

## Council Agenda

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

### **Recommendation**

That Council move into Special Closed Meeting of Council at 5:00 PM in the Ante Room pursuant to Section 239 of the Municipal Act, as amended, for the following reason:

### **Matters for Consideration:**

1. Confidential Report LLS-10-17 dated February 23, 2017 regarding Amendment to Employment Contract to be considered in closed session pursuant to Subsection 239(2) (d) labour relations or employee negotiations
2. Confidential Report FIN-02-17 dated April 13, 2017 regarding 2012 Current Value Revision re: 400 Oak Street 3706 300 000 02600 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.
3. **Disclosures of Pecuniary Interest and General Nature Thereof of**  
(Special Closed Meeting of Council)
4. **Adjournment of Special Closed Meeting**
5. **Resumption of Regular Council Meeting**  
(6:00 PM)
6. **National Anthem**
7. **Disclosures of Pecuniary Interest and General Nature Thereof**

## **8. Approval of Council Minutes**

8.1. Minutes of the Council Meeting and Public Meeting held April 10, 2017  
Pages 5 to 17

8.2. Minutes of the Special Closed Meeting held April 10, 2017  
Pages 18 to 20

## **9. Business Arising Out of the Minutes**

## **10. Court of Revision**

None

## **11. Public Meetings**

### **11.1. Public Meeting, Drainage**

1. Meeting to Consider Engineer's Report regarding Reid Drain 9<sup>th</sup>, Concession West Branch

Notice of Meeting to Consider dated April 7, 2017  
Page 21

Report DR-07-17 dated March 29, 2017 regarding Reid Drain 9<sup>th</sup>, Concession West Branch, 2 New Accesses, 2492309 Ontario Limited, Part Lot 6, Concession 8 (Essex Road 14)  
Pages 22 to 24

- (Engineer's Report as prepared by Baird AE Inc. dated March 15, 2017, listed as Additions on the "Agendas, Meetings and Minutes" page of the Municipal Website)

### **11.2. Public Meeting, Planning**

1. Notice of Public Meeting dated April 4, 2017  
Pages 25 to 26
2. Report PLA-12-17 dated April 11, 2017 regarding Zoning By-law Amendment ZBA #146, Applicant, Building Bridges, Project X Christian Community, 302 Sherk Street (230-11500)  
Pages 27 to 34

### **3. Suggested Recommendation:**

1. Zoning By-law Amendment Application ZBA #146 be approved to amend the current site-specific Institutional Zone (I-8) for 302 Sherk Street to permit a youth engagement Centre, including accessory residential accommodations and other accessory uses, as additional permitted uses for the subject lands be approved;

2. If no concerns are raised at the public meeting, amending By-law 24-17 may be presented at the Monday April 24, 2017 Council meeting for Council consideration

## 12. Reports of Staff and Delegation

- 12.1 Report PLA-13-17 dated April 18, 2017 regarding 40 Seacliff Drive East (Seacliff Heights) Site Plan Amendment  
Pages 35 to 39
- 12.2 Report PLA-14-17 dated April 18, 2017 regarding 40 Seacliff Drive East, (Seacliff Heights) Plan of Condominium, Request for Exemption from Draft Approval  
Pages 40 to 42
  - Mr. Rob Millson, Solicitor
  - Rob Piroli, Piroli Construction
- 12.3 Report DR-08-17 dated March 29, 2017 regarding Reid Drain, 9<sup>th</sup> Concession Branch Section 65, Changes in Assessment to Roll Numbers 800-05100, 800-05300, 2492309 Ontario Ltd. (Engineer's Report as prepared by Baird AE Inc. dated March 7, 2017, listed as Additions on the "Agendas, Meetings and Minutes" page of the Municipal Website)  
Pages 43 to 44
- 12.4 Report DR-12-17 dated April 11, 2017 regarding South Dales Drain 2017 Maintenance, Tender Award  
Pages 45 to 48
- 12.5 Report ES-01-17 dated April 5, 2017 regarding Centrifuge #1 and #2, Overhaul Project  
Pages 49 to 50
- 12.6 Report LWS-02-17 dated April 4, 2017 regarding Russel and Chestnut Street Watermain Upgrades  
Pages 51 to 53
- 12.7 Report LLS-20-17 dated April 10, 2017 regarding Uptown Leamington BIA Canada Day Kick-off Event  
Pages 54 to 56
- 12.8 Report LLS-07-17 dated March 14, 2017 regarding 2018 Municipal Election, Alternative Voting Method  
Pages 57 to 61

## 13 Matters for Approval

None

**14 Other Matters for Consideration**

None

**15 Report on Closed Session**

Clerk to provide report on closed session

**16 Consideration of By-laws**

16.1 By-law 7-17 being a by-law to Being a by-law to provide for the construction of a new access over the Hooker Drain-Wiebe, in Part Lot 5, Concession 7 North in the Municipality of Leamington in the County of Essex (3<sup>rd</sup> and final reading) (DR-03-17)

16.2 By-law 22-17, being a by-law to authorize internet and telephone voting methods for the 2018 municipal elections (LLS-07-17)

16.3 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 (first and second reading) (DR-07-07)

16.4 By-law 24-17 being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands ZBA #146, 302 Sherk Street Youth Engagement Centre (PLA-12-17)

16.5 By-law 25-17 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held April 24, 2017

**17 Notices of Motion**

None

**18 Open Session**

**19 Statement of Members (non-debatable)**

**20 Adjournment**

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

## **Minutes of the Council Meeting**

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

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

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

**Staff Present:** Clerk/Manager of Legislative Services, Brenda Percy  
Chief Administrative Officer, Peter Neufeld  
Director of Legal and Legislative Services, Ruth Orton  
Director of Infrastructure Services, Robert Sharon  
Director of Finance and Business Services, Laura Rauch  
Director of Community and Development Services, Paul Barnable  
Manager of Economic and Community Development,  
Jeanine Lassaline-Berglund  
Geoff Stephenson, Supervisor, Membership Services and Marketing  
Manager of Planning Services, Danielle Truax  
Manager of Public Works, Ken Brown  
Legal Assistant, Jennifer Bavetta

### **Call to Order**

Mayor Paterson called the Meeting to order at 5:00 PM.

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

None noted.

### **Special Closed Meeting**

Moved by: Councillor Dunn  
Seconded by: Councillor Wilkinson

That Council move into Special Closed Meeting of Council at 5:00 PM in the Ante Room pursuant to Section 239 of the Municipal Act, as amended, for the following reasons:

1. Verbal Report from the Director of Legal and Legislative Services regarding Expropriation of Portion of 971 Point Pelee Drive, Acquisition of Land to be considered in closed session pursuant to Subsection 239(2) (c) a proposed or pending acquisition or disposition of land by the municipality or local board

2. Confidential Report LLS-10-17 dated February 23, 2017 regarding Amendment to Employment Contract to be considered in closed session pursuant to Subsection 239(2) (d) labour relations or employee negotiations.

Carried

## **Adjournment of Special Closed Meeting**

The Special Closed meeting adjourned at 6:08 PM.

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

Mayor Paterson called the meeting to order at 6:09 PM.

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

None noted.

## **Approval of Council Minutes:**

### **No. C-78-17**

Moved by: Councillor Verbeke  
Seconded by: Councilor Wilkinson

That the Minutes of the Minutes of the Council and Court of Revision Meeting held March 27, 2017 be approved.

Carried

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

Councillor Hammond noted he has received complaints from landlords who have received large water arrears bills that were not paid by their tenants. He further noted there must be a review of the policy and how the process works.

Mayor Paterson explained the issue is discussed every year. He further explained landlords have the ability in their rental agreements to have their names included on accounts with Essex Power and bills can be sent to themselves and the tenants in order to ensure the landlord is aware of any arrears.

## **Public Meeting, Planning:**

1. Notice of a Complete Application and Public Meeting to consider Consent Application (B-02-17) and Zoning By-law Amendment ZBA 143 (South Side of Mersea Road 7)

Manager of Planning Services Danielle Truax reviewed the report, noting just under three-quarters of an acre of land will be added to the residential lot for the purpose of rehabilitating the existing dwelling.

Ms. Truax noted the lot addition will allow for the installation of a septic system, the construction of an addition and sufficient land for required side yards. Ms. Truax confirmed administration is in a position to support the severance.

There was a brief discussion regarding the need to release several consent freeze agreements that have been registered in the Land Registry Office due to previous consents granted to the property.

Ms. Truax explained the purpose of the Public Meeting was to hear comments from residents regarding the application. If no concerns are raised, administration is recommending forwarding the amending by-law to Council during the regular meeting for approval.

In response to an inquiry from Council, Ms. Truax confirmed the residential lot was once part of the farm lot and noted she could not find any mention of the existing farm buildings in a 1992 severance file.

Ms. Truax confirmed there is concern over the height of one of the buildings and the owner has indicated the building will be demolished.

In response to an inquiry from Council, the Manager of Planning Services clarified the existing buildings that will be added to the residential lot are not ones that would be used on a farm.

Ms. Truax explained that because the removal of the building is a condition of the severance, the owner will have one year after the final day to appeal to satisfy the condition and remove the building. If all of the conditions are not met within the one year timeframe, the provisional approval will be reversed.

Mayor Paterson inquired whether there was anyone in attendance who wished to address Council regarding the application.

Dennis Driedger, 1027 Mersea Road 7, Leamington, was in attendance to represent the applicant. Mr. Driedger requested the typical fees that accompany a severance be waived. Ms. Truax confirmed fees such as the septic inspection and water buy-in were not applicable to this application and could be waived. The fees for a tax certificate, the consent freeze release, proof of drainage and the drainage apportionment could not be waived.

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

#### **No. C-79-17**

Moved by: Councillor Verbeke  
Seconded by: Councillor Hammond

1. The provisional approval of Consent Application B-02-17 to add 0.297 ha (0.736 ac) of land to the residential lot located at 1518 Mersea Road 7 from the abutting farm parcel on the south side of Mersea Road 7 be supported by Council subject to the conditions listed in "Schedule A";

2. Zoning By-law Amendment Application ZBA #143 to change the zone of the severed lands from A1 to A5 be approved by Council; and
3. If no concerns are raised at the public meeting that amending By-law #13-17 be forwarded to Council for approval. (PLA-09-17)

Carried

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

### **1. Delegation, Essex Power Corporation, Update/Overview on Essex Powerlines and Presentation of the "Youth in Community Fund" cheque**

Ray Tracey, President and CEO, and Joe Barile, General Manager, of Essex Powerlines were in attendance to provide an Annual Update regarding Essex Power's activities and initiatives and to present a funding cheque for the Youth in Community Fund.

Mr. Barile thanked Council for the opportunity to attend and commenced his presentation, noting there has been a great deal of recent discussion regarding hydro rates. During his presentation Mr. Barile provided information on the impact of inflation on hydro bills, the portion of the bill controlled by the Province and the portion controlled by Essex Power. Mr. Barile also noted that Essex Power is one of the top third performing Local Distribution Companies (LDCs) in Ontario.

Following his presentation, Mr. Barile explained Essex Power has not forgotten where it came from, namely the Leamington PUC. He further explained the Youth in Community Fund has provided \$10,000 in funding each year it has been in existence and there are no restrictions on how the funding is spent. Essex Power only asks that the Municipality report how it has been spent.

Council was informed the Province recently announced a twenty five percent reduction in the Provincial portion of the bill which will commence in the summer.

In response to an inquiry from Council, Mr. Barile explained Essex Power has control over a portion of the bill, and has no way to affect the Provincial portion. Mr. Tracey further explained the portion of the bill controlled by Essex Power is set by the Board then sent to the Ontario Energy Board (OEB) for approval.

Mr. Tracey noted they have been prudent in keeping their distribution rate as low as possible and that eighty percent of the charges are "pass through" charges that are forwarded to the Province.

Mr. Tracey informed Council they assist in keeping customer bills down through conservation, including lighting conversions. He noted they lack control over the transmission and generation portions.

Mr. Neufeld explained that even if Essex Power completed all of the work that they did for free, the bill received by every customer would still be 81% of what it is today.

Mr. Tracey noted all other hydro costs have risen substantially while theirs have remained relatively low.

In response to an inquiry from Council, Mr. Barile explained while they do not have exact data, there are families and businesses that struggle to pay their hydro bills. He noted Essex Power is not in the business of disconnecting customers with unpaid bills. Mr. Barile further explained each case is reviewed on its own merit and there are a number of assistance mechanisms that the customers can be directed to and all of those avenues are exhausted prior to disconnecting hydro to a property. He noted a device can be installed to restrict the amount of hydro a property uses.

Mr. Tracey explained Leamington is supplied by both Essex Power and Hydro One, noting there are often very high bills in the rural area and that rural customers are affected the most by rate increases. Mr. Tracey informed Council that Essex Power does not have a rural rate class.

In response to an inquiry from Council, Mr. Tracey explained there are some areas in Leamington where one side of the road is serviced by Essex Power and the other side serviced by Hydro One. This is to do with licensing territories. He further explained that currently Essex Power serves approximately six thousand customers in the urban area and between three and four thousand customers in the rural area of Leamington. Mr. Tracey noted they have endeavored to obtain licenses to serve all customers in Leamington and will continue to pursue the ability to do so.

