



# ***THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON***

## **MEETING OF MUNICIPAL COUNCIL**

**MONDAY, MARCH 14, 2011  
COMMENCING AT 7:00 P.M.  
IN LEAMINGTON COUNCIL CHAMBERS**

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**(A) CALL TO ORDER:**

**(B) PRAYER:**

**(C) DISCLOSURES OF PECUNIARY INTEREST:**

**(D) ADOPTION OF COUNCIL MINUTES:**

1. Minutes of the Special Meeting of Council held March 4, 2011  
Pages 4-5
2. Minutes of the Council Meeting (including the Court of Revision-Revised Settingington Drain New Maintenance Schedule) held March 7, 2011.  
Pages 6 - 20

**(E) BUSINESS ARISING OUT OF THE MINUTES:**

**(F) PUBLIC MEETINGS/COURT OF REVISION:**

1. Court of Revision - Hooker Drain Hwy 77 Branches West Branch and East Branch
2. Public Meeting - Zoning By-law Amendment 30 - 117 Mersea Road 3 - Motyl
3. Public Meeting - Zoning By-law Amendment 31 - 601 Highway 77 and N/S Mersea Road 6 - 989638 Ontario Inc.

**(G) REPORTS OF STAFF & DELEGATIONS:**

1. Report PLA 11/11 dated March 1, 2011 re: Application for Site Plan Control Approval - Proposed Greenhouse Development - Phase 1 - Peter Quiring Holding Inc. (Nature Fresh Greenhouses) 525 Essex Road 14, Leamington  
Pages 21 - 24

- Peter Quiring, President of Nature Fresh Farms

2. Report PLA 10/11 dated March 9, 2011 re: Zoning By-law Amendment 32, Proposed Commercial Use - 154 Erie Street North (Quad T Development Inc.)  
Pages 25 -29
3. Report REC 02/11 dated February 23, 2011 re: Leamington Kinsmen Recreation Complex Facility Surcharge Reserve Fund Guidelines  
Pages 30-31
4. Report DEV 01/11 dated March 9, 2011 re: Contract with the Township of Pelee  
Pages 32-33
5. Report CL/07/11 dated February 25, 2011 re: Application for Variance to the Municipality's Sign By-Law - Canadian Blood Services  
Pages 34 - 37
6. Report CL/08/11 dated February 25, 2011 re: Application for Variance to the Municipality's Sign By-Law - 182 Talbot Street East  
Pages 38 - 43

- Joe Semaan, Owner

(H) **MATTERS FOR APPROVAL:**

(I) **OTHER MATTERS FOR CONSIDERATION:**

1. Correspondence from the Town of Amherstburg dated March 1, 2011 re: Provincial Government to go back to 50% Funding on Road Work  
Page 44
2. Correspondence from the Town of Lakeshore dated February 16, 2011 re: Microfit Solar Installation Setback Requirements  
Page 45

(J) **CONSIDERATION OF BY-LAWS:**

By-law 113-11, being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands ZBA 30 - 117 Mersea Road 3

By-law 114-11, being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands ZBA 31 - 601 Highway 77 and N/S Mersea Road 6

By-law 115-11, being a by-law to establish a Municipal Heritage Committee pursuant to the *Ontario Heritage Act*

By-law 116-11, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held March 14, 2011

(K) **NOTICES OF MOTION:**

(L) **OPEN SESSION - Council - Administration**

(M) **NEW BUSINESS:**

(N) **ANNOUNCEMENT OF UPCOMING MEETINGS/EVENTS:**

**WEDNESDAY, MARCH 16, 2011**

Union Water - 10:00 a.m.- Kingsville Council Chambers

**WEDNESDAY, MARCH 16, 2011**

County Council Meeting - 7:00 p.m. - Essex Civic Center

**MONDAY, MARCH 21, 2011**

Council Meeting - 7:00 p.m. - Council Chambers

**TUESDAY, MARCH 22, 2011**

ErieQuest Meeting - 5:00 p.m. - Leamington Kinsmen Recreation Complex Boardroom

(O) **STATEMENT OF MEMBERS:** non-debatable

(P) **ADJOURNMENT:**

# ***THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON***

## **MINUTES - SPECIAL COUNCIL MEETING**

**HELD FRIDAY, MARCH 4, 2011 - COMMENCING AT 12:00 P.M.  
IN THE COUNCIL CHAMBERS**

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**MEMBERS PRESENT:** Mayor Paterson  
Deputy Mayor Wright  
Councillors: Atkin, Chopchik, Jacobs, MacDonald, Verbeke

**STAFF PRESENT:** Bill Marck, Chief Administrative Officer  
Brian Sweet, Director of Corporate Services  
John Tofflemire, Director of Community Services  
Cheryl Horrobin, Director of Finance Services  
Mary Ann Manley, Corporate Assistant

DISCLOSURES OF PECUNIARY INTEREST: None.

### REPORTS OF STAFF & DELEGATIONS:

Essex-Windsor Solid Waste Authority Presentation by Eli Maodus, General Manager and Michelle Bishop, Finance Manager

Eli Maodus reviewed the Essex-Windsor Solid Waste Authority's (EWSWA) presentation to council. Mr. Maodus explained EWSWA was soliciting input from the municipalities on a proposal to change from the tipping fee method being currently used to implement a fixed charge rate.

Mr. Maodus further explained the Authority is proposing the change for the 2011 term as the EWSWA's Board has requested to have a consultant perform a business review. The purpose of the review is to compare how the Authority ranks with other authorities or municipalities in the same business and perhaps recommend a better way to assess costs back to the municipalities.

Mr. Maodus reviewed the 2011 program costs from page 10 of the presentation hand-out explaining what is included in the tipping fee assessed to the municipality.

Mr. Maodus stated the shortfall in the budget is assessed back to the municipalities. The EWSWA is looking at changing the method of charging municipalities for 2011 from the tipping fee charge to a fixed amount based upon the amount of garbage deposited by each municipality in 2010 because of the misperception that a higher tipping fee means EWSWA's costs are higher. In fact, the EWSWA's operating expenditure levels have remained relatively consistent.

In response to council, Cheryl Horrobin, Director of Finance stated that when the municipality collects the garbage levy it is charged per unit.

Council asked if the tipping fee charged was the same for garbage outside of the Windsor/County of Essex areas. Mr. Maodus explained that there is a large number of tipping fees charged. The fees presented are for the local municipalities.

Mr. Maodus explained the best rate for garbage is \$28.00 per ton for an industrial contract. Mr. Maodus noted the municipalities benefit from other programs offered by the EWSWA such as the recycling calendars and Enviro tips newsletters and therefore the higher price paid by the municipalities.

Mr. Maodus advised Council due to the competition, the EWSWA must be careful with the fees it charges as garbage can be hauled over the border and to other areas and any loss of revenue to the Authority will have to be made up by the municipalities.

Mr. Maodus responded to council's inquiry the compensation paid to the Town of Essex is dependent on tonnage. EWSWA pays a small amount of taxes on the Landfill itself and pays taxes on the surrounding land.

Cheryl Horrobin, Director of Finance noted her concerns on the proposal. Ms. Horrobin prefers a user fee style of cost allocation. Ms. Horrobin questioned if the residents would see the benefits of reducing waste through the proposed method of fixed fee charging. Utilizing fixed costs is not a true reflection of the previous year's usage. The proposal by the EWSWA would be an increase in cost for the municipality. However, if the municipality grows then the costs could even out over the long run.

Mr. Maodus noted the EWSWA was not setting money aside for a new site because the current site is lasting longer than was originally anticipated and there may not be a need for a landfill in twenty-five (25) to thirty (30) years.

#### **No. S-20 -11**

**Moved by:** Councillor MacDonald      **Seconded by:** Councillor Verbeke

That Leamington Council support the proposal of the Essex-Windsor Solid Waste Authority to implement a fixed charge rather than the current tipping fee charge.

**"DEFEATED"**

Mr. Marck noted that he supports the new model proposed by EWSWA; however, he questioned what would happen if the consulting firm performing the business review suggests that a tipping fee based on the tonnage is the preferred method of allocating costs. Someone will have to pay the difference in costs. Mr. Maodus agreed this could be a risk.

#### **No. S-21 -11**

**Moved by:** Councillor Jacobs      **Seconded by:** Councillor Atkin

That Leamington Council support the current tipping fee charge as the most appropriate method to assess costs to municipalities during 2011.

