

## Council Agenda

1. **Call to Order**
2. **National Anthem**
3. **Disclosures of Pecuniary Interest and General Nature Thereof**
4. **Approval of Council Minutes**
  - 4.1. Minutes of the Council Meeting held October 10, 2017  
Pages 5 to 14
5. **Business Arising Out of the Minutes**
6. **Public Meetings**
  - 6.1. **Public Meeting, Planning**
    1. **Notice of a Public Meeting to Consider Consent Application B-23-17 and Zoning By-law Amendment ZBA #162 (504 Talbot Road East)**
      - Notice of Public Meeting dated October 3, 2017  
Pages 15 to 17
      - Report PLA-38-17 dated October 10, 2017 regarding Zoning By-law Amendment ZBA #162 and Consent Application B-23-17, 504 Talbot Road East (570-05000)  
Pages 18 to 29
      - Correspondence from Essex Region Conservation Authority dated October 12, 2017  
Pages 30 to 31

- Suggested Recommendation:

It is recommended that:

1. The provisional approval of Consent Application B-23-17 to create a 0.381 hectare (0.941 acre) surplus dwelling lot be supported by Council subject to the conditions listed in Schedule A;
2. Zoning By-law Amendment Application ZBA#162 to change the zoning of the severed lot from A1 to A5-55 be approved by Council;
3. Zoning By-law Amendment Application ZBA#162 to change the zoning of the retained farm parcel identified as Retained Lands Parcel 1 on the draft reference plan for this application from A1 to A1-11, in order to prohibit further residential development on the site be approved by Council; and
4. If no concerns are raised at the public meeting that amending By-law 81-17 be considered at the Monday October 23, 2017 Council meeting. (PLA-38-17)

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

- 7.1. Report LLS-49-17 dated October 16, 2017 regarding The Bank Theatre and Meeting Place Donation Match Challenge  
Pages 32 to 35
- 7.2. Report LLS-50-17 dated October 12, 2017 regarding Comprehensive Business Licensing By-law  
Pages 36 to 39
  - Report attachments available under Additions on the Agendas, Meetings and Minutes page of the Municipal website
- 7.3. Report ES-05-17 dated October 10, 2017 regarding Shoreline Rehabilitation  
Pages 40 to 43
- 7.4. Report LWS-04-17 dated October 10, 2017 regarding Leamington (Union) Water Distribution System Inspection Report  
Pages 44 to 45
- 7.5. Report REC-09-17 dated October 12, 2017 regarding Leamington Municipal Marina GH Dock Construction  
Pages 46 to 48
- 7.6. Report PW 06-17 dated October 10, 2017 regarding Rickway Park Development  
Pages 49 to 52

- 7.7. Report ENG-23-17 dated October 17, 2017 regarding Sidewalk Construction - Oak Street West  
Pages 53 to 56
- 7.8. Report CAO-04-17 dated October 3, 2017 regarding Policy H04 - Health and Safety Awards - Employee Recognition  
Pages 57 to 59
- 7.9. Report FIN-16-17 dated October 17, 2017 regarding Vacancy Rebate Elimination  
Pages 60 to 63

- Attachment available under Additions on the Agendas, Meetings and Minutes page of the Municipal website

## **8. Matters for Approval**

- 8.1 Minutes of the Mayors' Youth Advisory Committee Meeting held May 9, 2017  
Pages 64 to 68

## **9. Other Matters for Consideration**

None

## **10. Report on Closed Session**

None

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

- 11.1. By-law 80-17, being a by-law to provide for Licencing and Regulating of Businesses in the Municipality of Leamington (LLS-50-17)
- 11.2. By-law 81-17 being a by-law to amend comprehensive Zoning By-law 890-09 for the Municipality of Leamington which pertains to the subject lands ZBA #162 - 504 Talbot Road East (PLA-38-17)
- 11.3. By-law 82-17 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held October 23, 2017

**12. Notices of Motion**

None

**13. Open Session**

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

**15. Adjournment**

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

## **Minutes of the Council Meeting**

**Monday, October 10, 2017 at 6:00 PM  
Council Chambers, 111 Erie Street North, Leamington**

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

**Staff Present:** Clerk/Manager of Legislative Services, Brenda Percy  
Chief Administrative Officer, Peter Neufeld  
Director of Community and Development Services, Paul Barnable  
Director of Infrastructure Services, Robert Sharon  
Director of Legal and Legislative Services, Ruth Orton  
Manager of Engineering Services, Allan Botham  
Manager of Planning Services, Danielle Truax  
Drainage Superintendent, Lu-Ann Marentette  
Legislative Coordinator, Brianna Coughlin

### **Call to Order**

Mayor Paterson called the Meeting to order at 6:00 PM.

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

None noted.

### **Approval of Council Minutes:**

**No. C-275-17**

Moved by: Councillor Dunn  
Seconded by: Councillor Hammond

That the Minutes of the Council Meeting held September 25, 2017 be approved.

**Carried**

**No. C-276-17**

Moved by: Councillor Verbeke  
Seconded by: Councillor Wilkinson

That the Minutes of the Special Closed Meeting held September 25, 2017 be approved.

**Carried**

**Business Arising Out of the Minutes:**

None noted.

**Public Meeting, Drainage:**

**1. Meeting to Consider Preliminary Engineer's Report for the Lebo Creek Northwest Branch, New Access Culvert - Secondary**

Ms. Marentette presented the report. She advised that the Engineering Report by Baird AE Inc. was revised September 26, 2017 based on comments from the Ministry of Transportation regarding entrances onto Highway 77.

David Basillous of Baird AE Inc. was present to answer any questions regarding the report.

In response to a question from Council, Mr. Basillous advised that the two culverts near the greenhouse will be removed during the project.

In response to a question from Council, Ms. Marentette advised that the Ministry of Transportation generally does not approve of new entrances onto the highway due to the higher speed and traffic pattern.

Mayor Paterson confirmed there was no one from the public in attendance who wished to address Council on the matter.

**No. C-277-17**

Moved by: Councillor Verbeke  
Seconded by: Councillor Jacobs

1. The report provided by Baird AE, dated September 26, 2017 for a new access culvert over the Lebo Creek – Northwest 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 \$61,100, or otherwise consented by the owner, that the Mayor and Clerk be authorized to award the tender and enter into necessary agreements; and

3. By-law 75-17 authorizing the work be presented to Council for 1<sup>st</sup> and 2<sup>nd</sup> 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 14<sup>th</sup> day of November, 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. (DR-21-17)

Carried

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

1. **Report DR-22-17 dated August 18, 2017 regarding Lebo Creek - Northwest Branch and Hooker Drain, West Branch - Section 65 Report Mastronardi/Brunato, Parcel #760-06600 and 760-06700**

Ms. Marentette presented the report.

In response to a question from Council, Ms. Marentette advised that property owners will receive a copy of the Engineer's Report and are given notice and invited to Drainage meetings.

#### **No. C-278-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Dunn

1. The Engineer's Report for the Change of Use to the Northwest Branch of the Lebo Creek and the Hooker Drain prepared by Baird AE, dated August 15, 2017, be adopted by Council pursuant to the provisions of the Drainage Act, Section 65 (3 and 5) (DR-22-17)

Carried

2. **Presentation by University of Windsor Students regarding Leamington Active Transportation Master Plan, Bicycle Trails in Southeast Leamington, Point Pelee National Park to Hillman Marsh**

John Tofflemire, Adjunct Assistant Professor and Dr. Chris Lee, Associate Professor of Civil and Environmental Engineering were in attendance with students Mohammed Alnajrani and Fahad Albuainan to make a presentation to Council. The presentation was based on the students' capstone project which offered suggestions for active transportation and bicycle trails in Leamington. Mr. Alnajrani also provided a handout to Council members.

In response to a question from Council, Mr. Albuainan confirmed that it was suggested the Mersea Road East bicycle trail traverse over the south limit of the Marentette dyke.

In response to comments from Council, Mr. Tofflemire noted that this is a complicated project, with proposed bicycle lanes travelling over drains under the jurisprudence of the Drainage Act. He also noted it is expensive; however, there were opportunities to partner with the federal or provincial government, the Essex Region Conservation Authority, the tourism industry or businesses in the community.

In response to a question from Council, Mr. Albuainan advised that rebuilding the road is necessary prior to implementing cycling routes.

Mayor Paterson thanked Mr. Albuainan and Mr. Alnajrani for their presentation.

**3. Report PLA-36-17 dated September 29, 2017 regarding Part Lot Control Exemption Blocks 47-50, Plan 12M-607, Golfwood Lakes Subdivision - Phase 1**

Ms. Truax presented the report. David Halliwill, Solicitor was present on behalf of the applicant, 1775997 Ontario Inc.

In response to a question from Council, Ms. Truax advised that whether or not the land is sold and people are moving into the homes is a concern related to the conveyance of the lands rather than Part Lot Control. Mr. Halliwill advised that none of those people own the lands, they are living there under an agreement at this time.

In response to a question from Council, Ms. Truax advised that a value for the buildings will be established under the Building Permit and that value will be forwarded to MPAC.

**No. C-279-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Verbeke

1. By-law 77-17 to exempt Blocks 47-50, Plan 12M-607 (Golfwood Lakes Inc.) from the provisions of Part Lot Control in accordance with subsection 50(7) of the Planning Act be brought forward for consideration by Council; and
2. By-law 77-17, together with the documentation in support of the Part Lot Control Exemption be forwarded to the County of Essex for final approval. (PLA-36-17)

**Carried**

**4. Report PLA-37-17 dated September 29, 2017 regarding Request to Release Development Restriction Agreement (1993), 11 Seneca Road (400-00800)**

Ms. Truax presented the report. Andrew Nutbrown, Student at Law from Ricci, Enns, Rollier & Settrington LLP, was present on behalf of the applicant, M.O.S. Enterprises Ltd.



In response to a question from Council, Ms. Truax advised that the land is still subject to the 1982 subdivision agreement as well as site plan control.

**No. C-280-17**

Moved by: Councillor Hammond

Seconded by: Councillor Dunn

1. Council authorize the release of 11 Seneca from the terms and provisions of the following agreement registered on title:
  - a. Development Restriction Agreement registered as Instrument No. 164610 on October 20, 1993;
2. The Director of Legal and Legislative Services be authorized to execute the necessary documents to release the agreement. (PLA-37-17)

**Carried**

**5. Report PLA-31-17 dated October 2, 2017 regarding Community Improvement Plan 2017 and 2018 Program Funding**

Ms. Truax presented the report.

In response to a comment from Council, Mr. Neufeld noted that Administration hoped to expand the CIP area however they will not be able to do so prior to 2018 due to the growth in applications to Planning Services. Administration did not want to miss the opportunity for funding so the report before Council was a compromise until the CIP review can take place in 2018.

In response to a question from Council, Mr. Neufeld noted that it is hoped with the removal of the vacant property tax rebate that owners of these properties will take advantage of the CIP funds to invest in the improvement of their properties. By-law Enforcement Officers will also enforce property standards.

Councillor Jacobs left the Council Chambers at 7:03 PM and returned at 7:05 PM.

In response to a question from Council, Ms. Truax advised that Planning Services has a list of people who have contacted them regarding the CIP program and they will use this list for notification of additional funds, as well as contacting all businesses in the area.

Councillor Wilkinson left the Council Chambers at 7:05 PM and returned at 7:07 PM.

In response to a question from Council, Ms. Truax advised that subject to Council approval, the funds budgeted in the draft 2018 Budget are intended for both the review and implementation of an updated CIP program.

**No. C-281-17**

Moved by: Councillor Dunn  
Seconded by: Deputy Mayor MacDonald

1. Figure 4.0 Action Plan to the Community Improvement Plan (CIP) prepared by Jones Consulting Group Ltd. Dated July 23, 2012, as amended January 11, 2016 be further amended to include a revised Action Plan for 2017 and 2018.  
(PLA-31-17)

**Carried**

**6. Report ENG-21-17 dated September 28, 2017 regarding Uptown Master Plan, Mill Street RFP Award**

Mr. Botham presented the report.

In response to a question from Council, Mr. Botham advised that the bid was not the least expensive. Other factors were taken into consideration including creativity and project management. He noted that cost is less than 30% of the decision matrix.

In response to a question from Council, Ms. Orton advised that it is not appropriate to have bidders come forward after submitting a bid to argue their position. In a procurement process, the opportunity to put one's best foot forward is at the time of bid.

In response to a question from Council, Mr. Botham advised that approximately half of the cost of the Mill Street project is for the engineering study.

In response to a question from Council, Ms. Orton advised that Administration is currently amending the procurement policy. The review will include investigating best practices from leaders in the municipal community in order to update procurement templates and report to Council.

In response to a question from Council, Mr. Sharon advised that pending the 2018 Budget deliberations, Administration plans to tender the Mill Street project in February and complete the project by the end of 2018.

In response to a question from Council, Mr. Botham provided information on the state of the sewers at the four corners of Talbot and Erie streets.

In response to a question from Council, Mr. Neufeld noted that Mill Street is different from Talbot because it can become a gathering space to bring foot traffic to the Uptown.

