



The Corporation of the Municipality of Leamington

Meeting of Municipal Council

Agenda

Monday, July 13, 2015

Commencing at 6:00 PM

In Leamington Council Chambers

(A) **Call to Order:**

(B) **National Anthem:**

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

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

1. Minutes of the Special Closed Meeting held July 6, 2015
Pages 4 to 5
2. Minutes of the Council Meeting (including Tax Adjustment and Public Meeting for Zoning By-law Amendment 116) held July 6, 2015
Pages 6 to 25

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

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

1. Public Meeting, Industrial Wind Turbines

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

1. Verbal report regarding PLA-34-15 dated June 10, 2015 regarding ZBA #115, 1859277 Ontario Ltd., N/S Talbot Street East (100-00100)
2. Report ENG-10-15 dated June 29, 2015 regarding Erie Street South (Oak to Askew) Sewer Separation Local Improvement Tender Award
Pages 26 to 30

3. Report ENG-08-15 dated June 11, 2015 regarding Wilousa Sewer Upgrade Project, Update
Pages 31 to 33
4. Report BLD-03-15 dated June 15, 2015 regarding Building Construction Activities
Pages 34 to 38
5. Report FIN-10-15 dated July 20, 2015 regarding 2014 Development Charges
Pages 39 to 44

(H) Matters for Approval:

1. Minutes of the Leamington Heritage Advisory Committee held June 24, 2015
Pages 45 to 46

(I) Other Matters for Consideration:

1. Motion for Consideration:

That tax levy due dates be established in two (2) installments of August 26, 2015 and September 28, 2015 for supplementary assessment notices issued on or about July 14, 2015 under Sections 33 and 34 of the Assessment Act.

(J) Report on Closed Session:

None

(K) Consideration of By-laws:

By-law 490-15 to appoint Commissioners and establish annual fees for various Municipal Drainage Schemes

By-law 493-15 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held July 13, 2015

(L) Notices of Motion:

None

(M) Open Session:

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

Wednesday, July 15, 2015

- Union Water Joint Board of Management, 9:00 AM, Kingsville Arena
- Essex County Council, 7:00 PM, Essex Council Chambers

Monday, July 20, 2015

- Council Meeting, 6:00 PM, Council Chambers

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

(P) **Adjournment:**

The Corporation of the Municipality of Leamington

Special Closed Meeting Minutes

Monday, July 6, 2015 at 5:30 PM

Leamington Ante Room

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

Members Absent: Mayor John Paterson

Staff Present: Chief Administrative Officer Peter A. Neufeld
Director of Legal and Legislative Services Ruth Orton
Director of Infrastructure Services Robert Sharon
Manager of Environmental Services Kit Woods

Disclosures of Pecuniary Interest:

None.

Moving into Closed Session:

No. S-74-15

Moved by: Councillor Verbeke
Seconded by: Councillor Hammond

That Council move into closed session at 5:29 PM pursuant to Subsection 239(2) (c) of the Municipal Act, 2001 to consider Confidential Report ES-04-15 dated June 22, 2015 regarding potential acquisition of land and to receive a verbal update from the Chief Administrative Officer regarding potential acquisition of land.

Carried

Matters for Consideration:

1. Confidential Report ES-04-15 dated June 22, 2015 regarding potential acquisition of land

Manager of Environmental Services Kit Woods presented the report.

No. S-75-15

Moved by: Councillor Jacobs
Seconded by: Councillor Dunn

That Administration be directed to take the suggested action contained in Confidential Report ES-04-15.

Carried

2. Chief Administrative Officer update regarding the potential acquisition of land

Chief Administrative Officer, Peter A. Neufeld provided a verbal update regarding the potential acquisition of land. There were no motions or direction given to staff.

Moving into Public Session:

No. S-76-15

Moved by: Councillor Hammond
Seconded by: Councillor Wilkinson

That Council move into public session at 5:49 PM.

Carried

Adjournment:

No. S-77-15

Moved by: Councillor Verbeke
Seconded by: Councillor Dunn

That the meeting adjourn at 5:49 PM.

Carried

John Paterson, Mayor

Ruth Orton, Clerk

Minutes approved at Council Meeting held
July 13, 2015, Resolution C-XXX-15,
Confirmation By-law XXX-15

The Corporation of the Municipality of Leamington

Minutes of the Council Meeting

Held Monday, July 6, 2015 at 6:00 PM

In Leamington Council Chambers

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

Members Absent: Mayor John Paterson

Staff Present: Chief Administrative Officer Peter A. Neufeld
Director of Legal and Legislative Services Ruth Orton
Director of Infrastructure Services Robert Sharon
Director of Finance and Business Services Ramona Nordemann
Manager of Building Services Bechara Daher
Manager of Environmental Services Kit Woods
Manager of Planning Services Danielle Truax
Manager of Public Works Ken Brown
Acting Manager of Recreation and Culture Terry Symons
Human Resources Officer Lisa Granger
Tax Clerk Dolores Jeffery
Development Planner Brian Nagata
Legal Assistant Jennifer Bavetta

Disclosures of Pecuniary Interest:

None.

Adoption of Council Minutes:

No. C-172-15

Moved by: Councillor Verbeke
Seconded by: Councillor Wilkinson

That the Minutes of the Special Closed Meeting held June 11, 2015 be adopted.

Carried

No. C-173-15

Moved by: Councillor Hammond
Seconded by: Councillor Dunn

That the Minutes of the Council Meeting (including Court of Revision, Drainage for Settrington Lane Drain) held June 15, 2015 be adopted.

Carried

Business Arising Out of the Minutes:

None.

Public Meetings:

1. Tax Adjustment

A copy of the minutes is attached.

No. C-174-15

Moved by: Councillor Verbeke
Seconded by: Councillor Wilkinson

That the Council for the Municipality of Leamington confirm the recommendations detailed on the docket from the July 6, 2015 Tax Adjustment meeting.

Carried

2. Zoning By-law Amendment #116 and B/16/15 for 1323 Mersea Road B

A copy of the minutes is attached.

No. C-175-15

Moved by: Councillor Verbeke
Seconded by: Councillor Jacobs

That the provisional approval of Consent Application B/16/15 for a lot addition of 9.420 ha (23.277 acres) from 1323 Mersea Road B (480 000 00800) to the abutting vacant parcel to the north be supported by Council subject to the conditions listed in "Schedule A";

And that Zoning By-law Amendment Application ZBA #116 to change the zone of the retained lot (480 000 00800) from A3 to A5 and to change the zone of the consolidated farm parcel from A3 to A1 (480 000 01100), be approved by Council;

And that if no concerns are raised at the public meeting the Clerk be directed to forward the amending By-law 483-15 to Council for consideration. (PLA-28-15)

Carried

Reports of Staff and Delegations:

1. Report PLA-30-15 dated June 5, 2015 regarding Temporary Use By-law ZBA #117, 2456420 Ontario Ltd., 324 Erie Street North (640 000 10000)

The Development Planner, Brian Nagata, reviewed the report, explaining the applicant wishes to extend existing legal non-conforming use to allow for three temporary structures. He noted administration is recommending the matter proceed to a Public Meeting to receive comments from residents and agencies.

Suzanne Balzer, Solicitor for land owner, introduced Randy Robinson, owner of 2456420 Ontario Inc. and Dr. Mustafa, President and Principal Scientist of GrowLiv Pest Management.

Ms. Balzer provided a general overview of the application, noting greenhouses have turned to the use of insects as pesticides and that currently they import non-native insects. The process is expensive and poses some risk to our environment. She explained GroLiv will breed and grow native insects with the intent to make the current greenhouse operation more viable, create a new type of business in the area, reduce chemical use and create local jobs.

Ms. Balzer noted the application is very minor in nature and will have minimal, if any, negative impacts on the surrounding area.

Dr. Mustafa explained GroLiv is a family business. He further explained pesticides and insecticides are no longer effective in greenhouses due to resistance. Greenhouses have turned to the use of insects and currently rely on local businesses to import insects from offshore. He noted greenhouses need insects that are fresh and locally produced which would be delivered within a day rather than in one week which is the case for imported insects.