In response to an inquiry from Council, Mr. Tracey explained the conservation and demand targets are established by the Independent Electricity System Operator (ISEO) and are a part of their licence responsibilities.

Mr. Tracey noted the best kilowatt hour is the one that is not used. He explained that the "internet of things" allows new appliances that are "intelligent" and assist with conserving energy.

With respect to power outages, Mr. Tracey explained Essex Power customers get notifications when outages occur, when crews are being dispatched and the expected time of restoration of power. He noted most people can communicate through their phones and do not require the internet to receive the notifications.

In response to an inquiry from Council, Mr. Tracey explained the Rural and Remote Electricity Rate Protection charge has increased substantially in 2017. It is the portion of everyone's electrical bill that helps rural customers receive hydro service and is built into the distribution portion of everyone's bill. Mr. Tracey noted the amount of the charge will amount to approximately \$300 Million in 2017.

Mr. Tracey further explained the recently announced Fair Hydro Plan will be moving to the tax base and will affect other funding such as for infrastructure and other needs.

With respect to the Youth in Community Program, Mr. Tracey explained 2017 is the third year in a row that funding has been provided and he thanked administration for assisting with distribution of the funds.

Mr. Neufeld noted it was a good opportunity to introduce Geoff Stephenson, the new Supervisor, Membership Services and Marketing, at the Leamington Kinsmen Recreation Complex.

Mr. Tracey and Mr. Barile presented a cheque in the amount of \$10,000 to Council and representatives of Grade 9 students enrolled in the Leamington Kinsmen Recreation Complex Membership Program.

Council thanked Mr. Tracey and Mr. Barile for Essex Power's continued support of youth initiatives in Leamington.

**2. Report PW-02-17 dated March 29, 2017 regarding Construction of New Baseball Concession Facility Report**

Manager of Public Works Ken Brown reviewed the report, noting the Minor Ball Fundraising Committee raised over \$72,000. Mr. Brown introduced Jamie Nash and Ken Hamm who led the fundraising initiative.

Jamie Nash, 1729 Mersea Road 2, explained he and Mr. Hamm were the Co-Chairs of the Baseball Field House Foundation. He thanked Mayor Paterson, Rob Sharon, Peter Neufeld, Ken Brown and all other staff members that have assisted throughout the project and stated his hope that Council supports the recommendation before them that evening.

Ken Hamm explained that about a year ago they appeared before Council and committed to fundraising \$50,000. To date, over \$72,000 has been collected from approximately forty donors, including businesses and individuals. Mr. Hamm further explained at the conclusion of the project they would like to construct a donor wall that will recognize the generous donors.

Mr. Hamm noted Leamington Minor Ball is very excited about the new field house and thanked Council for moving the project forward.

Council thanked Mr. Nash and Mr. Hamm for their fundraising efforts.

No. C-80-17

Moved by: Councillor Hammond

Seconded by: Deputy Mayor MacDonald

1. The Mayor and Clerk be authorized to enter into an agreement with Barrinetti Construction, 1961 Road 3 East, Kingsville, ON, N9Y 2E5, to design and build the new concession facility at the Leamington Kinsmen Baseball Diamonds in the amount of \$407,000 plus HST. (PW-02-17)

**Carried**

**3. Report PW-01-17 dated March 29, 2017 regarding Purchase of Various Fleet Vehicles**

Manager of Public Works Ken Brown presented the report and confirmed that all of the lowest bids met the specifications included in the tender documents. He further confirmed the existing Building Department truck will be sold at auction and it is expected the funds from the sale will cover most of the over-expenditure.

In response to an inquiry from Council, Mr. Brown explained the recommendation that all future vehicles be white stemmed from a discussion among Administration. He further explained currently half of the fleet is white and the other half is red and following discussions there was a fairly unanimous decision to recommend to Council that the Municipal's fleet be converted to white.

Mr. Neufeld informed Council the recommendation to purchase white vehicles arose from informal discussion with Council members. The idea was brought to the senior management team in order to determine if there would be any cost implications to do so.

In response to an inquiry from Council, Mr. Neufeld confirmed there will not be a change in the logo. He further explained the Municipality previously applied for grant funding to update the Municipal logo, however the application was not successful and the Municipality is no longer looking at changing the logo at this time.

**No. C-81-17**

Moved by: Councillor Jacobs

Seconded by: Councillor Hammond

1. The purchase of one (1) 2017 Ford F550 diesel cab and chassis in the amount of \$46,509 (plus HST) from Victory Ford, Chatham, ON be approved;
2. The purchase of one (1) 2017 Ford F550 with Haul-All M-Class Collection Body in the amount of \$141,268 (plus HST), less the trade in of \$4,000 from Haul-All Equipment Systems, Lethbridge, AB be approved;
3. The purchase of two (2) 2017 Chevrolet Silverado 3500 pick-up trucks in the amount of \$69,306 (plus HST), less the trade in of \$8,000 from Reaume Chevrolet, LaSalle, ON be approved;
4. The purchase of one (1) 2017 Chevrolet Silverado 2500 pick-up truck in the amount of \$35,871 (plus HST) from Reaume Chevrolet, LaSalle, ON be approved;
5. The purchase of one (1) 2017 Chevrolet Silverado 1500 pick-up truck in the amount of \$29,332 (plus HST) from Reaume Chevrolet, LaSalle, ON be approved; and
6. All new vehicles to be purchased be white in colour. (PW-01-17)

**Carried**

**4. Report LLS-17-17 dated March 24, 2017 regarding Project Safe Trade**

Director of Legal and Legislative Services Ruth Orton, reviewed the report, noting the purpose of the program is to move online transactions, such as those negotiated on Kijiji, from private residences to a public space.

Ms. Orton explained Staff Sergeant Sakalo of the OPP presented information on Project Safe Trade to the Leamington Police Services Board at their February meeting. The Board was supportive of the program and recommended it be presented to Council for consideration.

In response to an inquiry from Council, Ms. Orton clarified there will not be an officer assigned to watch over the safety zone, but it is expected that criminal activity will be deterred due to the close proximity to the OPP detachment.

Ms. Orton noted the OPP have committed to purchasing the signs which will be installed by the Public Works department.

In response to an inquiry from Council, Ms. Orton confirmed there will be no enforcement of the use of the parking spot as there is no fine associated with parking there when not conducting an online transaction. Ms. Orton explained it is a courtesy that people will not park there unless using it for an online transaction.

**No. C-82-17**

Moved by: Councillor Wilkinson  
Seconded by: Councillor Jacobs

Council direct Administration to erect signage upon two parking spaces in the northwest corner of the Clark Street municipal parking lot identifying such spaces for the purposes of Project Safe Trade. (Report LLS-17-17)

**Carried**

**5. Report LLS-18-17 dated March 30, 2017 regarding Expropriation of a Portion of 971 Point Pelee Drive, Part 1 on Reference Plan 12R-26923 and Pelee Drive/Bevel Line Road Sanitary Sewage Collection System**

Director of Legal and Legislative Services Ruth Orton reviewed the report, noting the sewer project includes acquiring portions of land for the purpose of constructing pump stations.

Ms. Orton explained the power to expropriate lands is derived from the Municipal Act and that Council acts as the Approval Authority to do so.

Ms. Orton reviewed the other locations that were considered for the subject pump station and explained why it was determined they were not suitable locations.

Ms. Orton informed Council that due to time constraints related to the project grant funding it is necessary to proceed with the expropriation. She further explained to Council that the Municipality was advised by the solicitor for the property owners that a hearing was not required.

Mr. Orton explained if the application is approved by Council, the Expropriation Plan must be registered at the Land Registry Office.

In response to an inquiry from Council, Ms. Orton confirmed a portion of the pump station will be above ground however some consideration for buffering has been included in the project costs.

Ms. Orton explained the purpose of approving the application is to determine if the expropriation is sound, fair and reasonable. If the property owners are not satisfied with the compensation offered by the Municipality they may proceed to request a hearing in front of the Ontario Municipal Board. Ms. Orton explained that the compensation offered will be determined by an appraiser to be retained by the Municipality.

Ms. Orton confirmed that the Municipality will be in a position to obtain title of the land in ninety days from the Notice of Application for Approval to Expropriate Land.

**No. C-83-17**

Moved by: Councillor Jacobs

Seconded by: Councillor Dunn

1. The Corporation of the Municipality of Leamington, as the approving authority, hereby approves the Application made by The Corporation of the Municipality of Leamington, as the expropriating authority, to expropriate part of a Reserve, Registered Plan 858 in the Municipality of Leamington (formerly the Township of Mersea), in the County of Essex now designated as Part 1 on Reference Plan 12R-26923.
2. The reasons for the decision be prepared for review and execution by the Mayor and Clerk (Report LLS-18-17)

**Carried**

**Matters for Approval:**

**No. C-84-17**

Moved by: Councillor Hammond

Seconded by: Councillor Dunn

That the Minutes of the Leamington Accessibility Advisory Committee Meeting held February 15, 2017 be approved.

**Carried**

**Other Matters for Consideration:**

**Correspondence dated March 8, 2017 from Dave Van Kesteren, M.P., Chatham-Kent-Leamington regarding Small Campground Taxation Issue**

Mayor Paterson provided an overview of the correspondence, noting Mr. Van Kesteren is seeking Council support of the resolution.

There was a brief discussion regarding Council support of resolutions. Ms. Percy noted there is a policy stating that Council does not support proclamations of organizations, which does not apply in this case.

No. C-85-17

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Hammond

Whereas, camping is about celebrating the great outdoors and is an integral part of our nation's history and our identity as Canadians;

Whereas nearly 5.8 million Canadians go camping each year, along with numerous international visitors who want to experience the natural wonder of our country;

Whereas campgrounds are active, labour-intensive, recreational, hospitality businesses that provide an affordable vacationing option for middle-class Canadian families and international visitors with many campgrounds in Canada being family-run small businesses that have been around for generations;

Whereas campgrounds across Canada have begun receiving notices from the Federal government warning them of reassessments as they are deemed to be too small to qualify for the small business tax deduction, because many family-run campgrounds do not have the required number of employees to qualify for the small business tax rate;

Whereas some family-run campgrounds will now be taxed at triple the rate of other small businesses – rates higher than even Canada's biggest billion-dollar businesses, with penalties and interest, back tax bills will be in the tens of thousands of dollars, crippling otherwise healthy businesses, and leading to ruin for others;

Whereas the 2016 Federal budget abruptly concluded a promised 2015 review of these tax rules;

Now Therefore the Council of the Corporation of the Municipality of Leamington hereby respectfully urges the Federal government to set-aside these audits until the unclear and unfair application of these rules can be resolved.

And Further, to do that, we require the Federal government to recognize small, mostly family-run campgrounds as small businesses, and pay the same tax rate as other small businesses.

**Carried**

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

The Clerk reports that a closed meeting was held at 5:00 PM prior to the open session of Council pursuant to Subsections 239(2) (c) and 239 (2) (d) of the Municipal Act, 2001 for the purpose of considering two items:

Item #1

A Verbal Report from the Director of Legal and Legislative Services regarding Expropriation of a Portion of 971 Point Pelee Drive, Acquisition of Land pursuant to Subsection 239(2) (c) of the Municipal Act.

No direction was given on this matter.

Item #2

Confidential Report LLS-10-17 dated February 23, 2017 regarding Amendment to Employment Contract pursuant to Subsection 239(2) (d) of the Municipal Act.

Council gave direction to Administration on this matter.

Proper notice of the meeting was given.

The meeting adjourned at 6:08 PM.

**Notices of Motion:**

None.

**Consideration of By-laws:**

**No. C-86-17**

Moved by: Deputy Mayor MacDonald

Seconded by: Councillor Wilkinson

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

By-law 13-17 being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands ZBA 143, South Side Mersea Road 7 (PLA-09-17)

By-law 17-17 being a by-law to grant approval to an Application for the approval to expropriate a portion of 971 Point Pelee Drive, in the Municipality of Leamington (LLS-18-17)

By-law 18-17 being a by-law to appoint Municipal Law Enforcement Officers for the purpose of enforcing Dog Registration Compliance for the Municipality of Leamington

By-law 19-17 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held April 10, 2017

By-law 20-17 being a by-law to impose a special charge to raise part of the cost of the Erie Street South (Oak to Askew) Sewer Separation Project, pursuant to subsection 5(1) of Ontario Regulation 586/06 made under the Municipal Act, 2001

By-law 21-17 being a by-law to approve the undertaking of the construction of a sanitary sewer and installation of sanitary sewer service connections along Pelee Drive from Bevel Line Road (County Road 33) at Seacliff Drive East to the entrance of Point Pelee as a local improvement.

Carried

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

Councillor Verbeke congratulated Team Canada on their silver medal and thanked them for coming to Leamington to practice, noting that he looking forward to their return to the Municipality in the future.

Ms. Orton explained that further to the by-law that was passed earlier in the evening regarding dog tag enforcement, the Commissionaires will begin canvassing in Leamington on April 25, 2017 and will be in the Municipality for approximately one month. The Director of Legal and Legislative Services explained the officers will be in the area West of Erie Street and North of Oak Street.

