



THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MEETING OF MUNICIPAL COUNCIL

**MONDAY, APRIL 11, 2011
COMMENCING AT 7:00 P.M.
IN LEAMINGTON COUNCIL CHAMBERS**

(A) CALL TO ORDER:

(B) PRAYER:

(C) DISCLOSURES OF PECUNIARY INTEREST:

(D) ADOPTION OF COUNCIL MINUTES:

1. Minutes of the Council Meeting (including Public Meetings for a Zoning By-law Amendment 33 for 32 Seneca Drive for Ontario Greenhouse Vegetable Growers, a Zoning By-law Amendment 34 for 46 Seacliff Drive West for J. Jacobs and Sons Produce Limited, the Enns Drain, Hwy 77 Branch and Court of Revision for Maintenance Schedule Updates for the Sidney-Leslie Drain and South Branch) held April 4, 2011.
Pages 4-21
2. Minutes of Special Council Meetings held December 13, 2010, December 20, 2010, January 17, 2011 and April 4, 2011.
Pages 22-29

(E) BUSINESS ARISING OUT OF THE MINUTES:

(F) PUBLIC MEETINGS/COURT OF REVISION:

1. Public Meeting - Zoning By-law Amendment 32 - 154 Erie Street North
2. Public Meeting - 4th Concession Road Drain - Mastronardi Drain Relocation

(G) REPORTS OF STAFF & DELEGATIONS:

1. Leamington Horticultural Society cheque presentation for Leamington tree replacement program from Tornado damaged area.
 - Pete Scorrar, President

2. Essex Region Conservation Authority 2010 Annual Report, 2011 Budget and 2011-2016 Strategic Plan presentation (under separate cover).
 - Richard Wyma, General Manager
3. Report DCS 02/11 dated January 31, 2011 re: Colchester to Southeast Shoal Beach Nourishment Study - Final Report.
Pages 30-34
4. Report CL 10/11 dated March 21, 2011 re: 2010 Municipal Election.
Pages 35-40
5. Report CL 12/11 dated March 31, 2011 re: Variance to the Municipality's Sign By-law - Phoenix Plaza, 129 Erie Street South.
Pages 41-45
6. Report CL 13/11 dated April 7, 2011 re: South Winds Estate Subdivision - By-law to release Part Lot control provisions of Planning Act.
Pages 46-49

(H) **MATTERS FOR APPROVAL:** None.

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

1. Minutes of the ErieQuest Meeting held March 22, 2011
Pages 50-51

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

By-law 122-11, being a by-law to provide for a 4th Concession Road Drain (1st and 2nd Reading)

By-law 123-11, being a by-law to provide that Part Lot Control shall not apply to certain lands within Registered Plan 12M-563

By-law 124-11, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held April 11, 2011

(K) **NOTICES OF MOTION:**

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

(M) **NEW BUSINESS:**

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

WEDNESDAY, APRIL 13, 2011

Union Water Supply System Meeting - 9:00 a.m. - Kingsville Arena - Meeting Room D

FRIDAY, APRIL 15, 2011

Special Leamington Police Services Board Meeting - 8:30 a.m. - Leamington OPP Station Board Room, 7 Clark Street

TUESDAY, APRIL 19, 2011 and possibly WEDNESDAY, APRIL 20, 2011

Special Meeting of Council - 8:00 a.m. - Budget Review - New Council Chambers

TUESDAY, APRIL 19, 2011

Court of Revision - 6:00 p.m. - Two Creeks Drain - Chatham-Kent Council Chambers

WEDNESDAY, APRIL 20, 2011

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

TUESDAY, APRIL 26, 2011

Communications Committee Meeting - 8:00 a.m. - New Municipal Building - Room 112

SATURDAY, APRIL 30, 2011

Essex Library Board Tour - 12:15-12:35 pm -Leamington Branch Erie Street North

MONDAY, MAY 2, 2011

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

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

(P) **ADJOURNMENT:**

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - COUNCIL MEETING

**HELD MONDAY, APRIL 4, 2011 - COMMENCING AT 7:00 P.M.
IN LEAMINGTON COUNCIL CHAMBERS**

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
Doug Morrish, Director of Development Services
John Tofflemire, Director of Community Services
Tracey Pillon-Abbs, Manager of Planning Services
Amanda Smith, Manager of Culture and Recreation Services
Lu-Ann Barreto, Drainage Superintendent
Mary Ann Manley, Corporate Assistant

DISCLOSURES OF PECUNIARY INTEREST:

Councillor Jacobs disclosed a pecuniary interest in the Public Meeting for Zoning By-law Amendment 34 for 46 Seacliff Drive West (J. Jacobs and Sons Produce Limited) and Confirmation By-law 121-11. Mr. Jacobs noted that the property has been sold.

Councillor MacDonald disclosed a pecuniary interest in the Court of Revision regarding Maintenance Schedule and Updates for Sidney-Leslie Drain and South Branch and Confirmation By-law 121-11.

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

ADOPTION OF COUNCIL MINUTES:

No. C-119-11

Moved by: Councillor Verbeke **Seconded by:** Councillor Jacobs

That the Minutes of the Council Meeting held March 21, 2011, be approved.

“CARRIED”

BUSINESS ARISING OUT OF THE MINUTES: None

PUBLIC MEETINGS/COURT OF REVISION:

Public Meeting - Zoning By-law Amendment # 33 for 32 Seneca Drive (Ontario Greenhouse Vegetable Growers)

A Public Meeting regarding a Proposed Zoning By-law Amendment to an industrial use for 32 Seneca Drive (Ontario Greenhouse Vegetable Growers). A copy of the minutes is attached.

Public Meeting - Zoning By-law Amendment # 34 for 46 Seacliff Drive West (J. Jacobs and Sons Produce Limited)

A Public Meeting regarding a Proposed Zoning By-law Amendment of a proposed use for 46 Seacliff Drive West (J. Jacobs and Sons Produce Limited). A copy of the minutes is attached.

Public Meeting - Enns Drain, Hwy 77 Branch

A Public Meeting regarding Enns Drain, Highway 77 Branch. A copy of the minutes is attached.

No. C-120-11

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

That the Engineer's Report dated March 11, 2011, as prepared by N.J. Peralta Engineering, re: Enns Drain - Hwy 77 Branch, be adopted;

And that By-law 117-11, 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 9th day of May, 2011, and that Tony Peralta, 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 13-11).

"CARRIED"

Court of Revision - Maintenance Schedule Updates - Sidney-Leslie Drain and South Branch

A Court of Revision regarding maintenance schedule updates for the Sidney-Leslie Drain and South Branch. A copy of minutes is attached.

No. C-121-11**Moved by:** Councillor Atkin**Seconded by:** Councillor Verbeke

That the Court of Revision, Maintenance Schedule Updates for the Sidney-Leslie Drain and South Branch, in accordance with By-law 108-11, in the Municipality of Leamington, in the County of Essex, be confirmed.

“CARRIED”**REPORTS OF STAFF & DELEGATIONS:****CORPORATE SERVICES - Report CL/09/11 dated March 7, 2011 re: Request from Sun Parlour Charities Association - Reduction of Bingo Licence Fee**

Brian Sweet, Director of Corporate Services reviewed his report on a request from the Sun Parlour Charities Association for a reduction in the bingo licence fee from ninety dollars (\$90.00) per licence to seventy-five dollars (\$75.00) per license. The funds from bingos to these non-profit charities have been declining over the years. The Municipality charges three percent (3%) of the prize board to recover the costs of the Municipality to administer the bingo licences. Mr. Sweet introduced Ms. Pearse, Chair of the Sun Parlour Charities Association.

Colleen Pearse, Chair, Sun Parlour Charities Association requested Council to consider reducing the bingo licence fees for the Sun Parlour Charities Association until the economy turns around. The residents of Leamington benefit from the charities that work the Leamington Bingo Hall.

Council requested that administration bring to budget deliberations a summary on lottery revenues and expenses with respect to the various forms of lotteries i.e. bingo, raffle, break-open tickets.

No. C-122-11**Moved by:** Councillor MacDonald**Seconded by:** Councillor Atkin

That the request of the Sun Parlour Charities Association to reduce bingo licensing fees be referred to Council to be considered during the 2011 budget deliberations (CL 09/11).

“CARRIED”**DRAINAGE - Report DR 9/11 dated March 17, 2011 re: Jefferson Wiper Drain - Subsequent Connection - Great Lakes Greenhouses, Part Lots 241-242, Concession NTR**

Lu-Ann Barreto, Drainage Superintendent reviewed her report to request N. J. Peralta Engineering be appointed to prepare the subsequent connection report for Great Lakes Greenhouses to the Jefferson Wiper Drain.

No. C-123-11

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

That Leamington Council, receive the Notice of Subsequent Connection for the Jefferson Wiper Drain as filed by Great Lakes Greenhouses 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 Jefferson Wiper Drain if recommended by the Engineer;

And that all cost associated with this project be charged to account - Jefferson Wiper Drain - Great Lakes Greenhouses #2-680-8220-7630.

And that the Essex Region Conservation Authority be advised of the subsequent connection to the drainage works as outlined in Report DR 9-11.

“CARRIED”

DRAINAGE - Report DR 11/11 dated March 17, 2011 re: Reid Drain - West Branch - Subsequent Connection - Orangeline Farms Limited - Essex Road 14 - Pt Lot 6, Concession 9

Lu-Ann Barreto, Drainage Superintendent reviewed her report to request N. J. Peralta Engineering be appointed to prepare the subsequent connection report for Orangeline Farms Limited on the Reid Drain - West Branch.

No. C-124-11

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

That Leamington Council, receive the Notice of Subsequent Connection for the Reid Drain - West Branch as filed by Orangeline 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 Reid Drain - West Branch if recommended by the Engineer;

And that all cost associated with this project be charged to account - Reid Drain - West Branch - Orangeline Farms #2-680-8223-7630.

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

“CARRIED”

DRAINAGE - Report DR 12/11 dated March 17, 2011 re: Various Municipal Drainage Schemes Annual Meeting Reports

Lu-Ann Barreto, Drainage Superintendent presented her report to provide information regarding annual meetings of various municipal drainage schemes, to enact a by-law, appoint Commissioners and to establish annual fees for the better maintenance of various municipal drainage schemes. Ms. Barreto informed Council the Commissioners must abide by the health and safety regulations of the Municipality.