In response to an inquiry from Council Dr. Mustafa explained if the insects were to enter our ecosystem there would be a positive effect as they are native insects. The ecosystem will strengthen and agricultural productivity will increase.

Dr. Mustafa explained imported insects are regulated by the Canadian Food Inspection Agency however there is no regulating body for native insects, nor do they fall under pesticide legislation as they are not hazardous to the environment.

The Director of Legal and Legislative Services clarified the definition of a legal non-conforming use, noting as long as the application meets the test, Council has the opportunity to allow the expansion on the use through a temporary use by-law.

Ms. Balzer noted if there was no need for the portables then the application would not be required. She explained there will be six different insect species, three of which must be separated in order to ensure their viability. Three of the species will be grown inside the existing greenhouse and three will be grown in the portable.

Ms. Balzer explained the request for the temporary use is for three years in order to determine if the company will be viable prior to constructing a permanent structure. She noted a permanent structure could be constructed in less time if the venture proves viable.

In response to an inquiry from Council the Development Planner noted it is proposed the Public Meeting be scheduled for August 10, 2015, in order to meet notice requirements.

Mr. Robinson stated his belief there was no need to connect the portables to the sewer as there will be no running water or washrooms.

In response to an inquiry from Council it was explained there will be minimal truck traffic to the site due to the proposed use as the insects will be shipped via FedEx or UPS. Local deliveries will be completed by GroLiv Pest Management.

No. C-176-15

Moved by: Councillor Verbeke
Seconded by: Councillor Hammond

That Zoning By-law Amendment Application ZBA #117 (324 Erie Street North - 2456420 Ontario Ltd.) to allow the extension of the existing legal non-conforming agricultural use of the property, to allow the installation of three temporary structures for the production and storage of insects for pest management within the greenhouse industry for three years and to remove the holding symbol from the Commercial Shopping Centre (C3H) Zone was reviewed and deemed to be complete pursuant to the requirements of the Planning Act;

And that Administration be directed to schedule the required Public Meeting for the purpose of receiving public comments. (PLA-30-15).

Carried

2. Report PLA-34-15 dated June 10, 2015 regarding ZBA #115, 1859277 Ontario Ltd., N/S Talbot Street East (100-00100)

Manager of Planning Services Danielle Truax reviewed the report and the zoning by-law request, noting a Public Meeting was held on May 11, 2015. Ms. Truax explained the application for thirty-two residential units could not be supported as presented.

The Manager of Planning Services informed Council that administration received further revisions for the site from the applicant that afternoon. Ms. Truax explained she has not had an opportunity to review the revisions, however Richard McGrath, solicitor for the land owner, would like the matter addressed this evening.

Mr. McGrath stated the Public Meeting was held on May 11, 2015 and his client is anxious to develop the project as quickly as possible. He further stated he only received the report to Council on Thursday afternoon and since that time they have had to scramble to prepare an amendment.

Following a discussion it was determined the Manager of Planning Services would meet with the Planner for the Applicant and prepare a report to Council for the next meeting.

No. C-177-15

Moved by: Councillor Jacobs
Seconded by: Councillor Wilkinson

That Zoning By-law Amendment #115, N/S Talbot Street East (100-00100) for 1859277 Ontario Ltd. be deferred to the July 13, 2015 Council Meeting. (PLA-34-15)

Carried

3. Report PLA-36-15 dated June 30, 2015 regarding Application for Site Plan Control Approval (SPC/06/15), The Trustees of the Old Colony Mennonite Congregation Proposed New Church, 735 Mersea Road 8 (790-01600)

Manager of Planning Services Danielle Truax reviewed the report and recommended the application be approved. Peter Sawatzky, Agent for the Applicant, was in attendance to provide any additional information that Council may require.

No. C-178-15

Moved by: Councillor Jacobs
Seconded by: Councillor Verbeke

That the site plan for the proposed new church located at 735 Mersea Road 8 (The Trustees of the Old Colony Mennonite Church, Roll No. 790-01600) be approved;

And that the Mayor and Clerk be authorized to execute the site plan agreement. (Report PLA/36/15)

Carried

4. Report ENG-09-15 dated June 19, 2015 regarding Study of One-Way Streets; Chestnut, White, Victoria, Wigne, and Study of Princess Street

Director of Infrastructure Services Rob Sharon reviewed the report, noting most complaints regarding speeding vehicles are with respect to north-south streets connecting Oak Street and Talbot Street. He further noted the new owners of 33 Princess Street would like to close the adjacent portion of Princess Street and develop it as a green space.

The Director confirmed references to White Street in the report should say Fox Street.

Carl Grossi, representative for the new owners of 33 Princess Street was in attendance. A presentation was provided for Council and those in attendance which provided an overview of their renovation plans for 33 Princess Street. It was noted the building will be known as "Central 33".

Mr. Grossi explained the group of investors have a vision to transform the existing building with an iconic design, in an effort to rejuvenate the uptown core. Mr. Grossi stated they want to partner with the Municipality to make this vision a reality, and that they will fund the landscaping project and the maintenance of the area. He further stated in order to do so the portion of Princess Street in front of the building must be closed to allow for the landscaped area.

Mr. Grossi confirmed the greenspace would be open for everyone to use, not just the tenants of the building.

In response to an inquiry from Council, Mr. Grossi explained the OPP and the Fire Department require direct access to the building not exceeding seventy-five feet (75'). To achieve this, it is proposed that two of the parking spaces in the lot across the street will be used. He also noted there is an area on Mill Street that can provide direct access to the building.

Mr. Grossi noted ownership of the road will always remain in the name of the Municipality and there will be an easement agreement to allow them to use and maintain the closed portion of the road.

With respect to a time frame for the completion of the study, Mr. Sharon noted the one-way street and Princess Street portions of the study can be conducted independently, with the Princess Street portion completed first.

The Chief Administrative Officer clarified the one way street studies are being accelerated due to the fact there may be an impact by closing the portion of Princess Street. He further clarified staff may have some recommendations, the consulting engineers may determine other outcomes that staff may not see.

The Chief Administrative Officer noted the East Side Arterial Road was constructed to encourage truck and heavy traffic to avoid the one way streets and other streets in town, however they still use them.

The Chief Administrative Officer explained the study will look at something that has not been reviewed in decades and will provide suggestions on how to best direct traffic throughout the town.

No. C-179-15

Moved by: Councillor Dunn
Seconded by: Councillor Hammond

That a Study of One-way Streets and a traffic impact analysis of closing Princess Street to vehicular traffic between Settrington Street and Mill Street be completed in 2015 (Report ENG-09-15).

Carried

5. Report DR-11-15 dated May 15, 2015 regarding Appointment of Drainage Commissioners and Annual Meeting Report

Director of Infrastructure Services Rob Sharon provided an overview of the report.

No. C-180-15

Moved by: Councillor Jacobs
Seconded by: Councillor Verbeke

That the 2014 Annual Meeting minutes of the various drainage schemes be received;

And that the Commissioners be appointed as follows, subject to signing of the Health and Safety Handbook;

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

And further, that Council consider By-law 490-15 to appoint Commissioners and establish annual fees for the various Municipal Drainage Schemes. (DR 11-15)

Carried

6. Report REC-13-15 dated June 26, 2015 regarding Leamington Municipal Marina Offshore Breakwater Removal Impact Study

Acting Manager of Culture and Recreation Terry Symons reviewed the report, explaining administration is recommending an independent consultation on the removal of the breakwater as it is suspected doing so will have a greater impact on the municipal marina than the Ministry of Transportation (MTO) study suggests.

Mr. Symons noted the unbudgeted item will be funded from the marina reserve account.

The Director of Infrastructure Services Rob Sharon explained the breakwater was initially constructed to help mitigate some of the wave action on commercial ships at the dock. He further explained the original intent was to construct a larger breakwater however freighter traffic slowed down and it was not expanded. Mr. Sharon noted in light of recent accidents at the breakwater the MTO, which owns the structure, conducted an environmental assessment on the impacts of the breakwater.

Mr. Sharon stated any negative effects on our infrastructure must be mitigated by the MTO.