**No. C-282-17**

Moved by: Deputy Mayor MacDonald  
Seconded by: Councillor Dunn

1. The services of RC Spencer Associates Inc. be retained to complete the Uptown Master Plan and Mill Street West Sewer Separation and Road Reconstruction and Beautification in accordance with the proposal from RC Spencer, dated

August 31, 2017, in the amount of \$224,495 (plus applicable taxes);

2. And that the Mayor and Clerk be authorized to enter into the necessary agreements. (ENG-21-17)

**Carried**

**7. Report ENG-22-17 dated October 2, 2017 regarding Tender Results - 2017 Asphalt Program Intake 2**

Councillor Verbeke left the Council Chambers at 7:48 PM and returned at 7:50 PM.

Mr. Botham presented the report.

**No. C-283-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Hammond

1. The 2017 Asphalt Program Intake 2 be awarded to The Mill-AM Corporation, 2199 Blackacre Drive, Unit 700, Oldcastle, Ontario, N0R 1L0, in the amount of \$378,850 (plus applicable taxes); and
2. The Mayor and Clerk be authorized to enter into the necessary agreements. (ENG-22-17)

**Carried**

**8. Report LLS-44-17 dated September 12, 2017 regarding Scheduling of Council Meetings - 2018**

Ms. Percy presented the report.

**No. C-284-17**

Moved by: Councillor Verbeke  
Seconded by: Councillor Jacobs

1. Council meetings continue to be scheduled at 2 meetings per month which are to be held on the second and fourth Monday of each month, unless such Monday shall be a public or civic holiday, in which case the Council shall meet at the same hour on the next following day which is not a public or civic holiday. (LLS-44-17)

**Carried**

**9. Report LLS-48-17 dated October 2, 2017 regarding Noise By-law Exemption Request - Leamington Community Christmas Parade**

Ms. Orton presented the report.

**No. C-285-17**

Moved by: Councillor Hammond

Seconded by: Councillor Dunn

1. Council grant an exemption from Leamington's Noise By-law #431-03, Section 2(1) between the hours of 12:00 PM to 8:30 PM on Saturday, November 25, 2017 for the Leamington Community Christmas Parade. (LLS-48-17)

**Carried**

**Matters for Approval:**

None noted.

**Other Matters for Consideration:**

None noted.

**Report on Closed Session:**

Ms. Percy presented the report on the Closed Session held September 25, 2017.

A closed meeting was held at 5:30 PM prior to the open session of Council pursuant to Subsections 239(2)(f) and 239 (2)(b) of the Municipal Act, 2001 for the purpose of considering 2 items.

Item #1 – Confidential Report LLS-48-17 dated September 19, 2017 regarding Legal Opinion, Municipal Power to Dispose of Donated Funds; and

Item #2 - Verbal report from the CAO on a personal matter about an identifiable individual.

Proper notice of the meeting was given. The meeting adjourned at 6:04 PM.

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

### **No. C-286-17**

Moved by: Councillor Jacobs  
Seconded by: Councillor Wilkinson

That the following by-laws be read a first and second time:

By-law 75-17 being a by-law to provide for the construction of a new access culvert over the Lebo Creek Drain - Northwest Branch in Part Lot 6, Concession 7, corner of Mersea Road 7 and Highway 77 in the Municipality of Leamington, County of Essex (DR-21-17);

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

By-law 76-17 being a by-law to authorize the Municipality of Leamington to enter into the Authorized Requester Information Services agreement with the Ministry of Transportation to assist with the recovery of costs for damage to Municipally-owner property (LLS-40-17);

By-law 77-17 being a by-law to provide that Part Lot Control shall not apply to certain lands within Registered Plan 12M-607 (PLA-36-17);

By-law 78-17 being a by-law to amend By-law 71-16 (Schedule L - Stormwater Management Fees) (ENG-18-17);

By-law 79-17 being a by-law to confirm the proceedings of the Council of The Municipality of Leamington at its meeting held October 10, 2017.

**Carried**

## **Notices of Motion:**

None noted.

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

Councillor Hammond reminded Council of the Chamber of Commerce Excellence Awards being held October 11<sup>th</sup>, as well as the big reveal by the Bank Theatre October 14<sup>th</sup>.

Councillor Verbeke advised that he received a call from a resident about the possibility of donating a heritage tree to the Municipality. It was suggested that the tree be displayed near the Living Wall at the Municipal Building.

Mr. Sharon provided an update regarding 3 sewer separation projects. He advised that the Parkdale and Danforth projects are expected to be complete by the end of November, and Phase 4 of the Point Pelee Drive project should be complete by the end of the year. All projects are on budget at this time.

Mayor Paterson thanked Council and Administration for taking over his mayoral duties while he was away. He also wished Councillor Verbeke a happy wedding anniversary on behalf of Council.

Mr. Neufeld congratulated Hogs for Hospice, who raised \$200,000 for Hospice of Windsor-Essex County.

**Statement of Members:** non-debatable

None noted.

**Adjournment:**

**No. C-287-17**

Moved by: Councillor Verbeke  
Seconded by: Councillor Wilkinson

That the meeting adjourn at 8:05 PM.

**Carried**

Hilda MacDonald, Deputy Mayor

Brenda M. Percy, Clerk

Minutes approved at Council Meeting held  
October 23, 2017, Resolution C-XXX-17,  
Confirmation By-law XX-17

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

### **Notice of a Complete Application and Public Meeting to consider Consent Application (B-23-17) and Zoning By-law Amendment (ZBA #162)**

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**Take Notice** that the Council of The Corporation of the Municipality of Leamington has received a combined Consent Application B-23-17 and Zoning By-law Amendment Application ZBA #162 to be considered under Sections 53 and 34 of the *Planning Act*, R.S.O. 1990 c.P. 13.

**And Further** that Council will hold a public meeting on **Monday, October 23, 2017 at 6:00 PM** in the Council Chambers at the Municipal Building to consider these applications which apply to lands located at 504 Talbot Road East.

**The Purpose** of Combined Consent Application B-23-17 and Rezoning Application ZBA #162 is to obtain consent to sever a 0.381 hectare (0.941 acre) surplus dwelling lot and to rezone the severed lot from Agricultural General (A1) to Agricultural Residential (A5). The retained farm parcel is also to be rezoned by adding a site-specific provision to prohibit further residential development on the 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 consent or zoning by-law amendment. If you wish to be notified of the decision of Municipality of Leamington, you must make a written request to the Corporation of the Municipality of Leamington. If you are an owner of property containing seven or more residential units, you are requested to post this notice in a location visible to all residents.

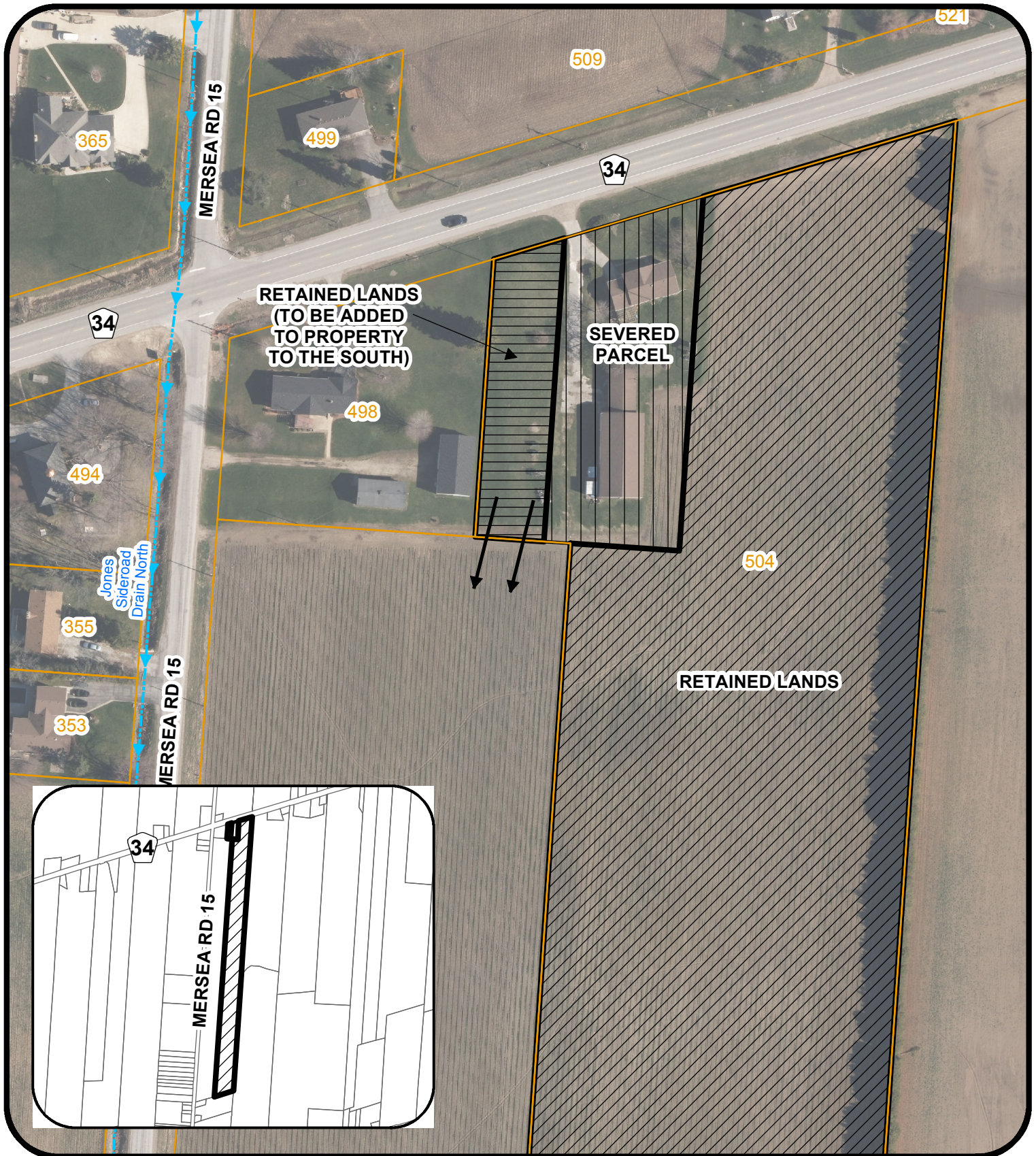
**If a Person** or public body does not make oral comments at the Public Meeting or make written comments to The Corporation of the Municipality of Leamington before the provisional consent is given or a by-law is passed, the person or public body is not entitled to appeal the decision of Council of The Corporation of the Municipality of Leamington to the Ontario Municipal Board.

**If a Person** or public body does not make oral comments at the Public Meeting or make written comments to The Corporation of the Municipality of Leamington before provisional consent is given or the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

**Additional Information** relating to this matter is available for review at the Municipal Office for The Corporation of the Municipality of Leamington, during regular office hours. Please contact Heather Ross Jablonski, Planner at 519-326-5761 extension 1415 for further information.

**DATED** at the Municipality of Leamington this 3<sup>rd</sup> day of October, 2017.





# **ZBA #162 & B-23-17 - 504 COUNTY RD 34**



Rezoned from A1 to A1-11 Retained Lands



Rezoned from A1 to A5



Consolidated with Lands to the South



Aerial Photography : April 2017

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

Provided by the: Municipality of Leamington - GIS Services

111 Erie Street North, Leamington, Ontario N8H 2Z9

TEL: (519) 326-5761 FAX: (519) 326-2481

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## Report

**To:** Mayor and Members of Council

**From:** Heather (Ross) Jablonski, MCIP, RPP, BES  
Development Planner

**Date:** October 10, 2017

**Re:** Zoning By-law Amendment ZBA#162 & Consent Application  
B-23-17 - 504 Talbot Road East (570-05000)

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### Recommendation:

It is recommended that:

1. The provisional approval of Consent Application B-23-17 to create a 0.381 hectare (0.941 acre) surplus dwelling lot be supported by Council subject to the conditions listed in Schedule A;
2. Zoning By-law Amendment Application ZBA#162 to change the zoning of the severed lot from A1 to A5-55 be approved by Council;
3. Zoning By-law Amendment Application ZBA#162 to change the zoning of the retained farm parcel identified as Retained Lands Parcel 1 on the draft reference plan for this application from A1 to A1-11, in order to prohibit further residential development on the site be approved by Council; and
4. If no concerns are raised at the public meeting that amending By-law 81-17 be considered at the Monday October 23, 2017 Council meeting. (Report PLA-38-17)

### Background:

Administration has received a combined consent and zoning by-law amendment application for property located at 504 Talbot Road East (see enclosed key map). Public notice of the statutory public meeting for consideration of Consent Application B-23-17 and the concurrent Zoning By-law Amendment Application ZBA #162 was provided in accordance with the regulations of the Planning Act. The notice was mailed to property owners within 120 metres (400 feet) of the subject property on October 3, 2017, and was sent to prescribed agencies and municipal departments on October 3, 2017. Notice posting signage, which included details about these applications as well as the public meeting, has also been posted on-site.

## **Description of the Subject Property**

The subject lands are irregular in shape, with a lot area of approximately 16.3 hectares (40.27 acres), and are situated on the south side of Talbot Road East, east of Mersea Road 15. The lands are currently occupied by a single detached dwelling and an accessory farm building.

The property is designated Agricultural under the Leamington Official Plan and zoned Agricultural General (A1) under Zoning By-law #890-09. The lands are in an area of row crop farms with no visible livestock operations in close proximity. The property is surrounded by a combination of agriculturally zoned properties, including properties zoned A5, A3 and A1. The site is located in an area serviced by municipal water and private on-site septic systems.

