

# MUNICIPALITY OF LEAMINGTON AGENDA



## COUNCIL MEETING

MONDAY, MAY 17, 2010  
COMMENCING AT 7:00 P.M.  
IN THE COUNCIL CHAMBERS

---

*SPECIAL COUNCIL MEETING AT 6:00 P.M.  
In the Downstairs Committee Room  
to consider one Confidential Report*

*COMMITTEE OF ADJUSTMENT MEETING AT 6:15 P.M.  
In the Council Chambers*

*COURT OF REVISION AT 6:30 P.M.  
In the Council Chambers*

(A) CALL TO ORDER:

(B) PRAYER:

(C) DISCLOSURES OF PECUNIARY INTEREST:

(D) ADOPTION OF COUNCIL MINUTES:

1. Minutes of the Council Meeting held May 10, 2010.  
Pages 3-9

(E) BUSINESS ARISING OUT OF THE MINUTES:

(F) PUBLIC MEETINGS/COURT OF REVISION:

1. Court of Revision - Relocation of the Upper Portion of the Temple Drain

(G) REPORTS OF STAFF & DELEGATIONS:

1. Report PW 08/10 dated May 4, 2010 re: Selkirk Park Playstructure Quotation  
Pages 10-13
2. Report DR 11/10 dated April 30, 2010 re: Clark Drain - Tender Award Repairs and Improvements, Pt Lot 19, Concession B  
Pages 14-16
3. Report PLA 23/10 dated May 5, 2010 re: Zoning By-Law Amendment Proposed Agricultural Zoning S/S Mersea Road 6 (R. Driedger)  
Pages 17-19

(H) **MATTERS FOR APPROVAL:**

1. Minutes of the Economic Development Committee Meeting held April 15, 2010.  
Pages 20-21
2. Minutes of the Diving Tourism and Marine Heritage Committee Meeting held May 5, 2010.  
Pages 22-24

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

1. Minutes of the Leamington Police Services Board (including the Minutes of the In Camera portion of the meeting) held March 3, 2010.  
Pages 25-29

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

By-law 39-10, being a by-law to Amend Schedule H of By-law 957-09, being a by-law to provide for a tariff of fees to be charged in 2010 by the Municipality of Leamington;

By-law 40-10, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held May 17, 2010.

(K) **NOTICES OF MOTION:**

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

(M) **NEW BUSINESS:**

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

**WEDNESDAY, MAY 19, 2010**

Union Water Joint Board of Management Meeting - 9:00 a.m. - Kingsville Council Chambers  
County Council Meeting - 7:00 p.m. - Civic Centre

**THURSDAY, MAY 20, 2010**

Economic Development Committee Meeting - 5:00 p.m. - Downstairs Committee Room  
Essex Region Conservation Authority Board of Directors' Meeting - 7:00 p.m. - Civic Centre

**WEDNESDAY, MAY 26, 2010**

Leamington Police Services Board Meeting - 8:30 a.m. - Police Board Room

**WEDNESDAY, JUNE 2, 2010**

County Council Meeting - 7:00 p.m. - Civic Centre

**MONDAY, JUNE 7, 2010**

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

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

(P) **ADJOURNMENT:**

JB

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

## **MINUTES - COUNCIL MEETING**

**HELD MONDAY, MAY 10, 2010 - COMMENCING AT 7:00 P.M.  
IN LEAMINGTON COUNCIL CHAMBERS**

---

**MEMBERS PRESENT:** Mayor Adams  
Deputy Mayor Schmidt  
Councillors: Atkin, Derbyshire, Enns, MacDonald, Paterson

**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  
Bob Bradt, Fire Chief  
Cam McKay, Manager of Operations  
Dave Orshinsky, Acting Manager of Culture and Recreation Services  
Lu-Ann Barreto, Drainage Superintendent  
Pat McLaughlin, Recreation Supervisor-Aquatics/Fitness  
Jason Scott, GIS Technician  
Jennifer Bavetta, Corporate Assistant

**DISCLOSURES OF PECUNIARY INTEREST:** None.

### **ADOPTION OF COUNCIL MINUTES:**

#### **No. C-158-10**

**Moved by:** Councillor MacDonald      **Seconded by:** Councillor Paterson

That the Minutes of the Council Meeting held April 26, 2010 be approved.

**"CARRIED"**

### **BUSINESS ARISING OUT OF THE MINUTES:**

Mayor Adams noted he received numerous calls from farmers regarding the recently adopted open air fire by-law and permit system. He further noted there were farmers in attendance wishing to appear as delegations before council.

#### **No. C-159-10**

**Moved by:** Councillor Derbyshire      **Seconded by:** Deputy Mayor Schmidt

That residents in attendance be permitted to appear as delegations before council regarding the Open Air Burning By-law and corresponding permit system.

**"CARRIED"**

## May 10, 2010 - Council Meeting

---

Harold Enns, 58 Mersea Road 12, stated he has burned on his farm for many years, and has no reason to contact Fire Services, however, now he must obtain a permit and provide two hours notice to burn brush. Mr. Enns further stated his disagreement with the permit fee and inquired what happens if he wants to burn material at 6:00 a.m. if conditions are right.

Mayor Adams stated his understanding permits are not required in agricultural zones A1 - A4, however, proper notice is required.

Brian Sweet, Director of Corporate Services, clarified a permit is not required if crop remnants are being burned, however, every other type of burn does require a permit at a cost of fifteen dollars (\$15.00).

Mr. Sweet reminded council that during the April 26, 2010 Council Meeting, council reduced the permit fee in all zones from twenty dollars (\$20.00) to fifteen dollars (\$15.00) following a request from Mr. Buckrell that the fee be reduced. He noted Mr. Buckrell's property is zoned A3. Mr. Sweet explained council has the ability to amend the by-law if they wish.

Mr. Sweet confirmed a permit is required each time brush is to be burned.