Mayor Paterson informed those in attendance that on March 28, 2017 he and Mr. Neufeld met with representatives of the University of Windsor to discuss the possibility of science related programs taking place in Leamington.

Mayor Paterson noted he attended the Tourism Windsor Essex Pelee Island (TWEPI) awards on March 29, 2017, at which Point Pelee National Park received some awards.

Mayor Paterson noted the Warden's Luncheon was held on March 31, 2017.

Mayor Paterson noted he attended the 27<sup>th</sup> annual Gourmet Food and Wine Gala at the St. Clair Centre for the Arts on April 7, 2017. He further noted it was a great event, however there was not one representative from City of Windsor Council in attendance.

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

None noted.

**Adjournment:**

**No. C-87-17**

Moved by: Councillor Verbeke

Seconded by: Councillor Jacobs

That the meeting adjourn at 7:56 PM.

**Carried**

John Paterson, Mayor

Brenda M. Percy, Clerk

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

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

## **Special Closed Meeting Minutes**

**Monday, April 10, 2017 at 5:00 PM**

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

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**Members Present:** Mayor John Paterson  
Councillors: Bill Dunn, Larry Verbeke and Tim Wilkinson

**Members Absent:** Deputy Mayor Hilda MacDonald  
Councillors: John Hammond and John Jacobs

**Staff Present:** Clerk/Manager of Legislative Services, Brenda Percy  
Chief Administrative Officer, Peter Neufeld  
Director of Legal and Legislative Services, Ruth Orton

**Staff Absent:** Director of Infrastructure Services, Robert Sharon

Mayor Paterson called the meeting to order at 5:00 PM.

### **No. S-47-17**

**Moved by:** Councillor Dunn  
**Seconded by:** Councillor Wilkinson

That Council move into Special Closed Meeting of Council at 5:00 PM in the Ante Room pursuant to Section 239 of the Municipal Act, as amended, for the following reasons:

### **Matters for Consideration:**

1. Verbal Report from the Director of Legal and Legislative Services regarding Expropriation of Portion of 971 Point Pelee Drive, Acquisition of Land to be considered in closed session pursuant to Subsection 239(2) (c) a proposed or pending acquisition or disposition of land by the municipality or local board
2. Confidential Report LLS-10-17 dated February 23, 2017 regarding Amendment to Employment Contract to be considered in closed session pursuant to Subsection 239(2) (d) labour relations or employee negotiations  
(Report was forwarded as a separate file to Members of Council)

**Carried**

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

None noted.

**Matter for Consideration:**

**1. Verbal Report from the Director of Legal and Legislative Services regarding Expropriation of Portion of 971 Point Pelee Drive, Acquisition of Land**

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

No action or direction was taken.

Clerk/Manager of Legislative Services, Brenda Percy left the meeting at 5:15 PM.

**2. Confidential Report LLS-10-17 dated February 23, 2017 regarding Amendment to Employment Contract**

Chief Administrative Officer, Peter Neufeld, provided comments and left the meeting at 5:17 PM.

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

**No. S-48-17**

Moved by: Councillor Jacobs  
Seconded by: Deputy Mayor MacDonald

Council direct Administration to prepare an amendment to the terms of an Employment Agreement in accordance with Confidential Report LLS-10-17 and bring forward the same to Council at a future closed session meeting.

**Carried**

**Adjournment:**

**No. S-49-17**

Moved by: Councillor Hammond  
Seconded by: Councillor Dunn

That the meeting adjourn at 6:08 PM and move into public session.

**Carried**

John Paterson, Mayor

Brenda M. Percy, Clerk

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

## Meeting to Consider

April 7, 2017

To: All Affected Owners

Dear Sir or Madam:

**Re: Engineer's Report - Reid Drain - 9<sup>th</sup> Concession West Branch  
New Access Culverts  
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 BairdAE Engineering Inc. dated March 15, 2017, a copy of which is attached, was filed with the Clerk of the Municipality of Leamington on March 15, 2017, and **will be considered** at a meeting of the Leamington Council:

**Date: Monday, April 24<sup>th</sup>, 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

/Is  
Attach.

## Report

**To:** Mayor and Members of Council  
**From:** Lu-Ann Marentette, Drainage Superintendent  
**Date:** March 29, 2017  
**Re:** Reid Drain 9<sup>th</sup> Concession West Branch  
2 New Access - 2492309 Ontario Limited  
Part Lot 6, Concession 8 (Essex Road 14)

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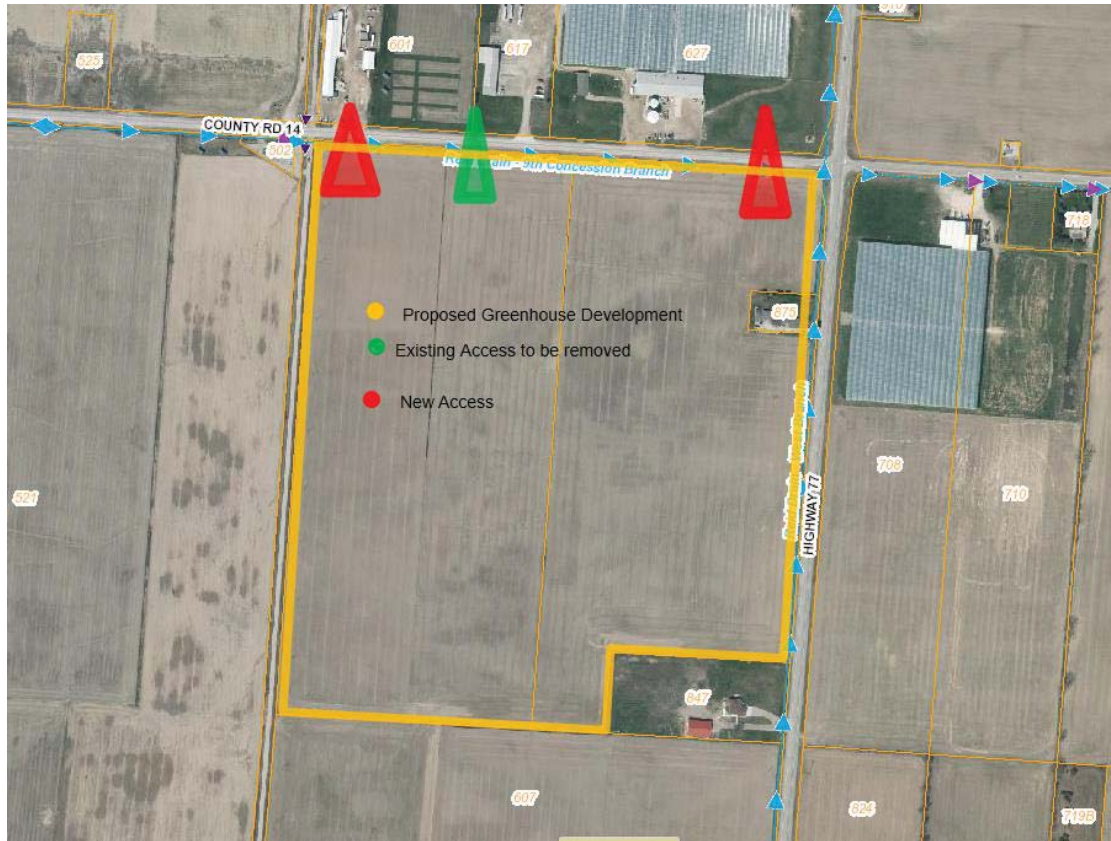
### Recommendation:

It is recommended that:

1. The report provided by Baird AE Inc., dated March 15, 2017, for 2 new access culverts over of the Reid Drain - 9<sup>th</sup> Concession West Branch, 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 \$21,900 (Culvert 1 and removal of existing culvert), that the Mayor and Clerk be authorized to award the tender and enter into necessary agreements; and
3. By-law 23-17 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 23<sup>rd</sup> day of May, 2017, and that Halliday Pearson, 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-07-17)

### Background:

Administration received a request from 2492309 Ontario Limited, on December 5, 2017, to install 2 new access culverts for their proposed greenhouse development at 620 Essex Rd 14. 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.



#### Location of Access culverts

#### Comments:

The appointed engineer has designed 2 new culverts and the removal of the existing culvert.

Secondary access crossings are acceptable under the Drainage Act, however, under the OMAFRA ADIP policy, each property is entitled to one grantable crossing over each municipal drain. The engineer has determined that the existing access is not “in need” of replacement so the cost to remove and relocate a new entrance will be 100% assessed to the owner. Future maintenance on this culvert should be cost shared, however, since these parcels are being removed from the Reid Drain - 9<sup>th</sup> Concession Branch, an engineer’s report under Section 76 would have to be created to assess costs strictly on this entrance. The landowner has agreed to pay all future maintenance costs as per the report, and eligible for ADIP grant. The second entrance will be assessed 100% to the owner.

Administration has given the Developer permission to install Culvert #2 as noted in the engineer’s report prior to this report being approval and finally adopted under by-law.

#### Financial Impact:

A deposit in the amount of \$8,000 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 credit.

This project is included in the 2017 budget, and all costs will be assessed to the landowner, 2492309 Ontario Limited, Roll # 800-05100 and 800-05300 (These numbers will merge with site plan approval). The latest estimate of costs is \$59,455.

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: 2017.04.21 10:29:26 -0400

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, Baird AE - dated March 15, 2017- under separate cover

File: T:\Community Services\Community Services\Community Services Council Reports\2017 Report\Drainage\DR-07-17\DR-07-17 - Reid Dr - 9th Conc- Double Diamond Access.doc

## NOTICE OF PUBLIC MEETING

Re: Proposed Zoning Bylaw Amendment  
ZBA-146 - Building Bridges, Project X (Applicant)  
302 Sherk Street  
Youth Engagement Centre

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**TAKE** notice that the Council of the Corporation of the Municipality of Leamington will hold a public meeting concerning the above-mentioned proposed zoning bylaw amendment under the provisions of the Planning Act, R.S.O. 1990 on **Monday April 24, 2017 at 6:00 pm** in the Council Chambers at the Municipal Building.

The applicant, 'Building Bridges, Project X', is proposing to amend the Municipality of Leamington's Zoning Bylaw 890-09 in order to permit a youth engagement centre and accessory uses as well as uses ancillary thereto as additional permitted uses for the property at 302 Sherk Street. The adaptive re-use of the existing building, formerly occupied by St. Joseph's Church, for purposes of a community centre, is already permitted under the site specific 'Institutional 8 (I-8)' zoning that currently applies to the site. The applicant is also proposing to amend the I-8 zoning to permit residential accommodations in combination with the youth engagement centre as an additional permitted use for the subject property.

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

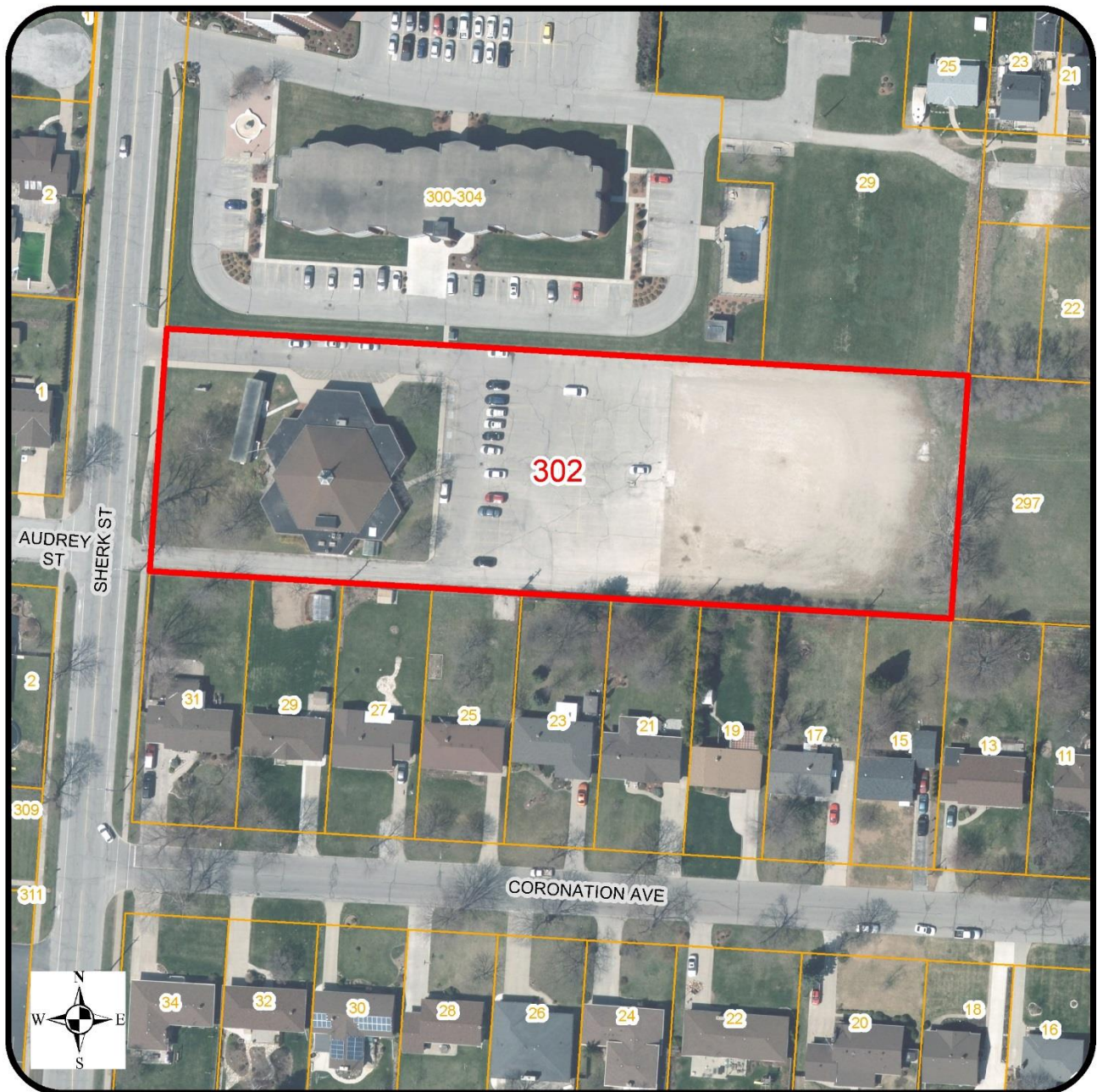
**If a Person** or public body does not make oral comments at the Public Meeting or make written comments to the Corporation of the Municipality of Leamington before the bylaw is passed, the person or public body is not entitled to appeal the decision of Council of the Corporation of the Municipality 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 bylaw 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.