No. C-125-11

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

That Leamington Council receive the 2010 Annual Meeting minutes of the various drainage schemes.

And that Council appoint Commissioners as follows, subject to successful completion of any required WHMIS training:

Drainage Scheme	Commissioner	Paid Annually & Charged to Scheme
East Marsh Drainage Scheme	John Landschoot Bill Enns	\$500.00x2= \$1,000.00
Wahl Drainage Scheme	Tom Dick	\$500.00
Lloyd Drainage Scheme	John Tatomir Scott Kerr	\$500.00x2= \$1,000.00
West Marsh Drainage Scheme	Louis Marentette Paul Tiessen	\$500.00x2=\$1,000.00
Marentette Drainage Scheme	John Tatomir Jim Tatomir	\$500.00 x2=\$1,000.00
West Part B & C and Blind Line Drainage Scheme	Don Hicks	500.00
Beach & Kay Pumping Scheme	Bailey Inc.	\$ 500.00
Cotterie Park Pumping Scheme	Bailey Inc.	\$ 500.00
Dick Pumping Scheme	Bailey Inc.	\$ 500.00
Elmdale Pumping Scheme	Bailey Inc.	\$ 500.00
Lakeshore (Marentette Park) Pumping Scheme	Bailey Inc.	\$ 500.00
	Total:	\$7,500.00

And that Council consider By-law 119-11 to appoint Commissioners and establish annual fees for the various Municipal Drainage Schemes and that these appointments be conditional on completing the necessary Health and Safety training;

And further that such recommendation shall be in accordance with Report DR 12-11.

“CARRIED”

DRAINAGE - Report DR 14/11 dated March 17, 2011 re: Jacob Fox Drain - Change in Assessment - Pinnacle Farms & C&B Farms, Lot 3-4, Concession 4

Lu-Ann Barreto, Drainage Superintendent provided a summary of her report to obtain Council consideration to adopt the Engineer's Report prepared by N. J. Peralta Engineering Inc. dated March 10, 2011 for a subsequent connection to the Jacob Fox Drain for Pinnacle Farms and C & B Farms.

Ms. Barreto advised Council that Pinnacle Farms and C & B Farms would have to enter into a site plan control agreement.

No. C-126-11

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

That Leamington Council, adopt the Subsequent Connection Report dated March 10th, 2011 for the Jacob Fox Drain pursuant to the provisions of the Drainage Act, R.S.O., 1990, Section 65(3) prepared by N. J. Peralta Engineering Inc.;

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 14-11.

"CARRIED"

DRAINAGE - Report DR 15/11 dated March 17, 2011 re: Almanson Hillman Drain - New Maintenance Schedule, Part Lots 19-21, Concession A

Lu-Ann Barreto, Drainage Superintendent reviewed her report for Council's consideration to appoint Rood Engineering Inc. to prepare a report updating the schedule of assessment for the Almanson Hillman Drain. The current assessment schedule does not clearly display who benefits from this drain. Once the schedule is updated, Ms. Barreto will have the necessary maintenance completed.

No. C-127-11

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

That Leamington Council appoint Rood Engineering Inc. to prepare an Engineer's Report pursuant to Section 76 of the Drainage Act, to provide for an Updated Maintenance Schedule on the Almanson Hillman Drain (DR-15-11).

"CARRIED"

CULTURE AND RECREATION SERVICES - Report REC 9/11 dated March 9, 2011 re: Leamington Marina Project Update

Amanda Smith, Manager of Recreation Services provided an overview of her report to provide Council with an update and request additional expenditures for the Leamington Municipal Marina. Ms. Smith advised Council the Community Adjustment Fund is to cover replacement costs of items damaged by the tornado that were not covered by insurance.

John Tofflemire, Director of Community Services reported staff worked closely with the Community Adjustment Fund administration and assured Council that the requested items will be covered by the fund. The only issue is with cash flow as the Municipality will need to pay for the replacement items and then request reimbursement of the expenditures.

The Community Adjustment Fund is for the damage to Robson Road and the Marina only. Bill Marck, Chief Administrative Officer noted the Province recently announced additional funding for the Municipality which will cover the cost of tree replacement around the Marina area.

Mayor Paterson stated it is the Municipality's responsibility not to spend every dollar the government hands out.

No. C-128-11

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

That Council authorize the immediate supply and installation of the additional items listed in report REC 09-11 as a change order to the 'Leamington Municipal Marina New Floating Docks and Storm Damage Repairs' contract awarded to Kehoe Marine construction (Resolution No. C-468-10), at a cost of \$522,849, including net H.S.T, to be funded through the Community Adjustment Fund and processed to account number 2-580-8961-7630.

"CARRIED"

CULTURE AND RECREATION SERVICES - Report REC 10/11 dated March 25, 2011 re: Leamington Patio & Trellis Tender Request

Amanda Smith, Manager of Recreation Services presented her report on the replacement of the patio and trellis at the Leamington Municipal Marina. Ms. Smith introduced Mr. Richard Spencer of RC Spencer and Associates, Project Engineer. Ms. Smith informed Council the costs for patio and trellis repairs would be covered by the Community Adjustment Fund. Ms. Smith circulated a drawing of the proposed work to Council.

In response to a question from Council, Ms. Smith advised there are regulations imposed by the Alcohol and Gaming Commission in regards to serving alcohol on the patio area.

Mr. Spencer advised Council that the concrete on the patio was coloured with a rough finish for traction.

No. C-129-11

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

That Council authorize RC Spencer Associates Inc. to act on behalf of the Municipality for an immediate tender call for the construction of the patio and trellis project;

And further, that Council adopt the project plan at an estimated cost of \$260,000 excluding HST to be charged to account numbers, 2-580-8960-7630 (Patio) and 2-580-8962-7630 (Trellis), as reported in REC 10/11.

“CARRIED”

Report CL 11/11 dated March 21, 2011 re: Transfer of Land from the Municipality Pursuant to a Development Agreement - Part Lot 7, Concession 4 being Parts 4, 5 and 7 - 12R-5954

Brian Sweet, Director of Corporate Services provided a summary of his report to request the Municipality return land to property owners based upon security provisions contained in a 1980 development agreement with Mersea Township. The subject land is located at Highway 77 and Mersea Road 4. There has been no development on the site and no services were installed. The owners are no longer interested in pursuing this development. Mr. Sweet advised the owners will bear all costs to return the property title to the owners. The property is currently zoned commercial.

No. C-130-11

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

That the request by the owners of Part Lot 7, Concession 4 that the municipality return to them the title to the land described as Parts 4, 5 and 7, Plan12R- 5954 be approved subject to the following conditions:

- 1) that the parties provide each other with a mutual release of the obligations contained in the agreement;
- 2) that the owners pay all costs associated with the transaction including, but not limited to, the preparation and registration of all necessary documents, and;
- 3) the owners agree to consolidate the PIN number of the transferred property with Parts 2, 3 and 6 Plan 12R-5954. (Report CL/11/11).

“CARRIED”

Report FIN 11 04/01 dated March 29, 2011 re: Windsor/Essex Provincial Offences (POA) Program - 2009 Annual Report

Bill Marck, Chief Administrative Officer presented a summary of the 2009 Annual Report of the Windsor-Essex Provincial Offences Program in accordance with Section 2.5 of the Inter-Municipal Service Agreement (ISA) for the Windsor-Essex Provincial Offences Program. Cheryl Horrobin is Leamington's municipal representative on this committee.

Mr. Marck noted that parking is municipally enforced and therefore not included in the Provincial Offences Program agreement. Page 89 of the report presents a breakdown of revenues.

No. C-131-11

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

That Council receive the 2009 Annual Report of the Windsor-Essex Provincial Offences Program for information (Report FIN 11-04-11).

"CARRIED"

MATTERS FOR APPROVAL: None.

OTHER MATTERS FOR CONSIDERATION:

No. C-132-11

Moved by: Councillor Jacobos **Seconded by:** Councillor Chopchik

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

"CARRIED"

Correspondence from CAA South Central Ontario and OGRA dated March 15, 2011 regarding proposal to have H.S.T. Gas Tax Revenue dedicated to transportation infrastructure and maintenance

Bill Marck, Chief Administrative Officer, gave a brief summary of the correspondence received from Canadian Automobile Association (CAA) South Central Ontario and Ontario Good Roads Association (OGRA) in regards to using the harmonized sales tax as a new funding mechanism for transportation infrastructure. Mr. Marck advised Council the Clerks Department will forward correspondence.

No. C-133-11

Moved by: Councillor MacDonald Seconded by: Councillor Verbeke

That correspondence from Canadian Automobile Association (CAA) South Central Ontario and Ontario Good Roads Association (OGRA) dated March 15, 2011 regarding their proposal to have H.S.T. Gas Tax Revenue dedicated to transportation infrastructure and maintenance be supported and that the following resolution be adopted:

“Whereas the introduction of the Harmonized Sales Tax (H.S.T.) on July 1, 2010 and its application to gasoline and diesel sales will result in new revenue for the Government of Ontario; and

Whereas based on 2010 average price levels of gasoline and diesel, and 2009 average consumption levels in Ontario, the Government of Ontario’s projected new revenue will be approximately \$1.53 billion annually; and

Whereas the Provincial-Municipal Fiscal and Service Delivery Review identified a transportation infrastructure investment gap between the Government of Ontario and Ontario’s municipalities of approximately \$3.8 billion; and

Whereas a lack of sufficient funding for essential transportation infrastructure construction, maintenance and rehabilitation has created a situation where many of Ontario’s municipalities do not have the financial capacity to construct new transportation infrastructure and conduct the maintenance and rehabilitation needed to sustain existing transportation infrastructure; and

Therefore be it resolved that Council of the Municipality of Leamington requests that the Government of Ontario consider directing a portion of the revenue derived from HST charged on gasoline and diesel sales to a new predictable funding mechanism that will allow Ontario’s municipalities to make the critical investments needed to be effective stewards of transportation infrastructure; and

Further that a copy of this resolution be forwarded to Premier Dalton McGuinty, Hon. Dwight Duncan, Minister of Finance, Hon. Kathleen Wynne, Minister of Transportation, Hon. Bob Chiarelli, Minister of Infrastructure, the Ontario Goods Roads Association and to CAA South Central Ontario; and

Further that this resolution be circulated to all municipalities in Ontario requesting their support.”