Deputy Mayor Schmidt noted he also received calls regarding the burning by-law, and suggested the confusion may be caused by the lack of a definition for farm crop. He further noted his belief anything that grows on a farm, including wind breaks and fence rows should be treated the same. Deputy Mayor Schmidt suggested consideration be given for a one permit per year system.

Councillor Atkin expressed his understanding there was a one-time permit fee per calendar year and that property owners are required to provide two hour notice prior to each burn.

Chief Bradt explained the by-law is a work in progress, and there has been a majority of positive response to the by-law. He further explained there are over thirty property owners awaiting a visit from fire personnel and that two agricultural property owners obtained permits earlier that day and provided details of the permits issued.

Chief Bradt requested council give Fire Services the opportunity to work on the by-law prior to making any amendments, noting any recommended amendments will be provided to council.

Chief Bradt explained the majority of complaints over the years are for fires in the agricultural area and asked council to be patient and give administration time to work with the by-law.

In response to an inquiry from council, Mr. Sweet clarified A5 zones are rural residential and treated the same as a residential property. He explained permits cannot be obtained for properties zoned A5 or residential to burn shrubs or other material, and that such property owners may only obtain permits for enclosed or unenclosed fire pits.

Tom Dick, 1110 Essex County Road 20, expressed concern over the requirement to provide two hour notice prior to a burn, as if wind conditions are correct for burning early in the morning, it will be difficult to contact Fire Services staff. He stated his agreement there should only be a one-time permit fee per calendar year.

Mr. Dick expressed concern over a statement from Chief Bradt during a recent conversation that if there are many complaints about burning, there will be no burning at all.



May 10, 2010 - Council Meeting

---

**REPORTS OF STAFF & DELEGATIONS:****FIRE SERVICES - Report FD/02/10 dated April 27, 2010 re: Disposal of 1989 Tanker/Pumper-Information Report**

Bob Bradt, Fire Chief, reviewed the report, noting at the time the new tanker was ordered, he approached Pelee Island administration as he knew the equipment to be replaced would be beneficial to them.

Chief Bradt confirmed the proposed sale price is equal to the estimated sale price at the time the new tanker was ordered.

**No. C-161-10**

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

That Council declare Unit 147, a 1989 Ford Tanker/Pumper as surplus;

And further that Council authorizes the sale of Fire Unit 147 as a specialty item to the Township of Pelee Island for the total price, including taxes, of \$10,000.00 in an "as is" condition with no warranty expressed or implied;

All as outlined in Report FD 02/10.

**"CARRIED"**

**PUBLIC WORKS - Report PW 07/10 dated April 27, 2010 re: Capital Acquisition; Public Works Department - Wood Chipper**

Cam McKay, Manager of Operations, provided a summary of the report, noting forty-seven thousand dollars (\$47,000.00) was included in the 2010 budget for a new chipper. He further noted the Public Works department currently uses a Vermeer chipper and have not experienced any problems.

**No. C-162-10**

**Moved by:** Councillor Atkin      **Seconded by:** Councillor Enns

That administration be authorized to purchase the BC 1500 Vermeer Brush Chipper in the amount of thirty three thousand six hundred and fifty dollars (\$33,650.00) excluding taxes from Vermeer Sales and Service, 10 Indell Lane Brampton, Ontario, L6T 3Y3 as per PW 07/10.

**"CARRIED"**

**CULTURE AND RECREATION SERVICES - Report REC 06/10 dated April 27, 2010 re: Communities in Action Fund - Grant Request 'Eat Right / Play Safe' Program**

John Tofflemire, Director of Community Services, introduced Dave Orshinsky, Acting Manager of Culture and Recreation Services, and Pat McLaughlin, Recreation Supervisor-Aquatics/Fitness, noting they would be reviewing the report.

Dave Orshinsky explained the grant would be used to create additional programs for the summer day camp with existing budget funds. He further explained a similar program was operated in the past and allowed the facility to create new leadership and stroller fit programs. Mr. Orshinsky noted the new programs would commence in August and run for two years.

**May 10, 2010 - Council Meeting**

---

Ms. McLaughlin indicated her excitement over the program, noting childhood obesity is increasing and the funds will allow the issue to be addressed by providing information on healthy eating habits and a background in making healthy choices in life.

Ms. McLaughlin confirmed all funds to be provided by the municipality are already included in the 2010 budget and there will be no increase in the 2011 budget caused by this grant.

**No. C-163-10**

**Moved by:** Councillor Paterson                      **Seconded by:** Councillor Atkin

That Council approve the grant submission from the Leamington Department of Culture and Recreation Services to the Communities in Action Fund for a project entitled 'Eat Right/Play Safe' for funding consideration, as described in Report REC 06/10.

**"CARRIED"**

**DRAINAGE - Report DR/10/10 dated April 22, 2010 re: 4th Concession Road Drain - D. Mastronardi Request to Relocate a Portion of the Drain, Part of Lot 6 Concession 3, Municipality of Leamington**

Lu-Ann Barreto, Drainage Superintendent, provided a summary of the report, noting the request for relocation is a result of a new greenhouse development for which the existing drain runs through the future greenhouse addition. The Drainage Superintendent confirmed the project will have no effect on the budget as the applicant will be paying for all costs as they are incurred and will be providing funds for engineering costs up front.

Mayor Adams confirmed the applicant, Mr. Mastronardi, had no comments or questions.

**No. C-164-10**

**Moved by:** Councillor Derbyshire                      **Seconded by:** Councillor Enns

That Leamington Council appoint N.J. Peralta Engineering for the preparation of a report together with the necessary plans and profile to provide for the relocation of a portion of the 4<sup>th</sup> Concession Road Drain pursuant to Section 78 of the Drainage Act;

And that prior to engaging the Engineer, Domenic Mastronardi provide a deposit of \$21,000.00.00 to offset the estimated cost for engineering services;

And that the Essex Region Conservation Authority be advised of the proposed drain relocation. (Report DR 10-10).

