time limit for tethering of a dog varies in municipalities with some prohibiting a dog being tethered more than 12 hours per day, more than 10 hours a day, more than 8 hours a day and more recently, more than 4 hours a day. Locally, Amherstburg, Windsor, Kingsville, Essex, LaSalle, and Chatham-Kent, have chosen to include a tethering provision within their animal control by-laws. Administration has been advised that the Town of Tecumseh will consider a report in June, 2017.

| Municipality                 | Time Limit |
|------------------------------|------------|
| Town of Amherstburg          | 10 hours   |
| Town of Essex                | 12 hours   |
| Town of Kingsville           | 12 hours   |
| Town of LaSalle              | 4 hours    |
| Town of Tecumseh             | Pending    |
| City of Windsor              | 4 hours    |
| Municipality of Chatham-Kent | 9 hours    |

Enforcing a time limit on tethering a dog can be difficult. Specific details as to the date, time, address, location, description of the dog, evidence of a tether, and evidence to support the continuous tethered state in excess of a specific time. A witness is required to provide the evidence by way of a witness statement. This may require the witness to

attend court proceedings should the matter proceed to trial. A complainant who sees a dog outside, leaves to do errands, and then returns to see the dog outside when the time period elapses, may assume the dog was outside the whole period however, the legislation does not include a rebuttable presumption clause. Therefore, in the event of a trial, the onus remains on the Municipality to prove, beyond a reasonable doubt, that the dog was tethered for the entire period of time.

The current Animal Control Officer's contract does not include enforcement of the additional provision and By-law Enforcement Officers are not in a position to deal with these matters. The Municipality would need to rely solely upon the Windsor/Essex Humane Society for enforcement of this provision. On June 8, 2017, Administration met with Melanie Coulter, Executive Director, Windsor-Essex County Humane Society. Ms. Coulter requested that the Municipality consider a 4 hour tethering limit and committed to enforcing any tethering provisions the Municipality includes within its Animal Control by-law, at no cost to the Municipality.

Administration is recommending an Amendment to By-law 668-06, being a By-law to provide for the regulation and registration of dogs to prohibit the tethering of dogs for more than 4 hours on the condition that the Windsor-Essex County Humane Society enforces the provision, at no cost to the Municipality of Leamington. In addition to the amending by-law, a by-law appointing the Windsor-Essex County Humane Society for the purpose of enforcing the tethering provision will be brought before Council for consideration.

### **Financial Impact:**

Any financial impact associated with tethering provision will be borne by the Windsor-Essex County Humane Society.

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: 2017.06.22 11:45:51 -0400

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

Ruth Orton,  
Director, Legal & Legislative Services

Attachments: Letter dated June xx, 2017 from Melanie Coulter, Executive Director



We speak for those who cannot speak for themselves.

1375 Provincial Road  
Windsor, ON N8W 5V8  
Phone: 519 - 966 - 5751  
Fax: 519 - 966 - 1848  
info@windsorhumane.org

June 13, 2017

Brenda M. Percy, CMO  
Manager, Legislative Services/Clerk  
111 Erie Street North  
Leamington, ON N8H 2Z9  
Via email: bpercy@leamington.ca

Dear Ms. Percy:

This letter will confirm that if Council decides to pass a time limit on the tethering of dogs, the Windsor/Essex County Humane Society will enforce that by-law as part of our humane and law enforcement programs at no cost to the Town of Leamington.

We appreciate your consideration of these initiatives, and look forward to discussing them further. If you require any additional information please don't hesitate to contact me.

Sincerely,

Melanie Coulter  
Executive Director



## Report

**To:** Mayor and Members of Council

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

**Date:** Friday June 2, 2017

**Re:** Tender Results - 2017 Asphalt Program

---

### Recommendation:

It is recommended that:

1. The 2017 Asphalt Program be awarded to The Mill-AM Corporation, 2199 Blackacre Drive, Unit 700, Oldcastle, Ontario, N0R 1L0 in the amount of \$508,439.24 (plus applicable taxes); and
2. The cost of the combined sewer manhole replacement and associated sewer investigation, in the amount of \$40,000.00, be funded through the Infrastructure-Sewers Reserve; and
3. The Mayor and Clerk be authorized to enter into the necessary agreements. (ENG-09-17)

### Background:

Within the 2017 annual road resurfacing program (\$1,442,000), the Municipality has already completed the rehabilitation and resurfacing of Mersea Road D (\$476,000). Mersea Road D was awarded earlier this year to Shepley Road Maintenance.

The subject tender includes for the: milling, paving, and minor curb repairs, of the following road segments.

- Lutsch Street from Talbot to Mill
- Mill Street East from Erie to Victoria
- Elliott Street from Talbot to Wilkinson

On Thursday June 1, 2017 two (2) tenders were received for the 2017 Asphalt Program.

| <b>Contractor</b>   | <b>Amount (Excluding All Taxes)</b> |
|---------------------|-------------------------------------|
| Mill-AM Corporation | \$ 508,439                          |
| Coco Paving         | \$ 570,844                          |

No errors were found during the tender check

### Comments:

In addition to the milling and paving operations, the tender documents included for the replacement of the combined sewer manhole located in the roadway in front of 35 Elliott Street. Numerous repairs have been made over a number of years, and Administration has made every effort, to extend the useful life of the structure, but it is now beyond repair. The structure must be replaced.

In anticipation of the manhole replacement and paving project, the entire combined sewer on Elliott Street was inspected for defects. Three areas were identified for immediate repairs as a sewer maintenance. The repairs will be completed prior to milling and paving under a separate combined sewer maintenance contract.

The Mill-AM Corporation has worked for the Municipality in the past and has performed well.

### Financial Impact:

The cost of this portion of the 2017 annual road resurfacing program is \$517,388 (including Net HST). It is proposed to fund \$40,000 for the replacement of a combined sewer manhole and sewer investigation from the Infrastructure Reserve. The Infrastructure Reserve has an estimated year-end balance of approximately \$5.1 million. All project costs will be tracked through account 10-7-0620-8050-300002-600019, which will be funded as follows:

| <b>Annual Road Resurfacing</b>                        | <b>Amount</b>       |
|---|---------------------|
| Annual OCIF Formula Base Funding                      | \$ 649,042          |
| Federal Gas Tax                                       | \$ 615,985          |
| Net from Revenue                                      | \$ 100,000          |
| Deferred Net from Revenue 2016                        | \$ 77,000           |
| Infrastructure Reserve Account                        | \$ 40,000           |
| <b>Total Budget</b>                                   | <b>\$ 1,482,027</b> |
|   |                     |
| <b>2017 Surface Treatment Program (Mersea Road D)</b> | <b>\$ (476,410)</b> |
| <b>2017 Asphalt Program (Mill-AM Contract)</b>        | <b>\$ (517,388)</b> |
| Remaining funding for resurfacing                     | \$ 488,229          |

Additional tenders will be let for the remaining resurfacing work planned for 2017. Future reports will be presented to council for award of that work at the appropriate time.

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: 2017.06.22 15:22:13 -0400

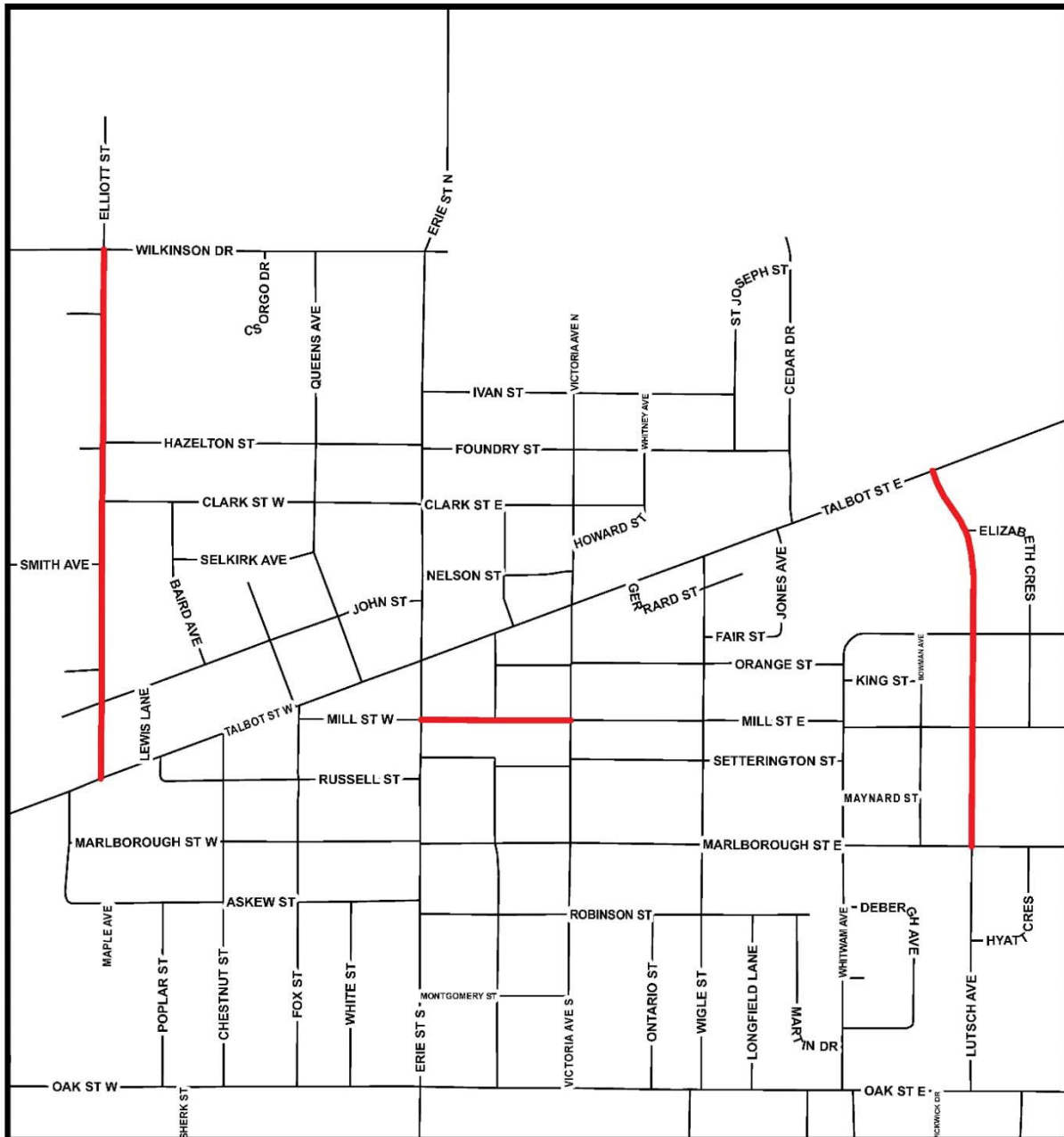
Alexander N. Del Brocco, C.E.T.  
Engineering Project Manager

Allan Botham, P.Eng  
Manager of Engineering  
Services

Robert Sharon, CMO  
Director of Infrastructure  
Services

Attachments: Schedule A: Map of proposed works

## Schedule A: Map of Proposed Works



|   |  |  |                                  |                             |
|---|--|--|----------------------------------|-----------------------------|
| <b>Legend</b><br>Mill & Pave  |  |  | <b>Title:</b> Schedule 'A'       |                             |
|   |  |  | <b>Scale:</b> 1:9,000            | 0 45 90 180 Meters<br>      |
|   |  |  | <b>Prepared For:</b> Eng. Dept.  | <b>Date:</b> April 11, 2017 |
|   | <b>COPYRIGHT</b><br><small>This document is not a Legal Plan of Survey and the user of this map assumes all risks associated with it. All efforts have been made to ensure completeness and accuracy, however no guarantees can be made.</small> |  | <b>Prepared By:</b> GIS Services | <b>File No:</b> NA          |
| <small>Scale is correct if original paper size of letter is still intact and has not changed in any way. The Municipality of Leamington will not be held responsible for any damages due to scale errors from paper size changes.</small> |  | <b>Notes:</b><br><small>This map is the property of the Corporation of the Municipality of Leamington and may not be reproduced without expressed permission and authorization.<br/>         111 Erie Street North, Leamington, Ontario N8H 2Z9<br/>         TEL: (519) 326-5761 FAX: (519) 326-2481</small> |                                  |                             |



## Report

**To:** Mayor and Members of Council

**From:** Terry Symons, Manager of Recreation Services

**Date:** June 15, 2017

**Re:** Leamington Kinsmen Recreation Complex Hot Water Boilers

---

### Recommendation:

It is recommended that:

1. The LKRC Hot Water Boiler Replacement tender be awarded to Vollmer, 3822 Sandwich Street, Windsor, ON N9C 1C1 in the amount of \$59,836 (excluding HST);
2. That an additional \$12,000 in funding from the Kinsmen Complex Reserve be approved; and
3. That the Mayor and Clerk be authorized to execute the contract. (REC-04-17).

### Background:

Currently, the original building is operating 2 - 500 gallon hot water holding tanks with 2 - 1.25 million BTU boilers 100% of the time. Although the facility condition assessment did not identify this item in the short term, it has been determined that this is one of the causes of a lot of issues we are experiencing in the change rooms. The boilers are starting to corrode which causes the supply lines to clog and not operate at full capacity. The existing holding tanks are costing us roughly \$1,000 per year in inspections and relining. The current trend from a facility operating side has been to look for efficiencies as well as cleaning up our mechanical rooms.

The replacement unit will consist of 2 - 300 gallon combination holding tank/boiler. Each Unit will operate with 500,000 BTUs. This system will reduce our holding capacity from 1000 gallons to 600 gallons and it will reduce our gas consumption from 2.5 million BTUs to 1 million BTUs. The benefit of the replacement system is, similar to the recent replacement of the Arena Hot Water Tanks, it will only operate when required. Most of the time it will only require the use of one tank, and of which we will have the ability to switch between the 2 in an attempt at mitigating the amount of wear and tear on the units. When



demand is necessary, both systems will operate. In saying this we will experience significant savings in gas consumption.