Please note that the applicants are also planning to host a Public Open House in regard to this proposal. The Open House is **NOT** the same as the Public Meeting of Council mentioned in the two (2) preceding paragraphs. If you have concerns that you wish to bring forward to Council, you **MUST** either attend the April 24, 2017 Public Meeting or contact the Planner to discuss other options.

**Additional Information** relating to the proposed Zoning Bylaw Amendment is available for review at the Municipal Office for the Corporation of the Municipality of Leamington during regular office hours. Please contact Heather (Ross) Jablonski, MCIP, RPP, Planner, at [hjablonski@leamington.ca](mailto:hjablonski@leamington.ca) or 519-326-5761, extension 1415, for further information.

**DATED** at the Municipality of Leamington this 4<sup>th</sup> day of April, 2017.



 Subject Property



## Report

**To:** Mayor and Members of Council

**From:** Heather (Ross) Jablonski, Planner

**Date:** April 11, 2017

**Re:** Public Meeting for Zoning Bylaw Amendment ZBA #146  
Applicant - Building Bridges, Project X Christian Community  
302 Sherk Street (230-11500)

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### Recommendations:

It is recommended that:

1. Zoning Bylaw Amendment Application ZBA #146 be approved to amend the current site-specific Institutional Zone (I-8) for 302 Sherk Street to permit a youth engagement centre, including accessory residential accommodations and other accessory uses, as additional permitted uses for the subject lands be approved;
2. If no concerns are raised at the public meeting, amending By-law 24-17 may be presented at the Monday April 24, 2017 Council meeting for Council consideration.

### Purpose:

The purpose of this report is to provide Council and the public with information regarding Zoning Bylaw Amendment Application ZBA #146 for the statutory public meeting being held on April 24, 2017 in regard to this matter. ZBA #146 proposes to amend the current site-specific Institutional Zone (I-8) for 302 Sherk Street, in order to permit a youth engagement centre, including accessory residential accommodations and other accessory uses, as additional permitted uses for the subject lands.

This statutory public meeting has been advertised in accordance with Planning Act requirements and there may be interested parties who wish to speak directly to Council about this proposed rezoning. Through the public notice, members of the public have been invited to attend the April 24, 2017 public meeting.

## Background:

The Municipality of Leamington has received a rezoning application for the lands known municipally as 302 Sherk Street, situated on the east side of Sherk Street, just north of Coronation Avenue. The Key Map below shows the location of this property. The subject lands, which have an area of 0.95 hectares (2.35 acres), are currently occupied by a vacant building, formerly used as St. Joseph's Church. The church vacated the building once the reconstruction of and addition to St Michael's Church on Elliott Street was complete. For the last few years, the subject property has been for sale. Building Bridges, Project X Christian Community, has now purchased the property and they are planning to re-adapt and re-use the existing building for purposes of a youth engagement centre in order to provide the necessary services, including counselling, education, accommodations, etc., to help the youth in our community who have been identified as being without a safe place to call home.



**Key map of subject property located at 302 Sherk Street**

To the immediate north of the subject property fronting onto Sherk Street are two apartment style multiple residential dwellings. To the immediate west and south are well

established single detached residential areas along Audrey, Claire and Jane Streets and Coronation Avenue. Lastly, to the east is the Bank of Montreal, which fronts on Erie Street South. In the general vicinity of this property are a variety of land uses, including other churches, the Sherk Complex, Seacliff Park, various commercial uses and more residential development of varying densities. The subject property is located in an area serviced by municipal water, sanitary and storm services. It is also noted that Sherk Street functions as an arterial road.

The subject lands are currently designated Residential on Schedule A-6C of the Municipality of Leamington Official Plan (OP) and zoned Institutional I-8 on Map 47 of Zoning Bylaw 890-09, as amended. The Residential designation permits all types of residential uses as well as ancillary uses which serve the needs of a residential community. The former church was permitted in this location as it served the needs of the local residential community. Other types of uses that are permitted in the Residential designation include institutional and public open space type uses such as schools, parks, day care centres, etc.

### **Proposal**

The I-8 zoning category is specific to the property at 302 Sherk Street, and was created in 2014 in order to permit a temporary office trailer on the church property while St. Michael's Church was under construction. This trailer provided additional office and meeting space for church-related activities in a location that was in close proximity to the main building during the construction period. The trailer was permitted for an 18 month period and it expired as a permitted use in February of 2016. Prior to the I-8 zoning district being created, the subject lands were zoned Institutional (I). The I-8 zoning category includes all of the same permitted uses that are allowed under the general I Institutional zoning category in addition to the temporary office trailer use which has now expired.

The proposed youth engagement centre is proposed to be comprised of both institutional and residential components. The current I-8 zoning permits a variety of institutional uses, some of which are churches, day care centres, museums, hospitals and clinics, cultural institutions, schools, community centres, assembly halls and uses that are accessory to these uses. The youth engagement centre is a type of community centre, which is defined under the Zoning Bylaw as "any tract of land and the buildings thereon used for community activities and not used for commercial purposes, and the control of which is vested in the Corporation of the Municipality of Leamington, a non-profit organization, a local board or agent thereof". Building Bridges, Project X Christian Community, is a non-profit organization and the activities that will take place in the facility include community activities. Accordingly, the community centre component of facility is already a permitted use under the I-8 zoning of the Municipality's Zoning Bylaw.

The applicants are proposing to create a one-stop facility or hub that provides the various necessary social services, counselling and residential accommodations for homeless youth from and in our community. The residential component of the facility is proposed to consist of a 2-storey building with rooms for temporary or short term accommodations and bachelor and 1-bedroom apartments. The exact number of rooms/units nor the number of persons who will be occupying those unit has not yet been confirmed, however, preliminary plans showed 13 bachelor and/or 1-bedroom units along with 11 rooms for short term stays. The residential component of the proposed facility is not currently permitted in the I-

8 zoning category, even though the subject lands are designated Residential under the Official Plan. Accordingly, the applicants have submitted an application to amend Zoning Bylaw 890-09 in order to add a youth engagement centre as an additional permitted use for the subject property. It is being requested that a youth engagement centre be allowed to include a residential component that would be accessory to the community centre use. More specifically, the residential component would only be allowed as part of and on the same property as a community centre use and only on the subject lands. The proposed definition is as follows:

**“YOUTH ENGAGEMENT CENTRE** shall mean an institutional facility, funded in whole or in part under an act of the Parliament of Canada or the Province of Ontario or by a not-for-profit organization, with a focus on the provision of various social services to youth. It is a multi-service and multi-agency hub providing a wide range of services for youth in a single location and may include accessory dwellings specifically for the housing of youth participating in the social services provided by the Youth Engagement Centre. Other accessory uses may include services that exclusively support and/or complement the Youth Engagement Centre by providing opportunities for the practicing of life skills.”

## **Comments:**

### **Provincial Policy Statement (PPS)**

The Provincial Policy Statement (PPS) specifies that there shall be provision for an appropriate range and mix of housing types and densities to meet the social, health and wellbeing requirements of current and future residents, including those with special needs and those who are vulnerable. Those youth in Leamington who are homeless fall within this category as they have special needs and they are vulnerable. The PPS also states that residential intensification is to be encouraged, as well as the adaptive reuse of existing buildings. Further, the PPS specifies that healthy liveable communities are to be provided through the efficient use of land that provide for a mix of residential, employment, recreation, parks and open space and institutional uses to meet long term needs of community residents.

The central location of the proposed youth engagement centre will provide for a walkable healthy community for those using the facility. Both Cardinal Carter and the new Leamington District Secondary Schools will be within walking distance, thus providing the opportunity for school-age residents to remain enrolled in school. There are also parks and shopping facilities within walking distance of the site.

This proposal is consistent with all of these policies of the PPS.

### **County of Essex Official Plan 2005 (County OP)**

The subject lands are located within a primary settlement area, which is a built up area that has been designated in the local OP as being appropriate for development and/or redevelopment. Most areas within primary settlement areas are either serviced or capable of being serviced. Development within these areas is encouraged to be compact, contain a mix of uses and use services, land and resources efficiently. The proposed youth engagement centre conforms to the policies of the County OP.

## **Leamington Official Plan 2008 (OP)**

The proposed zoning bylaw amendment to add a youth engagement centre with accessory residential accommodations conforms to the Residential policies of the Municipality's OP, which state that all types of residential uses are permitted on lands that are designated Residential. Sections 3.2.2 and then 2.11 of the OP provide for the consideration of criteria that are should be satisfied regarding proposed amendments such as this one. More specifically, adequate parking, vehicular access, tree planting, landscaping, buffering and site and building design are required in order to create an attractive appearance and ensure compatibility with adjacent and/or surrounding land uses. In addition, suitable arrangements must be made for water supply, sewage disposal, storm drainage and other such services. While the subject lands are within a fully serviced area of the municipality, the remaining matters are more appropriately dealt with under the site plan control process. It is anticipated that the applicants will have no difficulty satisfying these requirements.

Accordingly, Administration is of the opinion that the proposed residential accommodations for homeless youth conform to the Residential policies of the OP.

## **Other Comments**

The applicants have submitted a preliminary site plan with their rezoning application in order to illustrate how they propose to utilize the site (see attached Figure 1). A new 2-storey building will be constructed to provide the residential accommodations. The new building is to be located to the east of and behind the former church building which is to be used for the non-residential component of the facility.

Since a community centre is already a permitted use for the subject lands, the applicants have proceeded with a building permit to change the use of the building and property from a church to a community centre. Work on the interior of the former church is currently underway, and is hoped to be complete by September 2017. Should the rezoning application be approved by Council, the applicants will then proceed with the necessary permits for the residential component of the facility. Site plan approval will also be required before the residential building can be constructed. Landscaping and site modifications will be need to be provided to ensure compatibility and integration into the surrounding community. Screening with fences and landscape buffers should be provided to ensure compatibility with the neighbourhood. It is noted that the site plan control application will be reviewed and input will be provided by the various municipal departments and other agencies. Consideration will be given at that time to matters such as on-site parking, access, landscaped open space, setbacks and proper servicing, including storm water management. It is also noted that the proposed residential building will be designed to comply with the current Zoning Bylaw regulations.

There is a large parking lot to the rear of the former church, the front part of which is hard surfaced. This large parking lot was required to accommodate the influx of vehicles at the time of church services. Most of the time, this parking lot was empty. The Municipality's Zoning Bylaw does not have a specific parking requirement for community centre uses, however, the Bylaw does specify that parking for uses not listed shall be in accordance with the site plan, once it has been approved. According to the Planning Justification Report submitted by the applicants, very few, if any, of the program participants and/or

residents expected to attend and reside at the youth engagement centre will have vehicles. The applicants have confirmed that there are approximately 75 parking spaces currently existing on the paved portion of the site along with just as many on the rear gravel area. This appears to comply with the parking requirements for a church or place of assembly. The preliminary site plan in the attached Figure 1 shows the provision of 12 paved parking spaces and 16 additional overflow parking spaces. It is suggested that a minimum parking requirement of 28 parking spaces, as preliminarily shown on the attached site plan, should be established for a youth engagement centre use on the subject lands. This parking requirement can be incorporated into the I-8 zoning category. It is also recommended that all on-site parking be paved.

Building Bridges, Project X Christian Community, is planning to apply for additional funding through the Social Infrastructure Fund Rental Housing capital component of the Investment in Affordable Housing programme. In July 2016, Council agreed in to participate in this programme by providing property tax relief for such projects. More specifically, under this programme, property taxes for such facilities and their properties are required to be set at a rate equivalent to or lower than the single residential rate for the municipality for the 20 year duration of the programme. Should the applicants be successful, Council will be asked to pass a bylaw which will have the effect of assessing the Building Bridges facility and property as a single dwelling unit. A further report to Council and accompanying bylaw will need to be prepared to deal with this matter.