The Chief Administrative Officer Peter Neufeld explained the independent study is required not only to determine the impact of removing the breakwater, but also to gain advice on how to mitigate potential damage that could occur to the municipal marina. Mr. Neufeld further explained representatives of the MTO have been very amicable.

The Chief Administrative Officer noted in situations where one of our Engineers bring a report that receives opposition from the public, we ask them to bring evidence to support their claim and we can expect nothing else of ourselves when we have discussions with the Province. The Chief Administrative Officer further noted to come forward with an independent report that states removal of the breakwater will have detrimental effects on our marina and that provides options for mitigating damages, there may be a chance to negotiate the use of materials to mitigate those damages.

There was a suggestion from Council that a questionnaire be provided to boaters and those operating the ferry in order to receive feedback from them regarding the possible removal of the breakwater.

No. C-181-15

Moved by: Councillor Jacobs
Seconded by: Councillor Dunn

That the Municipality source Riggs Engineering to offer analysis and recommendations of the MTO's report "Assessment of Effects of Removal and/or Repair of the Leamington Offshore Breakwater" by Aecom dated February 27, 2015;

And that the cost to complete this work will not exceed \$10,000 (plus HST), funded by the Marina Reserve account, be approved. (REC-13-15).

Carried

7. Report PW-04-15 dated June 19, 2015 regarding Purchase of a Four Wheel Drive Backhoe Loader

Manager of Public Works Ken Brown reviewed the report, noting the tender price is approximately twelve thousand dollars (\$12,000.00) under budget when the trade-in value for the existing equipment is considered. The Manager of Public Works confirmed the loader includes all necessary items and no additional accessories will need to be purchased.

No. C-182-15

Moved by: Councillor Jacobs
Seconded by: Councillor Dunn

That the purchase of one (1) 2015 CAT 416F2 Backhoe Loader in the amount of \$100,050.00 (plus HST), less the trade in of \$24,000, charged to capital account number 10-7-0630-8040-263050 be approved. (Report PW-04-15)

Carried

8. Report PW-05-15 dated June 24, 2015 regarding BIA Discover Leamington Event

Manager of Public Works Ken Brown summarized his report, noting the event was formerly known as the annual Uptown BIA Sidewalk Sale. He further noted the organizers are requesting the roads be closed an hour earlier in order to allow for more set-up time.

No. C-183-15

Moved by: Councillor Wilkinson
Seconded by: Councillor Verbeke

That the request of the Uptown Leamington BIA to temporarily close portions of the designated uptown streets to include Talbot Street from Albert Street to Victoria Street, Erie Street from John Street to Settrington Street, Mill Street from Fox Street to the Municipal parking lot on Mill St East, and Queens Avenue between Talbot Street and the alley behind the Royal Bank, relative to the staging of the Discover Leamington Event on Friday, July 24th from 8 AM to 9PM and Saturday, July 25th, 2015 from 8 AM to 5 PM be approved;

And that the municipal Public Works department be authorized to provide assistance with the setup and dismantling of the road closures, deliver picnic tables and collection of litter and debris for the sidewalk sale;

And further, that fifty percent (50%) of the estimated \$1,400 labour costs, to a maximum of \$1,000 be charged to the Uptown Business Association and the remaining amount be charged to the Public Works Special Events account 10-5-0630-5010-002000-008550;

And further, that the Uptown Leamington BIA provides proof of liability insurance, in the amount of \$5M to the satisfaction of the Municipal Clerk, adding the Municipality of Leamington as an additional insured;

And further, that the BIA provides proof of a certified Health and Safety inspector to perform periodic inspections throughout the duration of the event. (PW-05-15)

Carried

9. Report ES-02-15 dated June 17, 2015 regarding Source Water Protection Plan Risk Management Official, Risk Management Inspector: Essex Region Conservation Authority Proposal

Manager of Environmental Services Kit Woods reviewed the report, noting the proposal is for a three year period with a total cost of approximately thirty thousand dollars (\$30,000.00) per year.

Richard Wyma, General Manager of the Essex Region Conservation Authority (ERCA) was in attendance. He noted he spoke with the Thames-Sydenham Source Protection Area who have confirmed their agreement with the approach for Leamington and Lakeshore, both of which have areas that fall under the Thames-Sydenham Source Protection Area jurisdiction.

Mr. Wyma explained the plan includes the number of threats located in each municipality, many of which are related to greenhouse operations. He further explained notices and follow-up notices were sent out and open houses were held for those properties containing potential threats. ERCA was advised some of the potential threats were in fact empty or not used for fuel storage but rather for other materials. Mr. Wyman noted the proposal anticipates that not every threat will require a risk management plan.

In response to an inquiry from Council, Mr. Wyma noted the first three years will be used to catch up on threat inventory, which must be completed within five years. After the initial three year time period the issue will be revisited in order to determine what plan makes sense for Leamington.

Mr. Wyma noted it has taken seven or eight years of intensive modelling to get where they are today with respect to the Source Water Protection Risk Management Plan.

No. C-184-15

Moved by: Councillor Verbeke
Seconded by: Councillor Jacobs

That utilizing the services of the Essex Region Conservation Authority in the role of Risk Management Official/Risk Management Inspector for the Municipality of Leamington Source Protection Plans in both the Essex Region Source Protection area and the Thames Sydenham & Region Source Protection area be approved;

And that the Mayor and Clerk be authorized to sign the agreement for a term of three years. (ES 02-15)

Carried

10. Report LWS-03-15 dated June 20, 2015 regarding Leamington Water Services Drinking Water Quality Management System , Operational Plan

Manager of Environmental Services Kit Woods reviewed the report.

No. C-185-15

Moved by: Councillor Verbeke
Seconded by: Councillor Hammond

That for the purposes of ongoing implementation of Leamington's Drinking Water Quality Management System Operational Plan, the Director of Infrastructure Services be designated as the Municipality of Leamington Owner Representative;

And that for the purposes of ongoing implementation of Leamington's Drinking Water Quality Management System Operational Plan, the Manager of Environmental Services and Supervisor of Leamington Water Services be designated as Quality Management System Representatives;

And further, that Council endorse Leamington Water Services Operational Plan for the Leamington water distribution system;

And further, that Council authorize the Director of Infrastructure Services to provide the written endorsement required by element 3 of the Operational Plan to signify the Owner's endorsement and approval of the plan. (Report LWS-03-15)

Carried

11. Report LLS-29-15 dated July 6, 2015 regarding Organization Review, Phase 2 Implementation

Human Resource Officer Lisa Granger presented the report.

Chief Administrative Officer Peter Neufeld explained that while the recommendation notes the positions are effective July 1, 2015, it is only in respect to back pay should the positions be approved. He further explained both of the recommended employees have been doing the jobs for months already and this was the best way to achieve the strategic goals established by Council.

With respect to the Human Resources Generalist/Health and Safety Specialist position, Mr. Neufeld noted the creation of the position will reiterate the importance of occupational health and safety within the organization.

Mr. Neufeld noted the creation of the positions was not driven by administration but rather by Council.

The Human Resource Officer explained the changes recommended in the Organizational Review are being implemented in phases and the third phase is still forthcoming.

No. C-186-15

Moved by: Councillor Verbeke
Seconded by: Councillor Jacobs

That the Executive Assistant to the CAO and Mayor position be changed to the Communications Officer/Executive Assistant to the CAO and the Mayor position effective July 1, 2015;

And that the Human Resources Assistant position be changed to the Human Resources Generalist/Health and Safety Specialist position effective July 1, 2015.

Carried

12. Report IS-08-15 dated June 25, 2015 regarding Feed in Tariff (FIT) Program

Director of Infrastructure Services Rob Sharon noted the application timing has been moved from mid-July to September so there will be an opportunity to come back to Council with additional information prior to a decision being made.

No. C-187-15

Moved by: Councillor Verbeke
Seconded by: Councillor Jacobs

That Council receive Report IS-08-15 dated June 25, 2015 regarding Feed in Tariff (FIT) Program for information.

Carried

13. Report FIN-07-15 dated June 25, 2015 regarding Budget Software Purchase

Director of Finance and Business Services Ramona Nordemann summarized the report, noting the purchase of budget software has been in the budget for the past 2 years.