### Comments:

Administration has completed the tender process for the Hot Water Boiler project.

On May 25, 2017, the Municipality posted the tender documents online. We reached out to local contractors and advised them of this project.

On June 1, 2017 there was a mandatory site meeting at the LKRC which started in the lobby and proceeded into the mechanical room. In attendance were 7 mechanical contractors. There was one addendum issued on June 2, 2017 which was the result of some questions that were raised at the site meeting.

On June 14, 2017 the Municipality received 5 qualifying submissions. The summary of the tenders are as follows:

| Company                              | Total<br>(excluding HST) |
|--------------------------------------|--------------------------|
| Vollmer                              | \$59,836                 |
| Haller Mechanical<br>Contractors Inc | \$62,970                 |
| Combustion<br>Techs                  | \$63,490                 |
| DH & C                               | \$72,348                 |
| CIMCO<br>Refrigeration               | \$102,200                |


### Financial Impact:

The 2017 Complex Capital account (10-7-0670-8000-303130-100200) has approved funding in the amount of \$50,000 for the Hot Water Boilers Project. Primarily due to the addition of scope to include the removal of the existing units, there is an anticipated over expenditure of \$12,000.

Therefore it is recommended that an additional \$12,000 be allocated to the project from the Kinsman Complex Reserve (40-3-0230-0311), which has an estimated 2017 year-end balance of \$652,000 prior to this consideration. This estimated balance does not give consideration to other reports that may include a request of funding from the Reserve account.

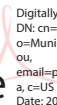
Respectfully submitted,

Terry Symons,  
Manager of  
Recreation


 Digitally signed by Terry  
Symons, Manager of Recreation  
Date: 2017.06.20 16:50:13  
-04'00'

Terry Symons  
Manager of Recreation Services  
/ts

Paul  
Barnable  
Paul Barnable  
Director of Community Services

 Digitally signed by Paul Barnable  
DN: cn=Paul Barnable,  
o=Municipality of Leamington,  
ou,  
email=pbarnable@leamington.c  
a, c=US  
Date: 2017.06.21 08:38:03 -04'00'

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: 2017.06.22 11:47:19 -04'00'



## Report

**To:** Mayor and Members of Council

**From:** Terry Symons, Manager of Recreation Services

**Date:** June 15, 2017

**Re:** Leamington Kinsmen Recreation Complex Evaporative Condenser

---

### Recommendation:

It is recommended that:

1. The LKRC Evaporative Condenser tender be awarded to CIMCO Refrigeration, 651 Wilton Grove Road, London, ON N6N 1N7, in the amount of \$139,690 (excluding HST);
2. That an additional \$45,000 in funding from the Kinsmen Complex Reserve be approved; and
3. That the Mayor and Clerk be authorized to execute the contract. (REC-06-17).

### Background:

The existing Evaporative Condenser unit is the original system when the building was constructed in 2000. Although the Facility Condition Assessment did not target this unit until 2020, a few years ago, we received a Capital Equipment Plan including a thorough inspection of the condition of our ice plant. In that report it was recommended to replace the Condenser in 2015. The report indicated that the typical life expectancy of this unit is 15 years. Consideration was given to repair a leak we have on a seam of the unit. Elementary repairs were completed since the cost of in-depth repairs did not seem practical considering we were replacing it this year.

The specifications of the replacement unit limited the type of system we could replace it with. We wanted to make sure the new unit could be supported by the existing structural infrastructure. If we were to stray too far from the existing foot print, the replacement costs would have had to include major structural modifications on the roof.

## Comments:

Administration has completed the tender process for the Evaporative Condenser project.

On May 25, 2017, the Municipality posted the tender documents online. We reached out to local contractors and advised them of this project.

On June 1, 2017 there was a mandatory site meeting at the LKRC which started in the lobby and proceeded to the existing roof top unit and back into the refrigeration plant at the ground level. In attendance were 5 contractors.

On June 14, 2017 the Municipality received 2 qualifying tender submissions. The summary of the tenders are as follows:

| Company                | Total<br>(excluding HST) |
|------------------------|--------------------------|
| CIMCO<br>Refrigeration | \$139,690                |
| Black &<br>McDonald    | \$165,560                |

## Financial Impact:

The 2017 Complex Capital account (10-7-0670-8030-303120-810008) has approved funding in the amount of \$100,000 for the Evaporative Condenser Project. There is an anticipated over expenditure of \$45,000.

Therefore it is recommended that an additional \$45,000 be allocated to the project from the Kinsman Complex Reserve (40-3-0230-0311), which has an estimated 2017 year-end balance of \$652,000 prior to this consideration. This estimated balance does not give consideration to other reports that may include a request of funding from the Reserve account.

Respectfully submitted,

Terry Symons,  
Manager of  
Recreation

Digitally signed by Terry  
Symons, Manager of  
Recreation  
Date: 2017.06.20 16:48:29  
-04'00'

Terry Symons  
Manager of Recreation Services

/ts

Paul  
Barnable

Digitally signed by Paul Barnable  
DN: cn=Paul Barnable,  
o=Municipality of Leamington,  
ou,  
email=pbarnable@leamington.ca,  
c=US  
Date: 2017.06.21 08:39:52 -04'00'

Paul Barnable  
Director of Community Services

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: 2017.06.22 11:47:59 -04'00'



## Report

**To:** Mayor and Members of Council

**From:** Terry Symons, Manager of Recreation Services

**Date:** June 15, 2017

**Re:** Leamington Kinsmen Recreation Complex Pool Solarium

---

### Recommendation:

It is recommended that:

1. The LKRC Pool Solarium Project be sole sourced to Leamington Glass, Leamington, ON N8H 3W2, in the amount of \$145,457 (excluding HST);
2. That the Mayor and Clerk be authorized to execute the contract. (REC-07-17).

### Background:

The 2013 Facility Condition Assessment identified the Pool Solarium Windows as an item that requires immediate attention. In the report it was noted that there were failed seals on several of the double glazed insulated glass units for the sloped glazing of the pool viewing area. The lower portion of one unit has filled with water. The current trend from a facility operating side has been to look for efficiencies as well as take care of issues that have been overlooked. The replacement windows will include tinting which will add to the efficiency of our systems within the pool area. With the roof, ceiling and windows taken care of we can now dig deeper into the HVAC system and determine how to achieve more efficiencies as we perform the necessary upgrades.

### Comments:

Administration has completed the tender process for the Pool Solarium Project.

On May 25, 2017, the Municipality posted the tender documents online. We reached out to local contractors and advised them of this project.

On June 1, 2017 there was a site meeting at the LKRC which started in the lobby and proceeded into the Pool viewing area. In attendance was a local contractor Leamington

Glass. There was one addendum issued on June 1, 2017 as a result of questions that were raised at the site meeting.

On June 14, 2017 the Municipality received 1 submission from Leamington Glass. Unfortunately, they did not register as a plan taker on the website so their tender is deemed unqualified.

Since no other tenders were received, and the pricing provided by Leamington Glass falls within our budget, it is recommended to proceed with them as a sole source supplier of this installation.

### Financial Impact:

The 2017 Complex Capital account (10-7-0670-8115-303130-810007) has approved funding in the amount of \$180,000 for the Pool Solarium Project. Even though their tender came in at \$145,457, the remaining budget is intended to be used to install insulated siding panels that will tie in the Windows to the building envelop. It will also provide protection to a deteriorating exterior wall. That project is in the process of being quoted.

Respectfully submitted,  
Terry Symons, Digitally signed by Terry Symons, Manager of Recreation  
Date: 2017.06.20 16:52:16 -04'00'  
Manager of Recreation  
Terry Symons  
Manager of Recreation Services

/ts

Paul Barnable Digitally signed by Paul Barnable  
DN: cn=Paul Barnable,  
o=Municipality of Leamington, ou,  
email=pbarnable@leamington.ca,  
c=US  
Date: 2017.06.21 08:41:52 -04'00'  
Paul Barnable  
Director of Community Services

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: 2017.06.22 11:49:09 -04'00'



## Report

**To:** Mayor and Members of Council

**From:** Jeanine Lassaline-Berglund, Manager of Economic and Community Development

**Date:** June 19, 2017

**Re:** Hogs for Hospice Event August 4, 5 & 6, 2017

---

### Recommendation:

It is recommended that:

1. Council authorize the reduced lane closure of Seacliff Drive from Erie Street to Sherk Street, and road closure of Forest Avenue from Seacliff Drive to Park Street, Park Street, Conover Avenue, Stewart Avenue and Bayview Place with limited access for residents of the area on August 4, 5 & 6, 2017 from Friday 12:00PM till Sunday 7:00PM.
2. Council authorize the entering into an agreement with Erie Shores Hospital Foundation and Hogs for Hospice for the use of Seacliff Park and Seacliff Drive from Sherk Street to Erie Street and Forest Avenue from Park Street to Seacliff Drive in a form satisfactory to the Municipal solicitor.
3. Council authorize the Mayor and Clerk to execute the agreements as required for the event.
4. Council grant an exemption from Noise Bylaw 431-03 section 2(1) for The Hogs for Hospice Event at Seacliff Park on August 4, 5, & 6, 2017 from 8:00AM to 11:59PM daily.
5. The event be granted Significant Event Status for the purposes of two AGCO licenses; one for the Leamington Kinsmen Club and The New Burgess @Seacliff Park/Beach who will be operating licensed liquor areas for the event.

## **Background:**

The Hogs for Hospice organizing committee has been planning its second annual event to once again bring together thousands of motorcyclists and tourists from a 500 KM radius to the local area for a weekend of packed-activity.

The first inaugural Hog for Hospice Event hosted on July 29, 30 and 31, 2016 through the support of volunteers, sponsors and community leaders; raised over \$50,000 for the Erie Shores Hospice with 100% of proceeds staying within our local community.

Using tourism as a mechanism to support healthcare initiatives in our community, Hogs for Hospice has provided a unique opportunity to showcase our community to visitors and in doing so, provide an opportunity for businesses, service clubs and providers and local merchants and operators to take advantage of a new market segment.

The organizers of the event, working through the Erie Shores Health Foundation, have collaborated with a number of community partners in preparation for hosting their second annual event, including but not limited to:

- Point Pelee National Park
- Leamington Area Chamber of Commerce
- South Essex Community Council
- Canadian Vintage Motorcycle Association
- The North Shore Riders Association
- Tourism WindsorEssex Pelee Island
- Ontario Southwest Tourism Corporation
- Leamington Agricultural Society
- The Rotary Club
- The Leamington Kinsmen Club
- The Lions Club
- The Knights of Columbus
- Knox Presbyterian Church
- The Roma Club of Leamington

National and international recognition following their first annual event, has allowed the Hogs for Hospice committee to further develop their growing initiative with an impressive weekend of scheduled events as outlined on their website [www.hogsforhospice.com](http://www.hogsforhospice.com).

Intent on providing an opportunity to showcase local businesses and organizations, this charity and community focused event, provides a gateway to citizen engagement while also being an economic tool for growth and tourism expansion.

## Comments:

The committee decided early on that meeting with emergency personnel in order to account for public safety and provide a great experience for visitors and residents alike. The OPP, Fire Services, Alcohol and Gaming Commission of Ontario and Essex Windsor EMS were all included in bi-weekly discussions to anticipate and plan for public safety concerns.

The Emergency Operations Centre at the main Municipal Building will be the public safety headquarters for the event and will be staffed by the OPP, Fire Services and EMS as required.

All impacted policing agencies in Essex County were also consulted regarding the organized ride to ensure all provisions for public and participant safety had been taken into account. As a result, the best ride route was developed and specialized EMS support along with a breakdown crew have been assigned to the ride and a cleaning crew who will be dispatched the night before to check for debris and any unsafe conditions along the ride route.

The committee has also met for guidance with the Alcohol and Gaming Commission of Ontario to ensure provisions had been made to ensure responsible consumption and security for those participating, the result of which has also led to volunteer training and contracted security officers.

As the event is hosted at Seacliff Park, the closure of Seacliff Drive from Erie Street to Sherk Street, Forest Avenue from Seacliff Drive to Park Street, Park Street, Conover Avenue, Stewart Avenue and Bayview Place on August 4, 5 & 6, 2017 from 12:00 PM Friday to 7:00PM Sunday is required (Attachment 1).

The committee, along with the OPP will engage in a door to door campaign notice to residents who will be affected by road closures and immediate impact as a result of events. Limited access for residents of the area will be provided through the issuance of two Resident Passes for each residence. Additional passes will be made available if requested by residents of this area. To address the increased noise from the area, the organizers have requested an exemption from the Noise By-law on August 4, 5 & 6, 2017 from 8:00 AM to 11:59 PM daily.

Friday, opening night, will feature a Team Canada BBQ, and a Rotary Club Fish Fry hosted at the Roma Club, in addition to park vendors at Seacliff Park. A Noise-By-law exemption for the Hairball Concert hosted at the Leamington Amphitheatre is requested from 6:00PM to 11:59PM.

Saturday will feature ride registration, Blessing of the Bikes, followed by an organized ride through our region including a tour through Point Pelee National Park appropriately named Tour the Tip. That evening a concert in Seacliff Park will be held featuring local opening acts with a performance by Juno award winning band, Our Lady Peace. A Noise-By-law exemption is requested from 5:00PM to 11:59PM.

Sunday, will include a morning pancake breakfast, a faith based service, a series of freestyle Motocross shows and Bob's Biker Games. This evening will see the closing of activities and vendors at Seacliff Park.