**"CARRIED"**

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John Paterson, Mayor

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Brian Sweet, Clerk

/mam

# ***THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON***

## **MINUTES - COUNCIL MEETING**

**HELD MONDAY, MARCH 7, 2011 - COMMENCING AT 7:00 P.M.  
IN LEAMINGTON COUNCIL CHAMBERS**

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**MEMBERS PRESENT:** Mayor Paterson  
Deputy Mayor Wright  
Councillors: Atkin, Chopchik, Jacobs, MacDonald, Verbeke

**STAFF PRESENT:** Bill Marck, Chief Administrative Officer  
Brian Sweet, Director of Corporate Services  
John Tofflemire, Director of Community Services  
Doug Morrish, Director of Development Services  
Cheryl Horrobin, Director of Finance Services  
Allan Botham, Manager of Engineering Services  
Amanda Smith, Manager of Culture and Recreation Services  
Tracey Pillon-Abbs, Manager of Planning Services  
Lu-Ann Barreto, Drainage Superintendent  
Mary Ann Manley, Corporate Assistant

### **DISCLOSURES OF PECUNIARY INTEREST:**

Councillor MacDonald disclosed a pecuniary interest in the Public Meeting regarding Maintenance Schedule and Updates to Highway No. 3 Drain and Branches Sidney Leslie Drain and South Branch and By-law 108-11 and confirmation by-law 112-11.

Councillor MacDonald did not participate in the discussion or vote on these matters.

Councillor Verbeke disclosed a pecuniary interest in Report CAO 05/11 dated February 23, 2011 regarding Fee for Service - CFTV 34 and confirmation by-law 112-11.

Councillor Verbeke did not participate in the discussion or vote on these matters. Councillor Verbeke left the council chambers during the discussion of the report.

Councillor Jacobs disclosed a pecuniary interest in Report PLA 07/11 dated February 23, 2010 regarding Zoning By-law Amendment No. 43 - Proposed Commercial Use - 46 Seacliff Drive West (J. Jacobs and Sons Produce Limited) and confirmation by-law 112-11.

Councillor Jacobs did not participate in the discussion or vote on these matters. Councillor Jacobs left the council chambers during the discussion of the report.

**ADOPTION OF COUNCIL MINUTES:****No. C-65-11**

**Moved by:** Councillor MacDonald      **Seconded by:** Councillor Verbeke

That the Minutes of Council and Public Meetings (Maintenance Schedule Updates - Highway No. 3 Drain and Branches Sidney Leslie Drain; Highway No. 77 Branches of Hooker Drain West Branch and East Branch; Proposed Sign By-law) held on February 21, 2011 be approved.

**“CARRIED”**

**BUSINESS ARISING OUT OF THE MINUTES:**

Reconsideration of February 7, 2011 Resolution # C-26-11, Confirmation By-law 103-11  
*(as per February 21, 2011 Resolution #C-56-11, Confirmation By-law 104-11)*

Mr. Carl Grossi, Mr. Michael Gallagher, lawyer for Mr. Grossi and Mr. Rick Spencer, Engineer were in attendance.

Brian Sweet, Director of Corporate Services reviewed the reconsideration of February 7<sup>th</sup>, 2011 resolution # C-26-11.

Mr. Gallagher distributed a letter and drainage plan of the subject lands to council. A meeting was held on Friday, March 5<sup>th</sup>, 2011 between Mr. Grossi and his engineer and municipal engineering staff.

Mr. Grossi's engineer, Mr. Rick Spencer, spoke on the viability of directing sewage from a portion of the Filinoff lands northerly to the Bevel Line trunk sanitary sewer system rather than all of the lands to the Robson Road system.

John Tofflemire, Director of Community Services responded to Mr. Gallagher's characterization as a "fairness" issue; however Mr. Tofflemire noted the real issue is the fairness to the rate payer. Staff recommended the Santos land drain into the Wilhousa Pumping Station so their sewers systems would not cross other properties.

Allan Botham, Manager of Engineering Services spoke on the servicing of the Santos and Grossi properties. He stated if administration supported Mr. Grossi's proposal then both Mr. Grossi and Mr. Santos will have to enter into drainage agreements. Mr. Botham added that administration feel strongly about finite lines for future development. Administration's recommendation still stands as was submitted on February 7<sup>th</sup>, 2011 because it separates and simplifies issues.

Ms. Suzanne Balzer spoke on behalf of Mr. Santos who supports the original recommendation from municipal staff as he would like to proceed as soon as possible with his subdivision development.

Mr. Carl Grossi advised the Phasing of Development can be changed to meet the situation. Mr. Grossi noted that right now his storm drains go through Mr. Santos property as Mr. Santos' sewer will go through his property.

There was lengthy discussion held on the pros and cons of Mr. Grossi's proposed scenario of a 75/25 split of drainage of the proposed lots to the Wilhousa Pumping Station.

Bill Marck, Chief Administrative Officer noted that if the municipality splits the lots as per the Grossi suggestion then further development can only occur if the infrastructure is in place as currently there is not a Bevel Line sewer.

**No. C-66-11**

**Moved by:** Councillor MacDonald      **Seconded by:** Councillor Jacobs

That Council accept the revised sanitary sewer servicing area expected to flow into the Wilhousa Pumping Station to exclude the lands south of Sturgeon Creek (Point Pelee Drive) and include the entire Santos Property (property East of Malibu Drive) with the cost recovery at a rate of \$2,286 (plus HST) per unit;

All as described in DCS 01-11.

**"CARRIED"**

Reconsideration of February 21, 2011, Public Meeting Defeated Motion  
*(as per February 21, 2011 Resolution #C-50-11, Confirmation By-law 104-11)*

Brian Sweet, Director of Corporate Services spoke on the reconsideration of the defeated motion of Resolution # C-50-11 of February 21, 2011.

**No. C-67-11**

**Moved by:** Councillor Atkin      **Seconded by:** Councillor Chopchik

That the Engineer's Report dated January 11, 2011, as prepared by N.J. Peralta Engineering, re: Maintenance Schedule Updates - Highway No. 3 Drain and Branches, Sidney Leslie Drain and South Branch, be adopted;

And that By-law 108-11, authorizing the work be presented to Council for 1st and 2nd reading. And that the Clerk send by prepaid mail a copy of the By-law and Notice of the Court of Revision to each of the affected parties;

And that a Court of Revision be held on the 4th day of April, 2011, and that Gerard Rood, P.Eng., Allan Botham, P.Eng., Manager of Engineering Services and Lu-Ann Barreto, Drainage Superintendent, be appointed as Commissioners to let and superintend the said drainage works (DR 3-11).

**"CARRIED"**

**PUBLIC MEETINGS/COURT OF REVISION:**

**Drainage Act Court of Revision - Settingington Drain - New Maintenance Schedule**

**No. C- 68-11**

**Moved by:** Councillor MacDonald      **Seconded by:** Councillor Atkin

That the New Maintenance Schedule for the Settingington Drain, in accordance with By-law 101-11, in the Municipality of Leamington, in the County of Essex, be confirmed.

**“CARRIED”**

**REPORTS OF STAFF & DELEGATIONS:**

**DRAINAGE Report - DR 5/11 dated February 14, 2011 re: Jacob Fox Drain - Subsequent Connection - Pinnacle Farms and C& B Farms Inc. Lot 4, Concession 3**

LuAnn Barreto, Drainage Superintendent reviewed her report recommending N.J. Peralta Engineering be appointed to prepare the subsequent connection report for 1287755 Ontario Inc. (Pinnacle Farms) and C & B Farms Inc. on the Jacob Fox Drain as per Section 65(3) of The Drainage Act R.S.O. 1990. L. Barreto requested to update the maintenance schedule because of future greenhouse development. There will be no municipal costs for the project.

**No. C-69-11**

**Moved by:** Councillor Atkin      **Seconded by:** Councillor Jacobs

That Leamington Council, receive the Notice of Subsequent Connection for the Jacob Fox Drain as filed by Pinnacle Farms and C&B Farms pursuant to the provisions of the Drainage Act, R.S.O., 1990, Section 65(3), and that such Notice of Subsequent Connection be referred to the attention of N.J. Peralta Engineering Inc. to undertake the said drainage works;

And that a new Assessment Schedule be created for the Jacob Fox Drain if recommended by the Engineer;

And that all cost associated with this project be charged to account - Jacob Fox Drain - Pinnacle - C & B Farms #2-680-8218-7630.

And THAT the Essex Region Conservation Authority be advised of the subsequent connection to the drainage works as outlined in Report DR 5-11.