In response to an inquiry from Council, Director of Finance and Business Services Ramona Nordemann noted that in her research for software and interviewing other municipalities, she was informed that unless you properly staff the implementation of new software it will not meet its expectations.

It was clarified for Council that the software was for budgeting only, while the municipality's financial management system, Vadim, is used for general ledger purposes, payroll, etc. The two programs work in tandem with each other.

The Chief Administrative Officer noted that during the Strategic Planning Retreat there was a request by Council for more financial reporting and the proposed software purchase will allow for such reporting to be completed in a more timely manner.

No. C-188-15

Moved by: Councillor Hammond
Seconded by: Councillor Dunn

That the Mayor and Clerk be authorized to execute the purchase and maintenance agreement with Questica Inc. for Questica Budget Software, the purchase amount charged to the Software Purchases account 10-5-0500-7270-002030-002123 in the amount of \$57,300 plus HST. (Report FIN-07-15)

Carried

14. Report ENG-03-15 dated February 20, 2015 regarding Trans Canada Trail Expansion Tender Award

The Director of Infrastructure Services Rob Sharon reviewed the report noting this is the second phase of the trail in Leamington. He also noted Mersea Road 3 will be resurfaced in 2015.

The Director explained the trail will connect Erie Street with the Landfill No. 2 in Kingsville. The Essex Region Conservation Authority will then connect the trail to the existing Greenway. He further noted the Town of Lakeshore is constructing a trail on the former railway lands owned by the Municipality of Leamington in Lakeshore.

In response to an inquiry from Council, it was noted the trail will be considered recreational and therefore there will be no winter control. It was also noted the gravel trail will stop at hard surface driveways.

The Director of Infrastructure Services explained staff met with the low bidder who confirmed their confidence that they can complete the project within the tender amount despite being much lower than the other bidders. Further, the contractor has already constructed some of the recreational trails within Leamington to the satisfaction of staff.

In response to an inquiry from Council regarding signage along the trail, the Director explained the County of Essex is responsible for the maintenance of signs on their property while Leamington is responsible for signage on Municipal property.

No. C-189-15

Moved by: Councillor Verbeke
Seconded by: Councillor Dunn

That the report on the Trail Expansion Phase 7/Trans Canada Trail along Mersea Road 3 be received;

And that the Trans Canada Trail Construction Road#3 be awarded to Fullerton Construction (1986) Ltd., P.O. Box 303, Station A, Windsor, Ontario in the amount of \$417,145 (plus taxes) charged to account 10-7-0620-8100-306200. (ENG 03/15)

Carried

15. Report LLS-26-15 dated June 8, 2015 regarding Delegation of Powers and Duties - Lottery Licensing

Director of Legal and Legislative Services Ruth Orton noted this is a housekeeping item.

No. C-190-15

Moved by: Councillor Dunn
Seconded by: Councillor Jacobs

That Council delegate the powers and duties related to the licensing of lotteries to the Clerk;

And that the Clerk be authorized to delegate, in writing, any of the powers and duties related to the licensing of lotteries to any person, other than a member of Council;

And further, that the appropriate by-law be presented to Council for adoption.
(Report LLS-26-15)

Carried

Matters for Approval:

Councillor Hammond, a member of the Leamington Accessibility Advisory Committee (LAAC) noted the committee has determined there is a need for additional wheelchair accessible spots in the arena. The committee is recommending the installation of eight more spots.

The Director of Legal and Legislative Services explained Council would typically direct staff to prepare a report outlining costs and other factors when such requests are received.

The Manager of Building Services Bechara Daher confirmed the additional barrier free spaces for wheelchairs would not affect exiting however additional signage would be required. He further explained the guardrail is at eye height, thereby obstructing views and it recommended it be removed and glass be installed.

No. C-191-15

Moved by: Councillor Hammond
Seconded by: Councillor Verbeke

That the request from the Leamington Accessibility Advisory Committee to install additional wheelchair accessible seating at the Leamington Kinsmen Recreation Complex be approved.

Withdrawn

No. C-192-15

Moved by: Councillor Jacobs
Seconded by: Councillor Dunn

That the minutes of the Leamington Accessibility Advisory Committee held June 10, 2015 be approved.

Carried

Staff were directed to prepare a report to Council outlining the costs to convert the recommended arena area to accommodate wheelchairs, including the cost to convert the existing guardrail to glass.

Other Matters for Consideration:

None.

Report on Closed Session:

The Director of Legal and Legislative Services, Ruth Orton reported that a closed meeting was held at 5:30 PM prior to the regular Council meeting pursuant to Subsection 239 (c) of the Municipal Act, 2001 to consider two (2) items. Proper notice was given. There was direction given to staff. The meeting adjourned at 5:49 PM.

Consideration of By-laws:

No. C-193-15

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 468-15 being a by-law to amend By-law No. 4284-95, being a by-law for the regulation of traffic and parking in certain areas of the Municipality of Leamington. (Schedule B and Schedule Y);

By-law 483-15 being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands, ZBA #116, 1323 Mersea Road B;

By-law 488-15 being a by-law to delegate the powers and duties associated with the issuance of lottery licences to the Clerk; and

By-law 489-15 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held July 6, 2015.

Carried

Notices of Motion:

None.

Open Session of Council and Administration:

Councillor Verbeke noted he attended the ground breaking for the new St. Michael's Church in Leamington earlier in the day. Councillor Verbeke extended a thank-you from church representatives to Bechara Daher for his assistance to date.

Statement of Members: non-debatable.

None.

Adjournment:

No. C-194-15

Moved by: Councillor Dunn
Seconded by: Councillor Wilkinson

That the meeting adjourn at 9:01 PM.

Carried

John Paterson, Mayor

Ruth Orton, Clerk

Minutes approved at Council Meeting held
July 13, 2015, Resolution C-XXX-15,
Confirmation By-law XXX-15

The Corporation of the Municipality of Leamington

Minutes of Tax Adjustment

**Monday, July 6, 2015 at 6:03 PM
In the Council Chambers**

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

Members Absent: Mayor John Paterson

Staff Present: Chief Administrative Officer Peter A. Neufeld
Director of Legal and Legislative Services Ruth Orton
Director of Infrastructure Services Robert Sharon
Director of Finance and Business Services Ramona Nordemann
Manager of Building Services Bechara Daher
Manager of Environmental Services Kit Woods
Manager of Planning Services Danielle Truax
Manager of Public Works Ken Brown
Acting Manager of Recreation and Culture Terry Symons
Human Resources Officer Lisa Granger
Tax Clerk Dolores Jeffery
Development Planner Brian Nagata
Legal Assistant Jennifer Bavetta

Disclosures of Pecuniary Interest:

None.

Tax Clerk Dolores Jeffery explained the meeting is in regard to the cancellation, reduction and refund of taxes. She noted all amounts have been approved by the Municipal Property Assessment Corporation (MPAC) and that property owners have the option to dispute the reduction amount.

In response to an inquiry from Council, the Tax Clerk explained MPAC will be notified at the time a property has been damaged by fire, and as a result received a reduction in taxes, applies for a building permit to renovate the property. They will then be invoiced with a supplemental tax bill in order to make up for the increase in property value due to the renovations. The Tax Clerk noted there is no time limit for reconstruction or demolition of a fire damaged property.

Deputy Mayor MacDonald confirmed there were no people in attendance to speak to this issue.

Moved by: Councillor Verbeke
Seconded by: Councillor Wilkinson

That the Council for the Municipality of Leamington confirm the recommendations detailed on the docket from the July 6, 2015 Tax Court of Adjustment.

Carried

Meeting adjourned at 6:05 PM.