**"CARRIED"**

**MATTERS FOR APPROVAL:** None.

**OTHER MATTERS FOR CONSIDERATION:**

**Correspondence from the Association of Municipalities of Ontario (AMO) dated May 5, 2010 re: AMO Breaking News - Bill 16 Proposes Transfer of OHIP**

Bill Marck, Chief Administrative Officer, informed council that following completion of the agenda, the municipality was informed by AMO that the matter of charging insurance costs for employees to municipalities has been dropped by the Province.



**May 10, 2010 - Council Meeting**

---

Mayor Adams congratulated Mr. Scott on the award and stated the recognition provides an example of how qualified municipal staff members are.

Councillor Derbyshire noted the many accomplishments that have taken place or are underway during the 2006-2010 council term, including the new soccer fields and upgrades to the Leamington Pollution Control Centre. Councillor Derbyshire commended staff on their diligent involvement in those projects.

John Tofflemire, Director of Community Services, noted his wish to address council on the due diligence undertaken by Leamington staff in light of recent serious charges of water theft by a local greenhouse farmer in Kingsville. Mr. Tofflemire explained Leamington staff undertake regular checks of water consumption trends in cooperation with Essex Power. He further explained those operations that have water meters located in their boiler rooms rather than at the property line are inspected on a regular basis. Mr. Tofflemire stated there is no reason for concern at this time and due diligence will continue in order to discover whether water theft is taking place within Leamington, and noted if council would like further information they may contact himself, Kit Woods, Manager of Environmental Services, Gary Foisy, Water Superintendent or Nelson Carvalho, Water Supervisor.

Councillor Paterson stated his excitement over the progress on the upgrades to Seacliff Park, and inquired on the number of mature trees that will be removed as a result of the work. John Tofflemire, Director of Community Services, noted all work is being completed according to the approved plans and that further details on the number of trees that require removal will be provided.

**NEW BUSINESS:** None.

**STATEMENT OF MEMBERS:** non-debatable

**ADJOURNMENT:**

**No. C-166-10**

**Moved by:** Councillor MacDonald      **Seconded by:** Councillor Enns

That the meeting adjourn at 7:58 p.m.

**“CARRIED”**

\_\_\_\_\_  
John Adams, Mayor

\_\_\_\_\_  
Brian Sweet, Clerk

## REPORT

**TO: MAYOR AND MEMBERS OF COUNCIL**  
**FROM: CAMERON MCKAY C.E.T., MANAGER OF OPERATIONS**  
**DATE: MAY 4, 2010**  
**RE: SELKIRK PARK PLAYSTRUCTURE QUOTATION**

---

### AIM:

To seek council authorization to accept the Selkirk Park Playstructure quote.

### BACKGROUND:

1. The 2010 requested capital budget includes a gross cost for this project in the amount of \$75,000.00, which \$ 61,800.00 was carried forward from 2009.
2. Approval was granted to proceed with quotations and presentations verses tendering process as outlined in the Purchasing Policy.
3. Henderson Recreation Equipment Limited and Play Power Inc. (Little Tikes) presented their proposal and pricing.

<u>COMPANY</u>	<u>EQUIPMENT</u>	<u>SURFACE</u>	<u>TOTAL</u>
Play Power	\$24,528.17	\$34,872.00	\$59,400.17
Henderson	\$22,298.67	\$34,872.00	\$57,170.67

### COMMENTS:

Both companies' presentations were reviewed and are within the requested budget. The quotations included the play equipment and the rubberized surface.

It should be noted that the site works were completed in 2009. The remaining works include benches, garbage containers and basket ball net.

### FINANCIAL IMPACT

That the cost of \$57,170.67 excluding taxes be assessed to the 2010 Parks Capital budget as per PW 08 10, account number 2-810-8812-7630.

**Report PW 08/10 - Selkirk Park Play Structure Quotation**

---

**CONCLUSION:**

The municipality has dealt with both equipment suppliers and have had good results in the past. The majority of the existing equipment in the municipal parks consists of either Henderson or Little Tyke (Play Power). This allows staff to keep a small inventory of parts and we have found most replacement parts are available and have not been discontinued, especially on the older equipment.

**RECOMMENDATION:**

That Council accept the Selkirk Play structure proposal from Henderson Recreation Equipment Limited, Inc. in the amount of \$57,170.67 excluding taxes as per Report PW 08 10 and that the cost be approved and allocated to the 2010 Parks Capital budget account 2-810-8812-7630.