“CARRIED”

SPECIAL CONFIDENTIAL COUNCIL MEETING:

Brian Sweet, Director of Corporate Services, informed those in attendance a Special Confidential Council Meeting was held at 6:30 p.m. and was properly advertised. Mr. Sweet explained Council entered into closed session to consider the following:

- Confidential Report CAO 06/11 dated March 16, 2011 re: Teamsters Local 87 (Operations and Recreation Services) Collective Agreement- Teamsters pursuant to Subsection 239(2)(d) of the Municipal Act, 2001
- Confidential Report CL 05/11 dated February 14, 2011 re: Legal Opinion on Issues related to Business Licensing pursuant to Subsection 239(2)(f) of the Municipal Act, 2001

Council provided staff with direction at the meeting but there were no recommendations to Council.

CONSIDERATION OF BY-LAWS:

No. C-134-11

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

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

By-law 101-11, being a by-law to provide for a new maintenance schedule for the Settingington Drain - New Maintenance Schedule; and

By-law 107-11, being a by-law to establish a new drain, namely the Hooker Drain- Highway 77 Branches.

“CARRIED”

No. C-135-11

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

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

By-law 117-11, being a by-law to establish a new drain, namely the Enns Drain - Highway 77 Branch.

“CARRIED”

No. C-136-11

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

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

By-law 119-11, being a by-law to appoint Commissioners and establish annual fees for the better maintenance of various Municipal Drainage Schemes throughout Leamington.

“CARRIED”

Councillor MacDonald and Councillor Jacobs disclosed an interest and did not participate in the vote of by-law 121-11.

No. C-137-11

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

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

By-law 121-11, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held April 4, 2011

“CARRIED”

NOTICES OF MOTION: None.

OPEN SESSION: Council - Administration

Councillor Atkin questioned if the Budget and Annual Report for the Essex Region Conservation Authority will be available prior to Mr. Richard Wyma, General Manager’s attendance at the April 11th Council meeting. John Tofflemire, Director of Community Services advised Council the reports are currently available on the Essex Region Conservation Authority’s website.

Councillor Atkin also inquired whether the Baird Report for Colchester to Southeast Shoal Beach Nourishment Study would be available for review prior to next Council meeting.

Councillor Verbeke questioned staff about vendors selling produce on private property. Brian Sweet, Director of Corporate Services responded that there is a vendor’s permit that must be purchased prior to the selling of produce or merchandise on private property. Mr. Sweet also advised Council the By-law Enforcement Officers implement the regulations and one of the officers works on Saturday to ensure by-laws are being followed.

STATEMENT OF MEMBERS: non-debatable - none.

Councillor Atkin reported on the Spring Badminton Tournament held at the Leamington Kinsmen Recreation Complex on April 2nd and 3rd, 2011. He added One Hundred and Thirty-five (135) players participated in the tournament with Ninety (90) participants from out of town. Councillor Atkin encouraged residents to come out and watch some of the intense badminton action this month.

ADJOURNMENT:

No. C-138 -11

Moved by: Councillor Verbeke

Seconded by:

Councillor MacDonald

That the meeting adjourn at 9:09 p.m.

“CARRIED”

John Paterson, Mayor

Brian Sweet, Clerk

/mam

T:\Corporate\C00-Council&By-laws\C04-CouncilMeetings\2011 Council\040411-Minutes.doc

MUNICIPALITY OF LEAMINGTON

MINUTES - PUBLIC MEETING

ZONING BY-LAW AMENDMENT # 33 PROPOSED INDUSTRIAL USE 32 SENECA DRIVE (ONTARIO GREENHOUSE VEGETABLE GROWERS)

**HELD MONDAY, APRIL 4, 2011 AT 7:06 P.M.
IN THE COUNCIL CHAMBERS**

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
Doug Morrish, Director of Development Services
John Tofflemire, Director of Community Services
Amanda Smith, Manager of Culture and Recreation Services
Tracey Pillon-Abbs, Manager of Planning Services
Lu-Ann Baretto, Drainage Superintendent
Mary Ann Manley, Corporate Assistant

Tracey Pillon-Abbs, Manager of Planning Services, reviewed the report, regarding the Zoning By-law Amendment request to permit an office for the Ontario Greenhouse Vegetable Growers in an industrial zone. Ms. Pillon-Abbs noted no decisions are to be made at the Public Meeting and that a report including recommendations will be presented to council in the near future.

Ms. Pillon-Abbs noted comments were received from the Essex Region Conservation Authority stating they have no objections to this application.

The Manager confirmed notices were circulated to affected land owners.

Mayor Paterson confirmed there were no residents in attendance regarding the proposed zoning by-law amendment request.

The meeting adjourned at 7:09 p.m.

MUNICIPALITY OF LEAMINGTON

MINUTES - PUBLIC MEETING

ZONING BY-LAW AMENDMENT # 34 PROPOSED COMMERCIAL USE 46 SEACLIFF DRIVE WEST (J. JACOBS and SONS PRODUCE LIMITED)

**HELD MONDAY, APRIL 4, 2011 AT 7:09 P.M.
IN THE COUNCIL CHAMBERS**

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
Doug Morrish, Director of Development Services
John Tofflemire, Director of Community 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

Tracey Pillon-Abbs, Manager of Planning Services, reviewed the report PLA 07/11, regarding the Zoning By-law Amendment Request for the proposed commercial use at 46 Seacliff Drive West (J. Jacobs and Sons Produce Limited)

Ms. Pillon-Abbs noted comments were received from the Essex Region Conservation Authority stating they have no objections to this application.

The Manager confirmed notices were circulated to affected land owners.

Larry Dick, 56 Seacliff Drive West voiced his concerns about a commercial zone in a residential area.

Ms. Pillon-Abbs responded the purpose of the application is to keep the residential zone and add in some additional uses specific to this property only; no other property would be affected.

Lee Anne Settingington, 65 Seacliff Drive West questioned the municipality's plans for this area. Ms. Settingington feels that every corner is becoming a commercial area.

Theresa Georges, 3 Grandview Crescent voiced her concerns with the addition of restaurant as one of the possible uses. The area is a nice family residential area. Ms. Georges is troubled that a commercial zone will decrease the value of the properties in the area.

Randy Critchlow, 4 Grandview Crescent (speaking on behalf of his son) purchased this property because it was nice a family residential area. Mr. Critchlow does not remember the house that was there and it being converted to an ambulance station. Mr. Critchlow feels the proposed uses are commercial uses not residential uses.

Rose Coene, 8 Lombardy Lane was concerned with the increased noise level that a commercial zone will have on the area.

April 4, 2011 Public Meeting - ZBA # 34

Cindy Prince, Planner spoke on behalf of the applicants to address the concerns of the residents. The application is in conformity with the Municipality's and County's Official Plan and the Provincial Policy Statements. The planning documents states when you have a use such as an ambulance station then you can entertain similar uses. This property enjoys a privilege that is not awarded to any other properties. The restaurant use was just to be as a service to Seacliff Park. The car dealership will have to apply under site plan control and will not impede or provide hardship on the residential neighbourhood. Ms. Prince noted her client is looking to work with the municipality to ensure that the development is best suited for the area. The applicant is willing to abide by specific rules on this site.

Katherine McCrum, 7 Lombardy Lane voiced her concerns with proposed changes as her property is surrounded on one and half sides by the subject property. As well, Ms. McCrum stated 7 Lombardy Lane shares a twenty (20) foot right-of-way with the subject property. Ms. McCrum's concerns are with noise, smell, increased activity, safety and negative impact on her property value. Ms. McCrum believes there is a restriction on the deed of the property that it cannot be used for commercial use. Ms. McCrum noted she did not receive a notice by mail.

Ms. Settingington commented on how well the current owner of the subject property has kept other properties that he has purchased; however, there are no guarantees if he sells the property the next owner will be as attentive to the area.

Mr. Dick advised council that the amount of traffic at the T-shaped intersection at Seacliff Drive and Sherk Street was very heavy.

Councillor Atkin was concerned with the comments from Ms. Prince regarding resident's issues being addressed through site plan control. He voiced his concern if needs of residents could be met through site plan control. He added his concerns regarding traffic at this intersection.

Deputy Mayor Wright noted that Councillor Atkin echoed some of his concerns. Deputy Mayor Wright questioned Ms. McCrum from 7 Lombardy Lane on the twenty (20) foot shared driveway.

Councillor MacDonald applauded the residents for attending the public meeting and voicing their opinions but she is also pro business. Councillor MacDonald would like to see residents and owners work together to find a business for this location.

Theresa Georges advised council the residents living on Seacliff Drive West have to walk in front of the subject property to reach Seacliff Park.

Mayor Paterson thanked the residents for coming out and stating their opinions as it assists council with making decisions.

Brian Sweet, Director of Corporate Services stated the municipality will provide notice again to the area residents when this zoning by-law amendment returns for council's consideration.

The meeting adjourned at 7:47 p.m.

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - PUBLIC MEETING

ENGINEER'S REPORT ENNS DRAIN HWY 77 BRANCH

**HELD MONDAY APRIL 4, 2011 AT 7:50 P.M.
IN THE COUNCIL CHAMBERS**

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
Doug Morrish, Director of Development Services
John Tofflemire, Director of Community Services
Amanda Smith, Manager of Culture and Recreation
Tracey Pillon-Abbs, Manager of Planning Services
Lu-Ann Barreto, Drainage Superintendent
Mary Ann Manley, Corporate Assistant

ALSO IN ATTENDANCE: Tony Peralta, P.Eng., N.J. Peralta Engineering

Lu-Ann Barreto, Drainage Superintendent reviewed with council the engineer's report regarding the Enns Drain Highway 77 Branch. Ms. Barreto noted 100% of the cost was being assessed to the Ministry of Transportation.

Julia Kos, 628 Highway 77 asked for clarification on the work being done and when the ditch on the west side of Highway 77 would be cleaned. Ms. Barreto responded that the purpose of the public meeting was to legalize the roadside pipe to a municipal drain. Ms. Barreto also noted the ditch could not be cleaned until after July 1 when fish spawning season is completed.

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

That the Engineer's Report dated March 11, 2011, as prepared by N.J. Peralta Engineering, re: Enns Drain - Hwy 77 Branch, be adopted;

And that By-law 117-11, 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 9th day of May, 2011, and that Tony Peralta, 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 13-11).

"CARRIED"

The meeting adjourned at 7: 54 p.m.