Minutes approved at Council Meeting held
July 13, 2015, Resolution C-XXX-15,
Confirmation By-law XXX-15

The Corporation of the Municipality of Leamington

Public Meeting Minutes, Zoning By-Law Amendment

Monday, July 6, 2015 at 6:06 PM

In Leamington Council Chambers

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

Members Absent: Mayor John Paterson

Staff Present: Chief Administrative Officer Peter A. Neufeld
Director of Legal and Legislative Services Ruth Orton
Director of Infrastructure Services Robert Sharon
Director of Finance and Business Services Ramona Nordemann
Manager of Building Services Bechara Daher
Manager of Environmental Services Kit Woods
Manager of Planning Services Danielle Truax
Manager of Public Works Ken Brown
Acting Manager of Recreation and Culture Terry Symons
Human Resources Officer Lisa Granger
Tax Clerk Dolores Jeffery
Development Planner Brian Nagata
Legal Assistant Jennifer Bavetta

Zoning By-law Amendment #116 and B/16/15 for 1323 Mersea Road B

Development Planner Brian Nagata provided background information regarding the consent and zoning by-law amendment application for property located at 1323 Mersea Road B.

David Halliwell, solicitor for the applicant Paul Tiessen, was in attendance to answer any questions that may arise.

The Director of Legal and Legislative Services confirmed the typing error on page 2 of the notice that refers to "Bruner Road" does not affect the notice that was provided.

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

Moved by: Councillor Verbeke
Seconded by: Councillor Jacobs

That the provisional approval of Consent Application B/16/15 for a lot addition of 9.420 ha (23.277 acres) from 1323 Mersea Road B (480 000 00800) to the abutting vacant parcel to the north be supported by Council subject to the conditions listed in "Schedule A";

And that Zoning By-law Amendment Application ZBA #116 to change the zone of the retained lot (480 000 00800) from A3 to A5 and to change the zone of the consolidated farm parcel from A3 to A1 (480 000 01100), be approved by Council;

And that if no concerns are raised at the public meeting the Clerk be directed to forward the amending by-law #483-15 to Council for its consideration. (PLA-28-15)

Carried

The meeting adjourned at 6:13 PM.

Minutes approved at Council Meeting held
July 13, 2015, Resolution C-XXX-15,
Confirmation By-law XXX-15

Report

To: Mayor and Members of Council

From: Joseph Dattilo, P.Eng., Project Engineer

Date: June 29, 2015

Re: Erie Street South (Oak to Askew) Sewer Separation Local Improvement Tender Award

Aim:

To award the Erie Street South (Oak to Askew) Sewer Separation Local Improvement project to Henry Heyink Construction Ltd. of 275 Colborne Street, Chatham, Ontario N7M 5R9.

Background:



The Erie Street South Sewer Separation project was planned and approved under the Environmental Assessment Act with a preferred solution including the widening of Erie St. S., new curb and gutter, new watermain and new separated sewers from Askew to Oak Streets.

It is typical in the Municipality of Leamington to complete sewer separation projects following the Local Improvement Regulation under the Ontario Municipal Act, thus assessing a “fair” share of the sewer costs to benefitting properties. Following presentation of staff report ENG/04/14, Council resolved (C-209-14) that an open-house style Public Information Center (PIC) be scheduled to inform residents and property owners of the project including estimates of their share of the works. Residents were informed by mail, registered mail and by hand delivery of the meeting and estimated assessment schedules. The meeting took place on August 20, 2014 from 4:00 to 8:00 pm in the Leamington Municipal Building Gallery.

Council Resolution C-209-14 also stated “And that following the public information session the Clerk make application to the Ontario Municipal Board, initiating a local improvement project under Section 8 of O.Reg.586/06, for the reconstruction of Erie Street South (Oak to Askew). (ENG/04/14)”

The proposed local improvement recoveries are limited to the construction of a new sanitary sewer, new private sewer service connections and engineering fee’s limited to 15% of the total costs of the works. Historically, property owners have not been charged for replacing existing infrastructure. The subject area is already serviced by a single sewer, waterline, sidewalks, curb, asphalt roadway, and street lighting. Thus the local improvement charges will only involve works associated with adding the second sewer.

Local improvement cost share recoveries applied towards the Capital Sewer account are estimated to be \$143,000 for the new sanitary sewer and services, including applicable engineering costs set at a maximum of 15% of the cost of the assessable works.

Notice of Application to Ontario Municipal Board to approve a Local Improvement Project was sent out on November 27, 2014, of which the Municipality received a valid petition against the proposed Local Improvement Project.

As per ENG 26-14 and RES C-388-14, the Clerk made application to the Ontario Municipal Board on January 9, 2015 for approval to undertake a local improvement and sent notice to the public and owners of the affected properties.

An Ontario Municipal Board hearing took place on Tuesday, July 7, 2015 at 10:30 a.m. to hear the Municipalities application to undertake the work as a local improvement for the purpose of raising part of the cost of the work as described above. The decision of the Hearings Officer is expected in 4-6 weeks.

Comments:

On Thursday June 25, 2015, six (6) tenders were received for the Erie Street South (Oak to Askew) Sewer Separation Local Improvement project:

Contractor	Amount Excluding Taxes	Amount Including Net HST
Henry Heyink Construction	\$ 1,440,000.00	\$1,465,344.20
J & J Lepera Infrastructures	\$ 1,751,196.00*	\$ 1,782,021.12*
Major Construction 2010 Ltd.	\$ 1,827,116.00	\$ 1,859,273.24
D'Amore Construction 2000 Ltd	\$ 1,859,575.00	\$ 1,892,303.52
Amico Infrastructure Inc.	\$ 1,892,600.00	\$ 1,925,909.76
SLR Contracting	\$ 1,996,252.00	\$ 2,031,386.04

*Denotes adjusted tender price due to Dillon Consulting review on June 30, 2015

Dillon Consulting Limited has reviewed all tender packages for accuracy and confirms Henry Heyink Construction as the low tender, satisfying all terms of the contract and recommends the award of contract, subject to Council approval.

Henry Heyink Construction has indicated that they would be able to meet the terms of the contract.

Construction is anticipated to start in the beginning of August and be substantially performed no later than October 16, 2015. Surface asphalt, restoration and landscaping are expected to occur and be completed by the end of the year.

The contractor will be required to maintain all movements of traffic including left turns for the duration of construction, except for short durations where it is demonstrated not to be feasible. Such exemptions shall only be permitted where approved by the Municipality and project Engineer. Our consultant and contractor will work together with the businesses and residents to accommodate their needs and to provide the proper notifications.

Financial Impact:

The Erie Street South (Oak to Askew) Sewer Separation project is funded from (3) capital accounts: Roads Engineering, Sewer and Water.

The 2015 budgeted costs and associated funding for the Erie Street South (Oak to Askew) Sewer Separation project is demonstrated in the following chart:

Account	2015 Budgeted Costs (Inc.Net HST)	Gas Tax Funding	Net from Revenue	Water Reserve Funding	Total Funding
Engineering Roads	\$750,000	\$381,900	\$368,100		\$750,000
Sewer	\$382,000		\$382,000		\$382,000
Water	\$165,000			\$165,000	\$165,000
Total	\$1,297,000	\$381,900		\$165,000	\$1,297,000

The 2015 Sewer Budget funded from Infrastructure Reserves, will include future Local Improvement payments placed back into reserves over the life of the local improvement cost recoveries. The Local Improvement payments are subject to the Ontario Municipal Board hearing date on Tuesday, July 7, 2015 for ruling on undertaking the work as a local improvement for the purpose of raising part of the cost of the work.

The 2015 budgeted and projected cost allocation breakdown for the Erie Street South (Oak to Askew) Sewer Separation project is demonstrated in the following chart:

Account	2015 Budgeted Costs (Inc.Net HST)	Contract Price (Inc. Net HST)	Other Costs Including Engineering ⁽¹⁾ (Inc. Net HST)	Total Estimated 2015 Project Costs (Inc. Net HST)	Potential Budget Variance (Inc. Net HST)
Engineering Roads	\$750,000	\$983,900	\$125,000	\$1,108,900	(\$358,900)
Sewer	\$382,000	\$339,600	\$45,000	\$384,600	(\$2,600)
Water	\$165,000	\$141,800	\$17,000	\$158,800	\$6,200
Total	\$1,297,000	\$1,465,300	\$187,000	\$1,652,300	(\$355,300)

⁽¹⁾Includes engineering, utility works, geotechnical, property acquisition and miscellaneous costs.

The contract value includes a contingency allowance of \$81,408. Administration will make every effort to avoid the use of the contingency allowance to minimize the over expenditure.