**“CARRIED”**

DRAINAGE - Report DR 6/11 dated February 16, 2011 re: Big Creek Drain - 9<sup>th</sup> Concession Branch - Subsequent Connection - Roger & Rolla Reid, Lot 7, Concession 8

LuAnn Barreto, Drainage Superintendent reviewed her report to recommend N. J. Peralta Engineering be appointed to prepare the subsequent connection report for Roger & Rolla Reid on the Big Creek Drain - 9<sup>th</sup> Concession Branch as per Section 65 (3) of the Drainage Act R.S.O. 1990.

In response to a question from council, L. Barreto noted the greenhouse developer should pay their fair share for the drainage.

No. C-70-11

**Moved by:** Councillor Verbeke                      **Seconded by:** Councillor MacDonald

That Leamington Council, receive the Notice of Subsequent Connection for the Big Creek Drain - 9<sup>th</sup> Concession Branch as filed by Roger and Rolla Reid pursuant to the provisions of the Drainage Act, R.S.O., 1990, Section 65(3), and that such Notice of Subsequent Connection be referred to the attention of N.J. Peralta Engineering Inc. to undertake the said drainage works;

And that a new Assessment Schedule be created for the Big Creek Drain - 9<sup>th</sup> Concession Branch if recommended by the Engineer;

And that all cost associated with this project be charged to account - Big Creek Drain - 9<sup>th</sup> Concession Branch - R. Reid #2-680-8219-7630.

And that the Essex Region Conservation Authority be advised of the subsequent connection to the drainage works as outlined in Report DR 6-11.

**“CARRIED”**

CORPORATE SERVICES - Report CL/03/11 dated February 14, 2011 re: Municipal Heritage Advisory Committee

Brian Sweet, Director of Corporate Services presented his report recommending the establishment of a Municipal Heritage Advisory Committee. Mr. Sweet noted there was a former municipal committee which had designated three (3) properties as heritage sites 12 Russell, Selkirk House on Selkirk and Coach House on Talbot Street West. Mr. Sweet advised that most heritage advisory committees and most municipal councils operate under the principle that no building will be designated without the consent of the owner.

**No. C-71-11**

**Moved by:** Councillor Chopchik                      **Seconded by:** Councillor MacDonald

That administration forward a by-law to Council for consideration to establish a Municipal Heritage Advisory Committee;

And that administration be directed to advertise for Committee members;

And that administration include appropriate funds in the proposed 2011 budget for Council's consideration. (Report CL/03/10).

**"CARRIED"**

**CORPORATE SERVICES - Report CL/06/11 dated February 24, 2011 re: Sign By-law Enactment**

Brian Sweet, Director of Corporate Services presented his report to recommend the enactment of the sign by-law. Mr. Sweet noted a small amendment on page 5 regarding the definition of inflatable signs. Mr. Sweet also specifically reviewed the provisions regulating portable signs.

**No. C-72-11**

**Moved by:** Councillor Jacobs                      **Seconded by:** Councillor Atkin

That Council adopt Report CL/06/11;

And that administration be directed to forward the proposed sign by-law, attached as Schedule A to Report CL/06/11, for Council's consideration;

And that the Short Form Wording and Set Fines attached Schedule "B" to Report CL/06/11 be approved;

And that the Leamington Fees By-law, By-law # 85-10, be amended to include the fees attached as Schedule "C" to Report CL/06/11.

**"CARRIED"**

**PLANNING SERVICES - Report PLA 06/11 dated February 22, 2011 re: Zoning By-law Amendment No. 33 - Proposed Industrial Use - 32 Seneca Drive (Ontario Greenhouse Vegetable Growers)**

Tracey Pillon-Abbs, Manager of Planning Services reviewed her report to request to schedule the required public meeting to consider a proposed zoning by-law amendment for 32 Seneca Drive.

**No. C-73-11**

**Moved by:** Councillor MacDonald      **Seconded by:** Councillor Verbeke

That Council declare that the application was reviewed and deemed to be complete pursuant to the requirements of the Planning Act to consider a zoning by-law amendment for property located at 32 Seneca Drive to change the zoning from Medium and Heavy Industrial Zone (M2) to Medium and Heavy Industrial Defined Zone (M2- 4) to permit an office as a main use, as outlined in Report PLA 06/11 (Ontario Greenhouse Vegetable Growers);

And that Administration is directed to schedule the required public meeting for Monday, April 4, 2011 at 7:00 pm.

**“CARRIED”**

**PLANNING SERVICES - Report PLA 07/11 dated February 23, 2011 re: Zoning By-law Amendment No. 43 - Proposed Commercial Use - 46 Seacliff Drive West (J. Jacobs and Sons Produce Limited)**

Councillor Jacobs left the council chambers during discussion of this matter.

Tracey Pillon-Abbs, Manager of Planning Services reviewed her report to request to schedule the required public meeting to consider a proposed zoning by-law amendment for 46 Seacliff Drive West. Ms. Pillon-Abbs noted there were 12 parking spaces as well as a barrier free parking space on site. In response to an observation from council, Ms. Pillon-Abbs will investigate the current usage of the facility on the said property.

**No. C-74-11**

**Moved by:** Councillor Atkin      **Seconded by:** Councillor Verbeke

That Council declare that the application was reviewed and deemed to be complete pursuant to the requirements of the Planning Act to consider a zoning by-law amendment for property located at 46 Seacliff Drive to amend the uses of the Residential Defined (R1-15) Zone, as outlined in Report PLA 07/11 (J. Jacobs and Sons Produce Limited);

And that Administration is directed to schedule the required public meeting for Monday, April 4, 2011 at 7:00 pm.

**“CARRIED”**

Report PLA 09/11 dated February 22, 2011 re: Uptown Leamington - Community Improvement Plan - Approval to Hire Consultant

Tracey Pillon-Abbs, Manager of Planning Services reviewed her report to seek council approval to hire a consultant regarding a Community Improvement Plan for the Commercial Improvement Area. Council expressed concern with the time length of one (1) year to complete the CIP. Ms. Pillon-Abbs advised the time line of one (1) year was the norm for consultant's submissions.

**No. C-75-11**

**Moved by:** Councillor Wright                      **Seconded by:** Councillor Atkin

That Council authorize administration to hire Jones Consulting Group Ltd for the amount not to exceed \$31,942.46 as a first charge to the 2011 budget regarding a Community Improvement Plan for the area designated as the Commercial Improvement Area, as outlined in PLA 09/11.

**"CARRIED"**

CULTURE AND RECREATION SERVICES - Report REC 06/11 dated February 15, 2011 re: Tender Award - Security at Leamington Arena

Amanda Smith, Manager of Culture and Recreation Services reviewed her report on the tender results of the call for the night time security at the Leamington Marina for 2011 and 2012. Ms. Smith noted the security firm performs an hourly walk patrol from 10:00 p.m. to 6:00 a.m.

**No. C-76-11**

**Moved by:** Councillor MacDonald                      **Seconded by:** Councillor Atkin

That Commissionaires Windsor, 3379 Walker Road, Windsor Ontario N9W 3R9 be awarded a two year Night Security Service Agreement for the municipally operated Leamington Municipal Marina at rate of \$20,751.12, plus HST for 2011 and at the rate of \$21,270.80 plus HST for 2012;

And further, that the Mayor and Director of Corporate Services be authorized to sign said agreement on behalf of the Municipality;

All as outlined within report REC 06/11.

**"CARRIED"**

CULTURE AND RECREATION SERVICES - Report REC 07/11 dated March 1, 2011 re: Security Gate Options at the Leamington Marina

Amanda Smith, Manager of Culture and Recreation Services presented her report to advise and recommend to Council on the responses from the survey to boaters on the various options for security gates at the Leamington Marina. A. Smith was pleased with the boater response of 75% of those contacted.

**No. C-77-11**

**Moved by:** Councillor MacDonald      **Seconded by:** Councillor Atkin

That members of Leamington Yacht Club be permitted to address council.

**“CARRIED”**

Fraser Marshall, Vice Commander, Wheatley and Jerry Brown, Vice Commander, Kingsville spoke on Report REC 07/11. They reported to council on several incidents that occurred at the Leamington Marina in the last year. The docks are not public areas as they are rented. There are signs on the docks that state “boaters and guests only” but there is no security. They suggested the gates could be used only at night. They had concerns regarding emergency vehicles accessing docks with the gates. They also suggested having key access for the washroom and showers in the evening.

In support of her recommendation, Ms. Smith informed council that swing gates were a less invasive way of securing the docks. She concurred with the concerns of the Yacht Club, however, Docks E, F and G are mixed transient and seasonal boaters and the swing gates would preserve the look of a welcoming and open public marina. John Tofflemire, Director of Community Services supported administration’s recommendation of swing gates over locked security gates.