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - DRAINAGE COURT OF REVISION

**MAINTENANCE SCHEDULE UPDATES
SIDNEY LESLIE DRAIN AND SOUTH BRANCH**

**HELD MONDAY, APRIL 4, 2011 COMMENCING AT 7:55 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
Doug Morrish, Director of Development Services
John Tofflemire, Director of Community 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. Councillor MacDonald did not participate in the discussion or vote on these matters.

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

That the Court of Revision, Maintenance Schedule Updates for the Sidney-Leslie Drain and South Branch, in accordance with By-law 108-11, be opened.

“CARRIED”

Deputy Mayor Wright confirmed there were no residents in attendance regarding the Court of Revision for the Maintenance Schedule Updates for Sidney-Leslie Drain and South Branch.

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

That the Court of Revision, Maintenance Schedule Updates for the Sidney-Leslie Drain and South Branch, in accordance with By-law 108-11, in the Municipality of Leamington, in the County of Essex, be confirmed.

“CARRIED”

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

That the Court of Revision, Maintenance Schedule Updates for the Sidney-Leslie Drain and South Branch, in accordance with By-law 108-11, be closed.

“CARRIED”

Meeting adjourned at 7:56 p.m.

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - SPECIAL COUNCIL MEETING

HELD TUESDAY, DECEMBER 13, 2010 - COMMENCING AT 6:30 P.M.
IN THE DOWNSTAIRS COMMITTEE ROOM

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

DISCLOSURES OF PECUNIARY INTEREST: None.

No. IC-60-10

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

That Council move into closed session to consider the following items:

Confidential Report EDO/03/10 dated November 22, 2010 re: Disposition of Land

- To be considered in closed session pursuant to Subsection 239(2)(c) of the Municipal Act, 2001.

Confidential Report CAO 19/10 dated November 26, 2010 re: 2011 Economic Adjustment for Non-Union Staff, Crossing Guards, Council and Part-Time Staff

- To be considered in closed session pursuant to Subsection 239(2)(d) of the Municipal Act, 2001.

“CARRIED”

The Chief Administrative Officer presented Confidential Report EDO/03/10 to Council. As a result of the discussion there was a council direction to administration.

The Chief Administrative Officer presented Confidential Report CAO 19/10 to Council. After discussion, Council directed administration to schedule another meeting for further discussion on the report.

No. IC-61-10

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

That the Committee move into public session at 6:55 p.m.

“CARRIED”

No. IC-62-10

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

That the meeting adjourn at 6:56 p.m.

“CARRIED”

John Paterson, Mayor

Brian Sweet, Clerk

BRS/jb

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - SPECIAL COUNCIL MEETING

**HELD MONDAY, DECEMBER 20, 2010 - COMMENCING AT 6:15 P.M.
IN THE DOWNSTAIRS COMMITTEE ROOM**

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

DISCLOSURES OF PECUNIARY INTEREST: None.

No. IC-63-10

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

That Council move into closed session to consider the following items:

Confidential Memorandum dated December 15, 2010 re: Disposition of Land;

- To be considered in closed session pursuant to Subsection 239(2)(c) of the Municipal Act, 2001.

Confidential Report EDO/04/10 December 10, 2010 re: Disposition of Land;

- To be considered in closed session pursuant to Subsection 239(2)(c) of the Municipal Act, 2001.

Confidential Report CAO 19/10 dated November 26, 2010 re: 2011 Economic Adjustment for Non-Union Staff, Crossing Guards, Council and Part-Time Staff.

- To be considered in closed session pursuant to Subsection 239(2)(d) of the Municipal Act, 2001.

“CARRIED”

The Chief Administrative Officer presented the Confidential memorandum and Confidential report EDO 04/10 to Council. As a result of the discussion there was a Council direction to administration.

The Chief Administrative Officer also presented Confidential Report CAO 19/10 to Council. After discussion there was a Council direction to administration.

No. IC-64-10

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

That the Committee move into public session at 6:50 p.m.

“CARRIED”

No. IC-65-10

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

That the meeting adjourn at 6:51 p.m.

“CARRIED”

John Paterson, Mayor

Brian Sweet, Clerk

BRS/jb

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - SPECIAL COUNCIL MEETING

**HELD MONDAY, JANUARY 17, 2011 - COMMENCING AT 6:45 P.M.
IN THE DOWNSTAIRS COMMITTEE ROOM**

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

MEMBERS ABSENT: Deputy Mayor Wright

STAFF PRESENT: Bill Marck, Chief Administrative Officer
Brian Sweet, Director of Corporate Services

DISCLOSURES OF PECUNIARY INTEREST: None.

No. S-05-11

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

That Council move into closed session pursuant to Subsection 239(2)(c) of the Municipal Act, 2001 to consider Confidential Report EDO/01/11 dated January 6, 2011 re: Disposition of Land.

“CARRIED”

The Chief Administrative Officer presented Confidential Report EDO 01/11. After discussion, Council provided the following direction to administration.

No. S-06-11

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

That administration be directed to submit a counter-offer with the same price offered but with amendments to the conditions as described in Report EDO 1/11.

“CARRIED”

No. S-07-11

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

That the Committee move into public session at 6:49 p.m.

“CARRIED”

No. S-08-11

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

That the meeting adjourn at 6:50 p.m.

“CARRIED”

John Paterson, Mayor

Brian Sweet, Clerk

BRS/jb

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - SPECIAL COUNCIL MEETING

**HELD MONDAY, APRIL 4, 2011 - COMMENCING AT 6:30 P.M.
IN THE DOWNSTAIRS COMMITTEE ROOM**

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

DISCLOSURES OF PECUNIARY INTEREST: None.

No. S-20-11

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

That Council move into closed session to consider the following matters:

Confidential Report CAO 06/11 dated March 16, 2011 re: Teamsters Local 87 (Operations and Recreation Services) Collective Agreement- Teamsters pursuant to Subsection 239(2)(d) of the Municipal Act, 2001

Confidential Report CL 05/11 dated February 14, 2011 re: Legal Opinion on Issues related to Business Licensing pursuant to Subsection 239(2)(f) of the Municipal Act, 2001

“CARRIED”

CHIEF ADMINISTRATIVE OFFICER - Confidential Report CAO 06/11 dated March 16, 2011 re: Teamsters Local 87 (Operations and Recreation Services) Collective Agreement

Bill Marck, Chief Administrative Officer reviewed Report CAO 06/11 with Council.

As a result of the discussion, staff were directed to proceed in accordance with the report.

CORPORATE SERVICES - Confidential Report CL 05/11 dated February 14, 2011 re: Legal Opinion on Issues related to Business Licensing

Brian Sweet, Director of Corporate Services reviewed the report.

After discussion by Council, staff was directed to bring forward a report to a future regular meeting of Council.

No. S-21-11

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

That the Committee move into public session at 6:50 p.m.

“CARRIED”

No. S-22-11

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

That the meeting adjourn at 6:50 p.m.

“CARRIED”

John Paterson, Mayor

Brian Sweet, Clerk

BRS

T:\Corporate\C00-Council&By-laws\C04-CouncilMeetings\2011 Council\040411-Conf Special Minutes.doc

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: John Tofflemire, Director of Community Services
DATE: Jan 31, 2011
RE: Colchester to Southeast Shoal Beach Nourishment Study Final Report

AIM:

To update Council on the results of the Colchester to Southeast Shoal Beach Nourishment Study Final Report and to recommend support for a pilot project.

BACKGROUND:

In 2007 ERCA commenced an investigative study to examine the Lake Erie Shoreline from Colchester to Point Pelee (see figure 1.1 below) through a consulting assignment to Baird & Associates represented by Peter Zuzek. As a result of the preliminary results of this investigation, and as described in report DCS 02-08, a municipal liaison group was formed to consider the results of the ongoing technical studies being carried out by ERCA, and discuss next steps. Councillor Atkin and the undersigned have been representing Leamington on the working group. The last meeting was held in September, 2010 to discuss the recommendations. The final report has been presented to the ERCA Board, and is available for review in both CD and hard copy format.

Council approved contributions to co-fund this study in amounts of \$10,040 in 2009, and \$12,271 in 2010.

As reported in report DCS 02-08,

The study indicates that sediment transport is hampered by manmade shore protection along a large majority of the shoreline, and by the presence of piers and break walls at the various harbours which trap whatever sand is being transported southerly towards Point Pelee. The disruption of the sand deposition pattern results in the eventual erosion of the shoreline within the National Park. Remedial action will be necessary to assist the sand in bypassing the harbours and/or in returning shorelines to more closely resemble their former natural state.

The purpose of the present study has been to examine alternatives for remedial action and to make recommendations accordingly.

COMMENTS:

The study describes some of the technical considerations needed to address the beach nourishment problems. Numerous lakebed profiles were collected in the study area to document changes over time. Of particular relevance to Leamington is the rapid growth of the fillet beach formed by sand that is trapped by the Provincial dock, and as well the presence of a large sand bar between the harbour and the off shore breakwater which will in time transport sand into the navigation channel and require maintenance dredging.

The report notes that between Sturgeon creek and PPNP, there is a transition zone where the trend from shoreline erosion changes to one of sand accretion. Accordingly, this location would be appropriate as a feeder beach, where sand could be deposited and allowed to drift towards PPNP and feed the beaches there.

The study identifies three in-lake sand deposits which in theory could be used as 'borrow deposits' from which sand could be extracted and barged to the feeder beach location south of Sturgeon Creek. Two borrow locations are the Kingsville fillet beach and the Leamington fillet beach, which combined are removing approximately 36,000 cubic meters of sand annually from the natural nourishment system (26,000 at Kingsville and 13,000 at Leamington).

A third borrow deposit is the southeast shoal itself, which is the large sand deposit on the lake bed immediately south east of the tip of Point Pelee.

The study then examined several conceptual options for erosion mitigation and beach nourishment (see Figure 5.1 below), namely:

- a) Extend the design life of existing shoreline protection structures
- b) Re-build rock slope along the southwest shore of PPNP
- c) Groyne field for the southwest shore of PPNP
- d) Offshore breakwaters for the southwest shore of PPNP
- e) Annual Beach nourishment
- f) One-time Beach Nourishment with in-lake sources
- g) Dredge navigation channels and mechanically bypassing sediment
- h) Combination of options

Through discussion with the consultant at their meeting in September 2010, the working group reached consensus that the best approach should involve a combination of options that would focus on using sand from the southeast shoal and recycling it back to the feeder beach location, dredging the Kingsville and Leamington fillet beach deposits (Figure 5.12 below), and some structural intervention such as a groyne field along the shoreline of PPNP (Figure 5.8 below).