Agreements for the use of municipal lands by the Hospital Foundation have been prepared, which agreements include provisions for the user to:

- meet or exceed the requirements of the Windsor Essex County Health Unit for the handling of food;
- comply with the Municipality's Alcohol Risk Management Policy;
- remove from the subject property all products used in the preparation of food;
- ensure that there are no open fires nor cooking beneath any tent;
- provide to the Municipality sufficient releases and indemnities, including from third party contractors or participants;
- provide to the Municipality sufficient certificates of insurance evidencing appropriate insurance in the amount of \$5 Million, including from third party contractors or participants;
- return the subject property to the Municipality in the same condition as it was received;
- provide adequate washroom facilities to service the anticipated number of participants and attendees;
- ensure that all fire hydrants remain unobstructed at all times;
- keep the subject property clean and keep the adjacent property clear of refuse and debris; and
- ensure that there are adequate persons in place to maintain and manage the event.

### Financial Impact:

Given that Hogs for Hospice received a municipal grant for operations this year, there is no financial impact to the Municipality. Further, Hogs for Hospice have also received funding from other government bodies to off-set costs and have an aggressive sponsorship campaign that allows for in-kind contributions to cover the costs that may have previously been absorbed by Community Development and Tourism budgets.

Respectfully submitted,

*Jeanine Lassaline-Berglund (JLB)*

Jeanine Lassaline-Berglund

Manager of Economic and  
Community Development

Attachment: Road Closure Map 1

**Paul  
Barnable**

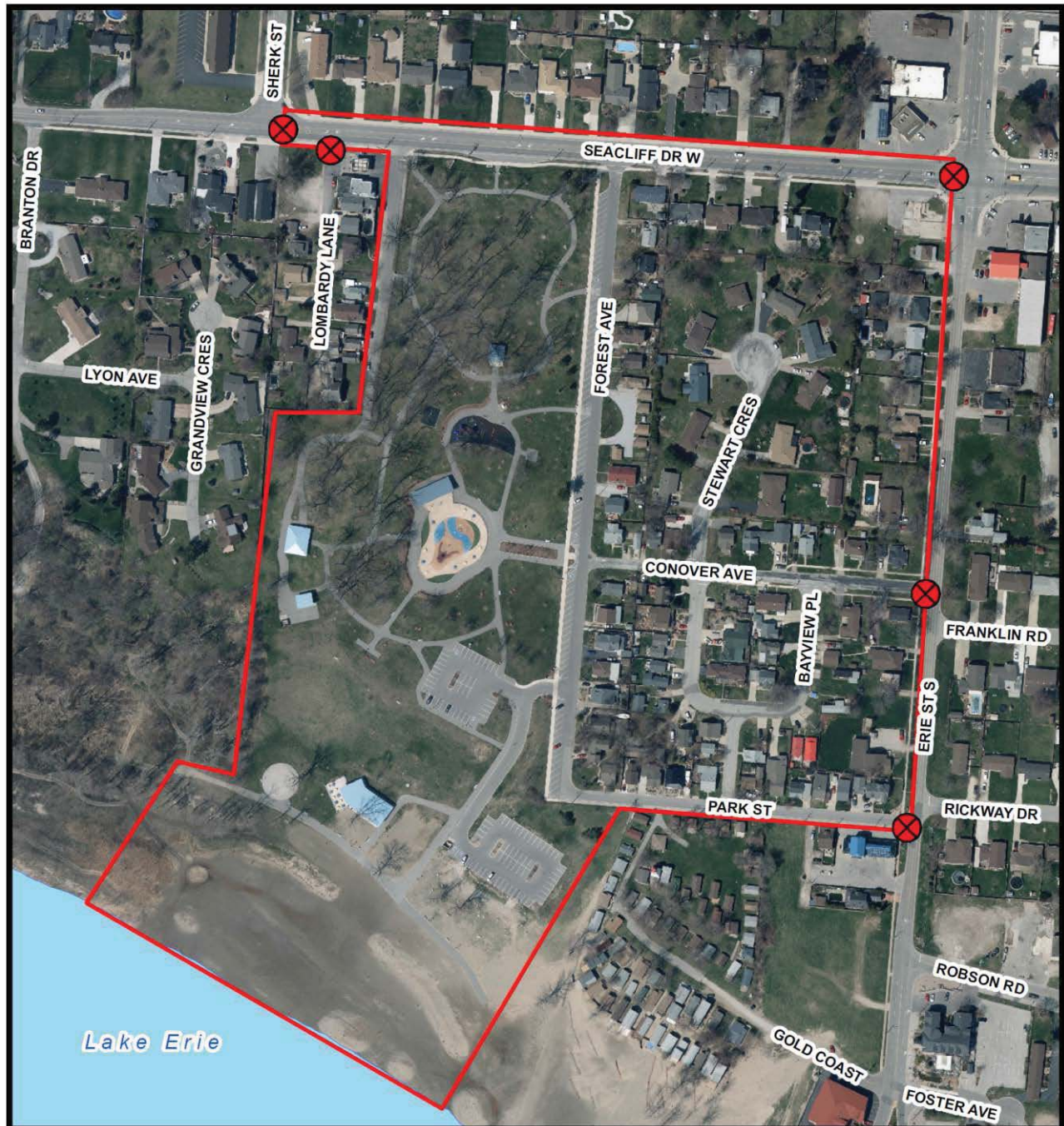
Digitally signed by Paul Barnable  
DN: cn=Paul Barnable,  
o=Municipality of Leamington, ou,  
email=pbarnable@leamington.ca,  
c=US  
Date: 2017.06.19 15:15:43 -04'00'

Paul Barnable  
Director of Development and  
Planning Services

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: 2017.06.22 15:19:51 -04'00'

## Road Closure Map



### Legend



Road Closed

Area of Road Closure



Aerial Photography : April/May 2016

Document Path: Y:\Maps\Corporate Services\Economic Development\HOGS\RD\RoadClosure2.mxd

Title:

Leamington, On - Hogs for Hospice  
Road Closure Map 2



Municipality of  
**Leamington**  
live | play | work

Scale: 1:3,000

0 25 50 100 Meters

Prepared For:

Date: June 29, 2016

Prepared By: GIS Services

File No: N/A

Notes:

This map is the property of the Corporation of the Municipality of Leamington and may not be reproduced without expressed permission and authorization.  
111 Erie Street North, Leamington, Ontario N8H 2Z9  
TEL: (519) 326-5761 FAX: (519) 326-2481

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



## Report

**To:** Mayor and Members of Council

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

**Date:** June 12, 2017

**Re:** 2016 Year End Variance Analysis

---

### Recommendation:

It is recommended that:

1. The transfers of 2016 municipal taxation-funded surplus funds of \$2.3M be approved as follows:

**Table 1 - Summary of Recommended Transfers**

| <b>Reserve</b>                          | <b>Amount</b>       |
|---|---------------------|
| Engineering Reserve (0236)              | \$ 149,000          |
| Drainage Reserve (0223)                 | 72,900              |
| Marina Reserve (0262)                   | 33,500              |
| Library and Cultural Reserve (0276)     | 34,200              |
| Fire Services (0230)                    | 23,700              |
| Parks Reserve (0264)                    | 16,800              |
| Contingency Reserve (0226)              | 1,378,180           |
| Waterfront Redevelopment Reserve (0265) | 750,000             |
| Uptown Revitalization Reserve (0266)    | 350,000             |
| Infrastructure Reserve (0290)           | (511,320)           |
| <b>Total</b>                            | <b>\$ 2,296,960</b> |

Source: Schedule 1



2. Information regarding transfers for the net financial positions of the Parking, Sanitation, Wastewater (PCC), and Water departments for 2016 to the respective reserve accounts be received;
3. Information regarding the transfers to reserves for 2016 committed capital projects be received; and
4. The General & Administration Reserve be renamed to the Information Technology Reserve. (FIN-08-17)

## **Background:**

Year-end projections are compiled on an account-by-account basis using the best information available at the time. Financial information for results as at December 31, 2016 have been reviewed and a cumulative surplus using a modified-cash basis has been determined.

Note the accumulated surplus of \$257.0M, disclosed in the 2016 audited financial statements is not comparable with the results outlined in this report. The financial statements are reported in compliance with Public Sector Accounting Board (PSAB) accounting regulations which report the equity position of the Municipality as at December 31, 2016 including net book value of tangible capital assets, post-employment benefits and amortization expense in calculating the net municipal position (surplus) for the year.

This report provides the cash surplus derived based on use of taxes levied and fees collected to pay for goods and services to operate the Municipality for the 2016 fiscal year only.

## **Comments:**

### **Taxation Supported Results:**

The 2016 fiscal year ended with cumulative municipal taxation-funded surplus of \$2.3M for taxation supported departments. Schedule 1 includes the recommended transfers to reserves based on year end results.

Schedule 2 provides detailed explanations for the net surplus by department.

In summary, the surplus arose from the following elements:

#### **Investment Income - \$1.5M**

The One Fund Investment Program in 2016 performed favourable to budget. The investment gain recognized was \$1.2M. These included investments in the program's Bond, Universal Corporate Bond, and Equity Portfolios. Given the volatility in the financial markets and the objective of the preservation of capital, the Municipality's investments were removed from the One Fund Program in late 2016. This was prudently done to reduce investment exposure and market volatility. The

Municipality's cash position and improved interest rate earned also contributes to the positive surplus.

#### **Supplemental Taxation Revenue - \$380k**

2016 budget included a conservative amount for supplemental taxation revenues based on prior years. Actual supplementals were much higher than anticipated therefore increasing overall taxation revenues when compared to budget.

#### **Salaries and Benefits/Transitional Costs - \$262k**

Several vacancies in various departments contributes to this reduced amount of spending compared to budget. The 2016 budget also included a job burden allocation to specific maintenance jobs. As mentioned in the 2017 budget deliberations, this allocation was budgeted to increase the maintenance accounts to include all labour costs with a corresponding decrease in the salary and benefits. For purposes of this variance reporting, the impacted departments (Parks, Public Works, Water) in Schedule 2 have the salary, benefits and the maintenance accounts grouped together as these allocations create offsetting variances.

#### **Development Charge Discounts - non greenhouse (net) - \$212k**

2016 budget included development charge discounting for non-greenhouses totalling \$1.5M. Actuals were \$688k. Therefore the funding required for this discounting was also less than budgeted creating a surplus.

Schedule 3 lists the in-year (2016) transfers to reserves that have been made based on 2017 approved budgeted capital expenditures and the fact that these projects were not completed in 2016. Thus these transfers to reserves do not form part of the reported net surplus.

#### **Renaming of the General and Administration Reserve to the Information Technology Reserve**

Currently all lifecycle replacement for hardware and software for Information Technology (IT) are included within the General and Administrative Reserve. This reserve has traditionally been used primarily for a variety of IT projects. To better reflect the use of this reserve, Administration is recommending the name of this reserve be changed to Information Technology Reserve.

#### **Financial Impact:**

##### **Taxation Funded Results:**

A number of factors have been considered in relation to the recommended transfer to reserves of the 2016 net municipal surplus from taxation supported operations as outlined in Appendix A. Of particular note are the following recommendations:

1) Engineering Reserve:

\$149,000 to be transferred to the Engineering Reserve. This Reserve is used to assist in funding large capital projects, both lifecycle and expansion related, primarily associated with road and bridge infrastructure. This amount represents unspent capital from 2016.

2) Contingency Reserve

\$1,378,180 be transferred to the Contingency Reserve. This reserve is used to avoid long-term debt and to manage unfunded one-time costs and/or revenue shortfalls that may arise in a particular budget year, which in turn mitigates the need for extreme tax rate fluctuations from year to year. This amount includes the budgeted reserve transfer for \$120,475 for rate stabilization as well as the additional 2016 Municipal surplus. As additional funds become available to the Municipality, allowing funds to be set aside in the contingency reserve will support new initiatives.

The 2017 budgeted ending balance of this reserve, excluding this and other in-year transfers, is estimated at \$4.27M.

3) Waterfront Redevelopment Reserve:

\$750,000 to be transferred to the Waterfront Redevelopment Reserve in support of Council's strategic direction. \$75,000 of this amount was budgeted in 2016 however was not spent. The remaining \$675,000 is recommended from the 2016 taxation funded surplus. This reserve, established in 2016, will be used to fund future waterfront re-development initiatives.

4) Uptown Revitalization Reserve:

\$350,000 to be transferred to the Uptown Revitalization Reserve to support Council's strategic direction. This reserve will be used to fund future revitalization initiatives of the Municipality's uptown. Therefore, Administration is recommending a portion of the general surplus resulting from Municipal operations for the year ended December 31, 2016 be transferred to this reserve that was established last year.

5) Infrastructure Reserve Transfer:

The Sewer department has a 2016 operating deficit related to the timing of work completed that totals \$511k. The deficit results from the timing of the recoveries from land owners resulting from the Pelee/Bevel Line project reduced by the remaining spend on the Erie Street, Conover, Stewart and Forest sewer separation and the Northeast Trunk Sanitary Sewer that will be completed in 2017. This department is supported through the urban tax levy. As such, this deficit should not be funded through general taxation surplus. When the recoveries are received, the surplus will be transferred back to the reserve to have net impact of zero to the reserve.

**6) Smaller Departmental Reserve Transfers:**

The remaining recommended transfers represent the associated 2016 departmental surpluses and unexpended capital. These reserves are used primarily for the lifecycle replacement and expansion of existing capital assets.