Signed: \_\_\_\_\_

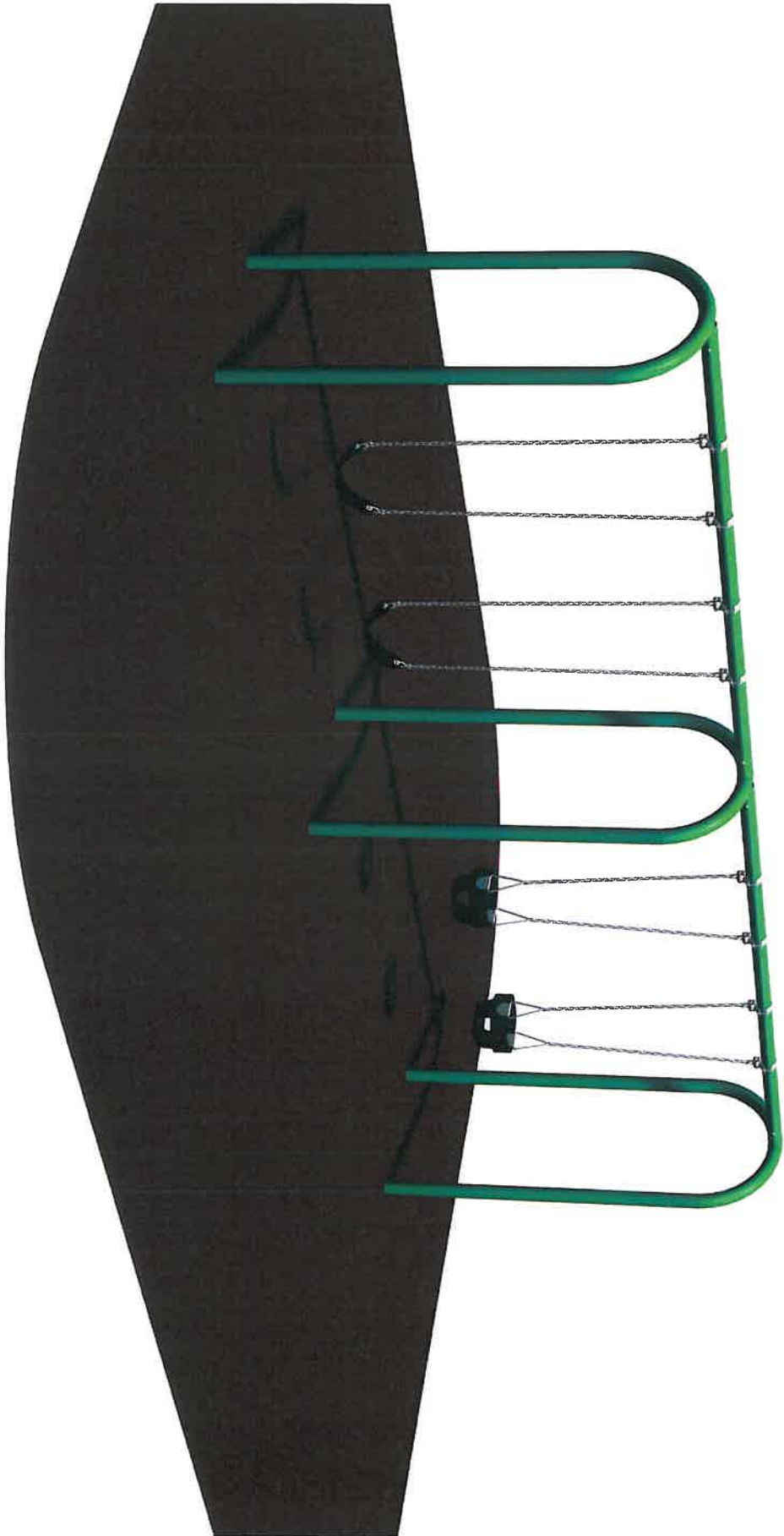
Cameron McKay, C.E.T.  
Manager of Operations

Signed: \_\_\_\_\_

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

# Town of Leamington - Selkirk Park - Area 2

Model No. L02178r0



- Powder-Coated Metal Colours**
- Red
  - Orange
  - Yellow
  - Lime
  - Teal
  - Green
  - Blue
  - Violet
  - Purple
  - Burgundy
  - Tan
  - Silver
  - Grey
  - Black
  - White
- All colours shown here are approximate

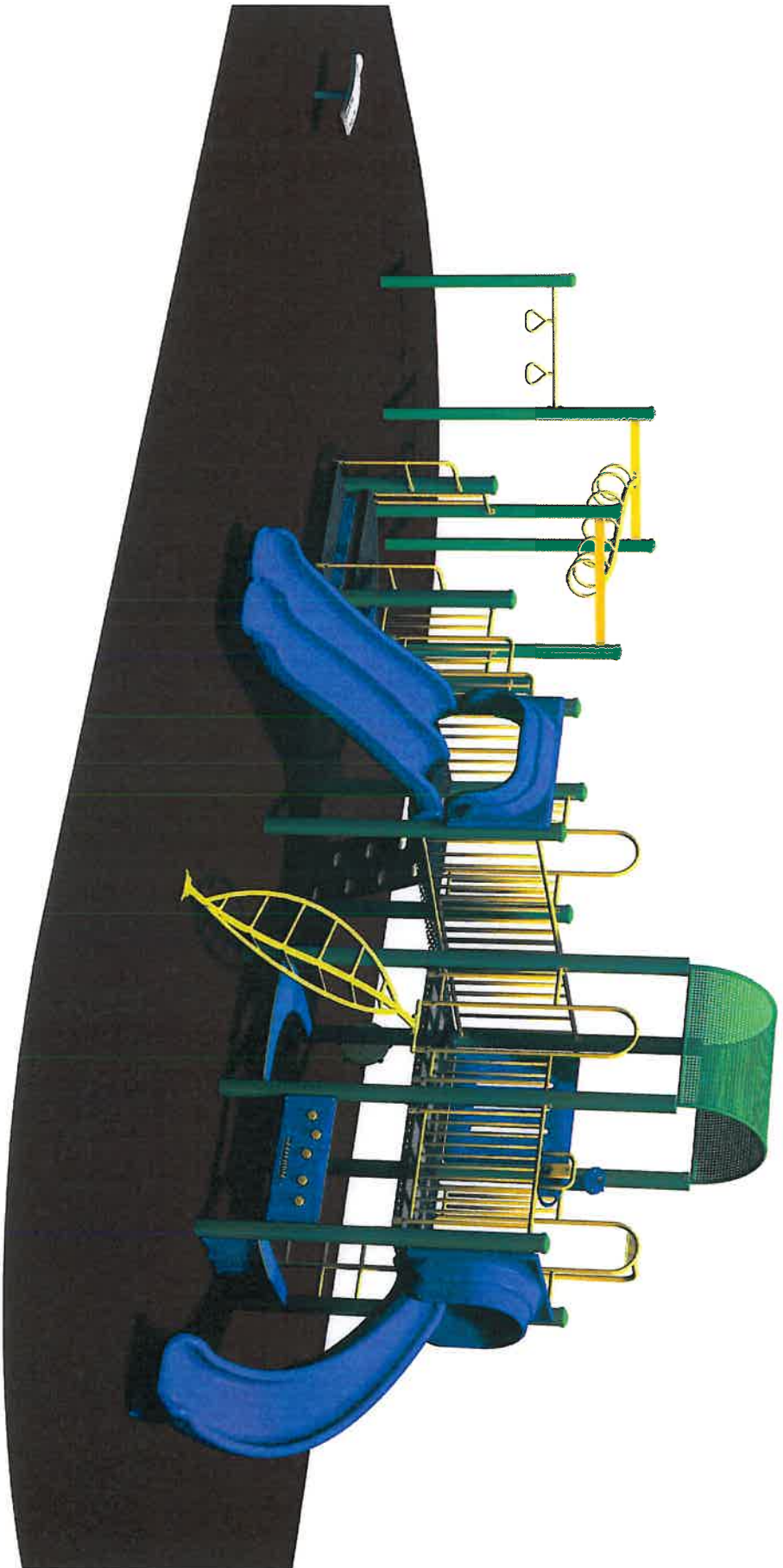
- HDPE Colours**
- Yellow
  - Orange
  - Purple
  - White
  - Black
  - Grey
  - Green
  - Red
  - Red White
  - Yellow Red
  - Blue Yellow
  - Blue
  - Yellow
  - Blue
  - Blue