It was noted the signage has always been there regarding “boaters and guests only” and does not know where the idea came from that the docks are open to the public. The docks are similar to a hotel and feels it has been demonstrated that the security gate system is reasonable.

Council noted that comments received from boaters at the recent boat show demonstrate that people are concerned with privacy and security.

Council looked to staff for a more detailed report on what costs would have to be passed on the boaters. Mr. Tofflemire suggested costs should be minimal but a decision had to be made so the initial installation costs can be covered under the CAF program.

**No. C-78-11**

**Moved by:** Councillor Jacobs      **Seconded by:** Deputy Mayor Wright

That Council approve the installation of the security gates for 2011 on all four (4) docks as part of the construction contract for the Leamington Marina.

**“CARRIED”**

**CHIEF ADMINISTRATIVE OFFICER - Report CAO 05/11 dated February 23, 2011 re: Fee for Service - CFTV 34**

Councillor Verbeke left the council chambers during discussion of this report due to his declaration of interest.

Bill Marck, Chief Administrative Officer presented his report to obtain direction from Council in regard to a request to enter into a fee for service agreement for broadcasting services with CFTV 34.

In response to a council inquiry, Cheryl Horrobin, Director of Business and Financial Services advised as part of the municipal grant process CFTV 34 would have to submit a financial plan and budget.

Councillor MacDonald noted that in speaking with other communities at the ROMA Conference more municipalities were going to televised council meetings.

**No. C-79-11**

**Moved by:** Councillor Chopchik                      **Seconded by:** Councillor MacDonald

That the fee for broadcasting services proposal as submitted by CFTV 34 be referred to the Communication Committee for review and consideration as part of its development of a communication plan for the Corporation of the Municipality of Leamington;

And that administration be directed to include a request for a grant allocation to CFTV34 in the amount of \$10,160 in the draft 2011 budget for consideration by Council during their 2011 budget deliberation.

**“CARRIED”**

**DEVELOPMENT SERVICES - Report DEV 02 11 dated March 2, 2011 re: New Municipal Building - Office furnishings**

Doug Morrish, Director of Development Services reviewed his report regarding office furnishing replacement. Mr. Morrish assured council there is some of the current furniture that will be brought to the new facility as well the supplier will be purchasing some of the old furniture.

**No. C-80-11**

**Moved by:** Councillor Atkin                              **Seconded by:** Councillor Jacobs

That Administration be authorized to purchase office furnishings for the new Municipal Building from Monarch Basics of 1835 Provincial Road, Windsor, ON to an upset limit not to exceed \$175,000 and that the cost be charged to 2-310-8822-7630.

All as described in DEV 02/11.

**“CARRIED”**

**MATTERS FOR APPROVAL:**

Councillor Jacobs spoke on the ErieQuest meeting held at F.T. Sherk Complex on February 15, 2011.

The Chief Administrative Officer noted CBC was preparing a special on the Nessen shipwreck which is currently located at Robert McCracken’s residence on Essex Road 8.

**No. C-81-11**

**Moved by:** Councillor Jacobs                      **Seconded by:** Councillor Chopchik

That the Minutes of the ErieQuest Meeting held February 15, 2011 be approved.

**“CARRIED”**

**OTHER MATTERS FOR CONSIDERATION:**

**No. C-82-11**

**Moved by:** Councillor MacDonald                      **Seconded by:** Councillor Chopchik

That the Minutes of the Police Services Board held February 23, 2011 be received.

**“CARRIED”**

**CONSIDERATION OF BY-LAWS:**

**No. C-83-11**

*Councillor MacDonald disclosed an interest and did participate in the vote.*

**Moved by:** Councillor Chopchik                      **Seconded by:** Deputy Mayor Wright

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

By-law 108-11, being a by-law to provide for a new maintenance schedule for the Highway No. 3 Drain and Branches and the Sidney Leslie Drain and South Branch Drain in the Municipality of Leamington in the County of Essex.

**“CARRIED”**

**No. C-84-11**

**Moved by:** Councillor Verbeke                      **Seconded by:** Councillor MacDonald

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

By-law 106-11, being a by-law to consolidate the sums authorized to be borrowed by certain Municipal Drainage Bylaws into one sum and to borrow the same by the issue of debentures.

**“CARRIED”**

**No. C-85-11**

**Moved by:** Councillor Verbeke                      **Seconded by:** Councillor MacDonald

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

By-law 110-11, being a by-law to regulate the size, use, location, construction and maintenance of signs within the Municipality of Leamington; and

By-law 111-11, being a by-law to provide for an interim tax levy and to provide for the payment of taxes.

**“CARRIED”**

**No. C-86-11**

*Councillors MacDonald, Verbeke and Jacobs had disclosed an interest and did participate in the vote.*

**Moved by:** Councillor Atkin                      **Seconded by:** Councillor Chopchik

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

By-law 112-11, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held March 7, 2011.

**“CARRIED”**

**NOTICES OF MOTION:** None.

**OPEN SESSION:** Council - Administration

Deputy Mayor Wright attended the Lower Thames Valley Conservation Authority’s 50<sup>th</sup> Anniversary which was celebrated at the general meeting of February 24<sup>th</sup>, 2011. At this meeting the budget was presented with a four percent (4%) increase. Deputy Mayor Wright was the only one to vote against this increase. Deputy Mayor Wright would like to see the budget for the LTVCA on the next council agenda.

Councillor MacDonald questioned staff on the results of the Police Auction held Saturday, March 5<sup>th</sup>, 2010 at the Leamington Kinsmen Recreation Complex. The Chief Administrative Officer noted all police cars were sold and fifty-six thousand dollars (\$56,000) was collected in revenue.

Councillor Verbeke shared with staff the following complaints he received from residents regarding a sewer back up at 91 Wigle Street had in recent heavy rains; and 97 Elliott Street called regarding his driveway and sidewalk are sinking; and there are six (6) tires with rims in the ditch by the Leamington Airport.

Councillor Jacobs also received a call from the resident at 97 Elliott regarding trucks still using Elliott Street despite council recently passing a by-law restricting trucks on Elliott. Councillor Jacobs called the OPP and left a message for Sergeant Rickeard to look into the situation.

Councillor Jacobs also received complaints regarding truck traffic in the downtown area. The Chief Administrative Officer responded stating it may take some time before all trucks are aware of the East Arterial Road. He noted Engineering staff were bringing forward a report to council that would deal with the truck traffic issue and appropriate signage.

Councillor MacDonald thanked the Public Works Department for repairing the asphalt at the corner of Mersea Road 8 and Mersea Road 12.

**NEW BUSINESS:** None.

**STATEMENT OF MEMBERS:** non-debatable:

Councillor Atkin noted it was an eventful weekend at the Leamington Kinsmen Recreation Complex with the Home and Garden Show, Racquetball Tournament, Girls Hockey Tournament and the Police Auction.

**ADJOURNMENT:**

**No. C-87-11**

**Moved by:** Councillor Verbeke                      **Seconded by:** Councillor MacDonald

That the meeting adjourn at 9:54 p.m.

**“CARRIED”**

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John Paterson, Mayor

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Brian Sweet, Clerk

/mam

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***THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON***

**MINUTES - DRAINAGE COURT OF REVISION**

**SETTERINGTON DRAIN  
NEW MAINTENANCE SCHEDULE**

**HELD MONDAY, MARCH 7, 2011 COMMENCING AT 7:44 P.M.  
IN THE COUNCIL CHAMBERS**

---

**MEMBERS PRESENT:** Deputy Mayor Wright, Chair  
Councillors Atkin, Chopchik, MacDonald, Verbeke

**ALSO PRESENT:** Mayor Paterson, Councillor Jacobs

**STAFF PRESENT:** Bill Marck, Chief Administrative Officer  
Brian Sweet, Director of Corporate Services  
Cheryl Horrobin, Director of Finance and Business Services  
Doug Morrish, Director of Development Services  
John Tofflemire, Director of Community Services  
Allan Botham, Manager of Engineering Services  
Amanda Smith, Manager of Culture and Recreation Services  
Lu-Ann Barreto, Drainage Superintendent  
Tracey Pillon-Abbs, Manager of Planning Services  
Mary Ann Manley, Corporate Assistant

**DISCLOSURES OF PECUNIARY INTEREST:** None.

**Moved by:** Councillor Verbeke      **Seconded by:** Councillor Atkin

That the Court of Revision, with respect to the New Maintenance Schedule for the Setterington Drain, in accordance with By-law 101-11, be opened.

**“CARRIED”**

Lu-Ann Barreto, Drainage Superintendent commented briefly on the engineer’s report for a new maintenance schedule for the Setterington Drain.