**User Rate Funded Results:**

In addition to the above-noted results, some departments are funded from user rates and the net departmental position is normally transferred to or from the respective reserves as a sustainable 'self-funding' model. Administration has transferred the net position of the following departments for 2016 to or (from) the respective reserves (Schedule 2):

| <u>Department</u> | <u>Budget</u> | <u>Actual</u> | <u>Variance</u> |
|-------------------|---------------|---------------|-----------------|
| Parking           | \$ -          | \$ 3,313      | \$ 3,313        |
| Sanitation        | 38,692        | 25,964        | (12,728)        |
| PCC               | 1,790,726     | 2,718,793     | 928,067         |
| Water             | (235,120)     | 771,218       | 1,006,338       |

Parking variance results from:

- Departmental changes that have reduced operating expenses compared to budget. In the 2016 budget it was anticipated that there would be a draw from the reserve to support the operations of this department.
- This small favourable variance has been transferred to the Parking reserve.

Sanitation variance results from:

- The \$26k year-end surplus for this department has been transferred to the Sanitation reserve;
- Reduced garbage levies in both the rural and urban areas have decreased this transfer to reserve compared to budget;
- The remaining favourable variance of \$4k within the department relates to the EWSWA landfill perpetual care operating expenses and remains at year end as this cost is funded through general taxation.

PCC variance results primarily from:

- \$741k increased revenue resulting from increased surcharges for single and extra strength usage from higher production levels;
- \$168k resulting from favourable capital expenses from budget. This includes \$100k for the outfall inspection and root cutting which has been deferred and the remaining surplus results in capital projects being completed lower than budgeted;



- The operating surplus has been transferred to the PCC reserve.

Water variance results primarily from:

- \$512k resulting from increased consumption from greenhouses offset by lower than budget commercial consumption;
- \$284k is attributed to capital spending. Approximately \$206k work that was not completed by the end of the year and will be completed in 2017 with the remaining surplus resulting from favourable capital spending on projects;
- \$165k for professional services for the Source Water Protection Project and Water Distribution System Master Plan not completed in 2016;
- \$106k relating to salaries and benefits and the associated burdens that were not allocated within the department and reduced fuel costs and property maintenance compared to budget;
- The operating surplus has been transferred to the Water reserve.

There are a number of offsetting variances for both PCC and Water which are detailed in Schedule 2.

Respectfully submitted,

Laura  
Rauch,  
CPA, CMA

Digitally signed by Laura Rauch,  
CPA, CMA  
DN: cn=Laura Rauch, CPA, CMA,  
o=Municipality of Leamington,  
ou=Finance and Business  
Services,  
email=lrauch@leamington.ca,  
c=CA  
Date: 2017.06.22 12:01:02 -04'00'

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

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: 2017.06.22 12:07:58 -04'00'

LR

Attachments:

Schedule 1 - Recommended Transfers to Reserves Based on 2016 Year End Results  
Schedule 2 - Year End Financial Results by Department  
Schedule 3 - Transfers to Reserves for Approved Capital Projects

T:\Finance\Reports\2017\FIN-08-17 2016 Variance Analysis

Schedule 1

**The Corporation of the Municipality of Leamington  
Recommended Transfers to Reserves Based on 2016 Year End Results  
For the Year Ended December 31, 2016**

**2016 Taxation Supported Surplus:**

|   |                    |
|---|--------------------|
| Net Surplus - Taxation Supported (Appendix A) | \$2,309,400        |
| Less surpluses for non-municipal entities:    |                    |
| Uptown BIA                                    | (8,125)            |
| Joint Animal Control                          | (4,315)            |
| <b>2016 Municipal Surplus</b>                 | <b>\$2,296,960</b> |

**Recommended Transfers:**

|  |             |  |
|--|-------------|--|
| 2016 Municipal Surplus                         | \$2,296,960 |  |
| Less Transfers to:                             |             |  |
| Engineering Reserve (0236)                     | (149,000)   | Engineering unexpended capital surplus                   |
| Drainage Reserve (0223)                        | (72,900)    | Net departmental surplus                                 |
| Marina Reserve (0262)                          | (33,500)    | Net departmental surplus                                 |
| Library and Cultural Reserve (0276)            | (34,200)    | Net departmental surplus                                 |
| Fire Services (0230)                           | (23,700)    | Net departmental surplus                                 |
| Parks Reserve (0264)                           | (16,800)    | Net departmental surplus                                 |
| Contingency Reserve (0226)                     | (1,378,180) | Rate stabilization and replenish                         |
| Waterfront Redevelopment Reserve (0265)        | (750,000)   | Council's strategic direction and 2016 unexpended capita |
| Uptown Revitalization Reserve (0266)           | (350,000)   | Council's strategic direction                            |
| Infrastructure Reserve (0290)                  | 511,320     | Net departmental deficit (timing project completion)     |
| <b>Net Municipal Surplus after Adjustments</b> | <b>\$0</b>  |  |

## Schedule 2

**The Corporation of the Municipality of Leamington  
Year End Financial Results (in \$) by Department  
For the Year Ended December 31, 2016**

| Department   | Budget            | Actual            | Variance                  | Variance Comments   |
|--|-------------------|-------------------|---------------------------|---|
|  | Revenue (Expense) | Revenue (Expense) | Favourable (Unfavourable) |   |
| A. Taxation Supported Departments:                         |                   |                   |                           |   |
| 1. Finance and Business Services                           |                   |                   |                           |   |
| Investment income  | \$270,000         | \$1,764,205       | \$1,494,205               | Realized gain on investments  |
| Miscellaneous revenue                                      | 148,000           | 160,616           | 12,616                    | Increased number of tax certificates  |
| Salaries and benefits                                      | (1,070,226)       | (828,782)         | 241,444                   | Vacant positions  |
| Professional services                                      | (85,000)          | (42,487)          | 42,513                    | Reduced scoping of asset management software (CityWorks)  |
| Liability insurance  | (43,460)          | (9,720)           | 33,740                    | Reduced deductible insurance claims   |
| Foreign exchange   | 15,000            | (4,139)           | (19,139)                  | Foreign exchange loss   |
| Minor variances - operational                              | 15,958            | 21,600            | 5,642                     |   |
| Departmental Surplus                                       | (749,728)         | 1,061,293         | 1,811,021                 |   |
| 2. Parks   |                   |                   |                           |   |
| Fees revenue   | 31,650            | 37,648            | 5,998                     | Increased soccer and baseball usage   |
| Tree and bench donations                                   | 0                 | 5,300             | 5,300                     | Donations received in year were spent in year   |
| Contribution from Reserve - Tree Planting                  | 0                 | 7,367             | 7,367                     | Additional tree planting funded through reserves  |
| Salaries and benefits and maintenance with minor variances | (617,039)         | (572,873)         | 44,166                    | Favourable labour hours; payroll benefits (burden) not allocated to specific jobs as budgeted therefore maintenance work appears under budget however this is an intradepartmental allocation |
| Municipal trails   | (49,678)          | (39,240)          | 10,438                    | Reduced outsourcing activities  |
| Soccer field   | (60,587)          | (69,135)          | (8,548)                   | Additional work required for soccer field maintenance   |
| Fuel   | (18,000)          | (9,074)           | 8,926                     | Lower fuel prices   |
| Building maintenance                                       | (44,769)          | (57,128)          | (12,359)                  | Increased water usage and electricity rates   |
| Transfer to Reserve - Parks                                | 0                 | (445,000)         | (445,000)                 | Seacliff Beach and Waterfront Revitalization work not completed in 2016   |
| Capital purchases funded from taxation                     | (580,000)         | (178,831)         | 401,169                   | Seacliff Beach and Waterfront Revitalization work not completed in 2016   |
| Minor variances - operational                              | (70,452)          | (71,065)          | (614)                     |   |
| Departmental Surplus                                       | (1,408,875)       | (1,392,031)       | 16,844                    |   |

**Schedule 2**

**The Corporation of the Municipality of Leamington  
Year End Financial Results (in \$) by Department  
For the Year Ended December 31, 2016**

| <b>Department</b>                           | <b>Budget</b>        |  | <b>Actual</b>        |  | <b>Variance</b>              |  | <b>Variance Comments</b>  |
|---|----------------------|--|----------------------|--|------------------------------|--|---|
|   | Revenue<br>(Expense) |  | Revenue<br>(Expense) |  | Favourable<br>(Unfavourable) |  |   |
| <b>3. Sewer</b>                             |                      |  |                      |  |                              |  |   |
| Local improvement recoveries                | 163,282              |  | 141,947              |  | (21,335)                     |  | Debenture for Erie St. S. Oak to Askew completed in 2017  |
| Contribution from Reserves - Infrastructure | 35,000               |  | 0                    |  | (35,000)                     |  | Combined sewer connection repairs did not exceed budget, therefore no contribution from reserve required  |
| Professional services                       | (95,000)             |  | (2,555)              |  | 92,445                       |  | Reduced spending on contractor to locate sewer infrastructure (\$86k); Review/Development of Regional Storm Water Management Guidelines not completed |
| Sanitary & Combination work                 | (280,300)            |  | (221,482)            |  | 58,818                       |  | Reduced spending on parts and services  |
| Storm sewer maintenance - drainage          | (280,000)            |  | (64,197)             |  | 215,803                      |  | Bank repairs at Robson cancelled; other projects delayed (2015 actual spend = \$60k)  |
| Storm sewer work - non-drainage             | (62,300)             |  | (12,748)             |  | 49,552                       |  | Reduced spending on parts and services  |
| Transfer to Reserve-Infrastructure          | (150,000)            |  | (539,264)            |  | (389,264)                    |  | 2016 sewer separation Erie S/Conover/Stewart/Forest and North East Trunk Sanitary Sewer remaining spending for project completion                     |
| Capital purchases funded from taxation      | (797,150)            |  | (300,387)            |  | 496,763                      |  | 2016 sewer separation Erie S/Conover/Stewart/Forest and North East Trunk Sanitary Sewer   |
| Capital purchases funded from taxation      | 0                    |  | (978,331)            |  | (978,331)                    |  | Pelee/Bevel Line sewer project - timing of work completed; recover from landowners when work is completed   |
| Minor variances - operational               | (751,832)            |  | (752,601)            |  | (770)                        |  |   |
| Departmental Deficit                        | (2,218,300)          |  | (2,729,620)          |  | (511,320)                    |  | *to be funded from Infrastructure Reserve (timing)  |
| <b>4. General Government</b>                |                      |  |                      |  |                              |  |   |
| Property tax revenue                        | 24,851,913           |  | 25,232,824           |  | 380,911                      |  | Additional supplemental taxation revenue  |
| Government grant revenue                    | 2,395,000            |  | 2,411,759            |  | 16,759                       |  | Increased Provincial Offences Act (POA) Court revenue   |
| Miscellaneous revenue                       | 918,770              |  | 1,462,886            |  | 544,116                      |  | Sale of land easement right; higher Essex Power dividend  |
| Transfer to Reserve-Trail Reserve           | 0                    |  | (500,000)            |  | (500,000)                    |  | Transfer of land easement rights to Trail Reserve   |
| DC Non-Greenhouse Discount                  | (1,500,000)          |  | (688,180)            |  | 811,820                      |  | Reduced volume of building activity for non-greenhouses than anticipated  |
| Contribution from Reserves-Contingency      | 1,500,000            |  | 900,600              |  | (599,400)                    |  | Funded 2016 DC non-greenhouse (includes 2015 adjustment)  |
| Tax adjustment                              | (487,500)            |  | (551,729)            |  | (64,229)                     |  | Increased tax reductions - including assessment reductions and vacancy rebates  |
| Salaries and benefits                       | (224,000)            |  | (259,482)            |  | (35,482)                     |  | Retiree benefits higher than expected   |
| Training                                    | (30,000)             |  | (3,425)              |  | 26,575                       |  | Favourable organizational training  |
| Insurance liability                         | (117,100)            |  | (193,361)            |  | (76,261)                     |  | Additional trip/slip/fall, and motor vehicle accident claims  |
| Reserve transfers                           | (342,475)            |  | (222,000)            |  | 120,475                      |  | Transfer to Contingency Reserve of \$120,475 not done (for budget stabilization)  |
| Capital purchases funded from taxation      | (27,000)             |  | (10,621)             |  | 16,379                       |  | Office furniture and miscellaneous equipment purchases  |
| Minor variances - operational               | (1,226,796)          |  | (1,218,408)          |  | 8,388                        |  |   |
| Departmental Surplus                        | 25,710,812           |  | 26,360,862           |  | 650,050                      |  |   |