## **Conclusion**

Notice of this public meeting for consideration of Zoning Bylaw Amendment ZBA #146 was provided in accordance with the regulations of the Planning Act. The notice was delivered to property owners with 120 metres (400 feet) of the subject lands and signs were posted on the site on April 5, 2017. The notice has also been posted on the Municipality's website. We have received several phone calls and email messages as of the time this report was prepared, however, there have been no expressions of opposition. In fact, most of the phone calls indicated strong support of the proposed development. Administration will provide a verbal update to Council at the public meeting in regard to any comments that are raised between now and the public meeting. It is anticipated that there will be area residents in attendance at the April 24, 2017 public meeting. Some of these residents may wish to express their comments and/or concerns directly to Council.

This application has also been circulated for comments to the various municipal departments as well as to other government agencies. At the time this report was prepared, no objections had yet been received as a result of circulation and issuance of the public notice.

Based on the information we have received to date, Administration is of the opinion that the proposed rezoning application to permit a youth engagement centre, accessory residential uses and other uses accessory thereto is consistent with the PPS and conforms to both the County and Leamington OP's. The purpose of this public meeting is to provide the community with an opportunity to comment on the proposed rezoning. Such comments will then be taken into consideration and a further report to Council will be prepared for the next regularly scheduled Council meeting. At that time, recommendations and a draft amending zoning bylaw will also be submitted to Council for their consideration.

It is noted that the applicants have indicated that they would like a decision to be made on this rezoning application at the April 24, 2017 Council meeting. They will speak directly to this matter at the public meeting. Should there be no concerns raised by the community, the amending bylaw could be passed at the Council meeting. A draft amending bylaw will be available should Council wish to move forward with such approval.

### Financial Impact:

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

Respectfully submitted,

Heather (Ross) Jablonski, MCIP, RPP  
Planner

Paul Barnable

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of Leamington, ou,  
email=pbarnable@leamington.ca,  
c=US  
Date: 2017.04.20 15:54:32 -04'00'

Paul Barnable  
Director of Community & Development Services

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Attachments: Figure 1 - Preliminary Site Plan

T:\Planning\Council Reports\2017\PLA-12-17 ZBA 146 - 302 Sherk Street - Building Bridges, Project X\PLA-12-17 302 Sherk St. - Building Bridges - Final.doc

Danielle  
Truax

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DN: cn=Danielle Truax,  
o=Municipality of Leamington,  
ou=Planning Dept,  
email=dtruax@leamington.ca,  
c=CA  
Date: 2017.04.20 14:44:33 -04'00'

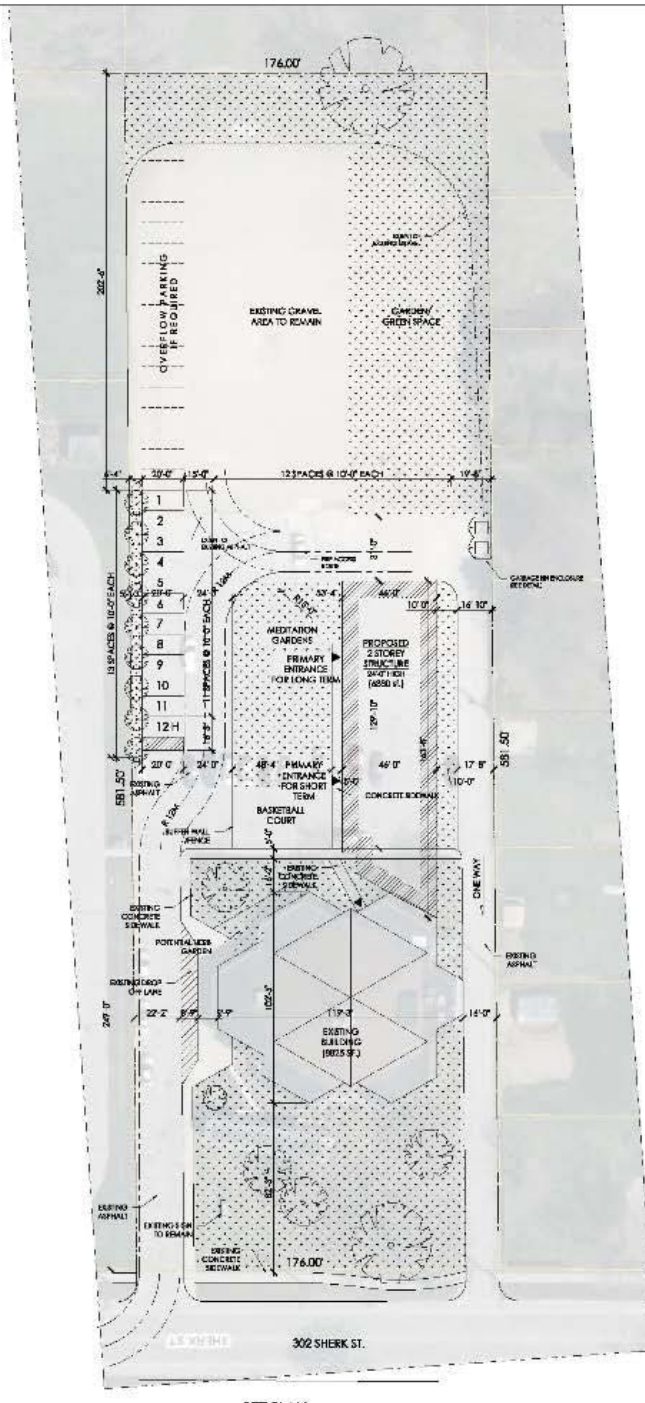
Danielle Truax  
Manager of Planning Services

Peter Neufeld, Chief  
Administrative Officer

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Administrative Officer  
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o=ou, email=pneufeld@leamington.ca, c=CA  
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Figure 1

ZBA-146 – Preliminary Site Plan  
 Building Bridges, Project X  
 Proposed Youth Engagement Centre  
 302 Sherk Street





## Report

**To:** Mayor and Members of Council

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

**Date:** April 18, 2017

**Re:** Site Plan Amendment  
40 Seacliff Drive (330-00160)  
1933877 Ontario Inc. (Seacliff Heights)

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### Recommendation:

It is recommended that:

1. Council approve further revisions to the 2015 site plan for the residential apartment building located at 40 Seacliff Drive; and
2. The Manager of Planning Services be authorized to execute the necessary amendment to the site plan control agreement. (PLA-13-17)

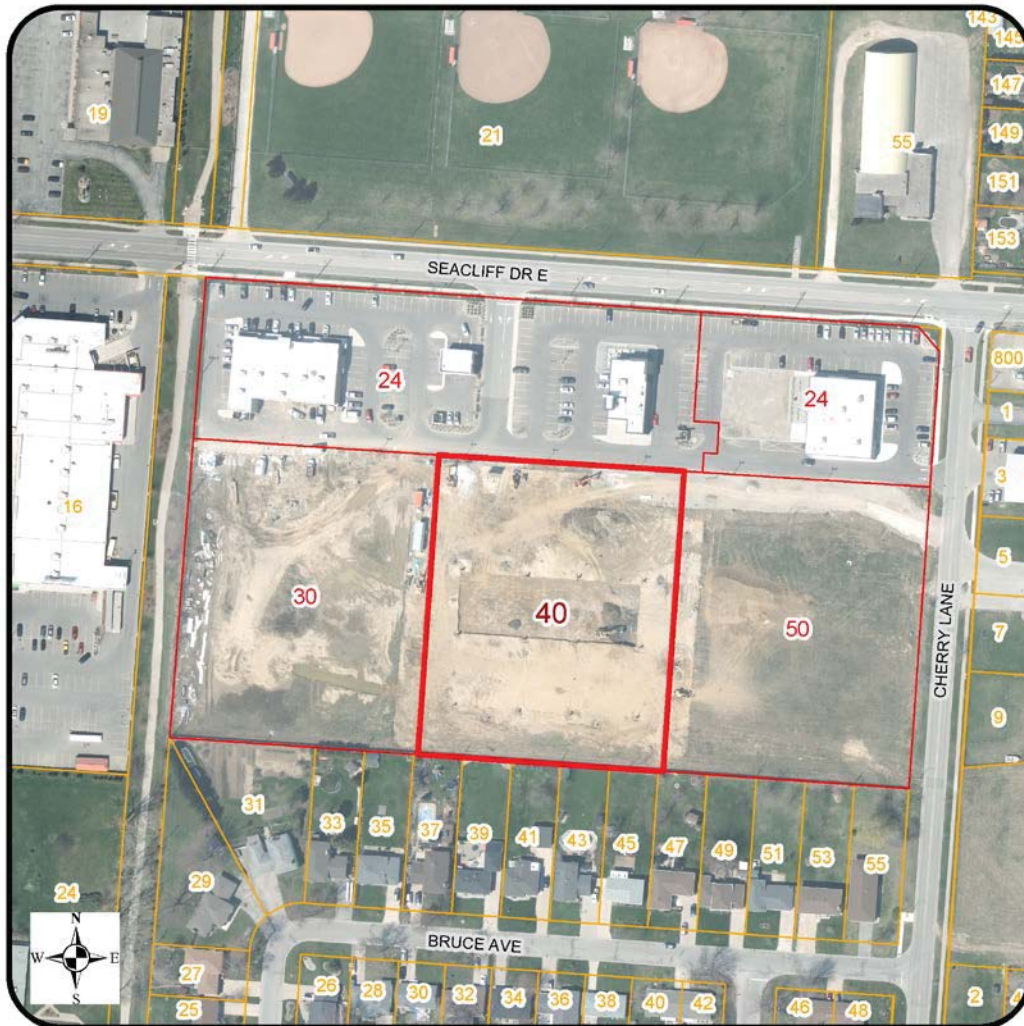
### Background:

In 2015 Council approved the site plan for the development of a 6 storey, 106 unit apartment building which included surface and underground parking spaces, a covered parking structure, an outdoor amenity area including a pool and recreational building and the required buffering to the residential area to the south of 40 Seacliff Drive East (see inserted key map). Upon Council approval, the applicant entered into the standard site plan agreement and provided the required fees and securities to the Municipality.

The development of the subject property was the result of several applications including, Official Plan Amendment # 4, Zoning By-law Amendment ZBA #113 and Consent Applications B-11-12-13-15.

The property is now designated as Erie Street South Commercial District on Schedule A-6E of the Official Plan as amended by OPA# 4. OPA #4 established Special Policy Area #1 for the lands known as 30, 40 and 50 Seacliff Drive East, and permitted residential uses on the ground floor within the this portion of the commercial property. The property is zoned,

Commercial Highway (C2-16) Zone on Map 59 to Zoning By-law No. 890-09. The zoning of the subject property was changed from C2 to C2-16 to include residential and nursing home/long term care facility uses and to establish site specific zone provisions, setbacks and parking requirements.



**40 Seaclyff Drive East**

#### Minor Variance A-13-16

As the project proceeded towards completion, it was noted that the parking spots had not been provided as required under the C2-16 zone provisions. The owner applied for a Minor Variance to obtain relief from the required number of parking spaces to be provided on-site under the C2-16 zoning provisions from 158 spaces plus 3 barrier free to 160 total parking spaces. After a detailed review of the site plan provided, The Committee of Adjustment granted the variance to allow 156 standard parking spaces and 4 barrier free spaces subject to the applicant submitting a revised site plan showing the actual parking space layout.

During the review and site inspections for the application, it was also noted that a permanent generator had been erected on the west side of the apartment building that was not shown on the approved site plan.

#### Minor Variance A-01-17

Upon submission of the final revised site plan, it was noted that the dimensions of the parking spaces did not match the 2015 site plan or those shown on the site plan submitted with Minor Variance A-13-16. A subsequent minor variance was necessary to permit a reduction in the minimum required size of a parking space, as defined in Section 3.190 of Zoning By-law 890-09, as amended, from 3 metres (9.84 feet) by 6 metres (19.68 feet) to varying sizes as shown on the site plan dated December 1, 2016.

Comments were provided by Engineering Services that noted the parking lot area was correctly sized to allow for proper turning movements, however that the lines had been painted on the ground incorrectly. The applicant indicated that the variance had been submitted as it would have been a hardship to both themselves and the residents to require that the lot be repainted correctly.

The Committee of Adjustment granted the variance to allow the reduction to the required parking space dimensions for the standard and barrier free spaces within both the surface and underground parking areas as constructed and directed at its February 28, 2017 meeting that the required site plan amendment be presented to Council for consideration.

The applicant has also submitted a subsequent Plan of Condominium Application (Seacliff Heights 2017) and request for exemption from draft approval for the subject property. The amended site plan agreement is necessary in order to ensure that all interests of the Municipality have been addressed and are in compliance with Zoning By-law 890-09, as amended for consideration of the pending Plan of Condominium Application.