Leamington has a significant interest in the possible removal of the fillet beach west of the dock, since this sand deposit interferes with and blocks the existing storm sewer outlet which outlets at this location into Lake Erie. Council has approved an ongoing Environmental Assessment to examine an extension of this outfall, which will be completed in 2011; it was originally scheduled to be completed in 2010 however additional fish habitat studies were mandated requiring a full 12 month cycle and therefore the study has been delayed. It would be ideal if a joint solution could be arrived at by coordinating the work needed for the storm sewer outfall extension, with a dredging program.

ERCA have proposed a pilot project for 2011/12 but the details as far as terms of reference and costs are still being discussed.

FINANCIAL IMPACT

The subject study has been completed within the approved budget for Leamington's share. Going forward, it would be prudent to anticipate some co-funding of a pilot study in 2011/12; further details will be provided following further discussions with ERCA and the working committee, and also following receipt of the engineering report on the storm sewer outfall expected this summer.

RECOMMENDATION

That the final report of the Colchester to South Shoal Beach Nourishment Study be received as information, and that Council support the ongoing participation of the working group with ERCA in further studies leading to implementation of a beach nourishment strategy, as described in DCS 02-11

Signed: _____

John D. Tofflemire, P. Eng.
Director of Community Services

FILE: T:\Community Services\Community Services\Community Services Council Reports\2011 Reports\DCS

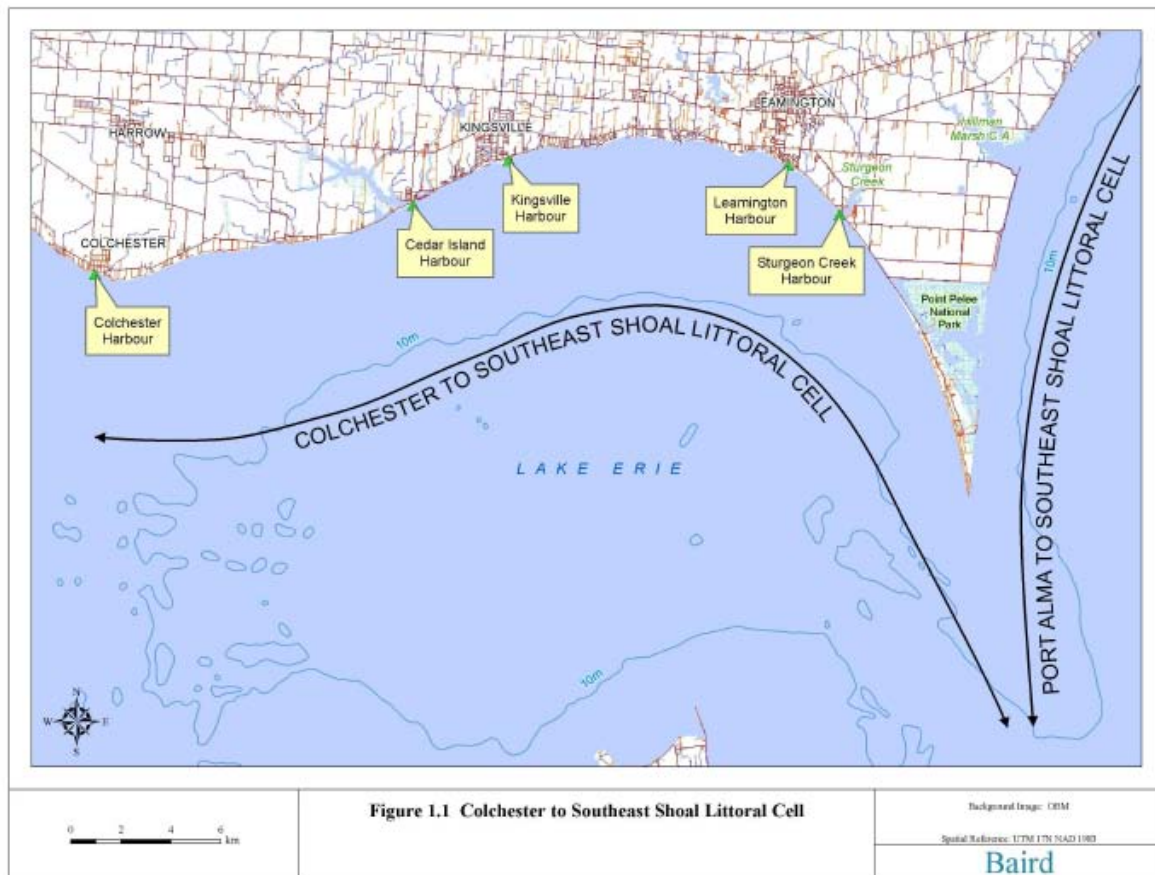


Figure 1.1 Location Map

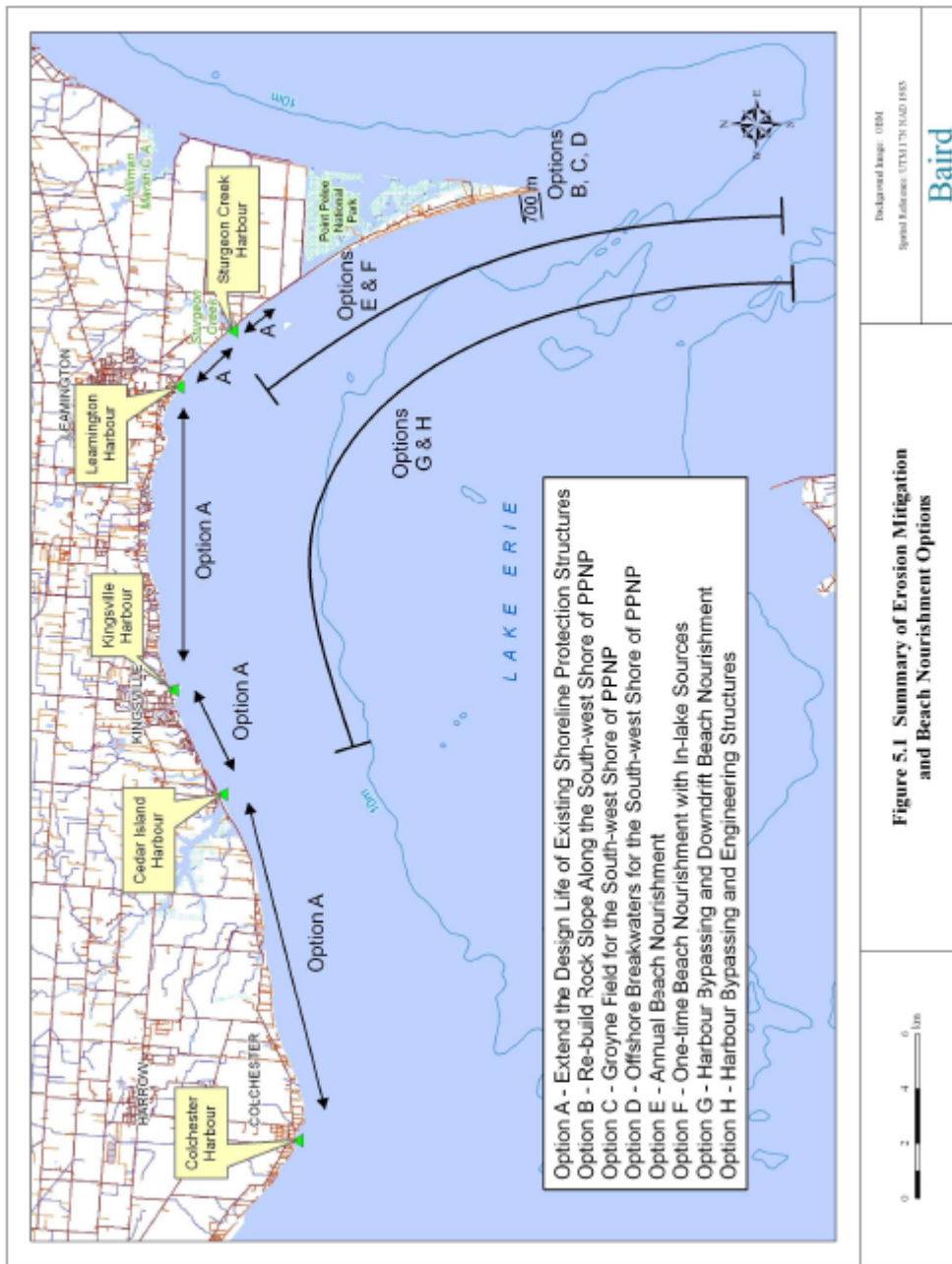


Figure 5.1 Summary of Erosion Mitigation and Beach Nourishment Options

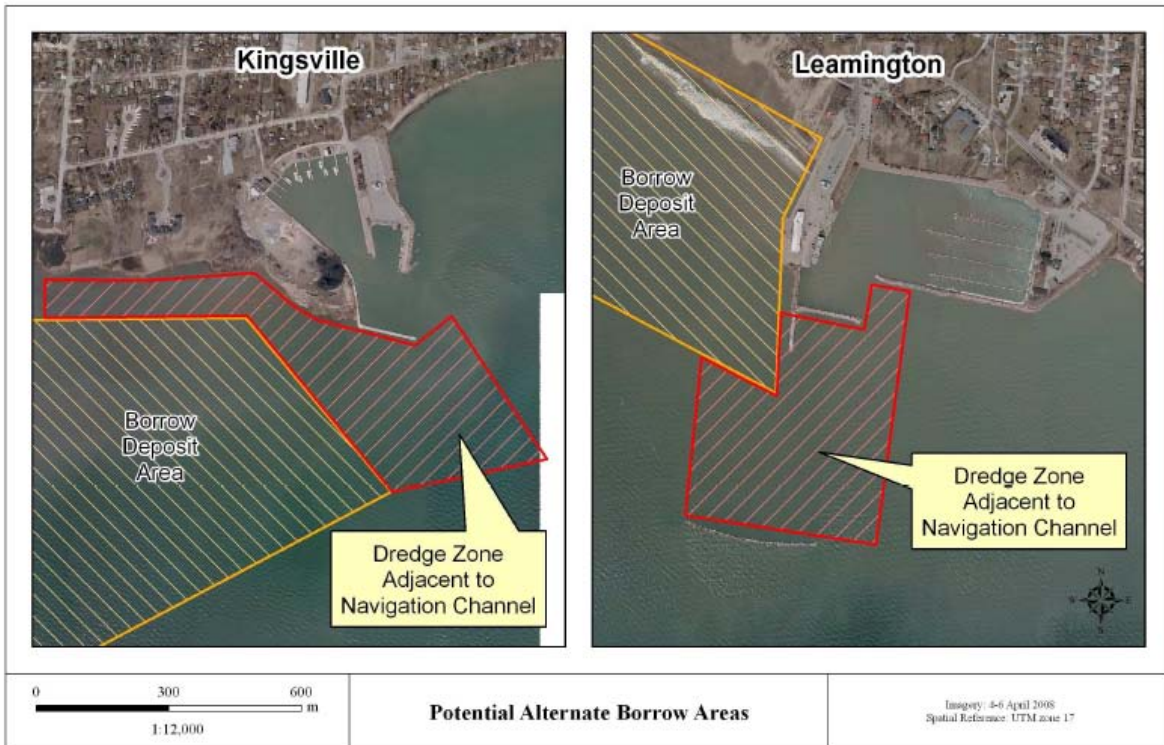


Figure 5.12 Navigation Channel Dredging Zones at Leamington and Kingsville



Figure 5.8 Small Armour Stone Groyne Installed on Lake Ontario

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: BRIAN SWEET, DIRECTOR OF CORPORATE SERVICES
DATE: MARCH 21, 2011
RE: 2010 MUNICIPAL ELECTION