## Schedule 2

**The Corporation of the Municipality of Leamington  
Year End Financial Results (in \$) by Department  
For the Year Ended December 31, 2016**

| Department                             | Budget               | Actual               | Variance             |  | Variance Comments |
|--|----------------------|----------------------|----------------------|--|-------------------|
|  | Revenue<br>(Expense) | Revenue<br>(Expense) | Revenue<br>(Expense) | Favourable<br>(Unfavourable)   |                   |
| <b>5. Marina</b>                       |                      |                      |                      |  |                   |
| Rental revenue - Seasonal Wells        | 290,000              | 279,781              | (10,219)             | Reduced revenues   |                   |
| Fuel and oil revenues                  | 219,779              | 201,474              | (18,305)             | Reduced fuel sales; net profit for fuel  |                   |
| Fuel purchases                         | (191,237)            | (165,837)            | 25,400               | Lower price for premium fuel   |                   |
| Professional services                  | (10,000)             | 0                    | 10,000               | Technical review of water supply to the marina not completed                               |                   |
| Contribution from Reserves-Marina      | 10,000               | 0                    | (10,000)             | Technical review of water supply to the marina not completed                               |                   |
| Property maintenance                   | (41,919)             | (27,678)             | 14,241               | Reduced spending on underwater weed control, marina dock repairs and dock gate maintenance |                   |
| Transfer to Reserves-Marina            | (65,000)             | (320,000)            | (255,000)            | Transfer to reserve for capital projects not completed in 2016 - GH dock and parking lot   |                   |
| Capital purchases funded from taxation | (287,700)            | (16,045)             | 271,655              | Deferred capital projects GH dock and parking lot  |                   |
| Minor variances - operational          | (241,053)            | (235,287)            | 5,766                |  |                   |
| Departmental Surplus                   | (317,130)            | (283,593)            | 33,537               |  |                   |
| <b>6. Drainage</b>                     |                      |                      |                      |  |                   |
| Drainage Levy revenue                  | 417,309              | 686,927              | 269,618              | Increased drain maintenance recovery   |                   |
| Provincial Grant - Superintendent      | 71,000               | 102,337              | 31,337               | Grant for assistant to superintendent  |                   |
| Provincial Grant - Drain Maintenance   | 265,000              | 191,300              | (73,700)             | Grant budget for drain maintenance not realized  |                   |
| Roads Recoveries - Drain Maintenance   | 100,000              | 185,400              | 85,400               | Increased work performed on maintenance drains therefore higher recoveries                 |                   |
| Proceeds on sale of debenture          | 0                    | 36,492               | 36,492               | Landowner opted to take municipal loan for capital drains work (John Leslie Drain)         |                   |
| Drainage Maintenance expense           | (700,000)            | (980,939)            | (280,939)            | Increased maintenance drains work performed; consistent with higher revenue                |                   |
| Debt charges                           | (95,602)             | (108,961)            | (13,359)             | Higher debt charges includes new loan (from Collins Estate Reserve) for John Leslie Drain  |                   |
| Transfer to Reserve-Drainage           | 0                    | (212,532)            | (212,532)            | Transfer to reserve for all capital drains projects not completed in 2016                  |                   |
| Capital purchases funded from taxation | (240,214)            | 0                    | 240,214              | Capital drain projects not completed in 2016   |                   |
| Minor variances - operational          | (195,617)            | (205,260)            | (9,643)              |  |                   |
| Departmental Surplus                   | (378,124)            | (305,237)            | 72,887               |  |                   |

**Schedule 2**

**The Corporation of the Municipality of Leamington**  
**Year End Financial Results (in \$) by Department**  
**For the Year Ended December 31, 2016**

| <b>Department</b>  | <b>Budget</b>        | <b>Actual</b>        | <b>Variance</b>              | <b>Variance Comments</b>  |
|--|----------------------|----------------------|------------------------------|---|
|  | Revenue<br>(Expense) | Revenue<br>(Expense) | Favourable<br>(Unfavourable) |   |
| <b>7. Public Works</b>                                     |                      |                      |                              |   |
| Salaries and benefits and maintenance with minor variances | (2,289,461)          | (2,233,535)          | 55,925                       | Favourable labour hours; payroll benefits (burden) not allocated to specific jobs as budgeted therefore maintenance work appears under budget however this is an intradepartmental allocation                                 |
| Roadway Winter Control                                     | (282,671)            | (287,621)            | (4,950)                      | Necessary application of salt for road safety   |
| Roadway Zone Painting                                      | (55,780)             | (61,846)             | (6,066)                      | Centerline painting   |
| Fuel   | (136,860)            | (92,223)             | 44,637                       | Decreased fuel consumption and lower fuel prices  |
| Spills Expense   | (35,000)             | (6,946)              | 28,054                       | Decreased number of oil spills  |
| Telecommunications   | (23,390)             | 0                    | 23,390                       | Actuals consolidated with IT department   |
| Miscellaneous & Municipal Drains                           | (275,573)            | (358,023)            | (82,450)                     | Increased municipal drainage work for road portion; more phrag control  |
| Capital purchases funded from taxation                     | (134,000)            | (124,286)            | 9,714                        | Favourable spending on fuel tank replacement  |
| Minor variances - operational                              | (384,284)            | (386,240)            | (1,956)                      |   |
| Departmental Surplus                                       | (3,617,019)          | (3,550,720)          | 66,299                       |   |
| <b>8. Complex and Programming</b>                          |                      |                      |                              |   |
| <b>a) Complex</b>  |                      |                      |                              |   |
| Membership revenue   | 257,275              | 484,778              | 227,503                      | In 2016, members' program revenue is recorded in Complex instead of Programming (net \$5k variance)   |
| Rental revenue   | 600,802              | 553,413              | (47,389)                     | Reduced number of ice rentals and ice surcharge; Food sales revenue lower offset by additional more facility room rentals   |
| Donation - Highbury Canco                                  | 20,000               | 40,000               | 20,000                       | Two years of donations received in 2016   |
| Transfer to Reserves - Highbury Canco                      | 0                    | (40,000)             | (40,000)                     | Two years of donations received in 2016   |
| Salaries and benefits                                      | (1,425,730)          | (1,571,839)          | (146,110)                    | Staffing changes; Benefits for PT not budgeted; increased overtime for PT due to staffing absence   |
| Software purchases   | (600)                | (12,135)             | (11,535)                     | ActiveNet reservation and billing software  |
| Credit and debit charges                                   | (25,000)             | (37,893)             | (12,893)                     | Fees associated with ActiveNet  |
| Building utilities   | (517,425)            | (635,363)            | (117,938)                    | Increased electricity and gas rates   |
| Property maintenance                                       | (56,009)             | (37,178)             | 18,831                       | Decreased snow removal required and maintenance on parking lot (crack and seal program)   |
| Transfer to Reserves-Kinsmen Complex                       | (100,500)            | (216,500)            | (116,000)                    | Transfer to reserve for projects not completed in 2016 - walking track, change room reno  |
| Capital purchases funded from taxation                     | (730,475)            | (591,901)            | 138,574                      | Deferred walking track and change room renovations and favourable spending on HCC railing and storage room projects as well as upgrades to security features, LED billboard electrical and other misc machinery and equipment |
| Minor variances - operational                              | (853,347)            | (859,901)            | (6,554)                      |   |
| Departmental Deficit                                       | (2,831,009)          | (2,924,519)          | (93,511)                     |   |
| <b>b) Programming</b>                                      |                      |                      |                              |   |
| Program Registration                                       | 586,046              | 363,479              | (222,567)                    | In 2016, members' program revenue is recorded in Complex instead of Programming (net \$5k variance)   |
| Daily Admission revenue                                    | 17,665               | 3,133                | (14,532)                     | Decreased daily admission sales   |
| Hockey School revenue                                      | 6,150                | 0                    | (6,150)                      | Hockey school program not completed in 2016   |
| Salaries and benefits                                      | (480,170)            | (469,788)            | 10,382                       | Staffing changes  |
| Minor variances - operational                              | (43,530)             | (35,280)             | 8,250                        | Underspent on grant funded programs and advertising   |
| Departmental Deficit                                       | 86,161               | (138,457)            | (224,617)                    |   |
| Total Complex and Programming Departmental Deficit         |                      |                      | (318,128)                    |   |

**Schedule 2**

**The Corporation of the Municipality of Leamington  
Year End Financial Results (in \$) by Department  
For the Year Ended December 31, 2016**

| <b>Department</b>                      | <b>Budget</b>        |  | <b>Actual</b>        |  | <b>Variance</b>              |  | <b>Variance Comments</b>   |
|--|----------------------|--|----------------------|--|------------------------------|--|--|
|  | Revenue<br>(Expense) |  | Revenue<br>(Expense) |  | Favourable<br>(Unfavourable) |  |  |
| <b>9. Engineering</b>                  |                      |  |                      |  |                              |  |  |
| Encroachment permit revenue            | 18,000               |  | 5,000                |  | (13,000)                     |  | Encroachment permit revenue transferred to Building and PW department commencing in April 2016   |
| Professional services                  | (23,000)             |  | (39,951)             |  | (16,951)                     |  | Increased number of traffic studies including Princess St. closure study, one-way traffic; Ferry dock inspection/survey                  |
| Transfer to Reserve-Engineering        | (100,000)            |  | (310,360)            |  | (210,360)                    |  | Transfer to reserve for capital projects not completed in 2016 - ST traffic improvements, general infrastructure and waterfront upgrades |
| Capital purchases funded from taxation | (1,290,000)          |  | (855,621)            |  | 434,379                      |  | Deferred 2016 capital projects and favourable spending on Sherk Street and Mersea Road C   |
| Minor variances - operational          | (893,824)            |  | (904,646)            |  | (10,822)                     |  |  |
| Departmental Surplus                   | (2,288,824)          |  | (2,105,578)          |  | 183,246                      |  |  |
| <b>10. Legal and Legislative</b>       |                      |  |                      |  |                              |  |  |
| Revenue                                | 81,423               |  | 99,202               |  | 17,779                       |  | Increased bingo licenses, wedding ceremonies and death registrations   |
| Salaries and benefits                  | (587,812)            |  | (660,947)            |  | (73,136)                     |  | Staffing and departmental changes  |
| Professional fees                      | (35,000)             |  | (87,039)             |  | (52,039)                     |  | Increased external legal work required for non-capital related issues  |
| Minor variances - operational          | (52,950)             |  | (52,550)             |  | 400                          |  |  |
| Departmental Deficit                   | (594,339)            |  | (701,334)            |  | (106,995)                    |  |  |



## Schedule 2

**The Corporation of the Municipality of Leamington**  
**Year End Financial Results (in \$) by Department**  
**For the Year Ended December 31, 2016**

| Department                               | Budget               |  | Actual               |  | Variance                     |  | Variance Comments  |
|--|----------------------|--|----------------------|--|------------------------------|--|--|
|  | Revenue<br>(Expense) |  | Revenue<br>(Expense) |  | Favourable<br>(Unfavourable) |  |  |
| <b>11. Office of CAO</b>                 |                      |  |                      |  |                              |  |  |
| Salary and benefits                      | (232,196)            |  | (278,038)            |  | (45,842)                     |  | Staffing changes   |
| Professional services and sundry         | (211,540)            |  | (93,401)             |  | 118,139                      |  | Transition costs   |
| Minor variances - operational            | (13,393)             |  | (12,903)             |  | 490                          |  |  |
| Departmental Surplus                     | (457,129)            |  | (384,343)            |  | 72,786                       |  |  |
| <b>12. Planning</b>                      |                      |  |                      |  |                              |  |  |
| Fee revenue                              | 75,130               |  | 83,680               |  | 8,550                        |  | Increased zoning by-law combined and Committee of Adj combined consent       |
| Salaries and benefits                    | (528,039)            |  | (413,824)            |  | 114,215                      |  | Staff vacancies and departmental changes                                     |
| Special projects (CIP)                   | (286,000)            |  | (148,751)            |  | 137,249                      |  | More CIP renovation projects but less CIP projects for all other grant types |
| Contribution from Reserves-Contingency   | 147,000              |  | 0                    |  | (147,000)                    |  | Reserve funding not required for 2016 CIP projects                           |
| Transfer to Reserves-Contingency         | 0                    |  | (156,568)            |  | (156,568)                    |  | Transfer to reserves for multi-year unused CIP funds                         |
| Professional services - Studies          | (150,000)            |  | (4,443)              |  | 145,557                      |  | Budgeted OPA 5 year review and secondary plans not completed                 |
| Contribution from Reserves - Gen & Admin | 50,000               |  | 2,442                |  | (47,558)                     |  | OPA 5 year review not completed  |
| Conference and training                  | (15,250)             |  | (3,058)              |  | 12,192                       |  | Underspent on conference and training  |
| Minor variances - operational            | (76,420)             |  | (67,846)             |  | 8,574                        |  |  |
| Departmental Surplus                     | (783,579)            |  | (708,368)            |  | 75,211                       |  |  |
| <b>13. Council</b>                       |                      |  |                      |  |                              |  |  |
| Salaries and benefits                    | (184,764)            |  | (175,126)            |  | 9,637                        |  | 2016 budget overstated   |
| Conferences, Training, Travel            | (54,500)             |  | (27,504)             |  | 26,996                       |  | Conference and travel lower than anticipated                                 |
| Sundry                                   | (15,500)             |  | (6,589)              |  | 8,911                        |  | Underspent on event attendance   |
| Minor variances - operational            | (42,240)             |  | (32,595)             |  | 9,645                        |  |  |
| Departmental Surplus                     | (297,004)            |  | (241,815)            |  | 55,189                       |  |  |
| <b>14. By-Law Enforcement</b>            |                      |  |                      |  |                              |  |  |
| Salaries and benefits                    | (382,340)            |  | (331,342)            |  | 50,998                       |  | Budget allocation of Parking Enforcement Officer to By-law                   |
| Minor variances - operational            | (12,402)             |  | (11,777)             |  | 625                          |  |  |
| Departmental Surplus                     | (394,742)            |  | (343,119)            |  | 51,623                       |  |  |