## **Description of the Proposed Applications**

The applicant is proposing to create a surplus dwelling lot, having a lot area of approximately 0.381 hectares (0.94 acres) with approximately 42.32 m (138.84 ft.) of frontage along Talbot Road East. The existing single detached dwelling and accessory buildings, located at the north end of the site, have been deemed to be surplus to the current farming operation. A site plan of the proposed surplus dwelling lot, showing the location of the existing buildings on the site, has been attached to the report as Figure 1.

As a result of the creation of the surplus dwelling lot, the retained lands will be split into 2 parcels, both of which will be owned by Tri-D Acres Inc. The westerly retained parcel, identified as retained lands parcel 2 on the draft reference plan, is to be approximately 0.171 hectares (0.42 acres) in area with 6.55 meters (29.41 ft.) of frontage along Talbot Road East. These lands will be joined with the farm abutting to the immediate south, which is also owned by the applicant. The resulting parcel will have frontage along Talbot Road East and Mersea Road 15 and will be 15.33 hectares (37.88 acres). The existing access to the abutting farm is located off of Mersea Road 15. This resulting farm parcel will not be subject to a residential prohibition.

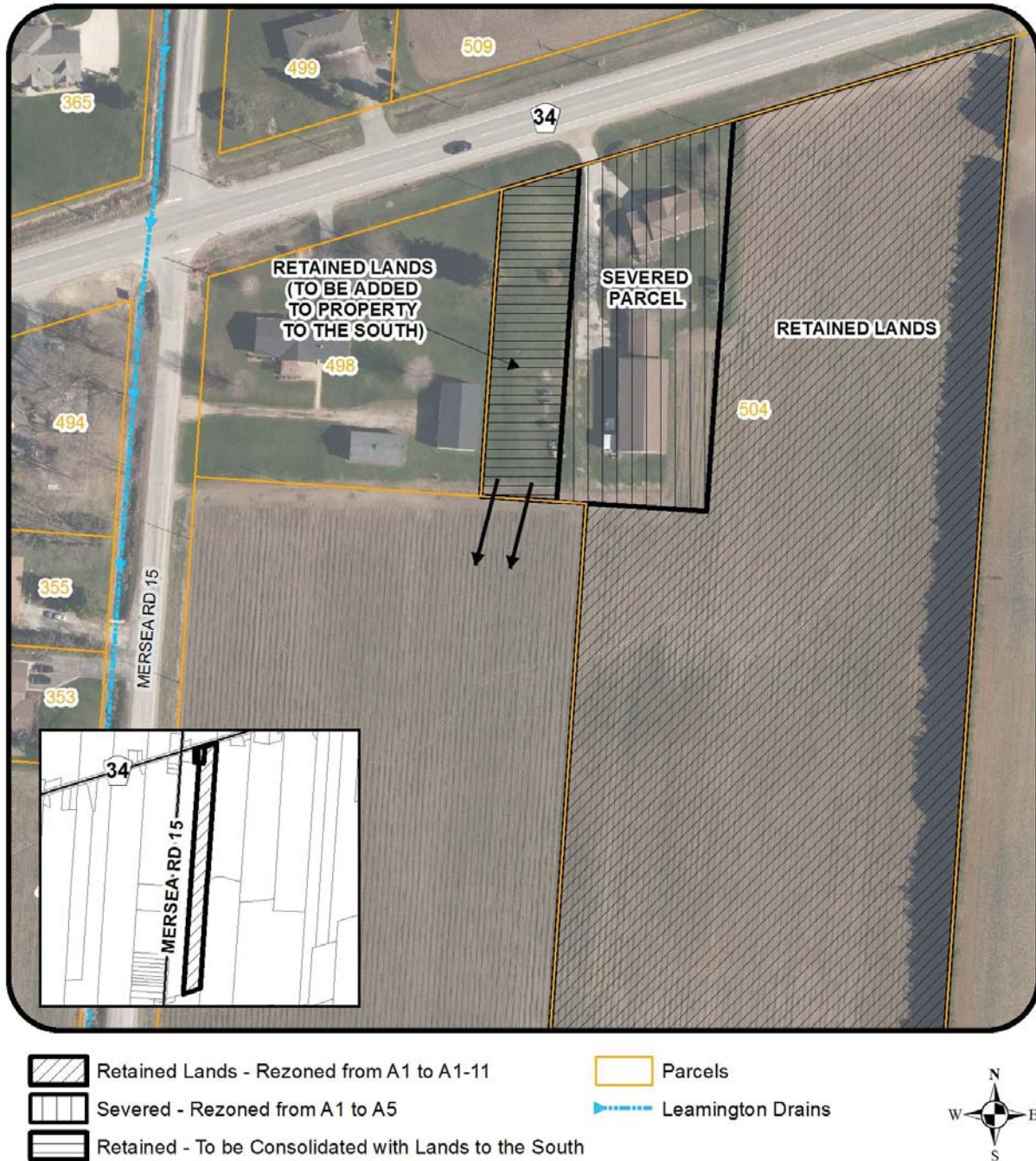
The second retained lot, identified as retained lands parcel 1 on the draft reference plan, is located to the immediate east and south of the proposed surplus dwelling lot, and will be approximately 15.749 hectares (38.91 acres) in area with 23.45 metres (76.95 feet) of frontage along Talbot Road East. New residential development will not be permitted on this farm parcel and these lands will be rezoned accordingly.

## **Provincial Policy Statement (PPS 2014)**

The Provincial Policy Statement (PPS) states that the creation of new residential lots in prime agricultural areas may be permitted when a single detached dwelling has been deemed surplus to a farming operation as a result of farm consolidation, provided that new residential dwellings are prohibited on any vacant remnant parcel of farmland.

Lot adjustments are also permitted in the Agricultural area for legal or technical reasons, provided that they will not result in the creation of a residential lot not otherwise permitted.

The proposed severance of the surplus dwelling lot at 504 Talbot Road East is consistent with the policies of the PPS.



Key map of subject property located at 504 Talbot Road East



## County of Essex Official Plan

The County of Essex Official Plan also permits the creation of surplus dwelling lots in Agricultural designations, as a result of farm consolidations and where the retained vacant farm lands to be retained are rezoned to prohibit further residential development.

The proposed surplus dwelling lot conforms to the policies of the County of Essex Official Plan. The proposed addition to the abutting farm parcel also conforms to the agricultural lot creation policies of the County OP and does not result in a new lot.

## Leamington Official Plan

Leamington's Official Plan policies also permit the creation of surplus dwelling lots in prime agricultural areas when an existing dwelling has been deemed surplus to the needs of a farming operation, provided that various criteria can be satisfied:

- a) The farm must have a minimum lot area of 10 hectares (24.70 acres).

The farm at 504 Talbot Road East has an area of 16.30 hectares (40.273 acres), thus conforms to this policy.

- b) The owner must have owned or been part owner of the farm for a minimum of one year prior to the date of the application. The onus is on the applicant to provide confirmation of ownership status.

The owner purchased the property on May 4, 2017. The owner will not be permitted to present the deeds for the proposed surplus dwelling lot until after May 4, 2018, which is the time after which they will have owned the property for a year.

- c) The residential dwelling to be severed must have been existing prior to January 14, 2008, which is the date of adoption of the Leamington Official Plan.

The date of construction of the existing dwelling is unknown by the applicant, however, municipal aerial photographs show the dwelling in existence in 2000 prior to the adoption of the OP.

- d) The creation of the surplus dwelling lot shall comply with the Minimum Distance Separation requirements.

The applicant has indicated that no livestock operations exist within 500 metres of the subject property.

- e) The size of the surplus dwelling lot must comply with the Municipality's Zoning By-law and may not be greater than 0.8 hectares (1.97 acres).

The proposed surplus dwelling lot will be approximately 0.381 hectares (0.94 acres) in area.

- f) Barns that are in close proximity to surplus dwellings are encouraged, where feasible and warranted in terms of future farm operations and options, to be demolished, relocated or retained with the farm lot.

The owner has identified the existing farm buildings to be surplus to the needs of the agricultural operation and therefore will not be included with the farm parcel. Instead, they will be kept with the surplus dwelling lot. The metal

clad building is 5.3 metres (17.39 feet) in height, which complies with the maximum permitted height for an accessory building in an agricultural zone. The total lot coverage for the 3 existing accessory buildings on the proposed surplus dwelling lot is 10.57% which slightly exceeds the permitted lot coverage of 10%.

Based on the size of the proposed lot and the location of the metal clad accessory building, these 3 accessory buildings can be viewed as generally meeting the intent of this policy. The site-specific A5 zoning proposed for the proposed surplus dwelling lot will include a provision to permit the increased lot coverage of 10.57% to reflect the existing accessory buildings on the site.

- g) The lot to be severed shall include the necessary sewage disposal and water supply systems which currently service the surplus dwelling.

The residential dwelling has a connection to the municipal water system present on Talbot Road East. Through a condition of consent approval, the applicant will be required to undergo a septic system inspection in order to confirm that the system is designed and operating to the satisfaction of the Municipality.

- h) A condition of consent approval should be imposed to require the property owner to enter into an agreement with the Municipality, to be registered on title, agreeing to a building freeze being placed on the retained farm parcel in order to prohibit construction of any new residential dwellings.

Building freeze agreements are no longer utilized for this purpose. Instead, as per the policies of the County OP, the applicant/owner must apply to rezone the retained farm parcel to prohibit further residential development on the site.

Leamington's Official Plan policies also permit lot adjustments for legal or technical reasons provided that:

- a) Both parcels (severed and retained) comply with the provisions of the implementing Zoning By-law.

The retained parcel to the immediate west of the surplus dwelling lot will be added to the existing farm parcel next south, which complies with the A1 zone provisions.

- b) The consent is granted conditional to Section 50(3) or (5) of the Planning Act, R.S.O. 1990.

The vacant farmland next south to which this retained parcel will be added was created by way of consent in 1984 (B-34-84) and will require a one square foot parcel located along the municipal right-of-way to be transferred to the Municipality to "break" the 1984 consent stamp. This will ensure that the farm created in 1984 is not conveyed to another owner without including retained lands parcel 2, as identified on the draft reference plan.

- c) The lot adjustment does not result in the creation of a 'residential lot' that would not have otherwise been allowed under Section 5.4.2 of this Plan.

No new residential lots will be created as a result of the proposed consent application.

Approval of the proposed severance can be supported subject to receipt of comments from other municipal departments, prescribed agencies and area residents. Should no comments or concerns be received, approval of the proposed surplus dwelling lot consent can be supported based on the present Land Division Policies under the Leamington Official Plan. If approved, the conditions listed in the attached *Schedule A* should be imposed on the consent. It is noted that no concerns have been raised to date.

### **Compliance with Zoning By-law #890-09**

The subject property is currently zoned Agricultural General (A1) under Zoning By-law #890-09, as amended. The applicant has submitted the necessary zoning by-law amendment application to accompany the proposed severance.

#### **Proposed Surplus Dwelling Lot - 504 Talbot Road East**

The surplus dwelling lot to be severed is to have a lot area of approximately 0.381 hectares (0.94 acres) and a frontage of 42.32 metres (138.84 feet). The existing buildings and dimensions are shown on the attached site plan (Figure 1) and comply with the Agricultural Residential A5 zone provisions. The proposed amendment will also permit the existing accessory buildings to remain on the lot. A provision to allow an increase to the permitted lot coverage for accessory structures will be included.

It is proposed that the surplus dwelling lot be rezoned to A5-55, a site-specific Agricultural Residential zoning category, in order to reflect the resulting residential use of the property and to permit the existing accessory buildings.

#### **Retained Lands Parcel 1 - South Side of Talbot Road East**

This retained farm parcel is currently zoned Agricultural General (A1) under Zoning By-law #890-09, as amended. This parcel, identified as retained lands parcel 1 on the draft reference plan, is proposed to have an area of approximately 15.92 hectares (39.33 acres) with approximately 98.44 metres (322.96 feet) of frontage, both of which comply with the A1 zoning regulations. In accordance with the intent of the Provincial Policy Statement and County of Essex Official Plan policies, the retained farm parcel will also be rezoned by adding a site-specific zoning regulation that would prohibit further residential development on the site.

#### **Retained Lands Parcel 2 - Immediately West of 504 Talbot Road East**

The westerly retained parcel, identified as retained lands parcel 2 on the draft reference plan, is currently zoned Agricultural General (A1) under Zoning By-law #890-09, as amended, and is to be added to the farm lot abutting to the immediate south. These lands are also zoned Agricultural General (A1). The retained parcel known as retained lands parcel 2 does not need to be rezoned.

## Conclusion:

Consideration of these proposed applications will result in the following:

- a) The creation of a surplus dwelling lot permitted under Section 5.4.2 of the Official Plan, which will be rezoned A5-55;
- b) The creation of a farm parcel which will comply with the A1 zone provisions and will be subject to a prohibition related to further residential development; and
- c) The addition of lands to an existing vacant farm parcel currently zoned A1.