The higher Contract Price vs. 2015 Budgeted Costs are attributed to the following:

- The addition of Geotextile Fabric in the new road section due to soils.
- Upgrade of Asphalt Cement grade
- Provisional item added for the removal of potential abandoned railway infrastructure.
- Constructability in a tight ROW section while keeping the road fully open requires (3) phases and includes temporary asphalt paths.
- Increased scope to include the straightening of the curb alignment and a few streetlight upgrades between Askew and Marlborough.

Recommendation:

That the Erie Street South (Oak to Askew) Sewer Separation project be awarded to Henry Heyink Construction Ltd. of 275 Colborne Street, Chatham, Ontario N7M 5R9 in the amount of \$1,440,000 (plus tax) charged to account 10-7-0620-8050-300630-600017;

And that the potential over expenditure in the amount of \$355,300 be approved and funded from the Federal Gas Tax Reserve Fund (0336). (Report ENG-10-15)


Respectfully submitted,

Joseph Dattilo P.Eng.
Project Engineer

Allan Botham, P.Eng.
Manager of Eng. Services

Robert Sharon, CMO
Director of Infrastructure Services

Peter
Neufeld, CAO



Digitally signed by Peter Neufeld, CAO
DN: cn=Peter Neufeld, CAO, o, ou,
email=pneufeld@leamington.ca, c=CA
Date: 2015.07.09 15:55:38 -04'00'

Report

To: Mayor and Members of Council
From: Allan Botham, P.Eng., Manager of Engineering Services
Date: June 11, 2015
Re: Wilousa Sewer Upgrade Project - Update

Aim:

To report upon the status of the Wilousa Sewer Upgrade project and to recommend construction be deferred until 2016.

Background:

The Wilousa pumping station is located along the Selkirk Drain, south of Seacliff Drive, pumping sanitary sewage from a number of existing residential developments, east of Cherry Lane, along Robson Road, and the Iroquois and Seneca Industrial area. (please refer to Figure 1 below)

Further to the prescribed design requirements and reports to Council, a number of upgrades were required to the subject sewers and the Wilousa Pumping Station, to allow for the Robson Road improvements and new subdivisions to proceed. In 2009/10 approximately \$420,000 was spent to increase the capacity of the pumping station by way of larger pumps, controls and a new forcemain.

The subject project is the final phase of the Robson Road local improvement program, and will replace several sections of sanitary sewer up stream of the Wilousa pumping station with larger pipes. These replacements must occur along with the development of the Grossi lands (Golfview Subdivision - Phases 1, 2 & 3), and the Santos property (Destiny Estates).

Phase 1 of Destiny Estates and Phases 1 & 2 of Golfview Subdivision are now under construction, with new home construction possible by the end of 2015.

A construction estimate provided in the 2010 studies listed upgrades at a cost of \$170,000 (not including taxes). Following approval in the 2015 budget for \$180,000, a consultant was engaged and proceeded with preliminary design work. The consultant's latest estimate of cost for construction, engineering, etc., is approximately \$340,000 (incl. Net HST).



Figure 1

Comments:

Following a preliminary design exercise, the project was shared with a sewer contractor to discuss: probable cost, constructability and alternative construction methods.

Challenges identified by the consultant and contractor for typical open trench construction include: the installation and operation of temporary pumping system to by-pass the sewer segments under construction, and shoring and trench protection for workers and the Selkirk Drain bank. As a result, the revised estimate of cost is \$340,000.

An alternative trenchless construction method was also reviewed by a contractor, with an estimated cost is \$610,000.

Engineering staff and the consultant then discussed and analyzed the impact of maintaining the status quo (no sewer improvements) to understand the impact of letting the sewer surcharge under extreme conditions. The team considered area water use records,

past study data, sewer infiltration estimates and potential hydraulic grade lines in the system. While not recommended, it is possible to allow the controlled surcharging of a sewer under existing or retrofit situations. However, in this case, the analysis concludes that the identified segments of sewer should be replaced with larger pipes as planned. There is a probability that, under fully developed conditions (all new lots are occupied and the industrial park is full) surcharging could cause backups to occur at several properties in some surrounding neighbourhoods.

The project should proceed soon to accommodate expected growth, but there is not an immediate demand. Further to the preliminary design work and additional analysis, it is now recommended that the engineering should be completed in 2015, and the project tendered for very early in 2016 to get the best tender results.

Financial Impact:

The 2015 Urban Sewer Capital budget set \$180,000 for the Wilousa Sewer Upgrade project, to be funded from the Infrastructure Reserve account. Sewer “buy-in” payments from the Destiny Estates subdivision will be deposited into the Infrastructure Reserve account to offset some of the costs.

Destiny Estates subdivision agreement has now been signed and the total expected sewer “buy-in” in the agreement is \$204,070 (higher than estimated due to final lot configuration). To date the Municipality has received \$105,910 for Phases 1 & 2.

The most recent estimate of cost for construction and engineering is approximately \$340,000, which equates to a possible budget variance of \$160,000. The true cost will not be known until closing of a construction tender. Estimated engineering costs to the end of 2015 are projected to be \$25,000.

Recommendation:

That Council receive the Wilousa Sewer Upgrade project report for information;


And that the 2016 proposed Capital Budget include the construction of the Wilousa Sewer Upgrade project. (Report ENG-08-15)

Respectfully submitted,

Allan J. Botham, P.Eng.,
Manager of Engineering Services

Robert Sharon, CMO,
Director of Infrastructure Services

Peter Neufeld,
CAO

 Digitally signed by Peter Neufeld, CAO
DN: cn=Peter Neufeld, CAO, o, ou,
email=pneufeld@leamington.ca, c=CA
Date: 2015.07.09 15:58:09 -04'00'

Report

To: Mayor and Members of Council
From: Bechara Daher, Manager of Building Services
Date: June 15, 2015
Re: Building Construction Activities

Aim:

To respond to a request from Council to provide information on the building construction activities for the current year and offer an update on the recent changes to the Ontario Building Code (OBC) and Backflow program.

Background:

Building construction activities in Leamington recently have shown a good turnaround. Permit applications received by Building Services for all types of buildings are on the rise, including new residential activities for single detached and single attached dwellings. There are a number of commercial, industrial and institutional projects which have commenced construction, while many others are in the site plan control process and construction will start once final approval is granted.

Building Services summary report is generated at the end of each month and a copy is circulated to a number of agencies, members of the public, staff and members of Council. The summary report shows building activities for each month and each building category and compares the results to the previous year's activities generated for each month. The total construction value and the number of new residential units created for each month are also listed and both are on the rise (refer to Appendix 1 attached, building summary represents activities from January 1, 2015 to May 31, 2015).

There are a number of positive factors that have contributed to the increase in building construction activities in Leamington which include the following:

1. Local economic performance,
2. Availability of newly developed lots,
3. Discounting of Development Charges

Building construction activities on Pelee Island have also increased. As of May 31, we have conducted 3 out of the 15 trips set out in the service agreement. Administration is receiving many inquiries and have issued few permits including one new cottage.

Comments:

Building permit applications received are on the rise and since the month of April 2015 the number of permit applications are largely increased and the trend will likely to continue. Many commercial, industrial and institutional applications are in the review process and subject to site plan control approval and anticipated construction is scheduled to start in the near future.

Building construction activities in Leamington will continue to rise for the remainder of this year and it is anticipated that construction activities will also increase, in particular the residential developments, for the year 2016 and continue until August 2017 where the Developments Charges (DC) discounting is scheduled to end.

The number of permit applications received this year are a record high since 2010. All permit applications received must be screened for completeness, then recorded to keep track of time frames mandated by the Ministry of Municipal Affairs and Housing (MMAH). Examples include 10 days required to issue house permit, 15 days for small buildings and 20 days for large buildings.

Changes to the Ontario Building Code (OBC) have been introduced on a regular basis since implementation in 1976. The recent changes to OBC 2015 regulations for residential dwellings are to provide a higher level of safety by adding new requirements for mandatory smoke alarms to be installed in each bedroom and each sleeping room. Smoke alarm devices shall have a visual component (light, color and pulse characteristics).