- Rotomolded Plastic Colours**
- Lime
  - Yellow
  - Orange
  - Red
  - Tan
  - Purple
  - Blue
  - Blue
  - Green
  - Black



# Town of Leamington - Selkirk Park - Area 1

Model No. PF09530r0



- Powder-Coated Metal Colours**
- Red
  - Orange
  - Yellow
  - Green
  - Teal
  - Blue
  - White
  - Purple
  - Burgundy
  - Tan
  - Silver
  - Brown
  - Black
  - White
- All colours shown here are approximate

- HDPE Colours**
- Yellow
  - Orange
  - White
  - Tan
  - Green
  - White
  - Red
  - Blue
  - Blue

- Rotomolded Plastic Colours**
- Green
  - Yellow
  - Orange
  - Red
  - Tan
  - Purple
  - Blue
  - Green



## REPORT

REPORT TO: MAYOR AND MEMBERS OF COUNCIL

FROM: LU-ANN BARRETO  
DRAINAGE SUPERINTENDENT

DATE: APRIL 30, 2010

SUBJECT: CLARK DRAIN - TENDER AWARD  
REPAIRS AND IMPROVEMENTS, PT LOT 19, CONCESSION B  
MUNICIPALITY OF LEAMINGTON

---

**AIM:**

To award the tender for the Drain enclosure project as set out in Policy Number F17-Purchasing Policy.

**BACKGROUND:**

In August of 2009 Council appointed Bruce D. Crozier Engineering with direction to prepare an Engineer's Report for the above noted drain, pursuant to Section 78 of *The Drainage Act R.S.O 1990*.

The engineer's estimate for this projects is as follows:

Estimate for Construction:	\$22,774.00
Engineering & Incidentals:	<u>\$10,076.00</u>
Total Project Cost:	<u>\$32,850.00</u>

Administration has tendered the project and the results of the tender for construction are shown below excluding tax:

Sawatzky Excavating Inc.	\$21,396.76
Shilson Excavation & Trucking Inc.	\$28,241.00
Bailey Excavation	\$64,707.50

Sawatzky Excavating Inc. submitted the lowest tender in the amount of \$21,397.76 excluding tax.

**FINANCIAL:**

All costs associated with the project, once completed, will be charged to all landowners affected in the engineers report dated February 17, 2010 and passed under bylaw number 07-10. Staff note that there is no Municipal cost to this project.

This project is noted in the 2010 Municipal Budget at a total cost of \$33,000.00

**RECOMMENDATION:**

That the tender for the repair and improvements to the Clark Drain be awarded to the low tender, Sawatzky Excavating Inc., at a tender amount of \$21,396.76 plus applicable taxes allocated to the Drainage Budget account number 2-680-8102-7630;

And that the Mayor and Clerk be authorized to execute the necessary agreements for these drainage works pursuant to F17-Purchasing Policy. (DR 11-10)