AIM:

To provide an information report on the 2010 municipal election including processes and policies implemented for the identification, removal and prevention of barriers to enable people with disabilities to participate in the election.

BACKGROUND:

Following every municipal election an information report is always provided to council about the election. Starting with the 2010 election, the Province now requires a report be prepared for council which details procedures and policies that were implemented prior to the election to address accessibility issues and to report upon any accessibility issues that arose during the election and how election staff responded to those issues.

GENERAL INFORMATION:

The 2010 municipal election was held October 25, 2010. Leamington does not have a ward system for electing councillors but conducts an at-large election where all qualified electors may vote for Mayor, Deputy Mayor and all five councillor positions.

There were a total of twenty-two (22) candidates for municipal council; three (3) candidates for Mayor, two (2) candidates for Deputy-Mayor and seventeen (17) candidates for Councillor.

The election resulted with a change in the Mayor's office, the Deputy-Mayor's office and three changes to the Councillor positions. There was a total of four (4) new members elected to council. The results in Leamington were part of a trend that saw significant changes to the composition of municipal councils across Southwestern Ontario.

Trustees for the four local school boards are also elected during a municipal election. Only one (1) candidate filed for the French Public Board (representing all of Windsor and Essex County) and one (1) candidate for the French Separate Board (representing Lakeshore, Leamington and Tecumseh). These positions were acclaimed and no candidates' names appeared on the ballots.

There were two (2) candidates for the English Separate Board (representing Essex, Kingsville, Pelee Township and Leamington) and three (3) candidates for the English Public Board (representing Leamington and Pelee Island).

MAIL-IN VOTING METHOD:

Alternative voting methods were first made available to municipalities through amendments to the Municipal Election Act for the 1997 municipal election and approximately twenty (20) municipalities used mail-in voting that year. Leamington council first approved mail-in voting for the 2000 municipal election when approximately seventy (70) municipalities also used the same method. In 2010, Leamington's fourth time using this election method, approximately one hundred and thirty (130) Ontario municipalities used mail-in balloting. This was also the first election where all seven (7) of Essex County's local municipalities and Pelee Township used mail-in voting.

With mail-in balloting, electors receive their voters' kits in the mail approximately three (3) weeks before Election Day. Electors are required to mark their ballot and sign a declaration that they are legally entitled to vote and mail the ballot and declaration to their municipality.

Most electors return their ballot in the pre-paid envelope provided but many voters also drop their ballots at the municipal office. The municipality has to pay the cost of mailing the kits to all electors but the municipality only has to pay the mailing cost of the ballots that are returned through the mail.

Most electors are able to follow the instructions successfully but the municipality has procedures in place to replace lost kits or to assist electors who have made errors or who do not understand the instructions.

VOTER TURNOUT:

Voter turnout for the last four (4) municipal elections has been higher when the mail-in voting method was used. Prior to the 2000 election when mail-in voting was first introduced in Leamington, the average turnout for municipal elections in Leamington and Mersea was approximately thirty percent (30%) to thirty-three percent (33%), which was also the average for municipalities across Ontario.

Since mail-in voting was introduced in Leamington the voter turnout has been recorded as follows:

2000 Election - 52.64%
2003 Election - 51.94%
2006 Election - 49.20%
2010 Election - 49.85%

Another factor affecting voter turnout is voter awareness of the candidates, the issues and even the fact that a municipal election is being held. The local media provided a significant amount of local election coverage. The candidates also increased voter awareness through their election signs, fliers and campaigning activities.

Both the Leamington and District Chamber of Commerce and CFTV each held a candidates' night at Cardinal Carter High School.

Election officials placed various advertisements with and gave numerous interviews to the Leamington Post, Southpoint Sun, Windsor Star, the radio stations (CJSP, CHYR, and CKLW) and Leamington's local television station CFTV.

Election information flyers were provided by election officials to the candidates to provide electors while campaigning. These flyers were also available at the municipal office, Leamington library, the Kinsmen Recreation Complex, nursing homes, retirement homes, alternative care homes, schools, and Leamington's post office.

ELECTRONIC TABULATORS AND BAR CODE SCANNERS:

The 2010 municipal election was the second time Leamington used bar code scanners and electronic tabulators.

The declaration each voter has to sign and return with their ballot has a bar code. When the municipality receives a returned ballot package from the voter, the bar code on the declaration is scanned and the person's name is automatically checked off the voters' list as voted. The accompanying sealed secrecy envelope containing the ballot is then deposited into a ballot box. This method is accurate and is a major time saver for election staff.

2010 was also the second election where Leamington used electronic tabulators to count the ballots. An evening was held for the candidates where election officials demonstrated the use of the tabulators and candidates were given the chance to test the accuracy of the tabulators by marking sample ballots and processing them through the tabulators.

On election day, two tabulators were set up in the council chambers and election officials started to process the ballots at 9 a.m. The council chambers was open to Candidates or their scrutineer who were entitled to watch the elections officials feed the ballots through the tabulators. Like the bar code scanners, the electronic tabulators have a high accuracy rate and reduce the manpower required to count the ballots.

The final results were calculated by approximately twenty minutes after the close of polls and the results were announced at the Leamington Kinsmen Recreation Complex.

VOTER ACCESSIBILITY:

Regardless of the voting method used, voter accessibility is always one of the major considerations when planning for an election. No one method of voting provides complete solutions for all accessibility issues but accommodations can be made to the voting method which can ensure every voter can vote and maintain the secrecy of their ballot.

One advantage of using the mail-in voting system is that it addresses many accessibility issues. For example, when traditional polling stations are utilized all polling stations must be wheelchair accessible. Wheelchair accessibility is not an issue for mail-in voting.

Two areas where mail-in voting still faces challenges is accommodating illiterate electors and electors who have serious vision impairment. These two issues have been addressed by Leamington election officials in a number of ways, including public education and providing trained staff to assist any elector who requires special assistance. In the past four (4) elections the municipality has only been requested to provide special assistance in a few cases and the assistance has always been provided in an appropriate fashion. During the last four (4) elections the municipality has received no complaints related to the voting system not being accessible to an elector with a disability.

In 2010, a section was added to the Leamington election procedures entitled "Accessibility Standards and Procedures". In that section, it confirms election officials must comply with the Accessibility Standards Policy recently adopted by the municipality and that all election officials must complete the Accessibility Standards for Customer Service training provided by the municipality. All of the training was successfully completed.

Leamington election officials met with the Leamington Accessibility Advisory Committee on two (2) occasions in preparation for the 2010 municipal election. At the first meeting, the mail-in voting method was reviewed and election officials explained procedures in place to assist people with disabilities. Committee members were asked for suggestions on how to improve existing procedures. At that meeting there were also discussions about creating a template that would assist those voters with severe vision impairment.

Following that first meeting, such a template was created and tested with one of the committee members who has severe vision impairment. Election officials then attended another committee meeting and demonstrated the use of the template. The committee was satisfied the template was a useful tool to assist the vision impaired. The template was shared with other county municipalities. The Leamington Accessibility Advisory Committee was satisfied the municipality had taken appropriate steps to address accessibility issues for the election.

The ballot template was prepared and available for all residents during the election. The ballot template was utilized by one resident with accessibility issues.

Two (2) Election Officials attended a total of nine (9) local nursing homes, retirement homes and alternative care homes at various times for a week prior to Election Day to assist residents if required. Management of the facilities posted the information flyer provided by the municipality at each location notifying residents of the date and time the Election Officials would attend the facility. The Election Officials set up one (1) or two (2) accessible voting booths at each location for residents and sometimes attended the residents' rooms to assist with their ballots. The Election Officials ensured the residents' secrecy and security of the ballots cast. The Election Officials returned the ballots to the municipal office in sealed ballot boxes.

An Election Official also attended two residents' homes during the election to provide them assistance. Both residents had not received a ballot and were not able to attend the municipal office due to accessibility issues. Once the residents completed an application to amend the Voters' List (Form EL15) the Election Official gave them the appropriate ballot.

Some residents requiring assistance during the election attended the municipal offices. The municipal office had a voting station which was low and wide enough to enable a resident with a wheelchair or scooter to vote independently or with assistance from an Election Official. The voting station was equipped with large print voting instructions and magnifying sheets to aid persons with vision impairment.

All staff and Election Officials are trained on the municipality's Accessible Customer Service Standards. This training is given to all Leamington staff on how to interact and communicate with people having various types of disabilities and with persons who use an assistive device or service animal.

Some interest groups have been lobbying the Provincial government to require municipalities to use a variety of voting methods during a municipal election to provide more accessibility for electors. For example, they suggest municipalities should use both traditional voting and mail-in voting. Leamington Election Officials have let the Province know we are strongly opposed to that type of regulation. If Leamington were to conduct both methods of voting during one election, it is suggested the cost of the election would increase from \$68,000. to \$100,000. And there would be little benefit. It is more practical to have one method of voting and make special provisions for those who may require it.