#### **Comments:**

The applicant has now submitted a site plan prepared by Baird AE and dated December 1, 2016 which shows all on-site features and buildings as required and is attached as Figure 1.0 'Site Plan 2017' to this report.

The site plan amendment will delete 'Schedule C - Site Plan' from the agreement dated 2015 and replace it with the revised site plan. All other provisions of the 2015 site plan agreement, including the requirement to provide buffering and landscaping on-site remain in effect and no other changes are required.

#### **Financial Impact:**

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

Securities for the development are being held and will be returned in accordance with the process outlined within the Municipality's Development Standards Manual.

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: 2017.04.20 10:27:15 -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,  
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Paul Barnable  
Director of Community and Development Services

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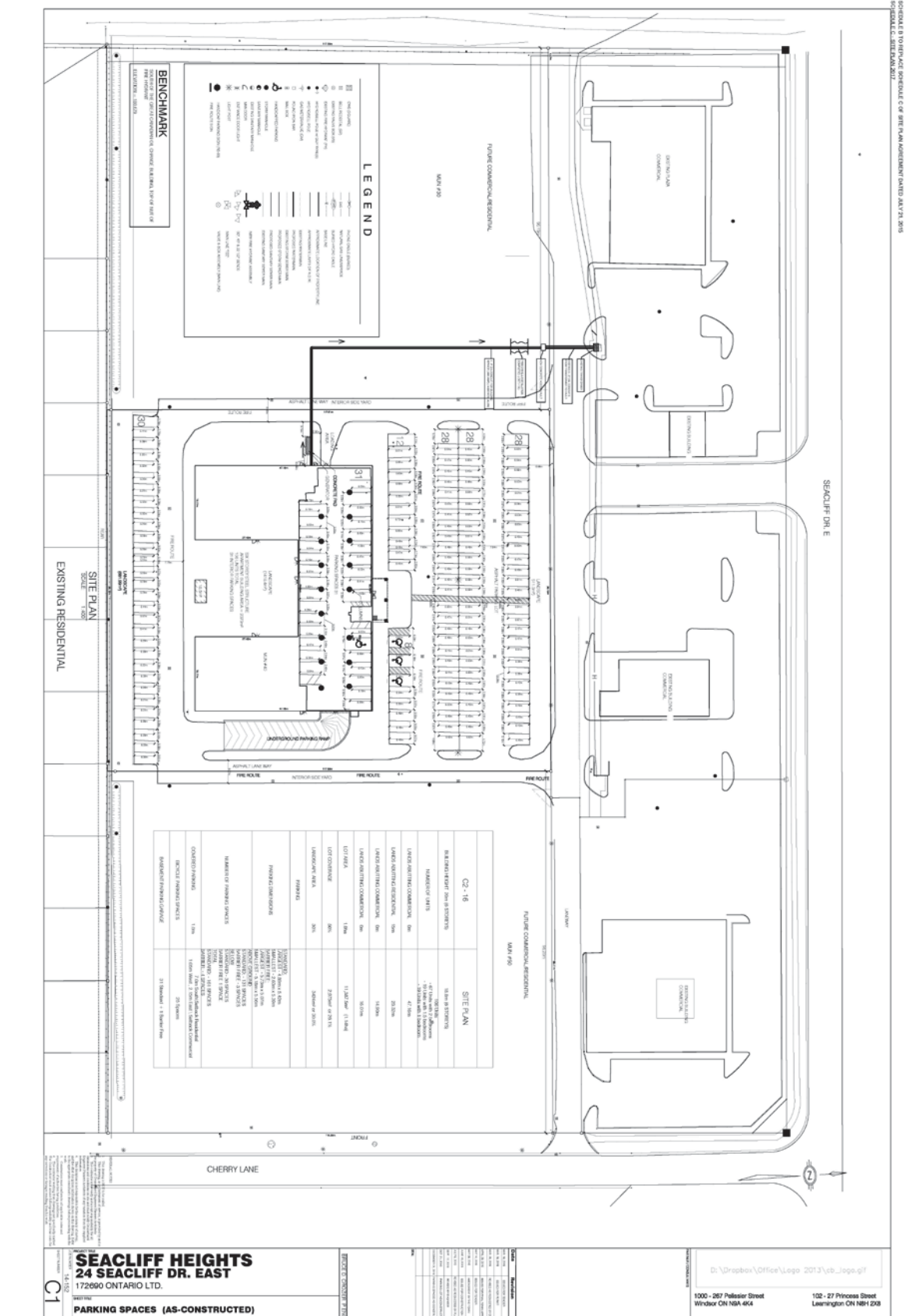
Attachments: Figure 1.0 Site Plan 2017

Peter Neufeld, Chief  
Administrative Officer

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Administrative Officer  
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o=, ou, email=pneufeld@leamington.ca, c=CA  
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## Figure 1.0 Site Plan 2017





## Report

**To:** Mayor and Members of Council

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

**Date:** April 18, 2017

**Re:** 40 Seacliff Drive East (330-00160)  
Plan of Condominium (Seacliff Heights)  
Request for Exemption from Draft Approval

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### Recommendation:

It is recommended that:

1. Plan of Condominium Application (Seacliff Heights) to create 106 condominium units and common areas at 40 Seacliff Drive East be supported;
2. The request to exempt the Plan of Condominium from the requirement for draft approval be supported; and
3. Council's resolution of support of the exemption from the requirement for draft approval and the Plan of Condominium (Seacliff Heights 2017) be forwarded to the County of Essex. (PLA-14-17)

### Background:

Seacliff Heights is a 106 unit multi-residential building that has received several Council approvals under the provisions of the Planning Act in 2015 through 2017. During consideration of the original Official Plan and Zoning By-law Amendment applications it was noted that it was the intent of the owner to submit an application for a plan of condominium upon construction. Most recently, planning report PLA-13-17 provided details on the amendment to Schedule C of the site plan agreement which was originally approved in 2015 which was necessary to ensure the site plan agreement reflected what has been constructed on the ground and that those changes were approved by the Municipality.

The property includes the existing 6 storey building which contains 106 units, as well as common areas for 156 standard and 4 barrier free parking spaces, indoor and outdoor amenity areas and a generator enclosure. The property is 1.13 ha (2.79 acres) in area resulting in a density of 93 units per gross hectare. This development is considered high

density based on the residential land use policies of the Official Plan and was found to meet the criteria to allow the specified number of units during the consideration of OPA# 4. The property has no physical frontage along either Seacliff Drive or Cherry Lane, however has obtained easements to allow for the necessary reciprocal access and parking over the abutting sites at 24, 30 and 50 Seacliff Drive.

## **Comments:**

Administration received the application and fee for approval of a Plan of Condominium for the property located at 40 Seacliff Drive East on October 6, 2016, including a request to exempt the application from the need for draft approval received on December 8, 2016.

A Plan of Condominium establishes ownership of a property including specific units, as well as the elements to be owned commonly including but not limited to parking areas, corridors within a building, elevators, and operational systems within the building. A plan of Condominium allows individual ownership of units and the establishment of a corporation to pay for the maintenance of the common elements of the property. Applications to consider approval of a Plan of Condominium are subject to the provisions of Sections 51, 51.1 and 51.2 of the Planning Act and are subject to obtaining draft approval from the approval authority, the County of Essex. This would typically include receipt of a complete application, public consultation, an appeal period, the issuance of draft approval with conditions by the approval authority and final approval of the plan upon satisfaction of the conditions.

The Condominium Act, 1998 provides the approval authority with an option to exempt an application for a plan of condominium from the steps involved with obtaining final approval.

Administration is in a position to support the request to exempt the Plan of Condominium application for 40 Seacliff Drive East (Seacliff Heights) based on the following matters which have been taken into consideration:

- i. The applicant has pre-consulted with the County of Essex and Municipality of Leamington of their intent to apply for a plan of condominium for 106 residential units and common areas;
- ii. The municipality has received a complete application and fee for consideration of a plan of condominium;
- iii. The development meets the criteria established in section 51 of the Planning Act for consideration of a plan of subdivision, including the Provincial Policy Statement 2014 which is also applicable to applications for plan of condominium;
- iv. The development conforms to the land use policies of the Official Plan and contributes to the provision of a mixture of housing forms within a fully serviced urban area;
- v. The development complies to the provisions of Zoning By-law 890-09, as amended by By-law 476-15;
- vi. The application is supported by the Planning Justification report received in consideration of Official Plan No. 4 and Zoning By-law Amendment #113 prepared by Karl Tanner, Planner, Dillon Consulting Ltd. dated as amended March 26, 2015;

- vii. The building has been constructed in compliance with the applicable Building Code and Fire Protection regulations for a condominium; and
- viii. Upon execution and registration of the site plan agreement amendment which has been recommended for approval in planning report PLA-13-17 there are no additional conditions of draft approval required by the Municipality.

As a side note, to date, the multi residential property located 40 Seacliff Drive has not been assessed by Municipal Property Assessment Corporation (MPAC). Under the Assessment Act, MPAC may assess the current year plus the preceding two years based on date of occupancy. If the property was currently assessed a multi residential (MT) tax rate of 1.894802 would be used to calculate the general tax levy. When the condo assessment is completed, the property will be taxed at the residential tax (RT) rate of 0.969010. Given there is no current assessment value, the taxation revenue impact of this change is not able to be determined.

### **Financial Impact:**

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

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer

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o, ou, email=pneufeld@leamington.ca, c=CA  
Date: 2017.04.20 16:16:23 -04'00'

Danielle Truax  
Manager of Planning Services

Paul Barnable  
Director of Community and Development Services

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Attachments: none

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## Report

**To:** Mayor and Members of Council

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

**Date:** April 3rd, 2017

**Re:** Reid Drain - 9<sup>th</sup> Concession Branch Section 65 - Changes in Assessment to Roll Numbers 800-05100, 800-05300 - 2492309 Ontario Ltd. (Double Diamond)

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### Recommendation:

It is recommended that:

1. The Engineer's Report for the Change of Use to the Reid Drain - 9<sup>th</sup> Concession Branch prepared by Baird A.E., dated March 7<sup>th</sup>, 2017, be adopted by Council pursuant to the provisions of the Drainage Act, Section 65(3) (DR-08-17).

### Background:

On December 8<sup>th</sup>, 2016 Administration received a request from the owner to change the assessment for their development from vacant farmland to greenhouse development. In December 14<sup>th</sup>, 2017 administration appointed Baird A.E. to prepare the engineers report under Section 65 of the Drainage Act.

### Comments:

Administration received the report from the engineer on March 7<sup>th</sup>, 2017 and confirm the following:

The engineer has completed their review of the Reid Drain - West Branch and the Reid Drain - 9<sup>th</sup> Concession Branch and has determined the following:

1. The subject lands will be disconnected from the 9<sup>th</sup> Concession Branch of the Reid Drain

2. that the increased total flow volumes for parcel # 800-05100 & #800-05300, shall not adversely affect the performance of the said municipal drain as long as the storm water management facilities limit the total release rate allowed into said drain to the 1:2 year pre-development runoff rate with a pre-development runoff coefficient of 0.17 applied.

Baird AE's report dated March 7<sup>th</sup>, 2017 is attached under separate cover for Council's review and approval.

### **Financial Impact:**

An amended assessment schedule for parcel #800-05100 and 800-05300 is provided attached to the report. All cost associated with this project would be charged to owner.

Administration notes that the landowner has submitted an advanced payment in the amount of \$3,500.00. There is no cost to the Municipality for this project, and there is no adjustment to the Municipality's share of future maintenance.

This project will be posted to account # 10-7-0680-7680-958000-200110.

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer



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ou,email=p.neufeld@leamington.ca, c=CA  
Date: 2017.04.20 15:41:35 -0400

Lu-Ann Marentette  
Drainage Superintendent

Allan Botham, P.Eng.  
Manager of Engineering

Robert Sharon, CMO  
Director of Services  
Infrastructure Services

/LB

Attachments:1. Engineer's report dated November 1<sup>st</sup>, 2016 prepared by N.J. Peralta  
Engineering under separate cover

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## Report

**To:** Mayor and Members of Council

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

**Date:** April 11, 2017

**Re:** South Dales Drain  
2017 Maintenance - Tender Award

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### Recommendation:

It is recommended that:

1. The tender for the South Dales Drain - 2017 Maintenance be awarded to Rivard Excavating Ltd., in the amount of \$90,320 (excluding taxes). (Report DR-12-17)

### Background:

Administration received a drain maintenance request, for the South Dales Drain, from landowners. (please see attached Schedules A & B)

South Dales Drain has seen very little to no maintenance over the past 20 years and, therefore, has a large amount of adult trees, dead fall, bank erosion, tile washouts, etc. that are creating blockages in the drain.

The intended maintenance is limited to removal of blockages, bank repairs and tile washout repairs. A full cleanout is not required at this time.

### Comments:

The project was tendered, and closed on April 6, 2017. Results of the tender are as follows:

Contractor	Amount	Amount Including HST
Goodreau Excavating Ltd.	\$153,000	\$172,890
Rivard Excavating Ltd.	\$ 90,320	\$102,062
Shilson Excavating & Trucking	\$101,625	\$114,836

## Financial Impact:

South Dales Drain is included in the 2017 Drainage Operating Budget for an estimated amount of \$100,000. The low bid of Rivard Excavating is \$91,909.63 (incl. Net HST).