Additional, major changes have been introduced that will have an impact on the design and construction of large buildings pertaining to Barrier-Free requirements such as:

1. Principal entrance will require power door operator and wider door to the barrier-free washroom;
2. Universal washrooms are required to be installed in each building with change table and visual signaling device;
3. Designated spaces for wheel chairs and adaptable spaces to be provided in assembly occupancy equivalent to 3% of the total seating capacity; and
4. Mid-rise wood frame construction up to six storey buildings are now permitted.

The changes to the OBC regulations will improve accessibility and provide construction opportunity in many areas. The newly developed lots will soon become available and provide a wider range of options for residential developments. Building Services continues to work on streamline the permit applications review process.

Workload:

Some of the main duties of Building Services are to process permit applications, conduct plan review, issue permits and perform site inspections. All permit applications received are entered into a spreadsheet to create a record and are circulated to various departments for their review. Due to the number of applications received this year, the Building Services Assistant's time is mainly spent processing permit applications, calculating fees, issuing permits and processing payments.

Despite the increased number of permit applications, the priority of Building Services staff is to ensure all completed applications received are processed in a timely manner. If deficiencies are found during the plans review process, a list of infractions are generated and a copy is sent to both the designer and the owner to complete as mandated by the OBC regulations.

The level of calls for inspections has also increased and Building Services staff are making every effort to accommodate requests as long as the inspections are received at least a day prior, and in some cases, inspections are performed the same day as requested depending on site conditions. All permit applications and site inspections have been performed on time.

Administration is working diligently to further streamline the review and customer service process to meet the increased demand and further improve the level of service. During the month of May staff began implementing a cashier service and issuing small permits immediately.

Backflow Program:

Since the 2001 implementation of the backflow program, Building Services has approved over 400 devices installed on existing buildings in accordance with the Backflow By-Law 281-01 for the purpose of preventing any cross connection between a potable water supply and any source of pollution or contamination.

Currently, staff is working with a new software system company called "Marmak" on obtaining new software that will give administration the capabilities to monitor various backflow prevention systems as well as associated testing throughout the municipality. It is anticipated the new software will be launched in 1 to 2 months. Commencing in 2016, staff will issue notices to owners of all existing backflow devices to carry out a survey as required in Section 6(1) of the Backflow By-law to be carried out every five years. Information obtained will be used to ensure compliance and that the system is updated.

Financial Impact:

There is no direct municipal financial impact associated with this report at this time. A total of \$281,443.00 has been used from reserves to make up for the development charges fees from the period of August 12, 2014 to May 31, 2015, as per the following:

For the period of August 12 to December 31, 2014 the DC discount for non-greenhouse development total of \$80, 476.

- \$52,700 funded by the Contingency Reserve (40-3-0220-0226)
- \$19,336 funded by the PCC Plant Reserve (40-3-0220-0250)
- \$8,440 funded by the Water Reserve (40-3-0220-0382)

From the period of January 1 to May 31, 2015 the DC discount for non-greenhouse development total of \$200,967.

- \$52,512 funded by the PCC Plant Reserve (40-3-0220-0250)
- \$28,169 funded by the Water System Capital Reserve (40-3-0220-0382)
- \$120,286 funded by the Contingency Reserve (40-3-0220-0226)

Should the level of construction activities and workload increase, administration will bring a further report to Council outlining the level of construction activities and workload and identify the level of support needed.

Recommendation:

That the report pertaining to the 2015 building construction activities from January 1, 2015 to May 31, 2015 be received for information. (Report BLD-03-15)

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: 2015.07.09 15:58:50 -04'00'

Bechara Daher,
Manager of Building Services (CBO)

Tracey Pillon-Abbs,
Director of Community and Development Services

/bd

ATTACH (1)

T:\Building\Council Reports\2015\BLD 03 15 - Building Activities report.doc

CORPORATION OF THE MUNICIPALITY OF LEAMINGTON																										
BUILDING DEPARTMENT SUMMARY - 2015 January to May																										
MONTH	TOTAL NO		RES'L		COMM		IND		INST		AG'L		RESIDENTIAL		COMMERCIAL		INDUSTRIAL		INSTITUTIONAL		AGRICULTURAL		TOTAL CONSTRUCTION		NO. OF UNITS	
	PERMITS		PERMITS		PERMITS		PERMITS		PERMITS		PERMITS		VALUE		VALUE		VALUE		VALUE		VALUE		VALUE		CREATED	
	ISSUED																									
	2014	2015	2014	2015	2014	2015	2014	2015	2014	2015	2014	2015	2014	2015	2014	2015	2014	2015	2,014	2015	2014	2015	2014	2015	2014	2015
JANUARY	11	11	6	4	4	1	0	1	0	2	1	3	74,500	166,800	272,200	200,000	0	7,000	0	469,493	1,000	12000	347,700	855,293	0	0
FEBRUARY	16	15	2	5	7	4	0	2	2	2	5	2	460,000	248,000	372,000	62,300	0	3,365,000	35,000	75,000	330,000	110,000	1,197,000	3,860,300	1	1
MARCH	21	20	14	12	2	4	0	0	1	1	4	3	949,150	1,056,500	114,295	169,000	0	0	24,000	500	184,700	190,000	1,272,145	1,416,000	1	3
APRIL	28	31	16	24	5	4	1	0	1	1	5	2	809,000	2,158,200	658,400	476,000	30,000	1,400,000	29,000	4,000	439,100	5,515,000	1,965,500	9,553,200	3	7
MAY	46	49	34	32	5	6	0	1	1	1	6	9	960,200	1,939,900	523,650	48,000	0	35,000	500	4,000,000	11,458,500	3,430,000	12,942,850	9,452,900	2	8
JUNE	41		27		5		0		1		7		722,570		122,700		0		136,000		1,561,500		2,542,770		2	
JULY	35		16		9		0		1		9		474,000		172,500		0		142,583		9,508,780		10,297,863		1	
AUGUST	40		21		4		2		4		9		1,454,450		23,500		27,000		139,000		5,734,000		7,377,950		5	
SEPTEMBER	32		20		4		2		1		5		1,051,655		51,300		1,250,000		1,200		74,000		2,428,155		3	
OCTOBER	25		15		5		1		0		4		996,960		596,411		27,000		0		200,000		1,820,371		2	
NOVEMBER	32		18		8		1		1		4		744,300		945,800		5,000		12,000		961,500		2,668,600		2	
DECEMBER	15		8		3		0		0		4		96,500		100,000		0		0		350,000		546500		0	
	342	126	197	77	61	19	7	4	13	7	63	19	8,793,285	5,569,400	3,952,756	955,300	1,339,000	4,807,000	519,283	4,548,993	30,803,080	9,257,000	45,407,404	25,137,693	22	19

Report

To: Mayor and Members of Council
From: Ramona Nordemann, Director of Finance and Business Services
Date: July 20, 2015
Re: 2014 Development Charges

Aim:

To report upon municipal Development Charge (DC) Reserve Funds, the Development Charge Deferral program and the Development Charge discount programs as at December 31, 2014.

Background:

Development Charges 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.

Development Charges form part of the municipal funding strategy for growth related costs, and are applied to fund historical costs, existing growth-related debt service and or for future growth related costs, all as outlined in Development Charges Study report (2014), which is in effect until August 11, 2017.

In 2012, Council approved C-400-12 under By-law #256-12 authorizing a Development Charge Deferral Program. Under the program collection of DCs for single and semi-detached dwellings is deferred from the date of the building permit issuance to the time of sale or to a maximum of 18 months, whichever is sooner. The program was approved for one year beginning January 1, 2013 and expiring December 31 2013. This program was extended and expired on August 12, 2014.

In 2014, Council approved 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. Council had requested that the results of this DC discount program be brought to them in January 2017 at which time they will determine if the program will continue or expire.

In 2003, a discounted greenhouse Water Development Charge was established (PLA73/04). By January 1, 2014 the discounted greenhouse Water DC fee was set at \$4,191, resulting in a \$15,766 discount. In 2014, Council approved C-280-14 under By-law #409-14 authorizing that commencing August 12, 2014 the Water DCs for greenhouse development be set at \$4,204, resulting in a \$3,678 discount.