THE VOTERS' LIST:

The greatest source of complaints in every municipal election is the voters' list. While that is not expected to change any time soon, Leamington's Election Officials are continually trying to improve the list.

For every municipal election, the preliminary list of electors is provided to all municipalities by the Municipal Property Assessment Corporation (MPAC). This list is primarily compiled through property assessment records and information forms that MPAC mails out to some property owners. Because their records are not up to date and they have no effective way to track the movement of tenants, MPAC's list will always be deficient unless they gain access to other provincial information banks. For example, if MPAC had access to driver licence information or Health Card information then more accurate voters' lists could be prepared.

Prior to 2003, municipalities were totally reliant on MPAC's list of electors. After every election Leamington would send hundreds of changes to the voters' list from information provided by electors but for various reasons many of these changes would not be incorporated into the voters' list by MPAC for the next election. Since 2003, Leamington has been using a computer program called Municipal Voter View. This essentially allows the municipality to keep and update its own list of electors. After the 2010 election, the updates from the Municipal Voter View were accepted by MPAC to update their lists.

When MPAC sends their preliminary list of electors for the next election, their information will not override Leamington's list. The computer program will then highlight any differences in the two lists and Leamington election officials will use the information that appears to be the most accurate.

This process is very time consuming and, while the voters' list is improving, there is still much room for improvement.

FINANCIAL IMPACT:

The cost to conduct the 2010 municipal election was approximately sixty-eight thousand (\$68,000.00) dollars which was within the amount budgeted. This is approximately the same amount it would cost to conduct a traditional election with polling stations.

Since eight (8) local municipalities used the same mail-in ballot election method, the municipalities were able to share costs in some areas such as newspaper and radio advertisements and the costs for the electronic tabulators were negotiated as a group which resulted in cost savings.

FINANCIAL STATEMENTS AND COMPLIANCE AUDIT COMMITTEE:

All candidates are required to file financial statements at the end of the election campaign. For the 2010 election the final date to file financial statements was March 25th, 2011. These financial statements are available for inspection by the public and are posted on the municipal web site.

Section 81 of the Municipal Elections Act provides that an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of the Municipal Elections Act relating to elections campaign finances may apply for a compliance audit of the candidate's election campaign finances. An application for a compliance audit must be filed with the municipal clerk within ninety (90) days of the deadline for filing financial statements. For the 2010 election, an application for an audit of a financial statement must be filed by June 23rd, 2011.

In the past, a municipal council could either consider such an application or could delegate the responsibility to an audit committee. Amendments to the Municipal Election Act now require council to create an audit committee which was completed by Leamington Council as required prior to Election Day. If an application for an audit is received within the time period, the application will be referred to that committee.

CONCLUSION:

Leamington's 2010 municipal election was conducted efficiently and without any significant issues arising. With the exception of never ending efforts to improve the voters' list, administration has no recommendations upon how the present process could be improved.

All of the Corporate Services staff and other municipal staff assumed responsibilities in addition to their regular duties to ensure the election ran smoothly. The Manager of Information Technology was especially helpful in ensuring the computer programs and the tabulators operated efficiently.

The mail-in voting method is affordable, it provides a simple and convenient method for people to cast their ballots, it provides accessibility for those people with disabilities and it substantially increases voter turnout.

If there is one weakness of this voting method, it is that the municipality, despite all efforts, cannot surpass the fifty-two (52) percent mark for voter turnout. Election officials believe it is possible to raise voter turnout into the sixty-five (65) to seventy (70) percent range but that is only going to be accomplished by either using a different method of voting or a combination of voting methods.

A combination of voting methods will be more expensive. The most probable option at the moment for a voting method which is affordable and could increase voter turnout is internet voting. Approximately forty (40) Ontario municipalities used some form of internet voting in 2010. We are unaware of any municipality that offered internet voting as the only option for voting but that situation may change in 2014. It is the intention of administration to explore the internet voting option and bring a report back to council in 2013.

RECOMMENDATION:

For information.

Respectfully submitted,

Brian R. Sweet
Director of Corporate Services

BRS

T:\Corporate\A00-Administration\A00-Council Reports\2011 Corporate Services Reports\Word\CL1011 - Election .doc

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: BRIAN SWEET, DIRECTOR OF CORPORATE SERVICES

DATE: MARCH 31, 2011

RE: APPLICATION FOR VARIANCE TO THE MUNICIPALITY'S SIGN BY-LAW -
129 ERIE STREET SOUTH - PHOENIX PLAZA

AIM:

To report upon an application from the owner of 129 Erie Street South for a variance to the Municipality's sign by-law.

BACKGROUND:

The owner of 129 Erie Street South, who has recently purchased the property, is proposing to remove the existing ground sign which is 10.05 metres (33 feet) high and replace it with a sign that is 9.14 metres (30 feet) high.

The property is located on the west side of Erie Street South between Montgomery Street and Oak Street. The property is designated Commercial in the Official Plan and Commercial General Zone (C6-2) in the Municipality's comprehensive zoning by-law. There is a commercial shopping plaza located on the property

OWNER'S PROPOSAL:

The previous owner of this property applied to Council in 2005 and successfully obtained a variance to the previous sign by-law. That sign by-law restricted a ground sign to a maximum height of 8 metres (26 feet 3 inches). The previous owner was granted permission by Council to construct a ground sign that was 33 feet high.

The current owner proposes to remove the existing 33 foot high sign and replace it with a ground sign that is 30 feet high. The owner also proposes to relocate the sign in a new location. A copy of the proposed sign and its proposed location are shown on the sketches attached.

By-law 110-11, Leamington's sign by-law, also restricts the maximum height of a ground sign to 8 metres (26 feet 3 inches). The owner is asking for the variance primarily on the basis that the greater height is needed to allow room to provide space for all of the commercial tenants on the property. The owner's letter requesting the variance is attached.



Report CL/12/11- Application for Variance to Sign By-law - 129 Erie St. S.

COMMENTS:

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.*

Administration have reviewed the plans submitted by the owner and confirm that the sign proposal and its proposed location are acceptable, except for the height restriction that is the subject of this variance. If Council approves this application, there will be no impact upon the Municipality.

CONDITIONS OF APPROVAL

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. For this application, it is suggested that no conditions are necessary.

RECOMMENDATION:

That the sign variance application for 129 Erie Street South to permit a ground sign with a maximum height of 9.14 metres (30 feet), be approved. (Report CL/12/11)

Respectfully submitted,

BRS/lj
Encs.

Report CL/12/11- Application for Variance to Sign By-law - 129 Erie St. S.

**NEUMAR
CORP**



12 Longbeach Drive
Leamington, Ontario
N8H 4J1
Ph (519) 796-8886
Fax (519) 971-7001

Municipality of Leamington
38 Erie St North
Leamington On
N8H 2Z3

Dear Members of Council,

I would like you to consider our proposal to remove an existing ground sign located at 129 Erie St South known as Phoenix Plaza and to install a new ground sign which would be 30 feet tall. Sign by-Law 110-11 Section 6.1 states that a ground sign can only be 8 metres tall (26.25 feet).

The reasons I would like to install a 30 foot sign are as follows:

1. There are 10 units in our retail plaza and for that reason we require a few more feet so that each tenant could receive adequate signage.
2. The existing ground sign is 33 feet tall and a height variance was granted in late 2005. We are actually reducing the height of the current sign from 33 feet to 30 feet.
3. The existing ground sign is less than attractive and therefore I would like to improve the property with a new modern sign. It will be colour coordinated with a complete redesign of the plaza that includes a new facade and new signage on the face of the plaza. The new sign will look similar to our sign at Leamington Medical Village, 197 Talbot St West.
4. The electronic sign area will allow the tenants to promote their business without the need to install temporary portable signs or sandwich boards.
5. We are also changing the location of the sign near the entrance of the plaza and this should improve traffic flow.

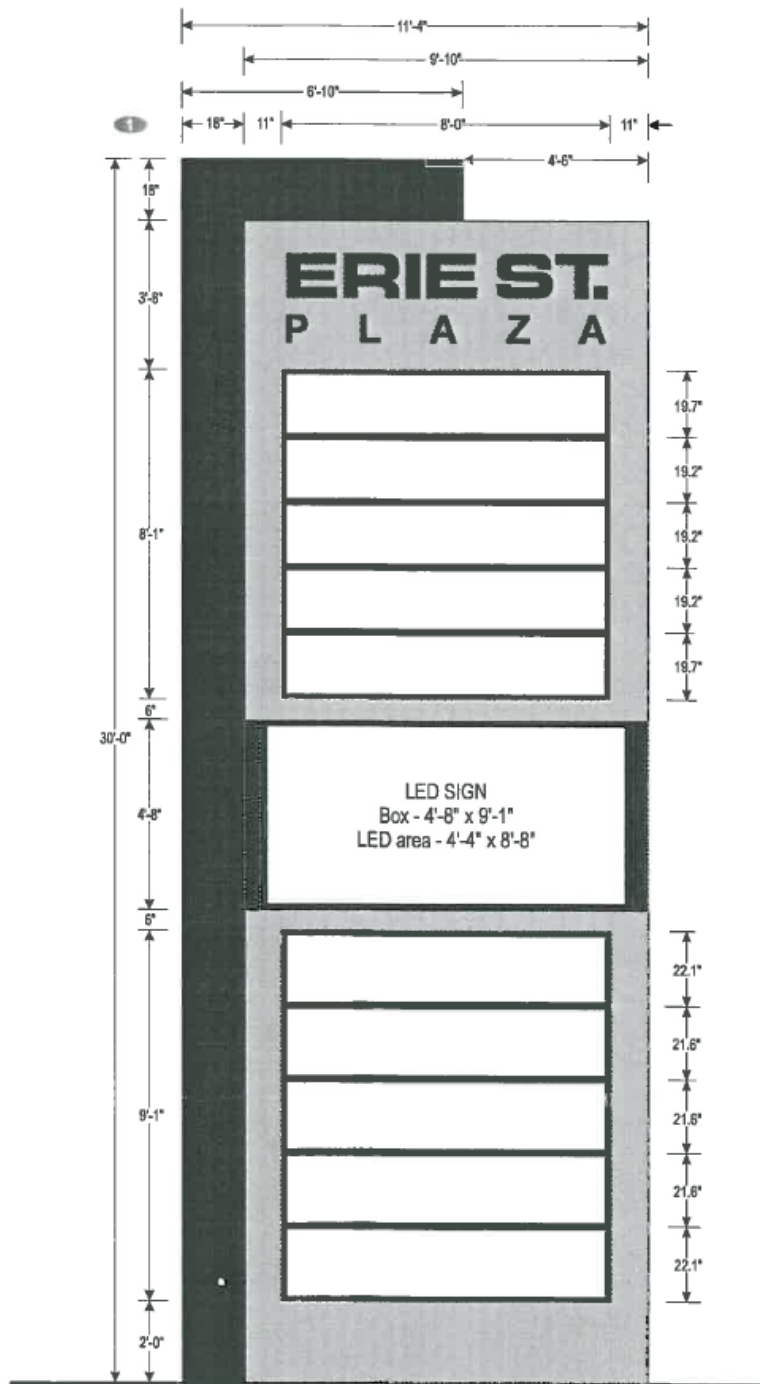
I trust you will consider the above carefully and I look forward to answer any questions you may have.