## Schedule 2

**The Corporation of the Municipality of Leamington  
Year End Financial Results (in \$) by Department  
For the Year Ended December 31, 2016**

| Department                                 | Budget               | Actual               | Variance             |                              | Variance Comments   |
|--|----------------------|----------------------|----------------------|------------------------------|---|
|  | Revenue<br>(Expense) | Revenue<br>(Expense) | Revenue<br>(Expense) | Favourable<br>(Unfavourable) |   |
| <b>15. Police</b>                          |                      |                      |                      |                              |   |
| Grant revenue                              | 111,000              | 103,995              | (7,005)              |                              | Court security and prisoner transportation grant not received   |
| Fees revenue                               | 46,500               | 61,308               | 14,808               |                              | Increased number of police record checks requested; Court room rental revenue consistent with prior year favourable to budget |
| Building maintenance                       | (141,610)            | (119,098)            | 22,512               |                              | Maintenance completed on building less than expected, offset by higher than anticipated electricity charges.                  |
| OPP Contract                               | (5,062,901)          | (5,088,354)          | (25,453)             |                              | Actual OPP billings greater than budget   |
| Transfer to reserves-Police                | 0                    | (50,000)             | (50,000)             |                              | Facility renovations deferred   |
| Capital purchases funded from taxation     | (50,000)             | 0                    | 50,000               |                              | Facility renovations deferred   |
| Minor variances - operational              | (190,192)            | (192,090)            | (1,898)              |                              |   |
| Departmental Surplus                       | (5,287,203)          | (5,284,239)          | 2,964                |                              |   |
| <b>16. Fire</b>                            |                      |                      |                      |                              |   |
| Salaries and benefits                      | (1,507,974)          | (1,499,391)          | 8,584                |                              | Fewer part time hours   |
| Professional services - gas leak           | 0                    | (218,228)            | (218,228)            |                              | Consulting for emergency natural gas leak   |
| Contribution from Reserves - Contingency   | 0                    | 218,228              | 218,228              |                              | Funding consulting for emergency natural gas leak   |
| Vehicle maintenance                        | (48,410)             | (73,477)             | (25,067)             |                              | Aging firetrucks required additional maintenance over budget  |
| Firefighting equipment maintenance         | (29,279)             | (17,275)             | 12,004               |                              | Conservative budget due to potential unforeseen costs; prior to 2013, spending amounts were higher than \$20k                 |
| Training and Conferences                   | (30,000)             | (21,786)             | 8,214                |                              | Conference and travel lower than anticipated  |
| Building maintenance                       | (48,499)             | (40,592)             | 7,907                |                              | Less than anticipated work required to building   |
| Capital purchases funded from taxation     | (84,000)             | (73,132)             | 10,868               |                              | Projects completed under budget including facility improvements and bunker gear   |
| Minor variances - operational              | (340,352)            | (339,186)            | 1,166                |                              |   |
| Departmental Surplus                       | (2,088,514)          | (2,064,839)          | 23,675               |                              |   |
| <b>17. Library and Culture</b>             |                      |                      |                      |                              |   |
| Professional services - Consulting         | (30,000)             | 0                    | 30,000               |                              | Library building master plan study to be completed in future  |
| Contribution from Reserve - Collins Estate | 30,000               | 0                    | (30,000)             |                              | Library building master plan study to be completed in future  |
| Building maintenance                       | (26,011)             | (13,517)             | 12,494               |                              | Less required maintenance required due to six month closure   |
| Capital purchases funded from taxation     | (73,030)             | (52,923)             | 20,107               |                              | Facility improvements are Arts Centre completed under budget  |
| Minor variances - operational              | (92,940)             | (91,306)             | 1,634                |                              |   |
| Departmental Surplus                       | (191,981)            | (157,746)            | 34,235               |                              |   |

## Schedule 2

**The Corporation of the Municipality of Leamington**  
**Year End Financial Results (in \$) by Department**  
**For the Year Ended December 31, 2016**

| Department  | Budget               | Actual               | Variance                     | Variance Comments   |
|---|----------------------|----------------------|------------------------------|---|
|   | Revenue<br>(Expense) | Revenue<br>(Expense) | Favourable<br>(Unfavourable) |   |
| 18. Building  |                      |                      |                              |   |
| (Note: Required to balance to surplus of \$35,000, which is estimate of Building Services department costs recorded in other departments) |                      |                      |                              |   |
| Encroachment permit revenue   | 33,700               | 51,177               | 17,477                       | Encroachment permit revenue transferred from Engineering department             |
| Building permit - comm/ind new construction   | 200,000              | 17,316               | (182,684)                    | Less commercial/industrial new construction building activity                   |
| Building permit - comm/ind renos/alt  | 50,000               | 472,701              | 422,701                      | More commercial/industrial renovations and alterations building activity        |
| Building permit - residential   | 180,000              | 150,486              | (29,514)                     | Less new residential construction than anticipated                              |
| Building permit - Greenhouse  | 85,000               | 131,355              | 46,355                       | More greenhouse new/addition/packing/warehouse construction                     |
| Building permit - reno/alt/demo   | 13,500               | 37,467               | 23,967                       | More renovation/alteration construction and more demolitions                    |
| Building permit - Farm building renovations   | 1,000                | 11,787               | 10,787                       | More farm building construction   |
| Plumbing permit revenue   | 40,000               | 71,224               | 31,224                       | Increased underground site servicing and non-residential plumbing permits       |
| Salaries and benefits   | (478,042)            | (504,649)            | (26,607)                     | Staffing changes  |
| Software purchases  | (10,000)             | 0                    | 10,000                       | Noratek mobile inspection software not purchased                                |
| Fuel purchases  | 0                    | (6,173)              | (6,173)                      | Fuel costs for building vehicles  |
| Minor variances - operational   | 118,075              | 131,731              | 13,656                       |   |
| Subtotal before year end reserve transfer   | 233,233              | 564,422              | 331,189                      |   |
| Reserve transfer  | (233,233)            | (530,882)            | (297,649)                    | Revenues higher than expected due to increased construction activity            |
| Departmental Surplus  | 0                    | 33,539               | 33,539                       | Estimate of building services departmental costs allocated in other departments |
| 19. Parking Enforcement   |                      |                      |                              |   |
| (Note: Required to balance to surplus to \$0)   |                      |                      |                              |   |
| Parking lot revenues  | 20,000               | 1,039                | (18,961)                     | Parking permit fees were reimbursed to customers                                |
| Salaries and benefits   | (73,703)             | (83,431)             | (9,729)                      | Staffing changes  |
| Professional services   | (26,000)             | 0                    | 26,000                       | Contracted parking enforcement not required                                     |
| Minor variances - operational   | 79,703               | 85,706               | 6,003                        |   |
| Subtotal before year end reserve transfer   | 0                    | 3,313                | 3,313                        |   |
| Transfer from reserve   | 0                    | (3,313)              | (3,313)                      | Surplus transferred to reserve  |
| Departmental Surplus  | 0                    | 0                    | 0                            |   |

## Schedule 2

**The Corporation of the Municipality of Leamington  
Year End Financial Results (in \$) by Department  
For the Year Ended December 31, 2016**

| Department   | Budget               |                      | Actual               |                      | Variance                     |  | Variance Comments |
|--|----------------------|----------------------|----------------------|----------------------|------------------------------|--|-------------------|
|  | Revenue<br>(Expense) | Revenue<br>(Expense) | Revenue<br>(Expense) | Revenue<br>(Expense) | Favourable<br>(Unfavourable) |  |                   |
| <b>20. Other Departments (departments with variances of &lt; \$15,000)</b> |                      |                      |                      |                      |                              |  |                   |
| Cemeteries   | (77,938)             | (63,507)             |                      |                      | 14,431                       |  |                   |
| Human Resources  | (243,571)            | (233,445)            |                      |                      | 10,126                       |  |                   |
| Transit  | (123,096)            | (114,640)            |                      |                      | 8,456                        |  |                   |
| IT Services  | (862,849)            | (854,357)            |                      |                      | 8,492                        |  |                   |
| Animal Control   | (12,746)             | (5,363)              |                      |                      | 7,383                        |  |                   |
| Tourism  | (147,486)            | (142,649)            |                      |                      | 4,837                        |  |                   |
| Joint Animal Control   | 0                    | 4,315                |                      |                      | 4,315                        |  |                   |
| Sanitation   | (243,426)            | (239,186)            |                      |                      | 4,240                        |  |                   |
| Economic Development   | (112,664)            | (114,341)            |                      |                      | (1,677)                      |  |                   |
| Communications   | (64,683)             | (63,650)             |                      |                      | 1,033                        |  |                   |
| Erie Quest Dive Park   | (5,265)              | (3,908)              |                      |                      | 1,357                        |  |                   |
| Infrastructure Services  | 250                  | 0                    |                      |                      | (250)                        |  |                   |
|  | (1,893,474)          | (1,830,731)          |                      |                      | 62,743                       |  |                   |

**Net Projected Surplus - Taxation Supported**

\$1 \$2,309,405 \$2,309,405

## Schedule 2

**The Corporation of the Municipality of Leamington  
Year End Financial Results (in \$) by Department  
For the Year Ended December 31, 2016**

| Department                                | Budget               | Actual               | Variance                     | Variance Comments  |
|---|----------------------|----------------------|------------------------------|--|
|   | Revenue<br>(Expense) | Revenue<br>(Expense) | Favourable<br>(Unfavourable) |  |
| <b>B. User Rate Supported Departments</b> |                      |                      |                              |  |
| <b>1. PCC (Wastewater)</b>                |                      |                      |                              |  |
| Highbury overstrength charge              | \$207,400            | \$648,298            | \$440,898                    | Additional extra strength usage  |
| Highbury sewer surcharge                  | 729,000              | 947,436              | 218,436                      | Additional single strength usage   |
| Hauled waste revenue                      | 295,000              | 380,137              | 85,137                       | Increased volume of hauled waste from customers  |
| Miscellaneous revenue                     | 1,500                | 39,892               | 38,392                       | Insurance proceeds for Sandy Lakes pumping stations  |
| Development charge discount               | (194,678)            | (318,439)            | (123,761)                    | Funded from PCC Plant Reserve  |
| Contribution from Reserve-PCC Plant       | 194,678              | 318,439              | 123,761                      | Funds the DC Sanitary portion of the DC discount for non-greenhouses   |
| Salaries and benefits                     | (900,240)            | (1,051,488)          | (151,249)                    | Staffing changes   |
| Building maintenance                      | (229,466)            | (89,483)             | 139,983                      | Property taxes for PCC   |
|   |                      |                      |                              | Increased electricity costs, usage of aluminum sulphate, polymers and additional grit disposal costs; offset by reduced natural gas and water consumption as well as reduced bio solids disposal   |
| Wastewater operating costs                | (1,200,617)          | (1,333,287)          | (132,670)                    | costs  |
|   |                      |                      |                              | No non-capital work done on screw pumps; Greenhouse effluent study started in fall and not completed   |
| Engineering purchased services            | (55,000)             | (13,486)             | 41,514                       |  |
|   |                      |                      |                              | Reduced staff time, allocation of job burden change, and less service requested from contractors   |
| Pumping stations costs                    | (71,460)             | (31,139)             | 40,321                       | Reduced deductible insurance claims  |
| Liability insurance                       | (52,626)             | (22,626)             | 30,000                       | Deferred 2016 project of outfall inspection and root cutting and favourable completed capital projects including bearings for screw pumps, outfall sewer manhole construction, pump stations and other smaller machinery and equipment purchases |
| Capital purchases funded from taxation    | (334,767)            | (166,453)            | 168,314                      |  |
| Minor variances - operational             | 3,402,002            | 3,410,993            | 8,991                        |  |
| Subtotal before year end reserve transfer | 1,790,726            | 2,718,793            | 928,067                      |  |
| Reserve transfer                          | (1,790,726)          | (2,718,793)          | (928,067)                    | Surplus transferred to PCC Reserve   |
| Departmental Surplus                      | (\$0)                | \$0                  | (\$0)                        |  |

## Schedule 2

**The Corporation of the Municipality of Leamington**  
**Year End Financial Results (in \$) by Department**  
**For the Year Ended December 31, 2016**

| Department   | Budget               |  | Actual               |  | Variance             |                              | Variance Comments   |
|--|----------------------|--|----------------------|--|----------------------|------------------------------|---|
|  | Revenue<br>(Expense) |  | Revenue<br>(Expense) |  | Revenue<br>(Expense) | Favourable<br>(Unfavourable) |   |
| <b>2. Water</b>  |                      |  |                      |  |                      |                              |   |
| Water rate revenue   | \$7,457,567          |  | \$7,969,645          |  | \$512,078            |                              | Increased greenhouse water usage offset by commercial usage   |
| Miscellaneous revenue                                      | 20,000               |  | 83,369               |  | 63,369               |                              | More water meter connections and greenhouse expansions  |
| Investment income  | 25,000               |  | 48,143               |  | 23,143               |                              | Improved return on investments  |
| Contribution from Reserves -Water Reserve                  | 280,879              |  | 624,536              |  | 343,657              |                              | Increased building development  |
| Development charge discount                                | (281,000)            |  | (624,536)            |  | (343,536)            |                              | Increased building development  |
| Transfer to DC Water Reserve                               | (280,879)            |  | (451,378)            |  | (170,499)            |                              | Development Charges on greenhouse water; transferred to DC Water Reserve  |
| Provincial Grant - Source Water Protection                 | 63,150               |  | 63,150               |  | 0                    |                              | MOECC grant for Source Water Protection Reserve   |
| Transfer to Reserves - Source Water Protection             | 0                    |  | (63,150)             |  | (63,150)             |                              | Full MOECC grant transferred to reserve   |
| Professional Services - Source Water Protection            | (16,300)             |  | (16,300)             |  | 0                    |                              | Portion of MOECC grant used in 2016 to pay ERCA   |
| Contribution from Reserve - Source Water Protection        | 0                    |  | 16,300               |  | 16,300               |                              | Contribution from reserves to fund the ERCA payment   |
| Salaries and benefits and maintenance with minor variances | (1,259,192)          |  | (1,153,544)          |  | 105,648              |                              | No job burden; lower fuel price; minimal property maintenance work done; more spending on hydrant materials   |
| Water mains, excluding salaries                            | (186,000)            |  | (219,995)            |  | (33,995)             |                              | Additional materials purchased (\$40k); no spending on contracted services (\$6k)   |
| Professional services                                      | (200,850)            |  | (35,760)             |  | 165,090              |                              | Source Water Protection project and Water Distribution System Master Plan not completed; less other consulting services relating to greenhouse                          |
| Purchased water from UWSS                                  | (4,064,323)          |  | (3,994,216)          |  | 70,107               |                              | Municipality used less water; summer season had more rain   |
| Liability insurance  | (31,620)             |  | (4,751)              |  | 26,869               |                              | Reduced deductible insurance claims   |
| Capital purchases funded from taxation                     | (1,346,500)          |  | (1,062,760)          |  | 283,740              |                              | Capital works not completed (\$" water main construction and Pelee/Bevel Line) and favourable spending on Morgan & Georgia and Erie to Chestnut water main and services |
| Minor variances - operational                              | (415,052)            |  | (407,535)            |  | 7,517                |                              |   |
| Subtotal before year end reserve transfer                  | (235,120)            |  | 771,218              |  | 1,006,338            |                              |   |
| Reserve transfer   | 235,120              |  | (771,218)            |  | (1,006,338)          |                              | YE deficit was budgeted, YE surplus achieved due to higher water rate revenue and increased development charges and favourable expenses                                 |
| Departmental Surplus                                       | \$0                  |  | \$0                  |  | (\$0)                |                              |   |