The purpose of the statutory public meeting is to provide an opportunity for comments to be submitted and questions asked by the public in regard to the proposed consent and rezoning applications. Subject to receiving comments from the public, Administration is in a position to state that the proposed applications:

- i) conform to the Land Division and Land Use policies of the County of Essex and Leamington Official Plans, subject to the recommended conditions listed in Schedule A;
- ii) are consistent with the policies of the Provincial Policy Statement regarding lands in prime agricultural areas; and
- iii) satisfy the criteria to be considered when amending Zoning By-law #890-09.

If concerns are raised at the October 23, 2017 public meeting, a further report will be submitted to Council by Administration addressing any comments that were received in regard to the proposed applications. If no objections or concerns are raised, it is requested that Council consider granting provisional consent for creation of the proposed surplus dwelling lot and approval of the amending zoning by-law the same night as the public meeting.

Upon Council making a decision, the required Notice of Decision for the Consent and Zoning By-Law Amendment will be circulated. There is a 20-day appeal period during which objections can be submitted to the Ontario Municipal Board (OMB). In order to ensure that the OMB has regard to Council's decision, Council should be able to demonstrate that their decision was fully supported by relevant information and that the information was given due consideration.

## Financial Impact:

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

Respectfully submitted,



Heather (Ross) Jablonski  
cn=Heather (Ross) Jablonski, o=Municipality of  
Leamington, ou=Planning Services,  
email=hjablonski@leamington.ca, c=CA  
2017.10.18 16:36:47 -04'00'

Heather (Ross) Jablonski, MCIP, RPP, BES  
Planner

Peter Neufeld B.A.  
LL.B.

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Danielle  
Truax

Danielle Truax  
Manager of Planning Services

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Peter Neufeld B.A.  
LL.B.

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Paul Barnable  
Director of Community & Development Services

HJR;mg

Attachments: Figure 1 - Site Plan - Proposed Surplus Dwelling Lot  
Figure 2 - Schedule A - Conditions of Approval - B-23-17

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Figure 1 - Site Plan - Proposed Surplus Dwelling Lot

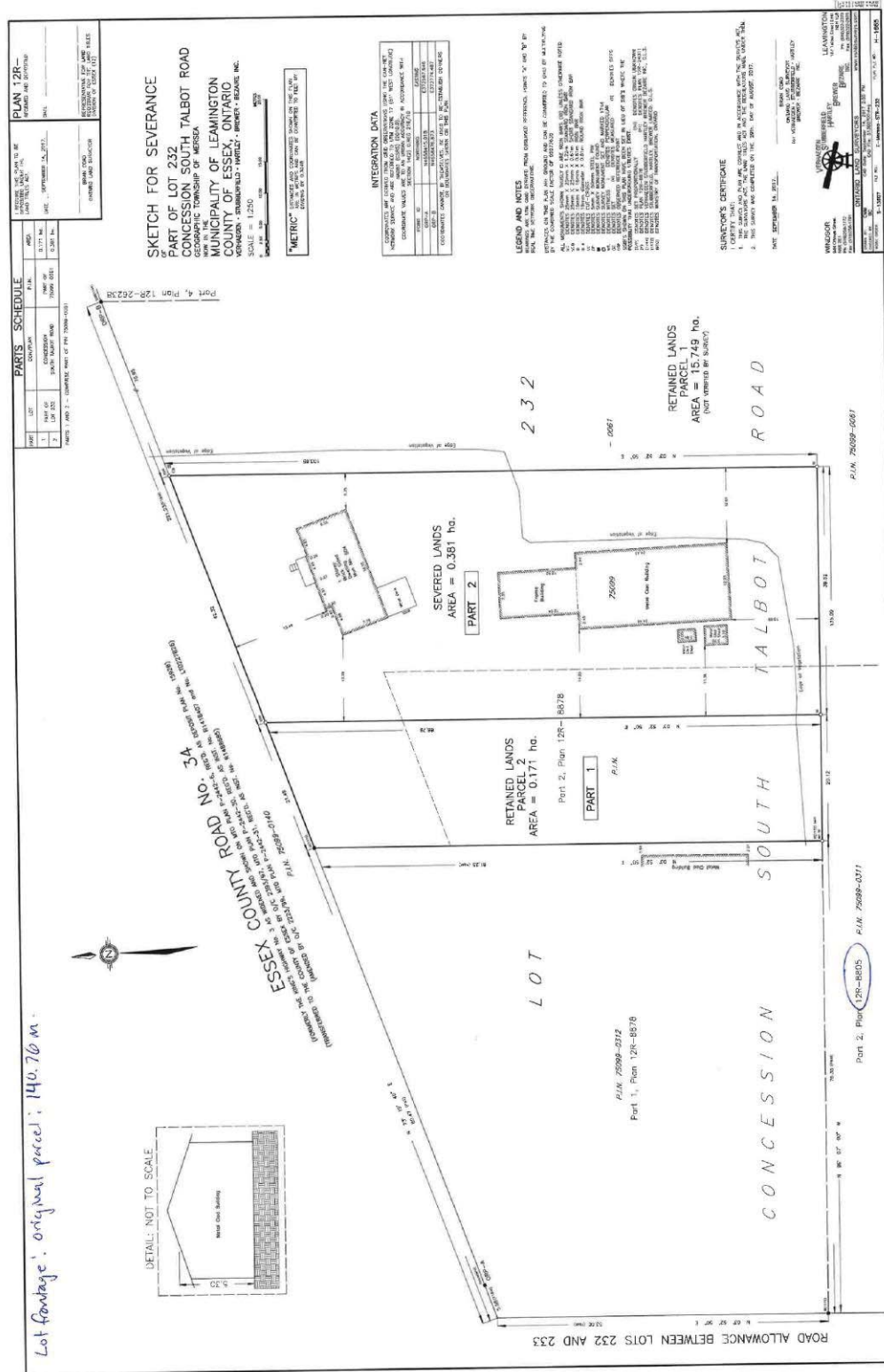


Figure 2 - Schedule A

## SEVERANCE CONDITIONS

### SCHEDULE A

Consent Application - B-23-17 - Tri B Acres Inc. and Peter Brunato - 504 Talbot Road East

#### LEGAL/FINANCE:

1. \*Legal - Staking

The subject property is to be angle staked and a plan of survey prepared or a reference plan deposited in the registry office, an electronic and paper copy is to be provided for the files of the Secretary-Treasurer.

2. \*Legal - Survey

Prior to consent being endorsed on the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the Municipality including satisfactory proof as to compliance of the location of all buildings on the subject lands either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or favourable minor variances shall have been processed for any non-compliances.

3. \*Legal - Transfers (Deeds and/or Easements)

The applicant to submit to the Secretary-Treasurer a transfer in triplicate, acceptable for registration, in order that consent may be attached to the original and a copy to be provided to the Secretary-Treasurer. The applicant and/or the applicant's Solicitor shall provide and undertake that forthwith upon registration of the deed of transfer, to forward a copy of the deed cover page, as registered with the instrument number being shown thereon, to the Secretary-Treasurer.

4. \*Finance - Tax Certificate & Local Improvements

Prior to consent being endorsed on the deeds, the owner shall provide to the Secretary-Treasurer a Tax Certificate or Tax Statement of Account issued by the Municipality verifying that all municipal taxes are paid in full, and the owner shall ensure that necessary apportionments be undertaken for any special assessment imposed pursuant to the provisions of The Local Improvement Act and/or The Municipal Act. A written request for the issuance of a Tax Certificate or Tax Statement of Account for each subject property and the payment of the required fee(s) shall be submitted to the office of the Municipal Treasurer (Finance and Business Services) within one week prior to the deeds being presented to the Secretary-Treasurer.

5. \*Legal - Registration of Documents

The applicant and/or the applicant's solicitor shall provide an Undertaking that all transfers and required agreements, including drainage, consent freeze and building freeze agreements, will be registered within 15 days of the Secretary-Treasurer of the Leamington Committee of Adjustment issuing the certificate of consent to sever.

6. Legal/Finance - Parkland Fee

That a parkland fee be paid for the creation of the surplus dwelling lot, prior to stamping of the deeds, for the Municipality of Leamington park fund.

7. Legal - Consolidation of PIN Numbers

Subsection 3 of Section 50 of the Planning Act applies to the lands that are showing as retained parcel 2 on the draft reference plan which is the subject of this application. The retained parcel 2 will be added to the property of the abutting property owner (TRI-B ACRES INC. AND P. BRUNATO, 3706-570-000-04801, Part Lot 232, Concession STR, being Part 2, 12R-8005). The applicant to submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting property into one parcel. The applicant shall provide evidence to the Secretary-Treasurer within 15 days of the issuance of the certificate of consent to sever that an application to consolidate parcels has been filed with the Land Registry Office.

8. Legal - Transfer to the Municipality

Prior to consent being endorsed on the deeds, the applicant shall cause the transfer of a one square foot parcel of land to the Municipality from the vacant farm parcel owned by TRI-B ACRES INC. AND P. BRUNATO and described as Part Lot 232, Concession STR, being Part 2, 12R-8005 (3706-570-000-04801), in a location abutting the municipal right-of-way and acceptable to the Municipality.

**PLANNING:**

9. Planning - Zoning

Prior to consent being endorsed on the deeds, a favourable zoning by-law amendment shall have been obtained to change the zoning of the surplus dwelling lot from A1 to a site-specific A5 zoning category in order to recognize the resulting residential use and permit the existing accessory buildings on the severed parcel.

10. Planning - Zoning

Prior to consent being endorsed on the deeds a favourable zoning by-law amendment shall have been obtained to change the zoning of the retained lands identified as parcel 1 on the draft reference plan for this application by adding a site-specific clause to the present A1 zoning to prohibit further residential development on this retained parcel.

**DRAINAGE:**

11. Drainage - Proof of Drainage

Prior to consent being endorsed on the deeds, proof of drainage, acceptable to the Municipality, shall be provided by the applicant to serve the lands being conveyed and the lands being retained, with the costs of such drainage being solely at the expense of the applicant. Proof of drainage and payment of the required fees shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.

Comment

Proof of Drainage confirms that:

- a) the existing parcel and the severed parcel drain independently;
- b) the existing parcel and the severed parcel have the right to drain to a Municipal drain or a Mutual Drainage Agreement is registered on title of both properties.

#### 12. Drainage - Drainage Apportionment

Prior to consent being endorsed on the deeds the property owners are to execute an agreement for drainage apportionment due to lands severance or sale approved by the Municipality together with payment of any relative fees for each parcel being severed. The Drainage Apportionment Request, 12R plan and payment of the required fee shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.

#### Comment

The Drainage Apportionment agreement is prepared by the Drainage Department at the written request of the applicant along with submission of 12R plan and payment of fees to the Municipality. The Drainage Apportionment agreement is required to be signed by applicable parties.

### **WATER:**

#### 13. Watermain Assessment/Buy-in Fee

Prior to consent being endorsed on the deed, the owners shall pay the applicable watermain assessment/buy-in fee according to the municipal fees by-law, if required by and to the satisfaction of the Municipality.

### **BUILDING:**

#### 14. Building - Septic Inspection

Prior to consent being endorsed on the deeds, a clearance letter of approval for a sewage disposal system for the dwelling located at 504 Talbot Road East must be obtained from the Municipality together with payment of any relative fees.

#### 15. Expiration of Provisional Consent

The conditions imposed above shall be fulfilled to the satisfaction of the Municipality by October 23, 2018 or this application shall be deemed to be denied in accordance with Section 53(41) of The Planning Act.



regs@erca.org

P.519.776.5209

F.519.776.8688

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

October 12, 2017

Ms. Heather (Ross) Jablonski, Planner  
The Corporation of the Municipality of Leamington  
111 Erie Street North  
Leamington, ON, N8H 2Z9

Dear Ms. Heather (Ross) Jablonski:

RE: Application for Consent B-23-17, & Zoning By-Law Amendment ZBA #162  
504 TALBOT RD E  
ARN 370657000005000; PIN: 750990061  
Applicant: Tri-B Acres Inc.

The following is provided for your information and consideration as a result of our review of Application for Consent B-23-17, and Zoning By-Law Amendment ZBA#162. The applicant wishes to sever a parcel of land that is surplus to the needs of the farming operation. The retained farm lot parcel will be rezoned to include a site-specific provision to prohibit future residential development.

## **NATURAL HAZARD POLICIES OF THE PPS, 2014**

The mid portion of the retained lands is subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). This portion falls within the regulated area of the Hillman Creek. The property owner would be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration (specifically within the vicinity of the Hillman Creek area) or other activities affected by the regulations.

We have reviewed this application with regards to Section 28 of the Conservation Authorities Act, and natural hazard policies of the PPS and have no objections.

## **WATER RESOURCES MANAGEMENT**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

## **NATURAL HERITAGE POLICIES OF THE PPS 2014**

The proposed severed parcel is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.



Ms. Heather (Ross) Jablonski  
October 12, 2017

**FINAL RECOMMENDATION**

We have no objections to these applications for Consent and Rezoning.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corinne', with a large, flowing loop at the end.