Respectfully submitted,

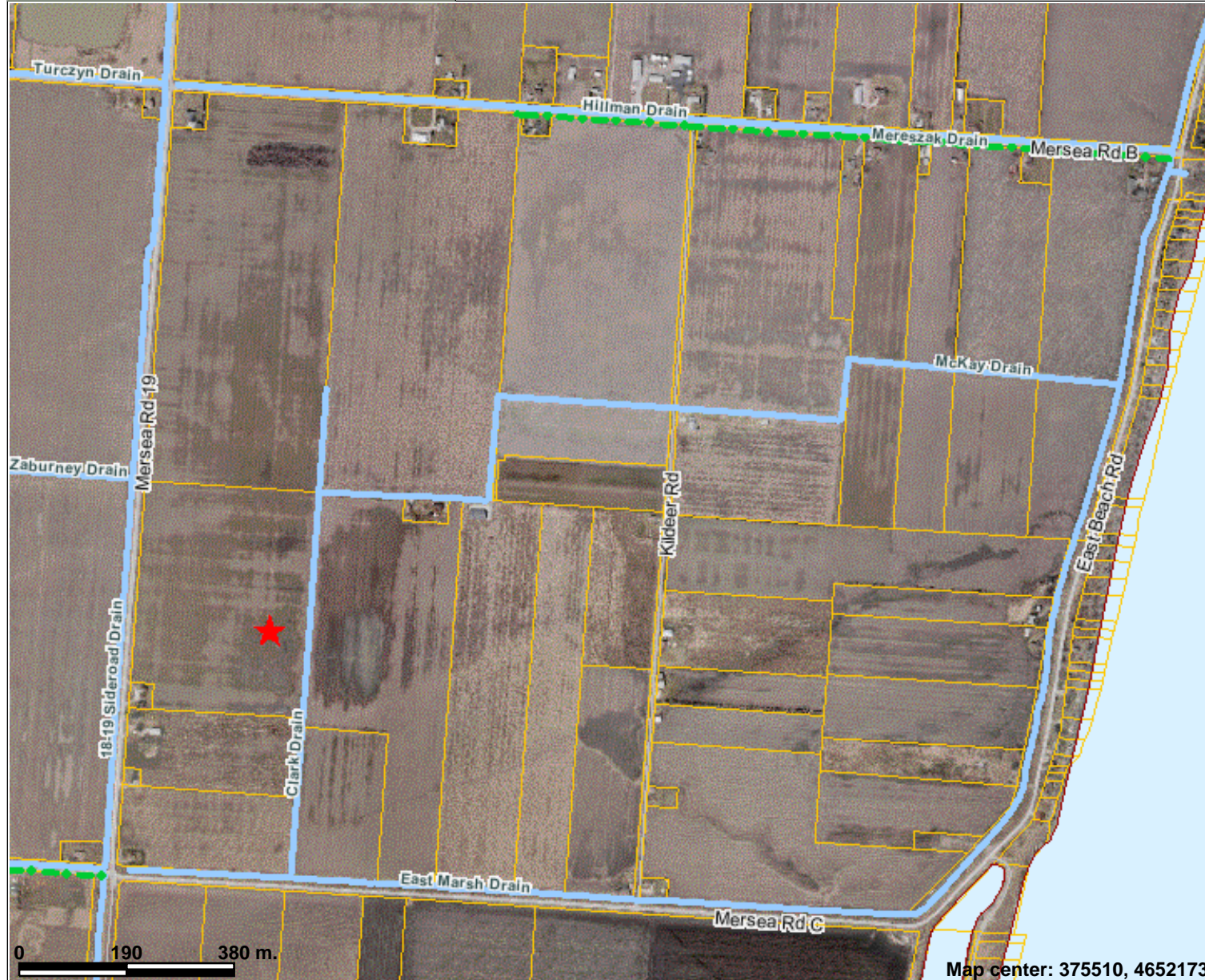
Lu-Ann Barreto  
Drainage Superintendent

Allan Botham, P.Eng.  
Manager of Engineering  
Services







John Tofflemire, P.Eng.  
Director of Community  
Services


File: T:\Community Services\Community Services\Community Services Council Reports\2010 Reports\DR - Drainage 2010\word files\DR 11-10 - Clark Drain R&I tender award.doc

# Clark Drain



**Legend**

- Municipalities
- Leamington ERCA Drains
-  Channelized-Open
-  Natural-Open
-  Tiled-Enclosed
-  Streets
-  Leamington Assessment
-  Water


 Scale: 1:10,695

0 190 380 m.

Map center: 375510, 4652173

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

## REPORT

**TO:** MAYOR AND MEMBERS OF COUNCIL

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

**DATE:** MAY 5, 2010

**SUBJECT:** ZONING BY-LAW AMENDMENT  
PROPOSED AGRICULTURAL ZONING  
S/S MERSEA ROAD 6 (R. DRIEDGER)

---

### AIM:

To report upon a public meeting held to consider a proposed zoning by-law amendment for property located on the S/S Mersea Road 6.

### BACKGROUND:

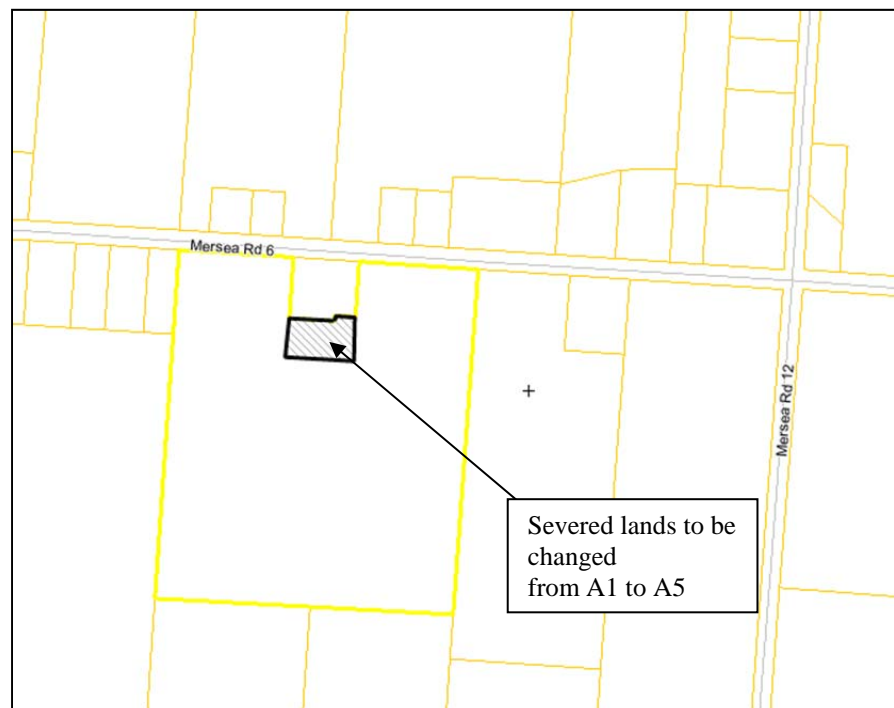
Staff has received an application for re-zoning by the owner(s) of the property, to amend the agricultural zoning for the subject lands in addition to requesting relief for the maximum height of an accessory structure as part of a condition of approval for consent application (B/122/09) on the subject lands.

The subject property is described as Concession 5 North Part Lot 12, Registered Plan 12R-3719 Part 1 and locally known as S/S Mersea Road 6 in the former Township of Mersea, now a portion of the Municipality of Leamington (see key map).

Currently, the subject property has 2 accessory structures. One is a 500 sq m/6 m in height shed and the other is a 160 sq m/7.3 m in height barn.