All costs associated with this project will be assessed back to the landowners according to the latest drain by-law. The Municipal share of the works for Leamington Municipal Roads is 10% of the total cost.

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer

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o, ou, email=pneufeld@leamington.ca, c=CA  
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Lu-Ann Marentette  
Drainage Superintendent

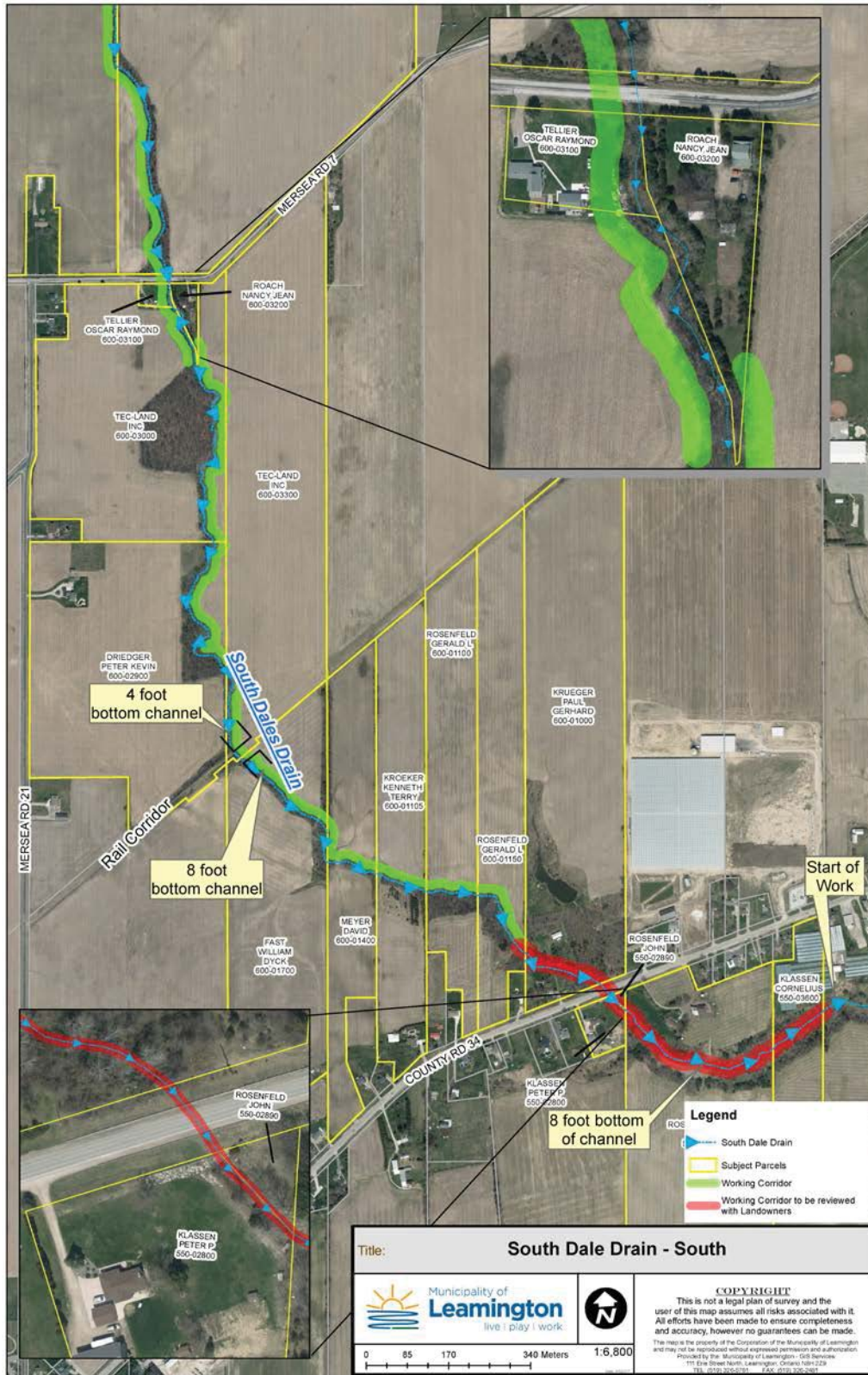
Allan Botham, P.Eng  
Manager of Engineering

Robert Sharon, CMO  
Director of Infrastructure Services

/LB attachments - Plan of Drainage Area

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Tender.doc

Schedule 'A'



Schedule 'B'





## Report

**To:** Mayor and Members of Council

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

**Date:** April 5, 2017

**Re:** Centrifuge #1 and #2 Overhaul Project

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### Recommendation:

It is recommended that:

1. Administration be authorized to issue a purchase order to Andritz Separation in an amount of \$62,682 excluding HST, to complete required maintenance on Centrifuge #1 and Centrifuge #2 at the Leamington Pollution Control Centre. (Report ES-01-17)

### Background:

The Leamington Pollution Control Centre (LPCC) utilizes two centrifuge units to dewater raw sludge from the treatment process. The dewatered sludge continues through the N-Viro stabilization process for final storage and off-site transfer for land application. Previous maintenance on the centrifuge units was completed by Andritz Separation (Andritz) in 2011 and 2012. The maintenance was completed under emergency circumstances when the units exhibited signs of premature bearing failure and excessive vibration.

### Comments:

Over the past 5 years, minor maintenance has been completed on the centrifuges by PCC operators and local contractors. In order to prevent another emergency situation from occurring, LPCC had budgeted to complete a maintenance overhaul on Centrifuge #1 in 2017 and Centrifuge #2 in 2018, as both units are nearing (or in exceedance of) the 16,000 hour run time which is the next recommended scheduled maintenance. Centrifuge #1 has a cumulative run time of approximately 20,000 hours, while Centrifuge #2 has run a total of 15,000 hours.

Administration requested a quotation for the recommended 16,000 hour maintenance overhaul from Andritz, on the basis described above. The maintenance overhaul quotation for one centrifuge unit was less than half of the approved 2017 capital budget. LPCC has

confirmed the costs with Andritz and also confirmed their ability to complete the overhaul on both centrifuge units in 2017.

Andritz Separation is the manufacturer of the centrifuge units and have completed the major maintenance service visits on the units to date. Andritz is familiar with the PCC, based on previous capital project involvement, and is well known for their expertise in the wastewater industry. Administration is recommending to single source the capital project for both centrifuge units to Andritz. The request to single source the capital project to Andritz has been reviewed with the Chief Administrative Officer, who has authorized a variation from the purchasing policy for this project. While not quantified in this report, an expected cost savings is anticipated by completing both centrifuge units concurrently.

### Financial Impact:

The centrifuge overhaul project was scheduled to be funded from the PCC 2017 Capital Budget. However, the work may be considered an operating expense and is currently under review to determine the appropriate classification. There will not be a net budgetary impact if it is a capital or an operating expense. A summary of the approved budget and estimated cost is provided below:

Account	Description	2017 Capital Budget (incl. net HST)	Andritz Separation Quotation (incl. net HST)
20-7-0660-8030- 566220	Centrifuge Overhaul	\$75,000	\$31,341 (per unit) \$62,682 Total

There is a potential that additional work or parts may be required once Andritz arrives on-site and inspects the current condition of the centrifuge units. The quote that was provided includes the service visit cost and all anticipated parts for a traditional 16,000 hour service visit. Administration will monitor any additional costs that are required during the maintenance overhaul in an effort to stay within the approved capital budget and will manage any overages according to the overspending policy.

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer

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Date: 2017.04.20 15:44:48 -0400

Shannon Belleau, P.Eng.  
Manager of Environmental Services

Robert Sharon, CMO  
Director of Infrastructure Services

:sb

Attachments: None

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## Report

**To:** Mayor and Members of Council

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

**Date:** April 4, 2017

**Re:** Russell and Chestnut Street Watermain Upgrades

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### Recommendation:

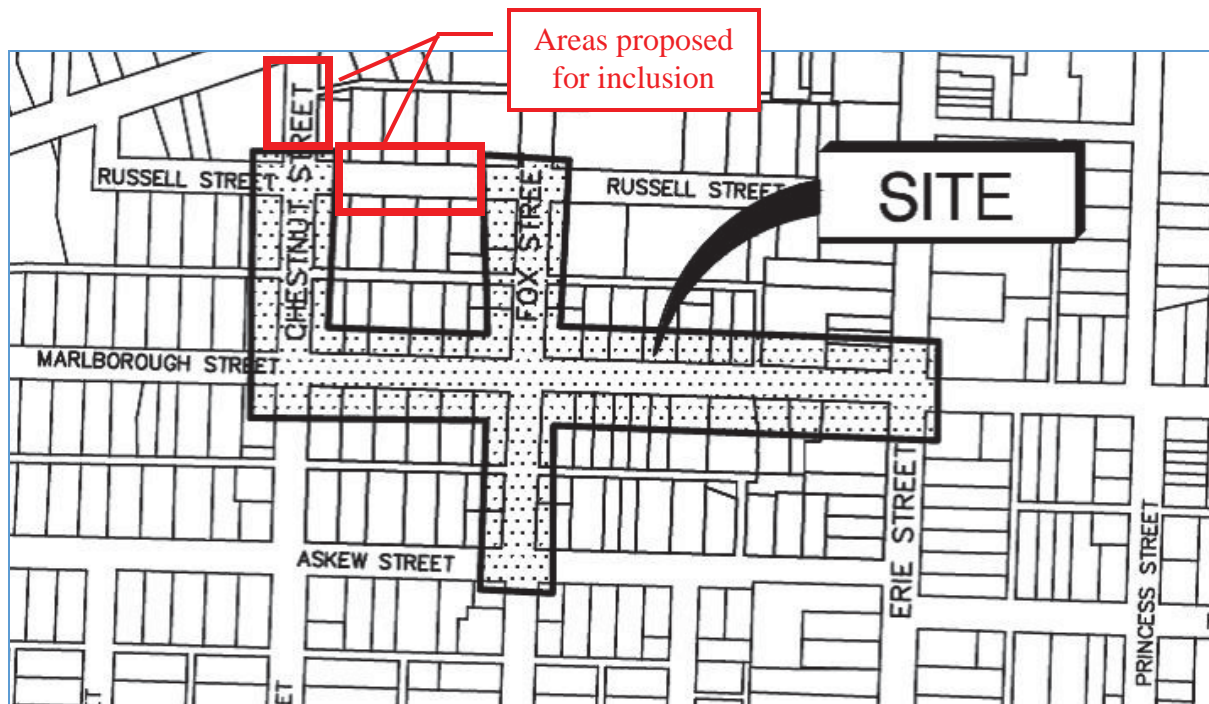
It is recommended that:

1. Council approve an additional \$86,261 excluding HST for the installation of new watermain in conjunction with the Marlborough, Chestnut, Fox Sewer Separation and Road Reconstruction project; and
2. The additional project scope be funded from the Water Line Renewal Reserve.  
(Report LWS-02-17)

### Background:

On February 13, 2017, Council awarded the Marlborough, Chestnut, Fox Sewer Separation and Road Reconstruction project to J&J Lepara Infrastructures (RES C-28-17). The project includes sewer separation, watermain replacement, asphalt paving, curbing, sidewalks and street lighting. The key map below identifies the areas being addressed by this project, as initially designed and tendered.

The design and tender for this project did not include watermain replacement on Russell Street between Chestnut Street and Fox Street or on Chestnut Street between Russell Street and Talbot Street West. The areas subject to this report are outlined in red on the key map below. Since being awarded, Administration has discussed the option of adding the watermain replacement on these streets to the Marlborough, Chestnut, Fox Sewer Separation and Road Reconstruction project.



## Comments:

The sections of Russell and Chestnut Street being considered for inclusion in the 2017 project are the final sections of road that require watermain replacement in the area bordered by Talbot Street West to the north, Oak Street West to the south, Chestnut Street to the west and Erie Street to the east.

Based on future planning and budget projections, Engineering does not expect to proceed with the Russell Street sewer separation project for at least 10 years. This would therefore delay the watermain replacement in the two proposed sections of roadway for the same time period.

While not specifically quantified in this report, it is anticipated that the construction costs to complete the watermain replacement in the two proposed sections of roadway will be reduced by completing the works in conjunction with the current project, rather than as a stand-alone project at a later date.

Therefore, at this time, Administration recommends replacing the watermain on Russell Street between Chestnut Street and Fox Street and on Chestnut Street between Russell Street and Talbot Street West.

## Financial Impact:

The estimated cost to complete the watermain upgrades, as outlined above, is \$86,261 excluding HST. The Russell and Chestnut Street watermain upgrades were not included in the 2017 Water Capital Budget.

Administration therefore proposes that the project expenses be charged to the 2017 Water Capital Project for Marlborough, Chestnut, Fox Streets, GL account 30-7-0690-8120-300002-500007, and that the 2017 approved budget for this project be increased from \$280,000 to \$366,261. Administration is also proposing that the increase in project costs be funded from the Water Line Renewal Reserve (GL account 40-3-0220-0382). The Water Line Renewal Reserve balance is estimated to be \$1.4 million at the end of 2017.