Deputy Mayor Wright confirmed there were no residents in attendance regarding the court of revision for the Setterington Drain.

**Moved by:** Councillor MacDonald      **Seconded by:** Councillor Atkin

That the New Maintenance Schedule for the Setterington Drain, in accordance with By-law 101-11, in the Municipality of Leamington, in the County of Essex, be confirmed.

**“CARRIED”**

**Moved by:** Councillor Chopchik      **Seconded by:** Councillor Verbeke

That the Court of Revision, with respect to the New Maintenance Schedule for the Settrington Drain, in accordance with By-law 101-11, be closed.

**“CARRIED”**

Meeting adjourned at 7:46 p.m.

/mam  
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**REPORT**

**TO:** MAYOR AND COUNCIL  
**FROM:** DENISE MCGREGOR, PLANNING TECHNICIAN  
**DATE:** MARCH 1, 2011  
**SUBJECT:** APPLICATION FOR SITE PLAN CONTROL APPROVAL  
 PROPOSED GREENHOUSE DEVELOPMENT - PHASE 1  
 PETER QUIRING HOLDINGS INC. (NATURE FRESH GREENHOUSES)  
 525 ESSEX ROAD 14, LEAMINGTON

---

**AIM:**

To report upon an application for site plan control for a proposed greenhouse development located at 525 Essex Road 14.

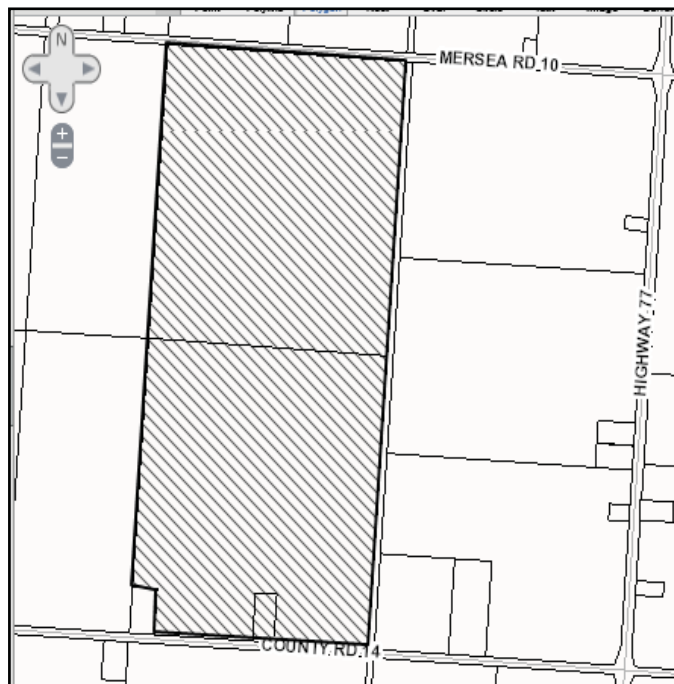
**BACKGROUND:**

Staff received an application from the owner of the subject property to construct 31.972 Acres of greenhouse which is Phase 1 of this development.

**Property Description:**

The subject property is described as North Part Lot 5, Concession 9 (518 Mersea Road 10) and Lot 5, Concession 9 (525 Essex Road 14) in the Municipality of Leamington. See key map attached.

The subject property is approximately 196.70 acres in size. The property known as 518 Mersea Road 10 currently has 2 dwellings and outbuildings which are to remain. The property known as 525 Essex Road 14 is currently vacant. According to our records, these properties have merged and comprise of one parcel. The property is surrounded by agricultural uses to the north, south and west and is adjacent to the former railway and future trail to the east.



**Proposal:**

The owner proposes to construct 31.972 acres of greenhouses and a packing and irrigation building in phase 1 of construction.

**Site Plan Details:**

The subject property is zoned A1 (Agricultural General Zone) on Map 9 of the Municipality of Leamington Zoning By-law No. 890-09. The property is designated Agricultural on Schedule A-1 in the Official Plan approved February 5, 2008.

The site plan received January 25, 2011 prepared by N. J. Peralta Engineering Ltd. meets all provisions of the Municipality of Leamington Zoning By-law No. 890-09 and has been approved by the Municipality.

The owner has filed for a request for Change of Use under Section 65(3) of the *Drainage Act*. The owner cannot connect his storm water management pond to the municipal drain until such time that the engineer's report permitting the connection is approved and adopted by Council. This provision will be set out in the site plan agreement.

On December 9, 2010, Water Services received recommendations from Stantec for this development. The recommendation for the rate of flow is not to exceed 213 Imperial Gallons per minute over a 20 hour period. The on-site storage is to be 240,000 imperial gallons or greater.

**Other Provisions:**

The proposed site plan agreement contains standard provisions that provide for matters such as securities, cash-in-lieu of parkland, payment of development charges, and issuance of building permits all in accordance with the development policies approved by the Municipal Council.

**CONSULTATION AND CONCLUSION:**

Administration has completed their review of the proposed site plan as part of the pre-consultation process.

The Municipality of Leamington may exercise the site plan powers assigned to it under Section 41 of the Planning Act, 1990. Its objectives in using these powers are:

- (a) To ensure property standards of site design for new development;
- (b) To ensure safety and efficiency of vehicular and pedestrian access;
- (c) To minimize incompatibilities between new and existing development;
- (d) To control the location of driveways, parking, loading and garbage collection facilities;
- (e) To ensure easements or grading and alteration necessary to provide for public utilities and site drainage;
- (f) To ensure that the development proposed is built and maintained as approved by Council.

It is administration's opinion that the proposed development is in compliance with the objectives of the Planning Act and the Municipality's policies.



**RECOMMENDATION:**

THAT the site plan be approved for the proposed greenhouse development located at 525 Essex Road 14 (Peter Quiring Holdings Inc.) as outlined in Report PLA 11/11;

AND FURTHER, that the Mayor and Clerk be authorized to execute the site plan agreement.

Respectfully submitted,

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Denise McGregor,  
Planning Technician

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Tracey Pillon-Abbs, Planner,  
Manager of Planning Services

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Douglas E. Morrish,  
Director of Development Services

/dm

T:\Development\Reports\2011 Reports\Planning\Planning - Word document\PLA-11-11 Nature Fresh Farms - 525 Essex Rd 14.docx

## REPORT

**TO:** MAYOR AND MEMBERS OF COUNCIL

**FROM:** TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES

**DATE:** MARCH 9, 2011

**SUBJECT:** ZONING BY-LAW AMENDMENT 32  
PROPOSED COMMERCIAL USE  
154 ERIE STREET NORTH (QUAD T DEVELOPMENT INC)

---

### AIM:

To report upon a request to schedule the required public meeting to consider a proposed zoning by-law amendment for property located at 154 Erie Street North.

### BACKGROUND:

#### Purpose of Application:

Staff has received an application for re-zoning by the owner(s) of the property, to amend the subject lands to add an animal hospital to the list of permitted uses in the Commercial Zone and decreased the required minimum parking spaces.

#### Property Description:

The subject property is described as CON NTR PT LOT 244 & PT RD ALLOWANCE BETWEEN CON 3, LOTS 6 & 244, RP 12R-20422 PARTS 2-4, RP 12R-22822 PARTS 5-7, RP 12R-20422 PART 1, RP 12R-22822 PARTS 2-4 and locally known as 154 Erie Street North in the former Town of Leamington, now a portion of the Municipality of Leamington (see key map).

The subject property is made up of 2 parcels. The owner has agreed to consolidate the parcels.

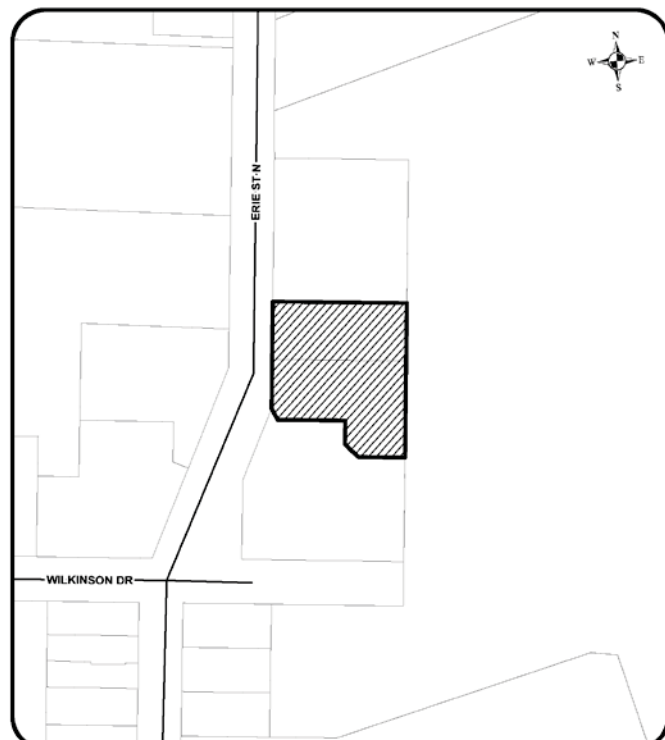
Both parcels are currently vacant. Armando's Restaurant is located to the south, the Leamington Fairgrounds to the east, Petro Canada gas bar to the north and Tim Horton's across Erie Street North to the west.