Yours truly

A handwritten signature in black ink, appearing to read "Reiner Neumann".

Reiner Neumann
President Neumar Corp

Report CL/12/11- Application for Variance to Sign By-law - 129 Erie St. S.



Sign 1
Manufacture & install 1 new D/S illuminated pylon sign.

Graphics / Substrate
 Erie St. PLAZA-1/8" routed alum. face w/ 3/16" routed black / white acrylic backers.
 Tenant panels-1st surface digital printed graphics (Avery MP1050 Trans. White w/ Avery DOL1060 clear gloss laminate) applied to 3/16" routed white acrylic panels.
 Pole covers & skirt- .100 routed alum.

Illumination
 H.O. Daylight fluorescent lamps & ballasts (120V).

Construction
 Top main box-1/8" routed alum. face glued to F150 alum. retainers & 2" divider bars. 18" DFR Ultrasign cabinet. 2 new; full colour Yesco LED video boards.
 Lower box- 18" DFR Ultrasign cabinets w/ F150 alum. retainers & 2" divider bars.

Paint
 Paint sign Pantone 466C & GGP black.

RECEIVED
 MAR 09 2011

- PAINT: Pantone 466C
- PAINT: GGP Black
- ACRYLIC: 3/16" White Acrylic SG

MEMBER **nesa JAG**
ROLAND'S NEON SIGNS® 2011

This design and concept is the work of a property of Roland's Neon Signs.

www.rolandneon.com
 3240 Jefferson Blvd., Windsor, Ontario, N8T 2W8
 Ph: (519) 944-8448 Fax: (519) 944-2942

Client Erie St. Plaza
 Address 129 Talbot St. South, Leamington, Ontario

Job No. M110103-2
 Designer VS
 Sales MP

Date January 03, 2011
 Revision February 03, 2011
 Revision February 04, 2011

CONCEPT NOT FOR CONSTRUCTION
 SHOP READY (Back-illumination)
 Scale: 3/8"=1'-0"
 Page 1 of 2

Approved as is As noted

Date 44 of 51

Report CL/12/11- Application for Variance to Sign By-law - 129 Erie St. S.



REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: BRIAN SWEET, DIRECTOR OF CORPORATE SERVICES

DATE: APRIL 6, 2011

RE: SOUTH WINDS ESTATE SUBDIVISION - BY-LAW TO RELEASE
PART LOT CONTROL PROVISIONS OF PLANNING ACT

AIM:

To report upon a request from the Owner (the "Owner") of the South Winds Estate Subdivision to enact a by-law which releases the part lot control provisions of the Planning Act for certain lots within the plan of subdivision.

BACKGROUND:

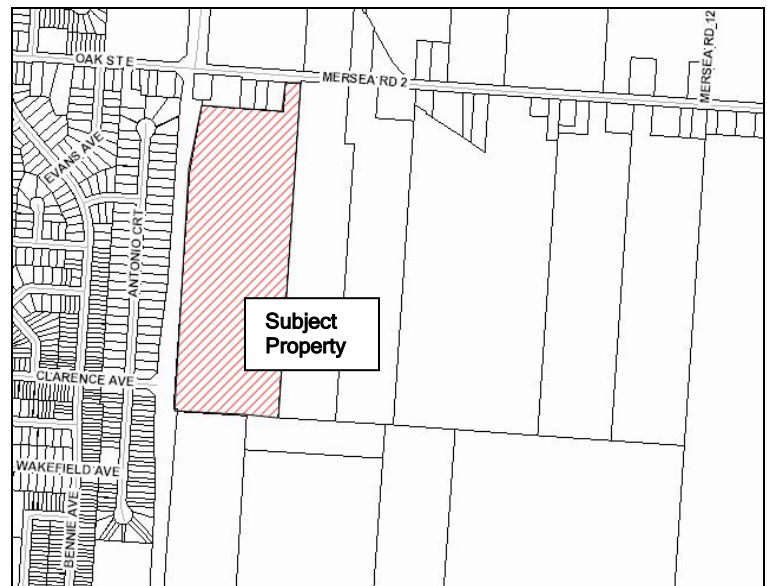
The property is described as Part of Lot 9 and 10, Concession 1 in the former Township of Mersea, now the Municipality of Leamington.

The subject property is 39 acres (15.9 ha) in size. It is located east of the proposed East Side Arterial Road (ESAR) and south of Mersea Road 2 (Oak Street East).

The property is designated Residential on Schedule "A-7" of the Leamington Official Plan (2008) and zoned Residential R3 (H) on Map 49 of the Zoning By-law #890-09.

The plan proposes to develop a mix of 74 single unit residential, 56 semi-detached and 60 townhouse lots.

On March 18, 2008 the County of Essex approved the application for plan of subdivision. The developer then entered into a development control agreement with the Municipality of Leamington. The County of Essex has now approved the subdivision and it is registered as Plan 12M-563 in the Land Registry Office (see plan attached).



RELEASE OF PART LOT CONTROL PROVISIONS OF PLANNING ACT

Subsections 50(3) and 50(5) of The Planning Act (the "Act") are often referred to as the "part lot control provisions" of the Act. Those subsections prohibit the sale of a parcel of land if the same Owner also owns abutting land. There are numerous exceptions to this rule. One exception to this rule occurs when an Owner applies to the Committee of Adjustment and obtains a consent to sever the land. Another exception occurs when the parcel of land is a whole lot on a plan of subdivision.

A third exception occurs when the municipality has passed a by-law pursuant to Subsection 50(7) of the Act that releases all or part of the land from the provisions of Section 50. Such a by-law can only be passed if a plan of subdivision has been registered on the title to the property.

Leamington has commonly enacted such by-laws to assist with the development of semi-detached and townhouse developments within a plan of subdivision. The by-law permits an Owner to sell a townhouse unit, for example, even though it is only on part of a lot in a plan of subdivision. If not for the by-law, an Owner of a subdivision would have to obtain numerous consents from the Committee of Adjustment.

In 2010, the Owner requested such a by-law for this subdivision and Council granted the request and enacted By-law 55-10 which exempted a total of 56 lots in the subdivision from the part lot control provisions of the Act so that townhouses and semi-detached units could be developed. The proposal for this entire subdivision is 74 single units, 56 semi-detached units and 60 townhouse units.

However, By-law 55-10 cannot take effect until the by-law is approved by the County and registered in the Land Registry Office.

County Officials refused to approve By-law 55-10 because it did not comply with all of the County's policies. After further discussion with County Officials and the Owner, a revised by-law has been drafted which is expected to receive approval from the County.

REVISED BY-LAW

The Owner is still proposing to develop the subdivision with the same mix of single detached, semi-detached and townhouse type dwellings; however the Owner is proposing to start with a relatively small area of development (see sketch attached). The Owner proposes to begin by developing only 24 lots located in the southernmost parts of the subdivision. Lots 46, 47, 61-63 and 66-72 will be developed as 12 single detached units. Lots 38 - 45 will be developed as 16 semi-detached units and lots 53, 54, 59 and 60 will be developed with a total of ten townhouse units.

The Owner requests that Council enact a by-law that exempts lots described for development of semi-detached and townhouse units from the part lot control provisions of the Planning Act. Administration supports the request. A new by-law has been prepared and listed on the Council agenda. The previous by-law, By-law 55-10, will be repealed.

FINANCIAL IMPACT

The Owner will be required to pay the costs of registering the by-law at the land registry office so there is no financial impact on the Municipality if Council approves the request.

RECOMMENDATION:

That Council approve the request from the Owner of South Winds Estate Subdivision to enact a by-law pursuant to Subsection 50(7) of the Planning Act exempting certain lots within the plan of subdivision from the provisions of Subsection 50(5) of the Planning Act; namely, lots 38-45, lots 53, 54, 59 and 60 on Plan 12M-563;

And that administration forward the appropriate by-law to Council for consideration. (Report CL/13/11)

Respectfully submitted,

Brian R. Sweet
Director of Corporate Services

BRS
Encs.

FILE: T:\Corporate\A00-Administration\A00-Council Reports\2011 Corporate Services Reports\Word\CL1311- part lot control- Southwinds estates.docx

Brian Sweet, Director of Corporate Services, will contact Doug Morrish, Director of Development Services, to co-ordinate the committee's efforts to find another contractor to donate their time and labour for this project.

Web Site

John Karry circulated a book on Lake Erie shipwrecks. Mr. Karry has permission from the author of the book to utilize the stories and pictures from the book for the website.

Don Gage advised the Committee he will place shipwreck stories and pictures in local newspapers that he is editor.

Buoys

John Karry advised the Committee that Roy Pickering will place the buoys on the shipwrecks this year. Ronan Oliver commented that the costs to place buoys in the water (fuel and ropes) have been placed in the 2011 Budget for Council approval. Mr. Oliver asked that a count of the buoys and blocks should be done since some of the buoys could be lost from last year's tornado.

New Business:

John Karry stated that the storyboards along the Marina promenade are in need of replacement and the new storyboards should be placed in next year's budget.

John Karry asked Dan Reive if he heard from Parks Canada regarding the National Marine Conservation Area. Dan Reive has not heard anything from Parks Canada.

John Karry and Brian Sweet approached CFTV about stories of the shipwrecks in Lake Erie. A discussion took place on the subject of televising shipwreck stories in Lake Erie.

Upcoming Events:

Blessing of the Divers - May 28, 2011
Marina Grand Opening - July 23, 2011

Next meeting:

TO BE ANNOUNCED

Meeting adjourned at 5:50 p.m.