The subject property is designated Agricultural on Schedule "A-3" the Leamington OP.

The subject property is currently zoned Agricultural General (A1) on Map 25 in Zoning By-law #890-09.



### COMMENTS:

A public meeting was held on Monday, December 8, 2008 (minutes previously circulated) for the application for zoning by-law amendment.

No correspondence by abutting property owners for commenting agencies were received. The applicant and their agent did make submission to support the application for zoning amendment.

**CONCLUSION:**

Administration has completed their review of the proposed zoning by-law amendment and the issues presented at the public meeting.

As submitted, it is administration's opinion that:

- i) The application is not consistent with the policy statements issued under subsection 3 (1) of the Planning Act.
- ii) The development proposed is not in keeping with the overall goals and policies of the Official Plan.

According to section 2.3.3.1 of the PPS, in prime agricultural areas, permitted uses and activities include agricultural uses, secondary uses and agriculture-related uses. Surplus dwelling lots are for residential purposes, not for creating small hobby farms. This is evident in Section 2.3.4.3 of the PPS which states that 'the creation of new residential lots in prime agricultural areas shall not be permitted.'

Barns and any other accessory farm structures (silo, grain elevator, water storage, etc), need to be kept with the farm so that future owners will not use them for agricultural purposes (housing animals, operating farm occupations, etc), which are uses that are not permitted under the A5 zone regulations of the Zoning By-law.

Surplus dwelling lots are for residential purposes, not for creating small hobby farms. An Agricultural Hobby Farm (A3) zone has been created for such a use and requires a minimum of 2 ha (4.94 acres). In order to ensure that the lot is truly for residential purposes, the barn should stay with the remnant farm parcel or that it be demolished.

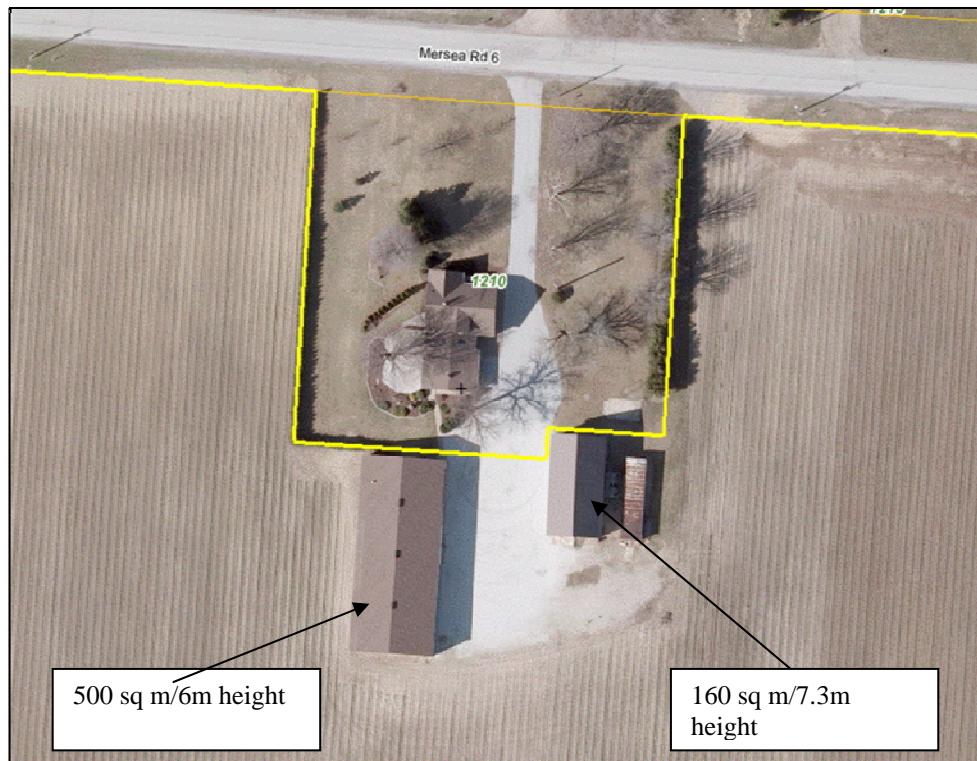
The Official Plan policy for barns remaining with the farmland has been in place since the former Township of Mersea 1987 Plan.

The intent of the Agricultural Residential (A5) zone in the new Leamington Zoning By-law (2009) is protect existing and future property owners from conflicts that can exist between agricultural land and non-agricultural lands.

If barns are added to a surplus dwelling lot, the structure would no longer be a main use for the farm property but rather an accessory use to a residential property and therefore the zoning requirements change and a maximum height is applied. The subject residential lot is not an appropriate size required under the Zoning Bylaw for any type of farm structure.

However, the owner does have some other options and have been discussed with their agent.

- 1) The existing 160 sq m barn can be demolished or removed, prior to stamping of the deeds.
- 2) The application for consent (B/122/09) can be amended to not include the 160 sq m barn, keeping a minimum of 1 m (3.28 ft) setback from the rear and side lot lines.
- 3) The application can be deferred until such time that the applicant hires a consultant to conduct a peer review on administration's opinion.



Once a decision 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 receives the information, as outlined in Report PLA 23/10;

AND further that Council refuses the application for a zoning by-law amendment for property located at S/S Mersea Road 6 to change the zoning from Agricultural General (A1) to Agricultural Residential Zone (A5) and to request relief for the maximum height of the 160 sq m accessory structure from 6 m to 7.6 m.

Respectfully submitted,

---

Tracey Pillon-Abbs,  
Manager of Planning Services  
/tpa

---

Douglas E. Morrish,  
Director of Development Services

# MINUTES

## LEAMINGTON ECONOMIC DEVELOPMENT COMMITTEE

HELD THURSDAY, APRIL 15, 2010 AT 5:30 P.M.