Corinne Chiasson  
*Resource Planner*  
/cor



## Report

**To:** Mayor and Members of Council

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

**Date:** October 16, 2017

**Re:** The Bank Theatre and Meeting Place Donation Match Challenge

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### Recommendation:

It is recommended that:

1. The Municipality of Leamington initiate a matching program for donations from the community made to The Bank Theatre and Meeting Place up to a maximum of \$400,000 for the exclusive purpose of funding the capital costs of reconstructing the theatre; and
2. Monies from the Collins Estate Reserve Fund be used to fund the donation match program. (Report LLS-49-17)

### Background:

Council of the Corporation of the Municipality of Leamington at its regular meeting held Monday April 3 2006, gave staff the following direction:

"That Council authorize administration to negotiate and settle the terms of purchase Agreement for the purchase of the Bank of Montreal Building, 10 Erie Street South, Leamington, Ontario for the sum of two dollars (\$2.00);

And further that Administration forward the negotiated terms to Council for their consideration;

And further, that the said property cost of the Bank of Montreal Site be assessed to the Municipal Arts and Culture Budget;

And further, Administration meet with interested Community Groups and provide a report back to Council for their consideration on recommended tenant for the said building.(REC 7/06)"



The Municipality of Leamington took ownership of the Bank of Montreal building in 2006. For a number of the years the building sat vacant. In 2010, Council passed the following resolution:

No. C -56 -10

That Council authorize Administration to begin negotiations with the Sun Parlour Players to secure an ownership or operational lease agreement for the right to own or lease and manage the former Bank of Montreal property located at 10 Erie Street South, Leamington, Ontario;

And further, that upon completion of negotiations, Administration bring back an agreement for Council's consideration and approval. (REC 04/10)

Following negotiations, the property was transferred to the Sun Parlour Players Community Theatre with the corporate objectives of promoting interest in the stage production of theatrical performances, to stage theatrical productions and to accept donations, gifts, devices and bequests and to hold, invest and expend those funds to further these objectives.

Over the years a number of improvements have been made to the theatre, however a number of further planned renovations were recently announced at an event at The Bank Theatre and Meeting Place. Improvements include exterior renovations, and stage and seating upgrades. Conceptual drawings are shown at the end of this report.

## **Comments:**

During the unveiling of the proposed improvements, the Municipality presented a challenge to The Bank Theatre and Meeting Place and its supporters. In order to continue to promote Leamington's vibrant arts and culture scene, it is recommended that to assist with the completion of the renovations, the Municipality match all donations from the community made to The Bank Theatre and Meeting Place up to a maximum of \$400,000. The matching of funds will only be applied to private donations (individuals or organizations), and not to donations/funding received from any other level of government or government agency.

In a recent meeting with the Sun Parlour Players Community Theatre organization relating to the construction on the Bank Theatre, it was discussed that the matching program continue for a period of six months (November 2017 - April 2018). All donations that will be matched will be controlled by the Municipality, matched with the Municipal donation and released in coordination with the progress payments for the capital costs as outlined in the construction contract as required. All donations will be made payable to the Sun Parlour Players Community Theatre for tax receipts to be appropriately issued.

The Municipality holds the assets of the Collins Estate. Council's ability to use those assets is unfettered and it may use those assets as this Council "may deem just and

proper". The language of the Collins' Will does not place a restriction on the use of its assets.

Previous Councils have authorized by resolution the use of funds from the Collins Estate Investment for arts and culture related expenses such as exhibiting Leamington artifacts and collectables, acquiring 62-64 Talbot Street West, renovating the Leamington Art Gallery, renovating the Leamington Arts Centre and funding other activities involving the arts and culture.

### **Financial Impact:**

The Collins Estate account currently has a balance of approximately \$1.03M. All donations will be collected, held by the Municipality and deposited into a separate Sun Parlour Players Community Theatre bank account. This will ensure that all funds raised through community donations that are to be matched by the Municipality are directed to the capital costs of the construction of the Bank Theatre which is a pillar of Leamington's Uptown.

Respectfully submitted,

Peter Neufeld B.A.  
LL.B.

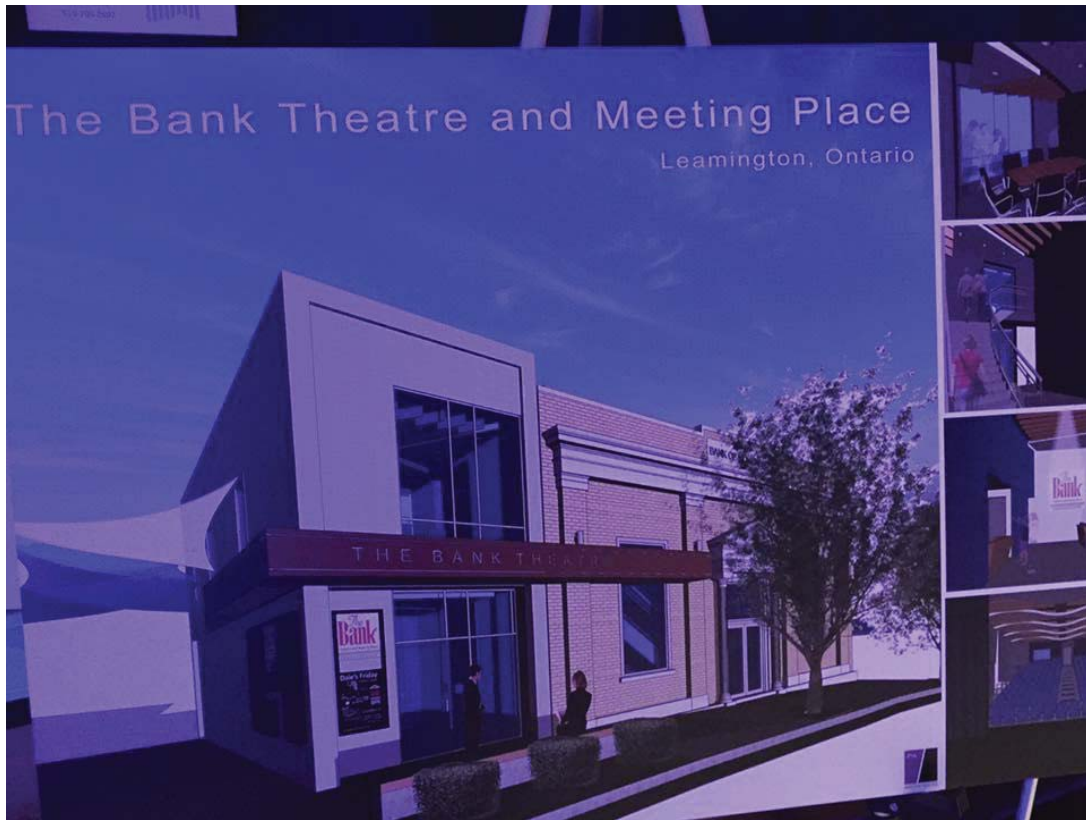
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email=pneufeld@leamington.ca, c=US  
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Ruth Orton  
Director of Legal and Legislative Services

/jb

Attachments: Conceptual drawings of proposed upgrades.

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Front Exterior Conceptual Drawing



Stage and Seating Conceptual Drawing



## Report

**To:** Mayor and Members of Council

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

**Date:** October 12, 2017

**Re:** Comprehensive Business Licensing By-law

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### Recommendation:

It is recommended that:

1. A by-law to provide for the licensing and regulating businesses in the Municipality of Leamington be presented to Council for consideration;
2. The By-law come into effect January 1, 2018;
3. Administration be authorized to submit set fines created under the by-law to the Ministry of the Attorney General for approval; and
4. Administration be directed to bring forward a by-law to amend the 2018 User Fee By-law to include the licensing fees as set out in the report. (LLS-50-17)

### Background:

In 2016, Council directed that Administration bring forward a by-law respecting licensing and regulating businesses operating in the Municipality of Leamington (Report to Council dated June 21, 2016 is attached as Attachment 1).

### Comments:

As directed by Council, a comprehensive business licensing by-law is attached as Attachment 2 to this report.

The purpose of a business licensing by-law is to:

- provide specific conditions or regulations depending on the type of business that the business owner must prove to have met in order to receive a business licence. Controls may include the requirement to provide proof of safety inspections, police record clearances, proof of insurance, etc.;
- ensure all necessary inspections are carried out prior to the issuance of a licence and provides a means to enforce those who continue to operate in non-compliance;
- assist in enhancing consumer protection. Residents and homeowners can take additional comfort and confidence that when engaging such businesses that the Municipality has vetted the business and or operator;
- ensure that the property is properly zoned for the business activities occurring and not causing a nuisance to the neighbourhood in which it operates;
- protection of public health, safety and well-being of residents and visitors;
- standardizes expectations and controls (“benchmark”);
- Provides a level playing field for all businesses (e.g. businesses have to complete the same inspections and satisfy the same requirements in order to operate);
- express fairness to local businesses by way of licensing temporary businesses;

## **Consultation**

Stakeholder/feedback sessions were held on October 2<sup>nd</sup> and 3<sup>rd</sup>. Invitations for the sessions were emailed, mailed, e-delivered through social media, the Municipality’s website, advertised in the local newspaper and circulated by the BIA, and the Chamber of Commerce. For those stakeholders who could not attend an information session, an email address was provided in the invitation as an opportunity for stakeholders to be engaged and to provide comment. A copy of the minutes from the stakeholder feedback sessions are attached to the report as Attachment 3.

In addition to the public consultation with external sources, Legislative Services met with Building Department, Planning Department, Fire Department, Legal Services, By-law Enforcement, and the Windsor Essex County Health Unit. The Ontario Provincial Police was also consulted.

## **Process**

The application for a Business Licence will be available at the municipal building, or on the municipal website. The completed application will be submitted to Legislative Services who will coordinate the internal approval process and inspections, ensure all documentation required by the business owner has been received and will issue the business licence.

## **Fees**

The fee assigned to the business licence depends on the type of business. The licensing fees (Attachment 4) have been developed by taking into consideration the cost

to administer, inspect and enforce each licence type and also through a comparison of other municipality's licensing fees. Previously, business registrations were done at no cost. The cost of administering and enforcing the associated regulations should be borne by the businesses and not the public at large through tax revenues.

### **Implementation of Business Licensing Program & By-law**

The implementation phase is expected to take about a year to complete as businesses required to be licensed in a specific category are due different months of the year. Home occupations and all general businesses (those businesses not listed in Schedule 1 of the by-law) will be required to make application in January.

Phasing in the licensing regime allows Administration time to process numerous business applications including inspections by Fire, Building, By-Law Enforcement and Health Unit. Accommodating all business applications on January 1<sup>st</sup>, 2018 would not be feasible.

### **Renewals**

Expiry dates are determined by licence type and spread out through the year for resource management purposes and to meet the needs of stakeholders. The ongoing yearly expiry will help to ensure that appropriate standards are maintained and information gathered for all licence types is current, while providing a cost recovery process for the entire licensing program.

Prior to the business licence expiry, a renewal notice will be issued to the business owner. Some renewals require inspections or additional forms. Similar to the taxi licences, an additional fee will apply for those businesses that fail to renew their licence by the expiry date.

### **Communication and Education Strategy**

The focus of the first year of the business licensing program should be on education and outreach activities to inform business owners and the public of the by-law and requirements to obtain a business licence. Education and outreach also involves explaining how compliance can be achieved. Education and outreach is often the most successful means of ensuring long-term compliance and is generally less time-consuming and resource-intensive. Education and outreach activities may include:

- Providing information pamphlets or materials to businesses and residents including web based information and social media.
- Meeting with business owners to review the application and by-law.
- Speaking at venues to provide information on licensing.
- Referring business owners to appropriate agencies for any additional information in running a business (e.g. H.S.T. information, registering a business number with Revenue Canada, etc.).



- Public awareness campaign, which may include publishing a series of ads in local newspapers, and posting information on the municipal website.
- Advising the BIA and the Chamber about communicating the requirements under the business licensing by-law to their members and community partners.
- By-law Enforcement Officers, Building Inspectors and the Fire Department providing information to business owners during their work in the community.


The goal is to attain voluntary compliance however, matters that cannot be addressed through education and voluntary compliance will be enforced through the enforcement provisions within the by-law.

### **Financial Impact:**

Administration is unable to determine with any accuracy the number of businesses operating in the Municipality and as such, cannot provide an estimated financial impact associated with the passing of a business licensing by-law. There will be an impact upon staff resources and there will be expenses associated with education. The 2018 budget will include the revenue from application fees include costs for contract staff to assist with the implementation of the business licensing by-law to ensure success of the program. Such tasks will include receiving applications and processing documents; coordinating and conducting education sessions for public/business owners; collaboration with IT for electronic document creation and submission on website; coordinating the internal approval process - creating electronic or workflow processes and educating other departments; and creating website and any brochures/educational information. The program will be re-evaluated so that those impacts can be assessed and included in the 2019 budget.

Respectfully submitted,

Peter Neufeld B.A.  
LL.B.

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email=pneufeld@leamington.ca, c=US  
Date: 2017.10.19 13:09:03 -04'00'

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

Ruth Orton,  
Director, Legal & Legislative Services

Attachments:       (1) Report LLS-31-16 dated June 21, 2016  
                          (2) Draft Comprehensive Business Licensing By-law  
                          (3) Minutes from Stakeholder Feedback Sessions  
                          (4) Proposed Fees - Business Licences  
                          (5) Sample Brochure/FAQ developed for communication strategy

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## Report

**To:** Mayor and Members of Council

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

**Date:** October 10, 2017

**Re:** Shoreline Rehabilitation

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### Recommendation:

It is recommended that:

1. Administration be authorized to issue a purchase order to Coby Marine & Crane Service in an amount of \$24,150 excluding HST, to be funded by the PCC Reserve account for shoreline rehabilitation at the municipal property located on Robson Road, just west of the Selkirk Drain. (Report ES-05-17)

### Background:

In May 2017, Leamington experienced localized flooding in areas along Robson Road and Point Pelee Drive following significant storm events within days of each other. The heavy rain and winds caused shoreline damage to the municipal property located on Robson Road, just west of the Selkirk Drain. The property is located between the Selkirk Drain and 134 Robson Road and is legally described as Plan 1429 W Part Lot 17. See attached key map. This property previously housed a former sampling station for the Leamington Pollution Control Centre (LPCC), but that structure was recently demolished with the LPCC demolition project.