## Schedule 3

**The Corporation of the Municipality of Leamington  
Transfers to Reserves for Approved Capital Projects  
For the Year Ended December 31, 2016**

|   |                                    |
|---|------------------------------------|
| <b>Drainage Reserve (0223)</b>              |                                    |
| Sturgeon Creek Drain - Modeling/Engineering | \$130,881                          |
| E.J. Stockwell - Sec 78                     | 13,151                             |
| Sloan Drain-6th Concession Brch-New Mtce    | 2,000                              |
| Driedger Drain - Rd 6 Petition              | 13,050                             |
| Gillanders Drain - Extension Petition       | 18,450                             |
| Lebo Creek - Sect 78 - Sufficient Outlet    | 15,000                             |
| McCracken Drain - Tile Improvement          | 20,000                             |
|   | <hr/> 212,532                      |
| <br><b>Police Reserve (0232)</b>            |                                    |
| Facility renovations                        | 50,000                             |
| <br><b>Engineering Reserve (0236)</b>       |                                    |
| General Infrastructure improvements         | 100,000                            |
| Road resurfacing                            | 77,000                             |
| Princess Street closure                     | 33,360                             |
|   | <hr/> 210,360                      |
| <br><b>Kinsmen Complex Reserve (0258)</b>   |                                    |
| Domestic hotwater boilers for Sherk         | 45,000                             |
| Sump pump replacement                       | 30,000                             |
| Highbury Canco Arena zamboni doors          | 12,000                             |
| Air circulation in spin studio              | 3,000                              |
| Replace pump and motor for pool skimmer     | 8,000                              |
| Electro-magnetic doors - Sherk hallway      | 7,500                              |
| No Parking signage on islands               | 3,000                              |
| Walking track                               | 7,500                              |
|   | <hr/> 116,000                      |
| <br><b>Marina Reserve (0262)</b>            |                                    |
| Marina dock GH                              | 255,000                            |
| <br><b>Parks Reserve (0264)</b>             |                                    |
| Seacliff Beach amphitheatre                 | 365,000                            |
| Seacliff Beach volleyball courts            | 80,000                             |
|   | <hr/> 445,000                      |
| <br><b>Infrastructure Reserve (0290)</b>    |                                    |
| Erie S/Conover/Stewart/Forest               | 147,500                            |
| Northeast trunk sanitary - EA               | 235,000                            |
|   | <hr/> 382,500                      |
| <br><b>Total Transfers to Reserves</b>      | <br><hr/> <b>\$1,671,392</b> <hr/> |





## Report

**To:** Mayor and Members of Council

**From:** Ginny Campbell, Manager of Accounting Services

**Date:** June 9, 2017

**Re:** 2016 Development Charges

---

### Recommendation:

It is recommended that:

1. The 2016 Development Charge Reserve Funds Statements for the year ending December 31, 2016 be received. (FIN-07-17)

### Background:

Development Charges (DCs) are indexed annually and collected at the time a building permit is issued, as prescribed by Ontario Regulation 82/98 and in accordance with Leamington By-law 409-14 and the Development Charges Act, 1997.

DCs form part of the municipal funding strategy for growth related costs, and are applied to fund historical costs, existing growth-related debt service and are for future growth related costs, all as outlined in Development Charges Study report (2014), which is in effect until August 12, 2019.

In 2014, Council approved resolution C-280-14 under By-law 409-14 authorizing that residential and non-residential development charges, with the exception of greenhouse development, be discounted by 100% commencing August 12, 2014 (Non-Greenhouse DC Discount).

In 2003, a discount was established on the greenhouse water development charge (Greenhouse DC Discount) (PLA73/04). In 2014, Council approved resolution C-280-14 under By-law 409-14 authorizing that commencing August 12, 2014 the water development charge for greenhouse development be set at the discounted rate of \$4,204 per acre, resulting in a Greenhouse DC Discount of \$3,678 per acre. After annual indexing effective January 1, 2016, the water development charge for greenhouse development was set at \$4,333 per acre, resulting in a Greenhouse DC Discount of \$3,791 per acre.

## **Comments:**

### **Development Charge Reserve Funds Financial Statement**

In accordance with legislation, the Treasurer of the Municipality is required to provide Council with an annual financial statement reflecting the activity of Development Charge Reserve Funds (DC Reserve Funds). Once complete, the statement is forwarded to the Minister of Municipal Affairs and Housing within 60 days of being presented to Council.

Development charge levies can only be used to fund costs related to new infrastructure and infrastructure capacity expansion, as determined through the development charge calculation process, and in accordance with the Development Charge By-law 409-14 (DC By-law). The Development Charges Act requires that development charges collected be placed in a separate reserve fund and accumulate interest. If development charges are discounted or waived, then the municipality must fund the discounted/exempted portions of construction from non-growth related sources. DC Reserve Funds are not consolidated with other municipal reserve funds.

This report reflects 2016 transactions in the DC Reserve Funds. Specifically,

- Schedule 1 provides a summary of balances as at December 31, 2016;
- Schedule 2 shows financial activity for the year ending December 31, 2016 in the DC Reserve Funds.
  - Inflows are directly affected by construction activity and consist of contributions from developers collected at the time of building permit issuance, plus interest earned in the fiscal year. Where development charges are discounted, the inflows are funded from various reserves which in turn are funded from year-end departmental surpluses.
  - Outflows are in accordance with the DC By-law and approved budget amounts; and
- Schedule 3 provides a summary of 2016 capital projects funded in whole or in part from DC Reserve Funds. Allocations to fund capital projects are approved by Council in the annual capital budget or subsequently by reports and related resolutions of Council.

Where debt is issued on a growth related project, the debt service payments will be funded from DC Reserve Funds based on the portion of the project relating to growth.

### **Financial Impact:**

DC Reserve Funds in total have a surplus position of \$4,099,687 (2015 - \$3,381,830). However, it is notable that five of the eight funds are in deficit positions, meaning that debt service and expenditure demands have exceeded the accumulated DC revenues in those categories. Existing growth-related debt service requirements must be funded from DC Reserve Funds.

### **Development Charges Discount Program**

In 2016, the DC discount for non-greenhouse development cost \$1,179,776 for 51 building permits (2015 revised - \$1,209,736 for 32 building permits)<sup>1</sup>.

- \$766,655 funded by the Contingency Reserve (0226) (2015 revised - \$845,704),
- \$261,378 funded by the PCC Plant Reserve (0250) (2015 revised - \$251,739), and
- \$151,743 funded by the Water Reserve (0382) (2015 revised - \$112,293).

In 2016, the greenhouse water DC discount was \$451,378 with seven (7) farms participating (2015 - \$190,000 6 farms). The discount was funded by the Water Reserve (40-3-0220-0382).

The 100% DC discount for non-greenhouse development will expire on August 11, 2017.

### **Repeal of By-law #409-14**

In the May 2017 report FIN-05-17, Administration requested approval from Council to repeal By-law #409-14 so that development charges and the development charge discount would no longer apply within the Municipality after August 12, 2017.

As outlined in the report, upon repealing this by-law, the development charge transactions will be calculated up to and including August 12, 2017, and the remaining balances in each development charge reserve funds may be treated as follows:

- DC Admin and DC Roads - These reserve funds will pay down the balance of the growth portion of the debt incurred by the departments: General Government, Parks and Kinsmen Complex. The remaining balance of this debt will be funded through the Contingency Reserve;
- DC Sanitary - As this reserve fund will be in a negative position, it will be funded from the PCC Plant Reserve to reach a \$0 balance. In addition, the growth portion of the WasteWater department debt will also be funded from the PCC Plant Reserve; and

---

<sup>1</sup> 2015 building permits have been revised to include a prior period adjustment.

- DC Water - These reserve funds will pay off the growth portion of the Water department's debt. The remaining fund in the DC Water Reserve Fund can be used to finance future growth related projects.

Respectfully submitted,



Digitally signed by Ginny  
Campbell, CPA, CA,  
Manager of Accounting  
Date: 2017.06.13  
17:26:35 -04'00'

Ginny Campbell, CPA, CA  
Manager of Accounting Services  
gc

Laura  
Rauch,  
CPA, CMA

Digitally signed by Laura  
Rauch, CPA, CMA  
DN: cn=Laura Rauch, CPA,  
CMA, o=Municipality of  
Leamington, ou=Finance  
and Business Services,  
email=lrauch@leamington  
.ca, c=CA  
Date: 2017.06.14 06:39:28  
-04'00'

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

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: 2017.06.22 11:30:50 -04'00'

Attachments: Schedule 1 - Development Charge Reserve Funds Balances  
Schedule 2 - Development Charge Reserve Funds Statement  
Schedule 3 - Development Charge Reserve Funds Statement - Transfers for  
Capital Projects

T:\Finance\Reports\2017\FIN-07-17 Development Charges Reserve Fund Statement



## Report

**To:** Mayor and Members of Council

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

**Date:** June 12, 2017

**Re:** Proposed Removal of Tax Exempt Portion of Remuneration for Council

---

### Recommendation:

It is recommended that:

1. That the Proposed Removal of Tax Exempt Portion of Remuneration for Council Report be received. (FIN-09-17)

### Background:

Introduced in 1947 under the federal Income Tax Act, one-third of a Councillor's total remuneration may be excluded from income (tax free). Total remuneration consists of:

- (a) salaries and honorariums;
- (b) general expense allowance; and
- (c) mileage or other travel allowance.

Provided that reimbursement for (b) and (c) are not of a non-accountable nature, then these reimbursements can be excluded in determining the maximum one-third expense allowance. The purpose of the one-third tax free expense was to provide "an allowance for expenses incidental to the discharge of the person's duties as an elected officer".

Currently, Councillors are receiving one-third of their remuneration as non-taxable benefits. In December, 2001, the Municipal Act, provided flexibility for municipalities to eliminate the one-third tax free provision. The purpose was to provide greater accountability and to create full transparency as it relates to total remuneration for elected officials. The intent of the changes in the legislation was to eliminate the tax free allowance which was also eliminated by a number of provinces including Ontario. As of January 1, 2003, the one-third exemption no longer applies unless Council passes a resolution in each term of Council to maintain it. If a resolution is not enacted, then the one-third portion would become taxable.

There are no provisions in the Act to provide elected officials, on an individual basis, the choice of fully taxable or one-third exempt remuneration. Nor are there provisions for subsequent Councils to reinstate the one-third tax free provision. However, if a resolution is passed to continue the one-third tax free provision, then subsection 283 (7) requires that each subsequent Council review the by-law at a public meeting at least once in its' four-year term. Since the change in legislation, each term, previous Councils have passed a resolution to maintain the one-third tax free portion of their remuneration. In 2015, this Council confirmed these provisions continue to apply throughout the present term of council, ending November 2018. If the by-law is repealed or lapses, the one-third tax free provisions cannot be re-instated.

### **Comments:**

The March 22, 2017 federal Liberal budget included a tax decision to “remove the tax exemptions for nonaccountable expense allowances paid to members of provincial and territorial legislative assemblies and to certain municipal office holders. This exemption is only available to certain provincial, territorial and municipal office holders and provides an advantage that other Canadians do not enjoy.” The federal Liberals have decided to eliminate the one-third tax-free benefit for municipal councillors in 2019.

Research indicates that base compensation for Members of Council should be established on realistic standards so that elected officials may be compensated according to their roles and responsibilities. Appropriate base compensation levels for Council considers the following:

1. Is fair and reasonable and will attract a diverse and representative pool of candidates from Leamington residents wishing to seek election to Council but also be seen as fair by taxpayers;
2. Recognizes that the work of Council is demanding and important and as such they should be appropriately compensated;
3. Recognizes the complexity, responsibilities, time commitments and accountabilities associated with the role of Council; and
4. Demonstrates fiscal responsibility and aligns to Leamington's Strategic Plan.

### **Financial Impact:**

The Municipality currently budgets and compensates Council based on the one-third tax exemption. Payroll taxes including CPP, EI, EHT and Omers (as appropriate) are incurred on the two-thirds taxable portion and is offset by a small HST benefit on the one-third tax exempt portion.

Changes to Council's remuneration is considered as part of the annual economic adjustment. Council's remuneration will be included as part of the Municipality's salary review which is being completed this year.

The composition of Council will have an impact on the incremental costs to the Municipality

with this taxable benefit change. For purposes of this analysis, it has been assumed that the 2019 Council will remain the same as the current composition.

Fully taxable - same gross pay

With this alternative, Council's gross remuneration will not change, however there will be increased costs to the Municipality of approximately \$12k including incremental payroll expenses in addition to the loss of the HST rebate. There would also an increased personal income tax impact to individual Councillors.

Fully taxable - same net pay

With this alternative, the intent is to keep the same level of remuneration for Councillors after tax. This will require an increase in salary of \$28.6k plus additional payroll related costs and the loss of the HST rebate totalling about \$17.7k. The total increase under this alternative to the Municipality would be approximately \$46.3k.

Under both scenarios, there will be an increase on the general taxation demand.