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 DC Reserve Funds. Once complete, the statement is also forwarded to the Minister of Municipal Affairs and Housing within 60 days of being presented to Council. DC levies can only be used to fund costs related to new infrastructure and infrastructure capacity expansion, as determined through the DC calculation process, and in accordance with the DC By-law #925-09. The Development Charges Act requires that development charges collected be placed in a separate reserve fund and accumulate interest. DC Reserve Funds are not consolidated with other municipal reserve funds.

Schedule A provides a summary of balances as at December 31, 2014 and Schedule B shows financial activity for the year ending December 31, 2014 in the DC Reserve Funds. Inflows consist of contributions from developers, collected at the time of building permit issuance, plus interest earned in the fiscal year. Outflows are in accordance with the DC By-law and approved budget amounts. Schedule C provides a summary of 2014 capital projects funded in whole or in part from DC Reserve Funds. Note that 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.

Development Charges Deferral Program

There were no participants in the municipality's DC deferral program in 2014. The program expired on August 12, 2014.

Development Charges Discount Program

For the period August 12 to December 31, 2014, the DC discount for non-greenhouse development was \$80,476 (8 building permits):

- \$52,700 funded by the Contingency Reserve (40-3-0220-0226)
- \$19,336 funded by the PCC Plant Reserve (40-3-0220-0250)
- \$8,440 funded by the Water Reserve (40-3-0220-0382)

In 2014, the greenhouse water DC discount was \$713,431 with ten farms participating (2013 - \$625,863 for 5 farms). The discount was funded by the Water Reserve (40-3-0220-0382).

Financial Impact:

This report reflects 2014 transactions in the Development Charge (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.

It is notable that, while DC Reserve Funds in total have a surplus position, the following are in deficit positions, meaning that debt service and expenditure demands have exceeded the DC revenues in those categories: Roads (Engineering), Police Services, Indoor Recreation (Facilities), Outdoor Recreation, Administration (Studies) and Waste Water Services. Existing growth-related debt service requirements must be funded from DC Reserve Funds and cannot be avoided.

Recommendation:

That the 2014 Development Charge Reserve Funds Statements for the year ending December 31, 2014 be received. (Report FIN-10-15)

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: 2015.07.09 15:50:12 -04'00'

Ramona Nordemann, CPA, CA
Director of Finance & Business Services

gc
attachments

T:\Finance\Reports\2015\FIN-10-15 Development Charges Reserve Fund Statement\FIN-10-15 2014 Development Charge Reserve Funds Statement.pdf

Schedule A

Report FIN-10-15 - 2014 Development Charges

Municipality of Leamington
DC Reserve Fund Balances
As at December 31, 2014

<u>Service</u>	<u>Totals</u>
Roads	\$ (282,760.68)
Fire Protection Services	791,684.76
Police Services	(198,395.72)
Library	123,703.68
Indoor Recreation	(685,791.05)
Outdoor Recreation	(50,391.74)
Administration	(7,618.54)
Wastewater Services	(1,729,092.51)
Water Services	5,182,916.17
Total	<u>\$ 3,144,254.37</u>

Schedule B

Report FIN-10-15 - 2014 Development Charges

**Municipality of Leamington
Development Charge Reserve Funds Statement
For the Year Ended December 31, 2014**

	Municipal Wide								Urban Area
	Roads	Fire Protection Services	Police Services	Outdoor Recreation	Indoor Recreation	Library Services	Administration	Water Services	Wastewater Services
Balance as of January 1	\$ (301,448.69)	\$ 778,036.57	\$ (203,765.23)	\$ (27,255.99)	\$ (612,560.00)	\$ 118,404.58	\$ (10,820.05)	\$ 4,484,718.01	\$ (1,318,240.07)
Plus:									
Development Charge Collections	85,422.85	7,773.51	5,369.51	17,837.51	44,543.51	3,551.51	3,201.51	1,000,061.51	29,194.00
Accrued Interest		5,874.68				1,747.59		40,172.65	1,782.12
Repayment of Monies Borrowed from Fund and Related Interest									
Subtotal	(216,025.84)	791,684.76	(198,395.72)	(9,418.48)	(568,016.49)	123,703.68	(7,618.54)	5,524,952.17	(1,287,263.95)
Less:									
Amount Transferred to Capital (or Other) Funds	(7,712.89)								
Amounts Refunded									
Amounts Loaned to Other DC Service Category									
Credits									
Monies Borrowed from Fund for Other Municipal Purposes	(59,021.95)			(40,973.26)	(117,774.56)			(342,036.00)	(441,828.56)
Subtotal	(66,734.84)	-	-	(40,973.26)	(117,774.56)	-	-	(342,036.00)	(441,828.56)
December 31 Closing Balance	\$ (282,760.68)	\$ 791,684.76	\$ (198,395.72)	\$ (50,391.74)	\$ (685,791.05)	\$ 123,703.68	\$ (7,618.54)	\$ 5,182,916.17	\$ (1,729,092.51)
Grand total at December 31									\$ 3,144,254.37

Schedule C

Report FIN-10-15 - 2014 Development Charges

Municipality of Leamington
Development Charge Reserve Funds Statement
For the Year Ended December 31, 2014

Discounted Services Reserve Fund Transfers
--

Capital Project	100% or 90% DC	DC Reserve Fund Draw	Operating Fund Draw	Other Reserves Fund Draw	Grants	Debt	Total
Erie - Oak to Askew	100%	\$ 7,712.89	\$ -	\$ 53,500.50	\$ -	\$ -	\$ 61,213.39

**Leamington Municipal Heritage Advisory Committee
LMHAC**

Minutes

Wednesday, June 24, 2015

Ante Room, 111 Erie Street North, Leamington

Members Present: Lee-Anne Settrington, Chair
Chris Chopchik
Tony Duncan
Bill Dunn, Councillor
Maria Kouhang
Mark Stevenson

Staff Present: Manager of Legislative Services Kim Siddall
Manager of Planning Services Danielle Truax
Research Assistant, Olivia Ashton
Development Planner, Brian Nagata

Call to Order:

The Chair called the meeting to order at 3:00 PM.

Minutes:

Moved by: Tony Duncan

Seconded by: Mark Stevenson

That the minutes of the Wednesday, May 27, 2015 meeting of the Leamington Municipal Heritage Advisory Committee be adopted.

CARRIED

Business Arising from Minutes: None

The Chair acknowledged the appointment of Councillor Dunn and provided a brief background to the purpose and mandate of the committee.

Reference Materials:

Ms. Ashton reviewed the articles provided to the Committee for reference.

- Links to the on-line versions to be forwarded to the committee.
- Sketches showing specific features for various architectural styles could be added to the evaluation sheets to assist committee members in recognizing features

New Business:

1. DRAFT Report PLA-33-15: Ms. Ashton reviewed the content of the report and provided a presentation in the manner that would be given to Council. The committee provided direction to forward the report to Senior Management for review and noted the report is intended to be presented to Council by staff . The Chair indicated she would be available to attend the presentation and encouraged other members to attend as well.

2. Presentation of the final LMHAC logo: Ms. Ashton presented the final logo. It was noted the logo was intended to only establish familiarity with the committee. All correspondence from the committee would still be vetted through Administration as the LMHAC is an advisory body to Council.
3. London Old East Village Walking Tour Presentation: Mr. Nagata provided the committee with a brief presentation of a tour hosted by the London Old East Village which highlighted efforts of residents to preserve heritage and the use of CIP incentives.
4. First Baptist Church, 82 Talbot St. W.: The Chair noted the slate roof from the church was unceremoniously removed early this week for replacement. It was a disappointment the church did not recognize the heritage value of this feature of the building and that resources to help investigate ways to maintain heritage features were made available to the church. The committee will seek ways to reach out to property owners who require resources for maintaining heritage features as ambassadors of heritage for the municipality.

Adjournment:

Moved by: Chris Chopchik

Seconded by: Mark Stevenson

That the meeting adjourn at 4:30 PM

Carried

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

:dt

T:\Planning\Planning Information\LMHAC\2015\June 24\062415 LMHAC Minutes.doc