Following the significant storm events, Administration received a call from a neighboring resident with concern regarding the property and the damage that continues to occur to the shoreline. Administration visited the property and found debris washed up onto the property and visible signs of shoreline erosion which has resulted over the years from storms, wave action, runoff and loss of trees and other vegetation. See attached photographs.



## Comments:

Following additional storm events throughout the summer months and continued wash up of debris, Administration identified a need to improve the shoreline protection for this property. The natural shoreline is a valuable and important area as it provides habitat for fish and wildlife and provides structural integrity to the water's edge. Administration requested quotations to repair the shoreline with armour stone. Armour stone provides a more natural looking shoreline and is widely used in many applications. Only one quotation was submitted by Coby Marine & Crane Service in the amount of \$24,150 excluding HST.

## Financial Impact:

This shoreline protection project was not budgeted for in 2017 and therefore the project expenses were not included in the 2017 budget. Administration proposes to fund the project using the PCC Reserve account. The PCC Reserve account balance is estimated to be \$6,143,984 at the end of the 2017 calendar year. Utilizing \$24,150 from the PCC Reserve account will not have a significant impact on the balance and will still allow for funding of future PCC capital projects from this account.

Respectfully submitted,

Peter Neufeld B.A. LL.B.

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email=pneufeld@leamington.ca, c=US  
Date: 2017.10.19 14:00:26 -04'00'

Shannon Belleau, P.Eng.  
Manager of Environmental Services

Robert Sharon, CMO  
Director of Infrastructure Services

:sb

Attachments: Key Map  
Site Photographs





**Site Photographs:**





## Report

**To:** Mayor and Members of Council

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

**Date:** October 10, 2017

**Re:** Leamington (Union) Water Distribution System Inspection Report

---

### Recommendation:

It is recommended that:

1. The Ontario Ministry of the Environment and Climate Change (MOECC) Drinking Water System Inspection Report for the Leamington (Union) Distribution System, dated October 4, 2017, be received; and
2. The report be placed on the Municipality's website and also be made available for public inspection at the Municipal Clerk's office, during normal business hours. (Report LWS-04-17)

### Background:

The Leamington Water Distribution System is comprised of two sub-systems; the Leamington (Union) Distribution System, system number 220004992; and the Leamington (Wheatley) Distribution System, system number 260087048.

The MOECC conducts comprehensive annual inspections on municipal residential drinking water systems (MRDWS) to determine compliance with the *Safe Drinking Water Act, 2002*, associated regulations and MOECC Environmental Compliance Approvals. It is the responsibility of the municipal residential drinking water system owner to ensure their drinking water systems are in compliance with all applicable legal requirements.

The Leamington (Union) Water Distribution System was inspected on September 12, 2017 and the report issued on October 4, 2017. The Leamington (Wheatley) system was inspected on May 16, 2017 and was previously reported to Council under report LWS-03-17.

The operator of a water system is required to provide the inspection reports to the owner of the system, in this case the Municipality of Leamington, through the municipal Council.

MOECC requires that the report for the Leamington (Union) Water Distribution System be circulated to each member of Council and a Council resolution obtained, confirming receipt of the report. The report is also to be made available to the public, and advertised as such.

The MOECC report is provided to Council under separate cover. It is also posted on the municipal web site and available for review or download by the public. This public council report will also satisfy the MOECC requirement to advertise the availability of the report on the municipal web site.

### **Comments:**

The MOECC Inspection report contains two sections that should be noted:

**1. *Non-compliance with regulatory requirements and actions required:***

*This section provides a summary of all non-compliance with regulatory requirements identified during the inspection period, as well as actions required to address these issues.*

There were no items of non-compliance noted in the 2017 report.

**2. *Summary of recommendations and best practice issues:***

*This section provides a summary of all recommendations and best practice issues identified during the inspection period. Best Management Practices are recommendations and not mandatory requirements, but may lead to safe drinking water for the consumer. In the interest of continuous improvement in the interim, it is recommended that owners and operators develop an awareness of the following practices and consider measures to implement them so that all drinking water systems continuously improve their processes.*

There were no recommendations or best practice items noted in the 2017 report.

The **Inspection Summary Rating Record (IRR)** generated by the inspection indicates a Risk Rating of 0%, and a Final Inspection Compliance Rating of 100%.

### **Financial Impact:**

None.

Respectfully submitted,

Shannon Belleau, P.Eng.  
Manager of Environmental Services

:sb

Attachments: None

Peter Neufeld  
B.A. LL.B.

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Robert Sharon, CMO  
Director of Infrastructure Services





## Report

**To:** Mayor and Members of Council

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

**Date:** October 12, 2017

**Re:** Leamington Municipal Marina GH Dock Construction

---

### Recommendation:

It is recommended that:

1. The GH Dock Construction Project be awarded to Kropf Industrial Inc, Seguin, ON P2A 0B2, in the amount of \$884,488 (excluding HST);
2. The \$404,488 be taken from the Marina reserve account and recovered by significantly reducing capital requests over the next 2 years and by recommending an adjustment to the 2018 fee schedule;
3. Council approve an amendment to the 2018 Marina fee schedule D, to include an increased rate on Seasonal Mooring of serviced docks for boats equal to or greater than 50 feet as follows:
  - Delete: Seasonal Mooring
    - a) Serviced docks (per foot for boats 26ft>) = \$50
  - Add: Seasonal Mooring
    - a) Serviced docks (per foot)
      - i. Between 26 feet to 49 feet = \$50
      - ii. 50 feet or greater = \$60;
4. The Mayor and Clerk be authorized to execute the contract. (REC-09-17).

### Background:

In 2010 the Marina experienced substantial damage to its infrastructure due to the Tornado. During the cleanup of this event, insurance covered the cost to replace all but the GH Docks. Over the last 7 years, this dock has quickly deteriorated. Administration

has been performing the necessary repairs in the interim to keep the dock operational. This project was originally intended to move forward last year. Due to some operational changes and the nature of the replacement, it was decided to complete a condition assessment to determine if the existing docks could be repaired, or if they should be completely replaced. The outcome of this assessment was not favourable for repair, so it was decided to carry the budget over and complete the project in 2017. The new docks have an expected useful life of approximately 20 years.

Due to the significance of this investment, Administration decided to complete this project with a two pronged approach. First, release a Request for Proposal (RFP) for Consultation Services to prepare the necessary construction ready documents and oversee the project. Second, issue the necessary tender documents and perform the actual removal/installation of the new GH Dock in cooperation with our selected Consultant.

With the Consultant on board, Administration reviewed the intended scope of the project. The original budget did not include the complete replacement of the electrical pedestals and subsequent infrastructure. As the project progressed, it was determined that a full replacement of electrical was recommended to ensure the longevity of the complete system. The scope of the project was also expanded to include the design of a provisional installation of 10 additional docks along the north promenade wall. This would recover the 10 docks lost due to the redesign of the existing GH dock configuration to accommodate a trend of larger vessels.

## Comments:

Administration has now completed the tender process for the Construction of this project.

On September 29, 2017, the Municipality posted the tender documents on the Municipal website. Administration reached out to known contractors for this type of construction and advised them of this project.

Prior to the tender closing, Administration was contacted by a few companies inquiring about the project; in total there were 9 plan takers. On October 12, 2017 the Municipality received 2 submissions. These submissions came in significantly higher than initially expected.

Company	Total (excluding HST)
Kropf Industrial Inc	\$884,488
Kehoe Marine Construction Ltd	\$942,538

In an attempt to mitigate the over expenditure and given the costs of the upgraded replacement of the GH docks to accommodate the growing trend of larger vessels, Administration has recommended an increase to the seasonal mooring rates for boats that are equal to, or larger than 50 feet. As described in the recommendation, it is suggested to increase this rate from \$50 per foot to \$60 per foot.



## Financial Impact:

After the cost of the Consultant on this project, the 2017 Marina Capital account (10-7-0672-8000-303190) has approved funding in the amount of \$480,000 for the GH Dock Project. As described, the remaining \$404,488 will be taken from the Marina reserve account and recovered by the deferral of future capital projects. The Marina reserve is projected to have a balance of \$602,000 at the end of 2017 prior to this consideration. This will bring the balance of this reserve to approximately \$198,000.

Increasing the fees for boats that are equal to or larger than 50 feet will result in an estimated additional \$5,000 in annual revenue, based on our current occupancy.

Respectfully submitted,

**Terry  
Symons**

Terry Symons  
Manager of Recreation Services

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Corporation of the Municipality of  
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**Peter Neufeld B.A.  
LL.B.**

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**Paul Barnable**  
Director of Community Services

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## Report

**To:** Mayor and Members of Council

**From:** Ken Brown, P.Eng, Manager of Public Works

**Date:** October 10, 2017

**Re:** Rickway Park Development

---

### Recommendation:

It is recommended that:

1. The purchase of a play structure for Rickway Park in the amount of \$47,497 (plus HST) from PlayPower LT Canada, Paris, Ont. be approved. (PW-06-17)

### Background:

Pursuant to Council Resolution No. C-336-15, the Municipality sold a residential lot on Rickway Drive to Habitat for Humanity. The \$50,000 proceeds from the sale of the lot has been held in a Parks Reserve for the future development of the parklands as described in Council Report IS-18-15.

During the 2017 budget deliberations, \$70,000 was approved by Council for the development of Rickway Park, \$50,000 being funded from the Parks Reserve.

### Comments:

The proposed plan for the development of the Park will include additional trees, benches, garbage receptacles, four-station swing set (includes accessible swing) and a play structure.

Accordingly, the Municipality issued a Request for Proposal (RFP) from qualified proponents for a playground design with activities for children of ages 18 months to 12 years. In addition, the RFP was seeking a unique design to differ from the surrounding neighbourhood parks, such as the Marina ship, Seacliff Park, Donald Park and Kinsmen Diamonds play structures. The supply, delivery and installation of the playground equipment was not to exceed \$47,500.

Proponent's submissions were to include:

- 1) Detailed descriptive play component list including warranty information
- 2) Age appropriateness for each piece of play equipment identified

- 3) Layout plan showing all required safety zones
- 4) A 3D diagram or cross-referenced photo from catalogue which illustrates components as well as the entire play equipment.

On September 21<sup>st</sup>, 2017, Administration received four (4) submissions.

After completing a review of each submission, Administration chose PlayPower LT Canada, Inc. out of Paris, Ontario as the preferred proposal. PlayPower's quoted price for the supply and installation was \$47,497 plus taxes.

A letter has been sent to each of the residents in the vicinity of Rickway Park, showing the chosen play structure, as well as the layout of the new park (refer to Attachments 1 and 2).

### Financial Impact:

The table below summarizes the overall costs for the Rickway Park Development project, including the proposed playground from PlayPower.

Park Element	Cost (excluding tax)	Cost (including Net HST)
PlayPower Playground	\$47,497	\$48,333
Four-bay Swing Set	\$3,800	\$3,867
Fibretop Engineered Wood Mulch	\$4,000	\$4,070
Benches (3)	\$3,300	\$3,358
Garbage Receptacles (3)	\$1,500	\$1,526
Trees (3)	\$1,000	\$1,018
Rickway Park Sign	\$2,500	\$2,544
<b>Total</b>	<b>\$63,597</b>	<b>\$64,716</b>

Remaining funds will be used for any required site restoration and/or contingency.

Respectfully submitted,

Ken Brown, P.Eng  
Manager of Public Works

Peter Neufeld B.A.  
LL.B.