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer

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Administrative Officer  
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o=City of Leamington, email=pneufeld@leamington.ca, c=CA  
Date: 2017.04.20 15:49:16 -0400

Shannon Belleau, P.Eng.  
Manager of Environmental Services

Robert Sharon, CMO  
Director of Infrastructure Services

:sb

Attachments: None

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## Report

**To:** Mayor and Members of Council

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

**Date:** April 10, 2017

**Re:** Uptown Leamington BIA Canada Day Kick-off Event

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### Recommendation:

It is recommended that:

1. The Uptown Leamington BIA Canada Day Kick-off event to be held June 30, 2017 be designated as an event having municipal significance for the purposes of the application for a special occasion permit to the Alcohol and Gaming Commission of Ontario.
2. Council authorize the closure of Mill Street West from Fox Street to Erie Street, commencing at 9:00 AM on June 30, 2017 and ending at 1:00 AM on July 1, 2017.
3. Council authorize the entering into an agreement with the Leamington Business Improvement Area Board of Management, for the use of Mill Street West from Fox Street to Erie Street, commencing at 9:00 AM on June 30, 2017 and ending at 1:00 AM on July 1, 2017 in a form satisfactory to the Municipality's lawyer.
4. Council authorize the Mayor and Clerk to execute the agreement in identified in paragraph 3.
5. Council grant an exemption from Noise Bylaw 431-03 section 2(1) for the Uptown Leamington BIA Canada Day Kick-off on June 30, 2017 from 5:00 PM to 11:59 PM.

### Background:

In honour of Canada's 150<sup>th</sup> Birthday, The Uptown Leamington BIA (the BIA) is organizing a "Canada Day Kick-off" event for Friday, June 30<sup>th</sup>, 2017 in advance of the Municipality's Canada Day celebrations to be held on July 1<sup>st</sup>. The kick-off event will feature vendors, the sale of both food and alcohol, and a stage set up for a concert.

Although it is anticipated that the actual event will be held between the hours of 5:00 PM to 11:00 PM, to facilitate set up and tear down, the closure of Mill Street West from Fox Street to Erie Street is required commencing at 9:00 AM on June 30, 2017 and ending at 1:00 AM on July 1, 2017. A map showing the proposed road closure is shown below.



Aerial map showing proposed road closure

The BIA further seeks an exemption from the Noise By-law during this time for the same area.

### Comments:

The BIA wishes to have a bar located within the closed road area and have the whole of the closed road licenced under the Liquor License Act. The service and sale of alcohol will be under a caterer's endorsement issued to Gilligan's who will operate the bar. The BIA as sponsor of the event will apply for a special occasion permit from the Alcohol and Gaming Commission of Ontario. The Liquor License Act provides that a person may apply for such a permit if the event at which the alcohol is to be sold is public and is designated by a municipal Council as an event of municipal significance. Therefore, for this reason, the organizers are asking Council to deem this event as "an event of municipal significance".

The Liquor License Act does not provide any guidance as to what constitutes an “event of municipal significance” and the Municipality does not have a policy relating to such designations, however, other municipalities have described such events as “...a single or recurring special event, which has a high economic and business benefit to the residents and the community. It would appear that the Canada Day Kick-off will be such an event.

An agreement for the use of municipal lands by the BIA has been drafted. The draft agreement requires the BIA 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, 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, which insurance shall include liquor liability coverage, where required;
- 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:

It is anticipated that the fencing for the event will be rented from the Public Works department and erected by the BIA. It is also anticipated that barricades to block the two ends of the road closure as well as extra garbage receptacles will be provided by the Public Works department. The Municipality charges the BIA fifty percent (50%) of this cost to a maximum of \$1,000. The remaining costs will be charged to the Public Works Special Events account 10-5-0630-5010-002000-008550.

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer

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Date: 2017.04.20 15:47:48 -04'00'

Ruth Orton  
Director of Legal and Legislative Services

Attachments: None



## Report

**To: Mayor and Members of Council**

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

**Date: March 14, 2017**

**Re: 2018 Municipal Election - Alternative Voting Method**

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### Recommendation:

It is recommended that:

1. Pursuant to Section 42 of the Municipal Elections Act, the alternative voting methods used in Leamington for the 2018 municipal election be internet and telephone voting; and
2. Administration forward the necessary by-law for consideration. (Report LLS-07-17)

### Background:

In accordance with the Municipal Elections Act (MEA), municipal elections are to be held every fourth year and voting day is to be held on the fourth Monday in October. Therefore, the next municipal election will be held on October 22, 2018.

Pursuant to Section 42 (1) of the MEA, the council of a local municipality may pass a by-law authorizing the method of voting and the use of vote counting equipment and for electors to use an alternative voting method. With the recent changes to the MEA, the by-law must now be passed on or before May 1st in the year before the election year (May 1, 2017).

### Comments:

Since the MEA was enacted, a variety of alternative voting methods have been implemented by municipalities within Ontario including vote-by-mail, internet and telephone voting. Alternative methods of voting are not new to Ontario municipalities. In the 2014 election, 291 municipalities used some form of alternative voting method.

Alternative voting methods, including vote-by-mail, the internet and telephone continue to increase in popularity. Alternative voting offers voters convenience, choice and greater access to participate in the voting process. When considering the changing demographics and the expectation that the number of people with disabilities will continue to increase

each year, the provision of remote voting for this population ensures that these voters would not be disenfranchised. Current technology available for home computers, allows many individuals with a range of disabilities to vote via internet or telephone in complete privacy just as an able bodied person can.

## **2014 Municipal Election**

Internet and telephone voting have been used in Ontario since 2003. In the 2014 election, approximately 97 Ontario municipalities used internet voting together with some other voting method (increase from 44 in 2010).

The Municipality of Leamington utilized the internet voting as the sole method of voting for the 2014 election. Prior to that, the vote-by-mail voting method was used together with vote tabulators in the 2010, 2006 and 2003 municipal elections. In Essex County, Tecumseh and Kingsville used both internet and telephone voting methods for the 2014 election. Chatham-Kent used the internet in advance voting which ended prior to Election Day. Tecumseh also utilized internet and telephone voting for its 2016 by-election.

In 2014, internet voting in Leamington did prove to be a viable and cost effective way to conduct an election that produced accurate results. While Administration has full confidence that the election results reported were accurate, there was a delay in reporting the results. The results were reported approximately two and a half hours later than expected. The reason for the delay was that there were human errors made by the vendor's employees who mislabeled some of the reporting files to the municipalities. This had nothing to do with the accuracy of the results but only with the delay in reporting of the results. To correct this from happening again, the vendor noted that it had revised its procedures to ensure this type of delay should not occur again. The internet election was, for the most part, a positive experience. Unfortunately the delay in reporting results detracted from the internet election experience.

When the Municipality implemented mail-in balloting in the 2003 election, Administration received a very positive response from the majority of the voters based upon convenience. Some members of the public were not in favour but those voters were in the minority. Response to the change to internet voting in 2014 was similar. Both candidates and Administration received much feedback from the public about internet voting. The overwhelming response Administration received was that voters liked the convenience and trusted the on-line voting system. Administration did also receive comments in strong opposition to internet voting. These comments, while in the minority, were based upon lack of familiarity or access to the internet and also distrust of the internet.

Leamington participated in a Province wide survey which included most municipalities who used internet voting. The survey was designed and conducted by Dr. Nicole Goodman of York University and voters had the opportunity to complete the survey on-line immediately after they had completed voting. In Leamington 890 people completed the survey. Over 86% responded that they were either very or fairly satisfied with the online voting process and over 80% responded that they would recommend internet voting to others.

## 2018 Municipal Election

### Vote by Internet

Voting via the internet is the most recent alternative method of voting available, although it has been used in Ontario for more than 14 years. As with voting by phone, voting via the internet allows the voter to access the system from virtually anywhere through the use of a personal computer, mobile phone or tablet. All eligible voters receive their Voter's Information Package (VIP) by mail and included is a unique Personal Numeric Passcode (PIN). Voters log on to the election website, enter their PIN and optionally answer a security question (such as their birth date or other information already retained on the voter's list) and then proceed to mark their ballots electronically. The voter is allowed to review and reconsider their votes before confirming and moving on to the next race.

Internet voting lets electors vote twenty-four hours a day, for 8 to 12 days, up to 8 p.m. on Voting Day from any location in the world. Electors can use any device that connects to the internet to vote, including their computer, lap top, tablet or telephone. Internet voting also addresses most accessibility issues since people can vote from anywhere. Many people with accessibility issues have, where necessary, already made accommodation to be able to use the internet. For example, people who have challenges with their sight may already have the use of an internet reader.

### Accommodation for Electors without Access to the Internet

Some electors will not have access to the internet or may choose not to vote over their internet service. For those electors, a Voter Information Centre will again be set up at the Municipal Office and also at the Leamington Kinsmen Recreation Centre. Electors will be able to attend these centres where computers and election staff will be available to answer questions and to also provide electors with all necessary instruction and assistance so that they can conveniently cast their ballot at the Voter Information Centre.

### Vote by Telephone

Telephone voting has been used as an alternative method of voting since 1997. In 2010, this voting method was used by approximately 23 municipalities, but always in conjunction with the internet and in three cases, in conjunction with internet and polling stations. In 2014, 41% of municipalities used the telephone voting method.

An advantage of telephone voting is that almost everyone has easy access to a telephone and knows how to use it. Telephone voting also assists some people who have accessibility issues.

When telephone voting was first used there were problems with the phone lines becoming overloaded on Voting Day when everyone tried to vote in the last couple of hours before the polls closed; however, this problem has been solved with improvements in technology and today phone lines can easily handle vast numbers of calls at one time.

In using telephone voting, voters dial into a toll free number, enter an individual security code (PIN) and optionally answer a security question (such as birth date or other

information already retained on the voter's list) and then follow a touch tone menu to enter their votes. Benefits of internet and telephone voting include:

- Voter choice, flexibility and convenience
- Immediate, auditable accurate results
- Voter intent clear - no spoiled ballot issues, positive ballot confirmation
- Potential to increase voter participation
- Increased participation of older voters (45-65 age group)
- Opportunity to engage younger voters
- Environmentally positive, reduction in carbon emissions
- Addresses provincial accessibility requirements
- Cost effective
- Voters can adjust font size or language on their personal screen
- Telephone volume can be adjusted
- Convenient for residents who are out of town (school, vacation, etc.)
- No travel required

### Security, Secrecy, Integrity

In any type of election, three essential elements are the security, secrecy and integrity of the process. When casting a ballot, privacy and security of the secrecy of the vote is paramount. Internet and telephone voting systems have in place measures that will ensure every voter's voting experience is both secret and secure. Similar to the paper voting experience, the electronic and telephone voting process disassociates the voter's identity from the cast ballot when it is "deposited" into the system. The system takes the encrypted ballot information from the voter's electronic or phone vote and creates a voter receipt. This is similar to the ballot receipt detached from the paper ballot when it is marked and returned to the voting official in a paper voting scenario. The encrypted ballot is randomly inserted into the "electronic ballot box", severing the relationship between the voter and the ballot. The receipt is the mechanism that ensures the ballot was successfully recorded into the system. This combination of processes coupled with the security of the system results in the trusted and secure status of the system.

### Conclusion

It is expected that the general public's familiarity with the internet has continued to increase since the 2014 election. Leamington electors have already used internet voting and are familiar with this process. In a wrap up election report from Administration in April 2015, Administration recommended that for the 2018 election, at least one other method of voting also be offered to voters in addition to internet voting because there will remain for some time into the future some voters who will find internet voting difficult. In that regard, Administration is recommending that pursuant to Section 42 of the Municipal Elections Act, the alternative voting methods used in Leamington for the 2018 municipal election be internet and telephone voting.

## Opportunity for Collaboration

Clerks from Tecumseh, Chatham-Kent, Lakeshore, Amherstburg, Essex, Kingsville, LaSalle and Leamington have been meeting to discuss the 2018 election. Once each clerk's respective council determines its voting method, the working group will meet again and receive presentations from a number of companies who offer election services. There are opportunities for group discounts, joint communications, advertising, and procedures when the same method of voting is chosen. The Municipality's purchasing policy will be followed to purchase the services required.

## Costs

Of all the election methods, internet and telephone voting are the least costly to conduct and use less resources. Specific details on cost are provided under the Financial Impact section of this report.

## Financial Impact:

Council transfers funds each year towards election expenses which, without further adjustments to the budget, will result in having approximately \$80,000 available for the 2018 municipal election. The current estimated election costs for the 2018 election using the alternative voting method of internet and telephone voting is \$70,000.

	Estimated Cost
Internet and Telephone Voting (includes postage)	\$46,500
Advertising /Promotions	\$10,000
Election Assistance (2 months)	\$8,000
Misc. Expenses (mail, office supplies, additional postage, training, voting day expenses, etc.)	\$2,500
Inaugural Expenses	\$3,000
Total Estimated Expense	<b>\$70,000</b>

\*Cost of the 2014 election was approximately \$50,000 (not including staff time)

Respectfully submitted,

Peter Neufeld, Chief  
Administrative Officer

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Attachment: None