The property has frontage on Erie Street North and is serviced by municipal water and sewage.

### COMMENTS AND ANALYSIS:

#### Provincial Policy Statement (PPS):

It is required that the Municipality 'be consistent' with the PPS. In reviewing



the policies, the development can be supported.

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

The subject land is designated within the County of Essex Settlement Area on Schedule "A" in the County OP. In reviewing the policies, the development can be supported.

**Leamington Official Plan, 2008 (OP):**

The subject property is designated Highway 77 Corridor Commercial District on Schedule "A-6D" the Leamington OP (2008).

The goal of this designation is to encourage the completion of the highway commercial development pattern that exists along the "Highway 77 Corridor Commercial District".

**Leamington Zoning:**

The subject property is currently zoned Commercial General Zone (C6) on Map 36 in the Zoning By-law #890-09.

It is proposed to change the zone to a defined Commercial General Zone (C6-13) to permit an animal hospital, which is defined as the following:

***ANIMAL HOSPITAL OR ANIMAL CLINIC, shall mean a building or structure under the control and supervision of a qualified veterinarian who is a member of the Ontario Veterinarian Association, where the animals or birds are given medical treatment but have no outdoor kennels.***

In addition to the animal hospital, uses in the C6 Zone will also be permitted, which include the following:

- a) *Retail stores;*
- b) *grocery stores;*
- c) *offices including professional and medical offices, greater than 3,000 square feet;*
- d) *personal and other service uses;*
- e) *automotive and home supply stores;*
- f) *gas bars and service stations;*
- g) *convenience stores;*
- h) *restaurants including drive-through, fast-food, take-out and full service;*
- i) *places of amusement, entertainment and recreation;*
- j) *bakeries;*
- k) *assembly halls and clubs;*
- l) *communication facilities;*
- m) *clinics;*
- n) *taverns;*
- o) *taxi services, subject to providing on-site parking;*
- p) *funeral homes;*
- q) *existing residential uses, residential uses in buildings designed and constructed as single unit detached dwellings and one additional dwelling unit in any existing residential building subject to complying with the parking requirements of this By-law, and dwelling units above a commercial use other than an automobile use;*
- r) *parking lots;*
- s) *motels and hotels;*
- t) *accessory uses including outside display and sale of goods and materials but not outside storage.*

In addition, based on 20/1001.07 sq ft (unspecified use), 125 parking spaces are required in addition to 3 barrier free spaces (total of 128 parking spaces). Relief is requested to reduce the minimum requirement to 16 spaces, including barrier free (15 spaces and 1 barrier free space).

Any proposed development will be subject to the C6 regulations (ie setbacks, lot coverage, parking), site plan control, approval from the Essex Region Conservation Authority (ERCA) and the required building permits.

### CONSULTATION:

Administration has completed their review of the proposed application as part of the pre-consultation process.

As set out in the Planning Act, a complete application includes any 'prescribed information' identified in the regulations of the Planning Act and any 'additional information' required by the municipality, as identified in its official plan.

When considering application to amend the zoning by-law, the municipality shall be satisfied that:

- i) where deemed necessary, the applicant has prepared a market potential study to justify the proposed use. The need should be substantiated by adequate market research which will include not only the viability of the proposal but the impact it may have on the existing commercial facilities in the Municipality and in the surrounding area;*
- ii) municipal services are available to the property and have the necessary capacity to satisfy any increased demands as a result of the proposed use;*
- iii) no serious traffic problems will result from the proposed use;*
- iv) the applicant has made reasonable efforts to obtain available space in the existing "Commercial Districts", or has demonstrated why it is not feasible to locate in these areas;*
- v) the proposed use will not adversely affect existing adjacent uses;*

Due to the nature of the proposed zoning change it is Administration's position that additional information is not required. However, Council may request a planning justification study to be completed by a qualified planner. At this time, the proponent has provided an addendum to the application which includes information to support the criteria above (see attached).

### CONCLUSION:

As part of the new Bill 51 regulations of the Planning Act, pre-consultation was used to review all the 'prescribed information' and any 'additional information' required in order to consider the application complete. Prior to deeming the application complete, Section 34 (10.3) of the Act sets out that Council must receive all the information or material it needs to make a decision.

Administration suggests that this matter should now proceed to a public meeting. The date for the required public meeting is requested to be scheduled for **Monday, April 11, 2011 at 7:00 pm.**

Notice of public meeting will be circulated to all commenting agencies, municipal departments and abutting landowners within 120 m (400 ft) of the subject property. Notice will also be posted

in the Leamington Post. As part of the new Bill 51, all information will be made available to the public and commenting agencies.

A report by Administration will be presented to Council after the public meeting.

Once a decision for Zoning By-Law amendment has been made and notices sent out, there would be an appeal period in the case that there are any objections to the Ontario Municipal Board (OMB).

As set out under Bill 51 of the Planning Act, the OMB is required not only to have regard to Council's decision, but the basis on which the decision is made. In order to ensure that the OMB has regard to Council's decision, Council should be able to demonstrate that its decision was fully supported by relevant information and that the information was considered by Council.

**RECOMMENDATION:**

THAT Council declare that the application was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act* to consider a zoning by-law amendment for property located at 154 Erie Street North to change the zoning from Commercial General Zone (C6) to Commercial General Zone (C6-13) to permit an animal hospital and reduce the minimum parking requirements from 128 to 14, as outlined in Report PLA 10/11;

AND that Administration is directed to schedule the required public meeting for Monday, April 11, 2011 at 7:00 pm.

Respectfully submitted,

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Tracey Pillon-Abbs,  
Manager of Planning Services

---

Douglas E. Morrish,  
Director of Development Services

ATTACH.

/tpa

*T:\Development\Reports\2011 Reports\Planning\Planning - Word document\PLA-10-11 154 Erie St N ZBA Request.docx*

To: Municipality of Leamington

From: Barrinetti Construction

Date: March 7/2011

Re: 154 Erie St. North, Re-Zoning for Proposed Animal Hospital

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Before any permit application will be submitted the assessment roles at 154 Erie St. North will be combined into one pin. The current business location is in the core area and the buyer has out grown his premises so he has decided that the new lot will give him adequate space for his current business and will still give him additional space if he decides to expand in the future. The small lot coverage at the moment will incorporate a lot of green space to provide a pleasing visual to a somewhat dry area of Leamington. The agricultural fair grounds located to the east and north of the site also make this site very appealing. Another concern is to develop a fully accessible operation because his current location is split on two levels and the new handicap accessible legislation will come in the near future.

The property will also have to traffic related issues as it will stay closed to Erie St. N. The two vehicular access points to the property will be used from a previous easement that goes north south from the Petro Canada lot to the north and Armando's Restaurant parking lot to the south. With that being said we have also decided to place the proposed Animal Hospital almost directly in the center of the property to provide enough space between each of the establishments and to ensure we will not affect their uses in any way possible. By looking at the amount of clients the Animal Hospital takes per day and the size of staff, we feel that the parking requirements can and should be reduced to 1/400 sq ft minimum. Therefore the 6300 sq. ft. building would need sixteen total including one handicap shown on our submitted site plan.

Thank you for your time,

Barrinetti Construction LTD.

**REPORT**

**TO: MAYOR AND MEMBERS OF COUNCIL**

**FROM: AMANDA SMITH,  
MANAGER OF CULTURE & RECREATION SERVICES**

**DATE: February 23, 2011**

**RE: LKRC Facility Surcharge Reserve Fund Guidelines**

---

**AIM:**

To request Council direction regarding the use of funds collected from the Facility Surcharge Fee.