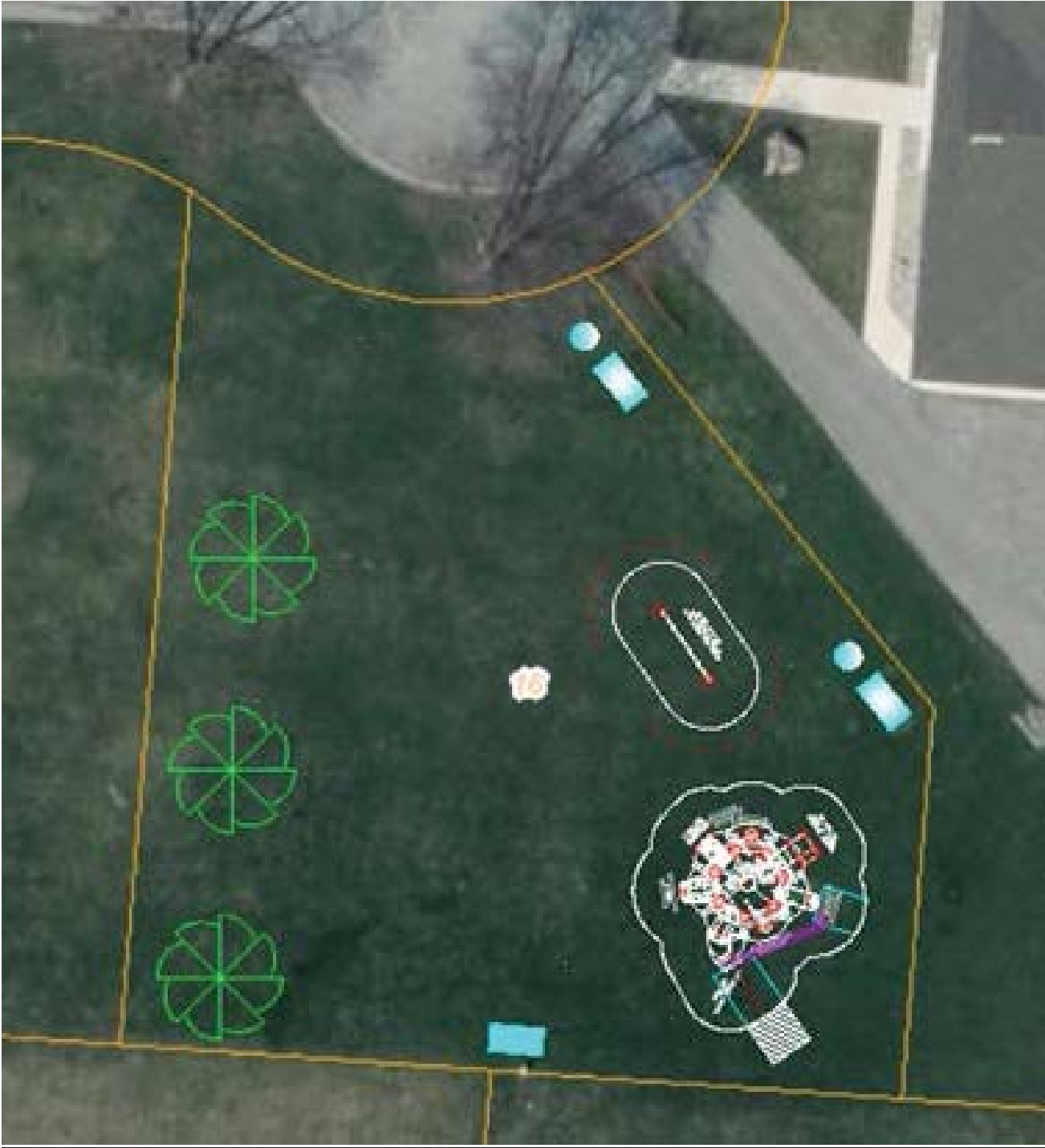
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Robert Sharon, CMO  
Director of Infrastructure Services

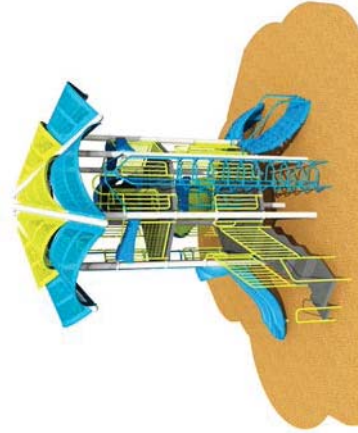
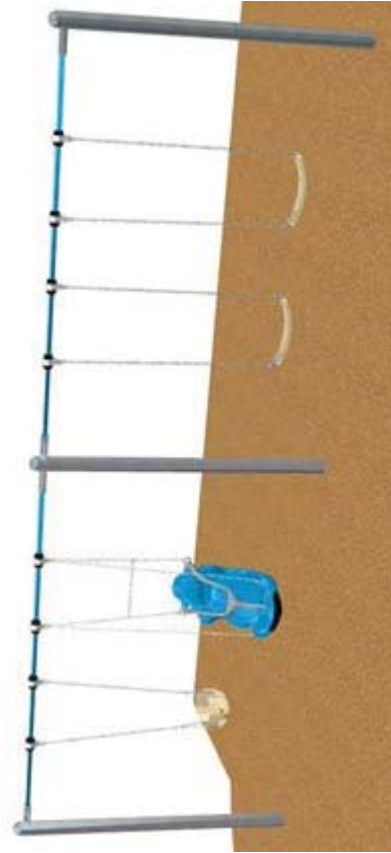
Attachments:

- 1 - Rickway Park Development Site Plan
- 2 - Rickway Park Development Play Structure

Attachment 1 - Rickway Park Development Site Plan



Attachment 2 - Rickway Park Development Play Structures





## Report

**To:** Mayor and Members of Council

**From:** Allan Botham, P.Eng., Manager of Engineering Services

**Date:** October 17, 2017

**Re:** Sidewalk Construction - Oak Street West

---

### Recommendation:

It is recommended that:

1. A contract be awarded to Giorgi Bros (1994) Inc., 2751 Temple Drive, Windsor, Ontario, in the amount of \$179,320 (plus applicable taxes) to construct sidewalk along Oak Street West between Nicolas and Fraser Road;
2. That up to \$66,925 of the contract costs be charged to the General Infrastructure Improvements account in the 2017 Engineering Capital Budget; and
3. And that the Mayor and Clerk be authorized to enter into the necessary agreements. (ENG 23-17)

### Background:

As presented in 2016, by way of staff report ENG 22-16, the 2016 Federal Budget included for the investment of \$11.9 billion in transit infrastructure over five years. The planned investment includes the Public Transit Infrastructure Fund (PTIF). Phase One of the PTIF will see \$3.4 billion invested across Canada.

Leamington is eligible to receive \$50,000 plus an amount based on the ratio of our transit total ridership to the total ridership in Ontario (\$49,014). The PTIF will provide up to 50% of the total eligible project costs incurred from April 1, 2016 to March 31, 2018, up to \$99,014.

The PTIF has recognized extensions of active transportation systems (sidewalk) as eligible projects. Therefore, the Municipality proposed an extension of sidewalk at the western limit of our transit system, along Oak Street West, that would satisfy an outstanding need providing pedestrian access from businesses to existing bus stops.



The subject tender also included for modifications to sidewalk in the uptown area such as replacing empty tree areas with new stamped concrete, and replacing brick paving stones with coloured, stamped concrete along Talbot Street East between Erie Street and Wellington Street. These items were part of the 2017 Public Works budget.

On September 20, 2017 the Municipality closed the tender period and received one tender submission from Giorgi Bros. in the amount of \$242,568 (plus applicable taxes).

### **Comments:**

Administration has been actively working on design and planning to construct sidewalk along the south side of Oak Street West between Nicolas Street and Fraser Road. Residents and businesses have been notified and are supportive of the works.

Two existing utilities, Hydro One guy & anchor assemblies (please refer to Figure 1), and a water valve chamber that is part of the main feed to Leamington have added challenges to the project. The watermain exists under the southern curb line and boulevard of Oak Street.



**Figure 1**



Through discussion with Hydro One, two guy and guy anchors were reconstructed to the north side of Oak Street to provide the 1.5m wide sidewalk with proper clearance to run snow clearing equipment. This work is now complete.

An investigation into the water chamber in the boulevard in front of municipal address 114 Oak Street West concluded that the chamber, as constructed, will not support the weight of the Municipality's sidewalk plough. The chamber is 10.66m long by 4.88m wide, filling much of the boulevard, and therefore, could not be avoided by an alternate route. Abandonment of the chamber will cost \$60,000 with Union Water System contributing 50% of the cost.

Please note that our consideration of an alternate alignment (placing the sidewalk along the north side of Oak Street) confirmed that the south side provides the greatest benefit at this time for the following reasons:

1. Sidewalk along the north side of Oak Street would not provide service to the Sandy Lake Subdivision, and not link the Leamington Transit stop at Ellison and Oak to local business without the immediate need for a pedestrian crossover.
2. Sidewalk along the south side of Oak Street creates a continuous link between the Fraser/Oak/Talbot intersection and the pedestrian crossing at the trail near the new Leamington High School.
3. A sidewalk already exists along the north side of Oak Street between Armstrong Drive and Erie Street South, and beyond servicing neighbourhoods north of Oak Street West.
4. There is a significant number of driveways along the north side of Oak Street West between Armstrong Drive and Fraser Road.

The final alignment will see a 1.5m wide sidewalk constructed between Nicholas Street and Carter Avenue set approximately 1.2m south of the curb line. Just west of Carter Avenue, the sidewalk alignment will shift toward the curb and a 1.8m wide sidewalk will continue westerly to Fraser Road against the curb.

## Financial Impact:

The tender price of \$242,568 (plus applicable taxes) is over the initial budget of \$155,000. Table 1 shows a breakdown of the Giorgi tender submission.

Table 1: Construction Tender Breakdown

<b>2017 Annual Sidewalk Construction Program Tender</b>	<b>Tender Amount (Incl. Net HST)</b>
Sidewalk (Fraser Road to Nicolas Street)	\$ 192,192
Sidewalk (Uptown works along Erie and Talbot)	\$ 39,381
Contingency Allowance	\$15,000
<b>Total</b>	<b>\$246,573</b>

Considering that this is an important project, and receiving a significant PTIF funding program contribution (\$65,000), Administration is recommending that the project continue to move forward. Administration negotiated the project costs with the single tenderer, Giorgi Bros. The contractor has agreed to reduce several unit prices and reduce the uptown works such that the total construction contract price would be \$182,037. Administration also discussed the water valve chamber with the Union Water System and secured 50% funding for the valve chamber abandonment.

Table 2 represents the total estimated project costs to complete the works, including design, property acquisition and utility relocations, as well as recommended funding sources. Administration is recommending that the variance of \$66,925 be funded from the General Infrastructure Improvements account in the Engineering Capital Budget. Of the \$100,000 budget, approximately \$10,000 has been spent to date, leaving adequate funding.

Table 2: Revised Municipal Share of Project Costs

Project Tasks	Actual/Estimated Costs Post Tendering	Budget	Variance
Engineering/Survey	\$ 1,850		
Property Acquisition	\$ 2,950		
Hydro One Relocation	\$ 5,088		
Water Valve Chamber Abandonment	\$ 60,000		
Construction Tender (Giorgi)	\$182,037		
<b>Funding:</b>			
PW Capital Budget		\$25,000	
Engineering Capital Budget		\$130,000	
Contribution from Union Water		\$30,000	
General Infrastructure Improvements		\$66,925	
<b>Total</b>	<b>\$ 251,925</b>	<b>\$251,925</b>	<b>\$0</b>

Respectfully submitted,

Peter Neufeld  
B.A. LL.B.

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Allan Botham P.Eng  
Manager of Engineering Services

Robert Sharon CMO  
Director of Infrastructure Services

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Attachments: (none)



## Report

**To:** Mayor and Members of Council

**From:** Peter Neufeld, Chief Administrative Officer

**Date:** October 3, 2017

**Re:** Policy H04 - Health and Safety Awards - Employee Recognition

---

### Recommendation:

It is recommended that:

1. Policy H04-Award, Health and Safety Awards - Employee Recognition be repealed. (Report CAO-04-17)

### Background:

On July 5, 1999, Policy H04 - Awards was approved by Council. The policy was subsequently amended in 2005. Currently, the policy provides for awards to be presented at an annual recognition banquet to employees who do not have lost time due to a compensable accident. The policy sets Council's contribution to the cost of the purchase of tickets at \$30 for full-time employees and \$15 for part-time employees. Attendance is open to all employees and any guest of an employee pays for his or her own ticket.

### Comments:

Over the past three years, Council has demonstrated its commitment to a vibrant and healthy workplace. In keeping with this commitment, Administration has looked for new ways to recognize our employees and to encourage them to really appreciate each other for what they do above and beyond the duties of their position, and the manner in which they carry out their duties.

The current policy recognizes employees for remaining safe in the workplace, however, the concern with such policy is that it may discourage the reporting of workplace incidents or encourage employees to work with injuries. Repealing the existing policy would not impact upon the Municipality's commitment to workplace safety nor its commitment to fostering these values in its employees.

The Municipality maintains policies and standards relating to the workplace safety, and monthly meetings provide an opportunity for managers to meet with their employees and discuss health and safety issues. Replacing the current policy with a process that allows for a recognition of employees for other qualities that positively impact upon the work-life of those around them is consistent with the values of the Municipality.

### **Financial Impact:**

There would be no financial impact beyond what has previously been allocated to Human Resource initiatives within the annual budget. Employee acknowledgements would still take place annually at an employee recognition event.

Respectfully submitted,

**Peter Neufeld**  
**B.A. LL.B.**

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Peter Neufeld  
Chief Administrative Officer

Attachments: None

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POLICY NO.  
DATE ENACTED:  
AMENDED BY:  
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H04-Award  
July 5<sup>th</sup>, 1999  
#C-155-05  
1 of 1

SUBJECT: HEALTH & SAFETY AWARDS - EMPLOYEE RECOGNITION

All full-time and regular part-time employees who work a complete calendar year without a lost time compensable accident will have their name placed in a draw for awards to be presented at the Annual Recognition Banquet, with such awards not exceeding \$100.00 in value.

And further, that Council contribute an upset limit not to exceed \$30.00 for full-time employees and \$15.00 for regular part-time employees to be used toward the purchase of a ticket to the Annual Recognition Banquet.

This policy is applicable to all full-time employees of the Corporation (both Union and Non-Union) and all regular part-time employees (Firefighters, Kinsmen Complex Staff) who are regularly scheduled throughout the year.