Respectfully submitted,

Laura  
Rauch,  
CPA, CMA

Digitally signed by Laura Rauch, CPA, CMA  
DN: cn=Laura Rauch, CPA, CMA, o=Municipality of Leamington, ou=Finance and Business Services, email=lrauch@leamington.ca, c=CA  
Date: 2017.06.21 08:48:49 -04'00'

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

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: 2017.06.22 11:37:57 -04'00'

LR

Attachment: Letter from Cheryl Gallant, MP, Renfrew-Nipissing-Pembroke

T:\Finance\Reports\2017\FIN-09-17 Proposed Reduction of Exempt Portion of Remuneration for Council





**CHERYL  
GALLANT**

MUNICIPALITY OF EAST FERRIS  
MAY 02 2017  
RECEIVED

YOUR MEMBER OF PARLIAMENT  
RENFREW-NIPISSING-PEMBROKE  
www.cherylgallant.com

April 12<sup>th</sup>, 2017

Clerk-Treasurer  
East Ferris Township  
390 Highway 94  
Corbeil, Ontario, POH 1K0

Dear Clerk-Treasurer,

As you may be aware, the 2017 Federal Deficit Budget raises personal taxes by targeting all municipal politicians, school board trustees, and elected members of municipal utilities boards, commissions, and corporations.

On Page 208 of the budget, the Trudeau Liberals removed the tax-exempt portion of remuneration paid to local officials.

Introduced in 1947 under the federal *Income Tax Act*, the purpose of the one-third tax-free expense allowance was to provide "an allowance for expenses incidental to the discharge of the person's duties as an elected officer."

Unlike some elected officials in cities who receive office budgets, car and expense allowances as well as six-digit salaries, this is not the case with most municipal politicians I know, with a majority of our councillors receiving a base salary of less than \$20,000.

As it was described to me by a local Mayor about this tax grab:

*"Most municipal Council members in rural areas are already very poorly compensated for the work they do in their communities. As Mayor my hourly compensation is well below minimum wage. I make far less than any other municipal staff person working similar hours on behalf of the municipality. It is extremely difficult to attract good candidates into municipal politics now. Removing the 1/3 tax exemption on Council remuneration without compensating for that loss will make it nigh on impossible."*

It is the expectation of debt-obsessed Ottawa that remuneration will be "grossed-up" (increasing the salary to offset the increased tax payment) so as not to impact the take-home pay received by a mayor and councillors. This in turn will boost individual tax bills for elected officials as well as costs to ratepayers, who are already struggling with increasing property taxes.

Rather than curbing the abuse of taxpayer money this tax grab claims to stop, by eliminating the tax-free provision, Municipalities will no longer be required to review their remuneration by law at a public meeting once during their four-year term.

Municipalities will now be forced to divert funds which would be spent on roads, bridges or clean water to reimbursing elected officials. This, along with the increased borrowing costs associated with the federal government's infrastructure bank scheme, will place increased pressure to raise property taxes, making home ownership more unaffordable.

This tax grab is an unfair burden on Canadian Municipalities and local ratepayers. The Trudeau Liberals need to be told their spending problem cannot be solved on the backs of home owners struggling to make ends meet.

Sincerely,

Cheryl Gallant, M.P.  
Renfrew—Nipissing—Pembroke  
CG:sf

Cheryl Gallant, M.P.  
Constituency Office  
84 Isabella St.  
Pembroke, ON, K8A 5S5  
(Tel) 613-732-4404  
(Fax) 613-732-4697





## Report

**To:** Mayor and Members of Council

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

**Date:** June 20, 2017

**Re:** Lease Agreement with the Ministry of Transportation  
Leamington Dock

---

### Recommendation:

It is recommended that:

1. Council authorize the execution of a lease agreement with Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario for the lands described as Part Bed of Lake Erie in Front of Lots 6 & 7 Broken Front Concession, Geographic Township of Mersea, Municipality of Leamington, Essex County, and known municipally as 500 Erie Street South, Leamington, all as described in Report LLS-32-17.
2. The Mayor and Clerk be authorized to execute the lease agreement on behalf of the Municipality.

### Background:

In keeping with the Municipality's vision to develop the waterfront as a high quality public amenity that is accessible and available to residents and visitors, following some very constructive discussions, the Ministry of Transportation has agreed to lease the dock lands to the Municipality.

A map showing the portion of the dock to be leased is on the next page.



Aerial view of leased portion of dock

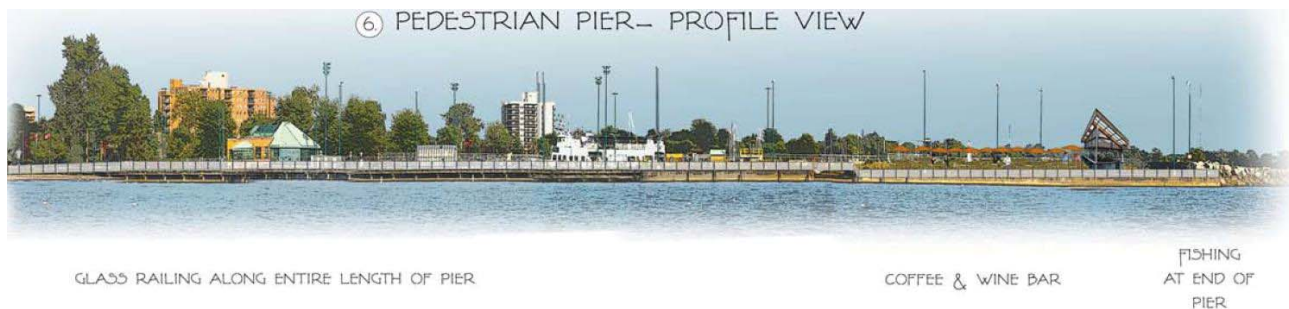
### Comments:

A draft lease agreement has been negotiated which includes the following terms:

- (a) A term of five years commencing in 2017 and expiring in 2022; however, after the expiration of the first two years, the Minister may terminate the Lease upon providing the Municipality with one year's notice.
- (b) A renewal option for one, five year extension.
- (c) The leased lands are to be used primarily as a promenade and walking pier with associated uses including, but not limited to, food and drink services and transient vendors; and may also be used for arts, cultural and community events.
- (d) The Municipality shall, during and throughout the entire Term, release and indemnify the Minister from and loss or damage to any person and, at its sole cost and expense, take out and keep in full force and effect insurance with the Minister added as named insured.

- (e) The Municipality shall at all times during the Term, at its sole cost and expense, maintain, operate and manage the Leased Lands and improvements to the Lease Lands in a clean and first class manner as would a prudent owner of similar property and shall make all needed repairs and replacements in a good and workmanlike manner with due diligence.
- (f) The Municipality may not assign the Lease nor sublet nor licence any part of the Leased Lands without the prior consent of the Minister.

In 2016, an artists' concept for the developed waterfront, including the dock, was rendered. As shown in the rendering below, possible uses for the area include fishing at the end of the pier, a pedestrian walkway with a glass railing and a coffee and wine bar.



Artists' rendering of possible development of dock

## Financial Impact:

The annual basic rent is \$1 per year. The Municipality is responsible for the payment of taxes to any taxing authority, however, it is not anticipated that any real property or other taxes would be assessed in this regard.

A further report regarding recommended improvements to the property will be presented to Council at a future meeting.

The expenses associated with this lease will be funded from Contingency Reserve fund.

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: 2017.06.22 15:25:46 -04'00'

Ruth Orton  
Director of Legal and Legislative Services

/jb

Attachments: None



---

**The Corporation of the Municipality of Leamington  
Leamington Accessibility Advisory Committee (LAAC) Minutes  
May 3<sup>rd</sup>, 2017**

---

**MEMBERS PRESENT**

Karen Jones, Chair

Robert Bahry

Paul Child

Tom Schmidt

Tim Wilkinson

**STAFF PRESENT**

Bechara Daher, Manager of Building Services

Debra Bellamy, Building Services

Denise McGregor, Building Technician

**REGRETS**

Donald Giesbrecht

**Call to Order**

Karen Jones called the meeting to order at 4:30 pm

**1) Adoption of LAAC February 15<sup>th</sup>, 2017 Minutes**

Moved by: Tim Wilkinson

Seconded by: Robert Bahry

That the minutes of the LAAC committee meeting held March 29<sup>th</sup>, 2017 be adopted.

**Carried**

**2) Business Arising Out of the Minutes**

**a) Community Accessibility Forum Update**

Donald, Bechara and Debra attended the Accessibility Forum held in Windsor on April 26<sup>th</sup> sponsored by the Accessibility Directorate of Ontario (ADO). The theme of the day was the Past, the Present and the Future. Debra and Bechara gave an overview of the day.

Peter Armstrong, AMI Manager of Digital spoke about the past and the future and some of the tools available to business to make their services including social media and websites more accessible at a very low cost. AMI provides tools to increase accessibility for those living with a disability at minimal or no cost. <http://www.ami.ca>

Alfred Spencer, Director, Outreach and Strategic Initiatives, Accessibility Directorate of Ontario (ADO) spoke about the 5 AODA standards. There are free tools and resources available through their website including what Ontario Accessibility Laws mean to you. <http://www.ontario.ca/accession>

b) June workshop in Leamington

Karen reviewed the outline of Dr. Preston's proposed workshop to be held in June as part of celebrating National Accessibility Week. Jeffrey Preston, Ph.D. is a professor of Digital Marketing at Fanshawe College and a Disability and Culture correspondent on AMI Accessible Media Inc. He is a long-time advocate and motivational speaker with a focus on the intersection of disability, subjectivity and culture. In June, Jeffrey will speak to moving from accommodation to inclusion - reading the signs on the road to accessibility and will talk about things we need to stop doing and things we need to start doing.

The Committee agreed to pursue holding a workshop on June 15<sup>th</sup> from 1:30 - 3:00 pm at the Sun Parlour auditorium if available. The target audience is the general population.

Action Items:

|         |   |
|---------|---|
| Tim     | Contact Sun Parlour to book room<br>Contact BIA and Chamber of Commerce<br>Inform Council |
| Denise  | Check availability of Council Chambers as backup location and parking options             |
| Bechara | Contact Communications Department - flyer, advertising, website<br>Contact Southpoint Sun |
| Debra   | Contact County of Essex to distribute information to accessibility network                |
| Karen   | Draft content for flyer and advertising<br>Liaison with Dr. Preston                       |

**3) New Business**

a) Wheelchair ramp contest

WEtech Alliance is sponsoring a contest to provide a Stop Gap Wheelchair ramp at no charge to a local business. All that is required is to take a picture of the entrance to the building that is not wheelchair accessible and submit to WEtech by May 5<sup>th</sup>.

<http://www.wetech-alliance.com/2017/03/29/show-us-your-gap-contest/>

b) Presentation from WEtech office

Bechara reviewed the opportunity available to have WEtech come to Leamington for a presentation about the services they provide including social innovation, social entrepreneurship and social enterprise (the definitions, and why they're important for economic growth, providing employment opportunities to those who face barriers, reducing poverty, etc). WEtech is a non-profit, funded by the Ontario government, so there are no costs associated with this workshop.

The Committee agreed to pursue this opportunity and Bechara will follow up with WEtech.

c) Accessibility Compliance Report

Bechara advised the Municipality is required to review and update our accessibility plan at least once every five years. The current Accessibility Plan expires this year and is due for resubmission. Bechara reviewed the purpose and outline of the Accessibility Plan including projects completed and planned projects. It was agreed this item would be added to the Agenda for upcoming meetings.

d) Planning Accessible Events

Bechara reviewed the [Planning Accessible Events](#) document which is one of the resources available through the ADO. The Committee will review this document as part of the planning for a workshop to be offered in Leamington.

e) Site Plans for Review

Library parking update

The barrier free parking spot has been installed at the library, however, Bechara advised there has been a complaint about the parking location. The Masonic Lodge has indicated they have the right to use it to access their site. Bechara is working with our legal department on this matter.



Shoppers Drug Mart barrier free parking update

Bechara reviewed the barrier free parking spots at the front of Shoppers Drug Mart and determined the spots are not in compliance with the approved Site Plan. This issue will be discussed at the Development Services meeting and a letter will be sent to the property owner advising him to comply with the approved site plan.

**4) Other Business**

Tim inquired about a rusting issue with the sidewalk warning plates (tactile indicators) newly installed on the sidewalk in the new subdivision off Robson Road and why other municipalities warning plates are painted yellow. Bechara will speak to the Engineering Department about this issue and report back to the Committee.

**5) Announcement of Next Meeting**

The next meeting will be held at the Leamington Municipal Building, 111 Erie Street North on Wednesday, June 7th, 2017 at 4:30 pm.

**Adjournment**

Moved by: Tim Wilkinson  
Seconded by: Robert Bahry

That the meeting adjourn at 5:30 pm

**Carried**

“Signature on File”

---

Karen Jones, Chair



## NOTICE OF MOTION

### By-law 289-13, Section 21(8)

A Notice of Motion signed by a mover and seconder shall be submitted to the clerk prior to the council agenda being prepared. A notice of motion shall not be debated at the council meeting at which it first appears, but shall be dealt with at the subsequent meeting of Council unless otherwise agreed by unanimous vote by those members in attendance.

**Date:** June 12, 2017

**Re:** Amendment to Leamington's By-law to provide for the regulation and registration of dogs (By-law 668-06)

That Administration be directed to bring forward an amendment to By-law 668-06 being a By-law to provide for the regulation and registration of dogs to include a provision to regulate the tethering of dogs.

**Dates:** Notice of Motion to be presented at: June 12, 2017 Council Meeting  
Notice of Motion to be considered at: June 26, 2017 Council Meeting

**Moved by:** Councillor Wilkinson

**Seconded by:** Councillor Hammond