**BACKGROUND:**

1. The Ice Surcharge fee was established in 1996. The current rate is \$5.00 per hour and is applied to every hour of ice rented at the Unico and Heinz arenas. In addition, any floor rentals, such as special events and lacrosse are also assessed \$5.00 per hour.
2. The Facility Surcharge and Pool Surcharge were established in 2006. The current rate is \$6.00 per hour and is applied to every hour of facility rental including the aquatics centre, fitness studio, and gymnasium and meeting rooms.
3. The surcharge is collected from groups as noted above, and combined into one reserve fund called "Kinsmen Complex Facility Reserve Fund" (0230).

**COMMENTS:**

1. The funds from the existing surcharges are to be used for capital renovations, improvements and equipment that will benefit the users of the Complex, offset wear and tear, and thus help reduce budget demands from general taxation. Moving forward, it would be helpful to clarify the purpose of the reserve fund.
2. Planning ahead for equipment needs, renovations and improvements will require the shared responsibility of user groups and the municipality. Following are suggested guidelines to provide a framework for the use of the funds:

The Facility Surcharge Reserve Fund will be used for renovations, improvements and equipment that will:

- a) benefit the users of the Leamington Kinsmen Recreation Complex and support the provision of quality recreation programs;
- b) Provide funds for replacement of facility items or equipment that has deteriorated as a result of use by user groups and private rentals.
- c) Support grant applications whereby the funding model for the grant may require municipal contributions or cost-sharing between the municipality and the community organization.

3. Administration will consult with the user groups periodically to identify and prioritize suggestions for items that can be funded by the reserve fund and present a list of priorities to Council for consideration during budget deliberations.
4. The surcharge fees will be reviewed annually as part of the Tariffs of Fee schedule for Council approval.

### **FINANCIAL IMPACT**

This account was used once in 2010 to fund the increased cost of the Complex Chiller as described in report REC 21/10 and will leave a balance of approximately \$144,000.00.

The revenue generated from the surcharge fee has a positive financial impact of approximately \$20,000.00-\$25,000.00 annually.

Council's authorization to spend funds in a reserve fund is required and therefore, requests for funding will be reviewed annually as part of the budget process.

### **CONCLUSION:**

Planning ahead for equipment needs, renovations and improvements will require the shared responsibility of user groups and the municipality and the proposed guidelines will assist in establishing priorities. Administration has included a list of items for Council consideration during 2011 budget deliberations.

### **RECOMMENDATION:**

THAT, Council adopt the guidelines establish within the report, REC 02/11.

Respectfully submitted,

Signed: \_\_\_\_\_  
Amanda Smith  
Manager, Culture & Recreation

Signed: \_\_\_\_\_  
John Tofflemire  
Director of Community Services

## REPORT

TO: MAYOR AND MEMBERS OF COUNCIL  
FROM: DOUGLAS E. MORRISH, DIRECTOR OF DEVELOPMENT SERVICES  
DATE: MARCH 9, 2011  
RE: CONTRACT WITH THE TOWNSHIP OF PELEE

---

### **AIM:**

To advise Council of a request from the Corporation of the Township of Pelee to extend the contract with Leamington for services pursuant to the Building Code Act.

### **BACKGROUND:**

The Building Code Act, 1992 delegates the enforcement of the Act and Building Code to Council and requires Council to appoint a Chief Building Official and such Inspectors as are necessary for the enforcement of the Act and Code. The Act further requires persons to have qualifications as prescribed in the Code to be appointed as a Chief Building Official or Inspector.

The Township of Pelee has been unsuccessful in recruiting persons with the required certification and is therefore requesting that Leamington provide the inspection service through a contract.

The Building Code Act, 1992 permits Councils of two or more municipalities to enter into an agreement for the joint enforcement.

### **COMMENTS:**

The Municipality of Leamington has been providing this service under agreement since 1995.

The previous agreements extended for a term of Council and had conditions for fees, expenses and for costs associated with sending one inspector to a Building Code training course. A Building Inspector attends Pelee Island once a week for the purpose of undertaking building inspections. Construction plan review is undertaken when necessary at the Leamington office.

This arrangement has worked well over the past three agreements and Administration recommends that Council authorize a new agreement to extend for a term of Council commencing January 1, 2011 and ending December 31, 2014.

### **FINANCIAL IMPACT:**

The following chart depicts the revenues generated from permit fees, the number of trips to Pelee Island and staff salaries to attend the island.

	2005	2006	2007	2008	2009	2010
Revenue	19,424	20,768	11,124	19,687	20,643	2,705
No. of Trips	28	31	25	26	21	18
Staff Salaries	6,867	7,662	6,179	6,426	5,190	4,449
Staff Benefits (21%)	1,442	1,609	1,297	1,349	1,089	934

Revenues for this renewed contract will in all likelihood stay the same as 2010. Administration suggests that a minimum fee of \$10,000.00 be added in the contract to offset salaries of the building inspector. Administration has discussed the minimum fee with administration of Pelee Island and will advise their council of the additional fee.

In addition to permit fees and the minimum fee mentioned above, Pelee Island will contribute \$2,000 per year towards the cost associated with one training course for a Building Inspector.

**RECOMMENDATION:**

That Council authorize the Mayor and Clerk to enter into an agreement with the Corporation of the Township of Pelee for the joint enforcement of the Building Code Act, 1992;

And further, that the agreement be for a term of Council.

(DEV 01/11)

Respectfully submitted,

Douglas E. Morrish, CBCO  
Director of Development Services

DEM/jv

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## REPORT

TO: MAYOR AND MEMBERS OF COUNCIL  
FROM: BRIAN SWEET, DIRECTOR OF CORPORATE SERVICES  
DATE: FEBRUARY 25, 2011  
RE: APPLICATION FOR VARIANCE TO THE MUNICIPALITY'S SIGN BY-LAW -  
CANADIAN BLOOD SERVICES

---

### **AIM:**

To report upon an application from Canadian Blood Services for a variance to the Municipality's sign by-law.

### **BACKGROUND:**

The Municipality has received a request from Canadian Blood Services to place signs on the municipal road allowance to advertise the blood clinics which are held in Leamington on the first Wednesday of every month at the Portuguese Club.

The signs are twenty-four inches (24") wide and forty inches (40") high. The signs have three sides and will be placed around a tree or post (see pictures attached to report).

The signs will be on the road allowance a total of 11 days a month; one and one-half weeks before the clinic is held and removed the day after the clinic is over.

Canadian Blood Services has received permission from other municipalities to place these same types of signs in municipal road allowances

### **COMMENTS:**

Leamington's sign by-law prohibits most types of signs from being located on a municipal road allowance. Section 9 of Leamington's sign by-law permits a person to make application to Municipal Council for a sign variance.

When reviewing any sign variance application, Council should consider section 2 of the sign by-law which establishes the intent of the by-law.

**.2. INTENT**

*The purpose of this By-law is to regulate signs in the Municipality of Leamington with the intent of authorizing signs that:*

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

It is always a concern when anything is placed in the municipal road allowance. Depending on the situation, objects in the road allowance can create safety hazards and create liability for the municipality if the objects are not properly located and maintained.

**FINANCIAL IMPACT:**

If Canadian Blood Services were placing these signs on private property, the fifty dollar a month sign permit fee would not apply because it is a non profit organization. If the application for variance is approved then it is recommended the exemption be extended to this situation and that no fee be charged.

**CONCLUSION**

Section 9 of the sign by-law provides that if a Council grants a variance to the sign by-law, Council may attach any conditions to the approval that Council deems appropriate. If Council approves this application for a variance, then it is suggested that the following conditions be attached:

That the application by Canadian Blood Services for a variance to the Municipality's sign by-law, being By-law 110-11, which would permit Canadian Blood Services:

- (1) That the Canadian Blood Services indemnify the Municipality and provide proof of liability insurance in the minimum amount of 2 million dollars to the satisfaction of the Director of Corporate Services. The Municipality will be included as a named insured on the policy.
- (2) Canadian Blood Services will not hold the municipality responsible for any damage to their signs while the signs are located on municipal property.
- (3) That Canadian Blood Services will locate the signs on the municipal road allowance in such a manner that no safety hazard will be created and in a manner satisfactory to the Director of Corporate Services or his designate.
- (4) That no sign permit fee shall be charged to the Canadian Blood Services.

Report CL/07/11- Variance to Sign By-law - Canadian Blood Services

- (5) That Canadian Blood Services will remove or relocate the signs when so directed by the Director of Corporate Services or designate.
- (6) Council may cancel the approved variance at any time Council deems advisable (CL/07/11).