(CAO 21/99)  
(CAO 10/05)



## Report

**To:** Mayor and Members of Council

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

**Date:** October 17, 2017

**Re:** Vacancy Rebate Elimination

---

### Recommendation:

It is recommended that:

1. The elimination of the Vacant Unit Property Tax Rebate Program in Leamington and Essex County be supported; and
2. That Essex County Council is encouraged to seek approval from the Minister of Finance to enact a Regulation for Essex County to eliminate this Program, commencing for the 2018 taxation year. (Report FIN-16-17)

### Background:

On Tuesday, May 23, 2017, Leamington Council received report FIN-04-17 relating to the 2017 Vacancy Rebate Program Review. In that report, it was identified that the recommendation from the County Tax Collectors and Treasurers group meeting was to have one open house for all Essex County municipalities. Given the deadline of July 1, 2017 for 2017 taxation year, it was recommended that the local business community be engaged this year and the proposed elimination of the vacancy rebate take place for the 2018 taxation year.

The County-wide open house was held on September 27, 2017 from 4:00 pm to 7:00 pm at the Essex County Civic Centre. A slide presentation highlighting changes to legislation, program challenges and potential options was available for those who attended and was posted to the County web site and is attached as an appendix to this report. Representatives from the County and each of the local Municipalities were in attendance to address any questions that may have arisen.

The open house was advertised in all local papers, through social media, as well as on the County's and local municipal websites. Leamington's BIA and Chamber of Commerce also assisted with advertising the request for feedback from the local business community.

Property owners were invited to provide their comments on the proposed elimination of the program at the open house or alternatively through an online survey available from September 18th to September 30th or through email to the County.

### **Comments:**

There were 32 responses to the online survey, two emails received and one attendee at the open house.

The following table summarizes the responses received from the online survey:

Do you benefit from a tax reduction for a vacant unit/land?	Yes	6
	No	26
How important is a tax reduction for a vacant unit/land?	Not important	17
	Neutral	3
	Somewhat important	2
	Extremely important	10
What impact would discontinuation of the program have?	Limited impact	23
	Significant impact	9

Of the two emails received, one can be summarized as against the proposed elimination of the program and the other can be summarized as neutral to the proposed elimination of the program.

The one open house attendee was present to observe and did not provide an opinion on the proposed elimination of the program at the open house.

Opinions expressed by participants in the public consultation process ranged both for and against the existing program, with a greater number of respondents favouring the elimination of the program. Reasons provided by respondents touched on the advantages and disadvantages of the program that were identified in FIN-04-17 - 2017 Vacancy Rebate Program Review, those being:

#### **Advantages**

- 1) The vacancy rebate program provides financial relief to property owners that do not have rental income.
- 2) Reductions in property taxes may be reinvested in the property to improve the rental viability.
- 3) Reduces the incentive of demolishing vacant properties with future rental potential.



## Disadvantages

- 1) There is no limitation to the number of times that a property can apply for the rebate which may incent the owner to not complete the necessary improvements to encourage occupancy. Several property owners apply every year which suggests the program is not working as intended.
- 2) Tax relief may discourage incentive to provide affordable rental rates.
- 3) Seasonal renting is discouraged with the ninety (90) day vacancy period.
- 4) Applications require administrative resources for collecting, reviewing, and calculating the rebates. Periodic inspections have recently been undertaken to ensure the application is accurate and the program conditions are satisfied as established.
- 5) Rebate program is for commercial and industrial property owners and is recovered through general taxation.

After review of the feedback received through the online survey, email responses and open house attendance, the consensus of the County Tax Collectors and Treasurers group remains that the vacancy rebate program be eliminated for the 2018 taxation year.

Ministry of Finance approval is required to make any changes to the Vacancy Rebate Program. It is anticipated that the decision of County Council will be sent to the Minister of Finance prior to the end of 2017, requesting that the recommended change be implemented for 2018.

## Financial Impact:

The Municipality of Leamington has provided the vacancy rebate program primarily to commercial properties within the urban area. The Municipality's portion of the vacancy rebates from 2009 - 2016 has totalled \$215,654 and averaged approximately \$27,000 as outlined below.

Year	Total Value of Vacancy Rebates	Leamington Portion	# of Applicants
2009	\$95,967	\$34,377	52
2010	\$47,439	\$17,624	41
2011	\$40,432	\$15,472	23
2012	\$89,967	\$33,835	36
2013	\$88,279	\$33,120	28
2014	\$106,637	\$37,682	38
2015	\$64,518	\$24,599	32
2016	\$48,549	\$18,945	29
<b>Total</b>	<b>\$581,788</b>	<b>\$215,654</b>	<b>279</b>

Overall, there is a downward trend in the number and dollar amount being rebated to property owners under the current program. This can be attributed in part to improvement in the economy and development opportunities as well as the uptown revitalization strategy as part of this Council's strategic direction. The total value of vacancy rebates includes the Municipality's portion as well as the County and education portion of the

rebate which are fully recovered. The Municipality's portion is annually expensed in General Government tax adjustment account.

Elimination of the program will allow the Municipality to redirect approximately \$20,000 per year towards other programs/services and/or be used to mitigate pressures on the general tax levy.

Respectfully submitted,



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

Peter Neufeld  
B.A. LL.B.

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Attachments: Vacant Unit Property Tax Rebate Consultation Powerpoint

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

## **Minutes of Mayor's Youth Advisory Committee Meeting**

**Tuesday, May 9, 2017 at 7:15 PM**

**West End Meeting Room, Leamington Municipal Office**

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Members Present: Gillian Marocko  
Alisha Bapoo  
Cameron Stockton  
Kiara Clement  
Julia Savo  
Amber Buston-White

Members Absent: Alexandria Dossantos  
Matthew Prebeg

Members Present: Mayor John Paterson  
(Non-voting) Customer Service Representative Pamela Malott

Members Absent: Constable Stephanie Moniz  
(Non-voting) Councillor Larry Verbeke

Chair, K. Clement called the meeting to order at 7:20 PM

### **Adoption of Meeting Minutes:**

Moved by: C. Stockton  
Seconded by: G. Marocko

That the Minutes of the Mayor's Youth Advisory Committee held March 21, 2017  
be adopted.

**Carried**

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

None noted.

### **Items for Consideration:**

#### **1. MYAC Innovation Fair (Creativity Expo):**

There was Committee discussion on the Creativity Exposition. The following comments  
were noted:

K. Clement noted the event did not take place as planned. C. Stockton noted that there was another Art show within the same time frame. K. Clement thanked everyone for the good effort that went into the event.

K. Clement noted the event will be on hold until next year, but the group could discuss what went well and what could be improved upon.

A. Bapoo joined the meeting at 7:25 PM.

J. Savo noted that the advertising and social media exposure was well done, and that she did not feel improvements were needed.

A. Buston-White liked the enthusiasm of the group for the project and noted the timing could have been better.

C. Stockton appreciated the idea of donating to charity and getting the whole community involved. He noted the event was rushed at the end and felt some of the difficulty was with meeting only once per month.

A. Bapoo felt the event was not organized enough and was all over the place, although she noted the overall idea was great. She felt many people did not understand about the actual entry part of the event.

G. Marocko noted the group had great ideas.

Mayor Paterson commented that he envisioned the end result, only because it was the first time for MYAC organizing an event. He noted that those who will be back next year could start working on the event right away and doing a sub-committee would be a method to avoid issues with once a month meetings. The sub-committee could meet as often as necessary and would report back to the larger MYAC Committee. Mayor Paterson felt the flyers and social media were great. He noted the MYAC group did well with expressing opinions at the meetings. He felt the effort of working with the various schools for input was well done. Overall he felt the effort was a good one.

K. Clement felt the group was enthusiastic and good at putting ideas together. She noted some of the ideas were vague and that it all came together too late. She noted some MYAC members are seniors on the Committee and have many other priorities. She remained hopeful that the MYAC can recruit some younger members to assist in the legwork when the event is re-scheduled.

Mayor Paterson felt the group learned from the experience and will improve as time progresses.

## **2. Skateboard Park Committee:**

Mayor Paterson noted that Councillor Wilkinson and Councillor Verbeke are pushing to get the Skateboard Park in the budget for 2018 and to build it in 2018. He noted the importance of getting the word out thru advertising and marketing. He described being

in Waterloo and seeing their Skateboard Park right off Main Street being well used on a Sunday.

Mayor Paterson asked that any information MYAC members could gather about the proposed Park be brought back to the Committee meetings.

K. Clement suggested going around at lunch in the Cafeteria and talking to each table, and also having MYAC members go out of their way to talk to groups. She felt it would be prudent that the MYAC set a couple of goals for the Skateboard Committee.

Mayor Paterson noted that it would be a head start to gather names this year of those who may have interest in the MYAC and firm up a sub-committee for the Skateboard Park Committee. He also noted Deputy Mayor McDonald and Councillor Wilkinson have interest in the group and it could be a possibility to meet during the summer months.

A. Bapoo noted that clubs and groups start up in September and many new students would be keen to join. She felt setting up a table for MYAC information may be a good method of attracting interest.

K. Clement felt it was a good goal to set for all MYAC members to talk to people and everyone come back with a few names as MYAC candidates for the next meeting. The group agreed.

## **NEW BUSINESS**

A. Bapoo noted the group had started talking about 'what elements do we need to build a strong youth community?'

K. Clement encouraged the group to think about 'What elements does a Community need?' She noted that the community should be more motivated and talking to youth more.

A. Bapoo asked how youth could integrate themselves into the community more.

Mayor Paterson suggested that rather than the MYAC members using their own time, they should think about the events going on in community and how they can become involved. One suggestion noted was Sip and Savor (there may be age restrictions due to alcohol). Also a great cause is Hogs for Hospice, and they may be looking for volunteers. The group could present themselves as the MYAC and become more involved with these events.

C. Stockton expressed that he felt a strong youth community needs to build strong community involvement. Examples used were Marina Movie Night, and Hogs for Hospice, and possibly Galas that take place in the community.

A. Bapoo noted the importance of knowing about different events and what is going on in the community. J. Savo agreed.

The group asked if Lindsay Gammon could advise of events in the community and C. Stockton can tweet them on MYAC. P. Malott will forward the request to Lindsay.

Mayor Paterson also encouraged the MYAC to be more politically involved. He suggested going online to look at Council Agendas for items of interest to the MYAC group. As an example, Mayor Paterson noted in late April there was a presentation by a group who had a rezoning issue with an Old Catholic Church. A new group has bought the property and hopes to turn it into a Youth Engagement Centre. It is estimated there are approximately 100 kids in the community with no home. If the project goes as planned, they also plan to build residential structures behind the church for temporary shelter. The goal is to help youth get back into the community. Mayor Paterson suggested MYAC members may wish to review the minutes from this meeting and perhaps make a statement about the Youth Centre on behalf of MYAC. Council approved the project, but there was much controversy. Mayor Paterson noted that he was impressed with a group of youth who came into the meeting and observed. He encouraged the MYAC members to attend any meeting of interest and to apply to Town Hall to be a delegation at the Council meeting should they wish to speak on an issue.

A. Bapoo asked what concerns were raised by the public at the meeting concerning the Youth Centre? Fear of parties, noise, or drugs?

Mayor Paterson confirmed that the OPP know there are hot spots in Town and they keep close watch. He noted this Centre will be well supervised and Council will hold the Youth Centre Group to their promises.

Mayor Paterson noted he came across a Facebook post which started as an innocent post but mentioned all the garbage out on the waterfront in April. He expressed that there is approximately a six week period prior to the arrival of Public Works Students, and six weeks after, where the Town has limited resources for this type of clean up. If MYAC members and friends could take on this type of project at Seacliff Beach, Public Works could certainly provide supplies. Mayor Paterson would be sure to get the word out in the community. This would be similar to the Highway 3 'adopt a highway' where garbage bags are filled on both sides of road. These are the types of project where there is need and they attract attention.

Mayor Paterson confirmed that the Amphitheatre is being built at Seacliff Park with a projected completion date of July 1, 2017. The Volleyball Courts are also nearing completion.

K. Clement noted that the MYAC group had discussed earlier the possibility of a music festival event. She expressed that the MYAC group could start planning this and the Creativity Expo Event early in the new school year.

C. Stockton asked about property across from Royal Bank being turned into green space. Mayor Paterson confirmed the buildings have already been demolished and sodding will take place soon. Mayor Paterson also noted that \$250,000 dollars is to be spent on Mill Street to make it more pedestrian friendly. The BIA are thrilled and they have an event already planned for Mill Street.

The group discussed the Bird Watching Season and the possibility of decorating for the Birding Season. It was suggested that the season is already upon us, but it is a good idea to work with the Chamber of Commerce earlier next year.

It was noted that MYAC started late this year, and suggestions were made to advertise now to enable new members to be ready for the September meeting. K. Clement asked if the MYAC members could get the MYAC application forms sent to them. P. Malott will email the group the 2017 application.

K. Clement thanked the group for a productive evening.

Motion to adjourn:

Moved by: A. Bapoo

Seconded by: K. Clement

That the meeting adjourn at 8:15 PM.

**Carried**

*Signature on file*

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Chair, MYAC

**Date of Next Meeting:**

Tuesday, October 17, 2017 at 7:15 PM