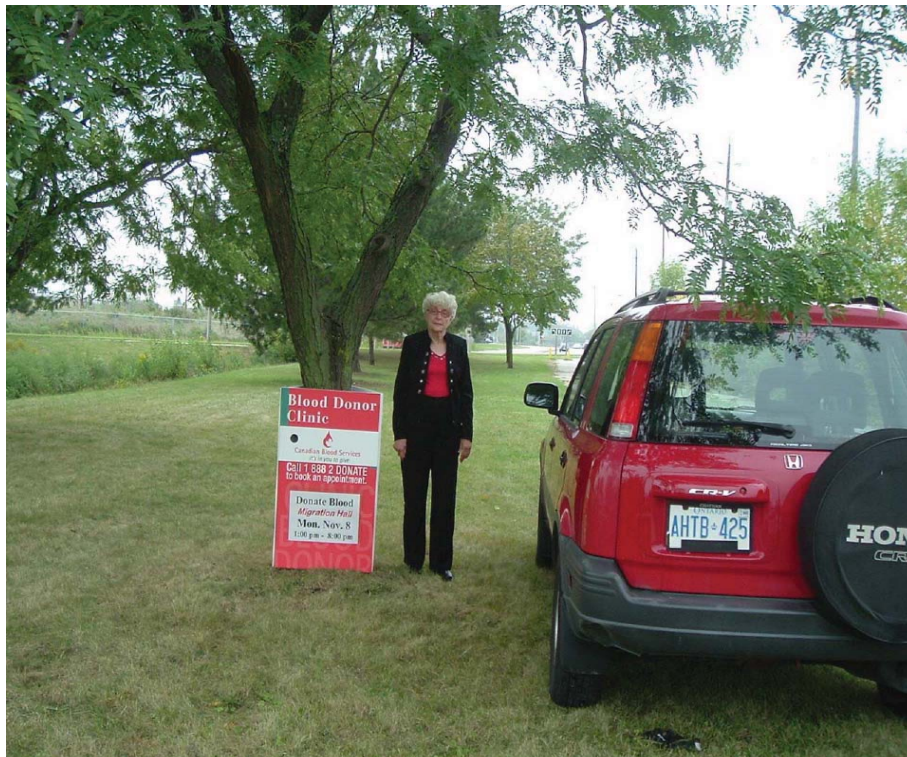
**RECOMMENDATION:**

For direction from Council.

Respectfully submitted,

BRS/lj  
Encs.

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Report CL/07/11- Variance to Sign By-law - Canadian Blood Services



## REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: BRIAN SWEET, DIRECTOR OF CORPORATE SERVICES

DATE: FEBRUARY 25, 2011

RE: APPLICATION FOR VARIANCE TO THE MUNICIPALITY'S SIGN BY-LAW -  
182 TALBOT STREET EAST

---

### **AIM:**

To report upon an application for a variance to the Municipality's sign by-law from the owner of 182 Talbot Street East.

### **BACKGROUND:**

The owner of 182 Talbot Street East purchased the subject lands approximately 5 years ago and the owner improved the property by removing a dilapidated house from the property. The property is located at the Southeast corner of Talbot Street East and is designated Commercial in the both the Official Plan and the municipality's comprehensive zoning by-law. (map attached)

The property is presently vacant of any buildings but, until the property is eventually developed, the owner has enclosed an area of the property on four sides with an eight foot high wooden privacy fence. The fence is approximately forty-five (45) feet wide along the front facing Talbot Street and seventy-eight (78) feet long facing Lutsch Avenue. The owner presently uses the enclosed area for storage. There are photographs of the fence attached.

### **OWNER'S PROPOSAL:**

During the last term of council, the owner submitted an application to erect signs on the fence on the subject property. Council was advised at the time that a sign by-law was being prepared and Council deferred the matter until after consideration of the new sign by-law. The sign by-law was passed at the March 7<sup>th</sup>, 2011 meeting and the owner is now asking Council to consider his proposal as a variance to the by-law.

The owner is proposing to erect a number of signs with a maximum size of four (4) feet by ten (10) feet on the side of the fence facing Lutsch street. An illustration of the proposal is attached to this report.

It is the owner's position that if there was a commercial building on the property, the sign by-law would permit the same amount of signage on the side of the building facing Lutsch Street as he is proposing to install on the fence. Therefore the proposal meets the intent of the by-law and does not create any safety hazards or other negative impacts.

The owner also states that he is proposing an attractive display and he will maintain it in a neat and efficient manner.

Report CL/08/11- Variance to Sign By-law - 182 Talbot St. E.COMMENTS:

Section 5.10 of By-law 110-11, Leamington's sign by-law, prohibits installing commercial signs on fences. However, section 9 of the by-law permits a person to make application to Municipal Council for a sign variance.

When reviewing any sign variance application, Council should consider section 2 of the sign by-law which establishes the intent of the by-law:

**2. INTENT**

*The purpose of this By-law is to regulate signs in the Municipality of Leamington with the intent of authorizing signs that:*

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

As stated, section 5.10 of the sign by-law does not permit installing signs on fences. This provision was carried forward from the previous Leamington sign by-law. The primary reason for this restriction is to prevent a proliferation of commercial signs that would detract from the appearance of a commercial area.

CONCLUSION

Section 9 of the sign by-law provides that if Council approves a sign variance application, Council may attach to the approval any conditions Council deems appropriate: If council decides to approve the application then it is recommended that Council attach the following conditions to the approval:

1. The approval is valid only as long as there is no building on the property. If a building permit is issued or a building is constructed on the site then the approval shall be terminated.
2. The owner shall obtain a sign permit from the municipality for each sign prior to its installation.
3. The maximum size of each sign shall be four feet by eight feet and there will be a minimum distance of three feet between each sign.
4. The applicable fee will be \$75.00 per sign.

**Report CL/08/11- Variance to Sign By-law - 182 Talbot St. E.**

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5. If the owner breaches any of these conditions then Council may terminate this approval without notice.
6. Council may terminate this approval upon six months written notice.

**FINANCIAL IMPACT**

There is no applicable sign permit fee provided in the sign by-law because signs are not permitted to be erected on fences. However, these signs are similar to facia signs or wall signs and it is suggested that the fee for these fence signs should be the same as wall signs, which is seventy-five (\$75.00) dollars per sign.

**RECOMMENDATION:**

For direction from Council. (Report CL/08/11)

Respectfully submitted,

BRS/lj  
Encs.

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Report CL/08/11- Variance to Sign By-law - 182 Talbot St. E.



Subject Property



Report CL/08/11- Variance to Sign By-law - 182 Talbot St. E.

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THE CORPORATION OF THE  
**Town of Amherstburg**

MAR 03 2011

cc Bill  
John.

March 1, 2011

Municipality of Leamington  
38 Erie Street North  
Leamington, ON  
N8H 1S4

Dear Sir,

**Re: Provincial Government to go back to 50% funding on road work (as introduced at the Feb 7, 2011 Council Meeting)**

*WHEREAS roads have deteriorated to a state where they require repair;*

*AND WHEREAS municipalities are pressured to keep taxes down and are unable to afford the required repairs;*

*WHEREAS traffic volumes have increased since the 1990's;*

*AND WHEREAS potholes have a negative effect on vehicles putting extra financial pressures on the public;*

*THEREFORE IT BE RESOLVED that the Province of Ontario be requested to re-initiate providing 50% funding for road repairs;*

*BE IT FURTHER RESOLVED that a copy of the resolution be sent to local MPP's, local municipalities, Essex County Council and AMO for support and endorsement.*

Should you have any further information with respect to the above, please contact the undersigned.

Sincerely yours,

Brenda M. Percy  
Manager, Council & Legislative Services/Clerk  
519-736-0012 ext. 254



✓ LF Bill, Doug, Tracy.  
Eg  
Mar 1/11  
CJO

MAR 01 2011

## TOWN OF LAKESHORE

February 16, 2011

419 Notre Dame St.  
Belle River, ON N0R 1A0

KD

Association of Municipalities of Ontario  
200 University Ave., Suite 801  
Toronto, Ontario  
M5H 3C6

Re: Microfit Solar installation set back requirements

At their meeting held on February 14, 2011, the Council for the Town of Lakeshore duly passed the following resolution:

Deputy Mayor Fazio moved and Councillor Bezaire seconded

***That:***

***The Town of Lakeshore requests that the Province of Ontario consider requiring that all microfit solar installations meet specific set back criteria to reduce the impact on abutting residential and rural homeowners.***

***And further that this resolution be forwarded to AMO and Essex County municipalities, the City of Windsor, and the County of Essex requesting their support.***

Council requests your support of this resolution.

Should you require any further information with respect to the above, please contact the undersigned.

Yours truly,

Mary Masse  
Clerk

Cc. Essex County Municipalities  
City of Windsor  
County of Essex