### IN THE DOWNSTAIRS COMMITTEE ROOM

---

**MEMBERS PRESENT:** Don Nicholson, Chair                      Chris Chopchik  
Carol Bell    Hilda MacDonald  
Bill Gay    Ted Wigfield  
Pat McLean    Ann Seigle-Robertson  
John Paterson    Louie Saad

**STAFF PRESENT:** Anne Miskovsky, Economic Development Officer  
Shelly Quick, Corporate Assistant

**REGRETS:** Robert Schmidt,  
Deputy Mayor

#### CALL TO ORDER:

The meeting was called to order at 5:32 pm.

**Moved by:** Chris Chopchik                      **Seconded by:** Louie Saad

That the Minutes of the Economic Development Committee meeting held Thursday, November 19, 2009 be approved.

**“CARRIED”**

#### ITEMS FOR CONSIDERATION:

- 1) **Community Improvement Plan (CIP):** The Economic Development Officer, Anne Miskovsky informed the committee the Municipal Budget has been passed and funds are designated for an uptown community improvement plan. Some of the CIP's incentives could include waving costs of signage, improving buildings in the uptown area, building standards and helping to keep the uptown core vital.  
Ted Wigfield was approached by Fletcher Cleaners business located at 254 Erie Street South regarding possible future beautification plans for businesses in their area. The EDO explained that the CIP incentive was for the Uptown Business Improvement Association (BIA) area that pays into the betterment of their area. However the committee encouraged the owners at Fletcher's Cleaners to submit ideas for their area.
- 2) **Tourism Regional Plan Update:** The EDO updated the committee regarding the new regional Tourism for Windsor-Essex-Pelee Island. They hired staff and are moving forward towards the goals of the organization to enhance the image and economy of the entire region through the effective development and delivery of tourism services. Their first strategic plan is to unite and represent this region's tourism sectors and to attract more visitors to Windsor, Essex County and Pelee Island. The EDO will meet with the organization to promote and share information regarding this area. For example they would like Leamington to participate in the AMO conference to be held in Windsor this year and other upcoming local events. The EDO will suggest a tour to view the new infrastructure projects such as the new Leamington Pollution Control Plant, take a greenhouse tour, enjoy a barbeque at Leamington Marina or a visit to Point Pelee National Park.

- 3) **Marketing Initiatives To Date:** The EDO placed advertisements in the Bluewater Guide, Tourism Essex, Southshore Visitors Guide, the Daytripper, Tods signage located on Highway 401, and advertisement in local hotel rooms of tourist attractions in Leamington. She also advertised in the Canadian Geographic magazine regarding the local birding season. She added that the Leamington Promotional Video took top honours at the Economic Developers Council of Ontario Awards in the "Other Innovative Technologies" category for promotional video. This video promotes our community for location and tourism opportunities. Upgrades have been made to the visitors' pages on Leamington's website. She noted the Leamington Chamber is nearing completion of their website which will also contain visitor information.
- 4) **St. Clair College:** Ted Wigfield met with Dr. John Strasser, President of St. Clair College regarding opening a potential satellite campus in Leamington focusing on Agricultural or Greenhouse skills development. Dr. Strasser suggested that we prepare plans and ideas to submit to him. Other communities, such as Chatham, have received funding for projects which total eight million dollars from the province towards building a St. Clair College satellite school. The EDO informed the committee there is funding available from different places like the Community Adjustment Funds (C.A.F.), and the Rural Economic Development Fund (R.E.D.). The committee should recommend to council a future proposal for these funds. A meeting will be scheduled in the very near future to discuss the next steps in the process.

**Motioned by:** Ann Seigle-Robertson      **Seconded by:** Ted Wigfield

That the Economic Development Committee prepare an action plan to develop and pursue the location of a St. Clair College Greenhouse program in Leamington.

**"CARRIED"**

- 5) **CAF Application Update - Leamington Lake Erie Children's Festival:** The EDO submitted an application for grant funding which was declined. The EDO has been in contact with the University of Windsor to have students develop a feasibility study. Students from the Centre for Business Advancement Research will complete the project. The cost will be approximately fifteen hundred dollars (\$1,500.00). The proposed festival is scheduled for the year 2011.
- 6) **Cultural Mapping Initiative:** The County of Essex has taken on this project with CAF funding. A consultant has been hired to develop an inventory of cultural assets tied to the municipal GIS system. Dave Orshinsky, Leamington's Recreation Facility Coordinator attended a recent meeting and the EDO will inquire with him what was presented.
- 7) **NEW BUSINESS:**
- a) **Transfer of the Clay Pit to the University of Windsor:** The University has acquired ownership of the lands from Leamington at Mersea Road 19 and Mersea Road B to build an Environmental Research Station where they will study the aquatic environment of the lake.
- b) **Seacliff Park:** The completion of Phase II is scheduled to be completed by August 2010.

**Moved by:** Chris Chopchik      **Seconded by:** Pat McLean

That the meeting of the Economic Development Committee be adjourned at 6:45 p.m.

**"CARRIED"**

**DATE OF NEXT MEETING:**

REGULAR MEETING  
**THURSDAY, MAY 20<sup>th</sup>, 2010 at 5:30 p.m. \*NEW TIME\***  
**DOWNSTAIRS COMMITTEE ROOM**

- If you cannot attend please notify Anne or Shelly at (519) 326-5761.

**The Corporation of the Municipality of Leamington**

**MINUTES**

**DIVING TOURISM & MARINE HERITAGE COMMITTEE**

**WEDNESDAY, MAY 5, 2010 - COMMENCING AT 5:00 P.M.  
LEAMINGTON MUNICIPAL MARINA**

---

**MEMBERS PRESENT:** Art Krueger - Chair  
Trevor Theriault, Don Gage

**MEMBERS ABSENT:** Jeff Omstead, Taki Vourakes, Rick Atkin, Dan Reive, Art Vermette

**STAFF PRESENT:** Carol Derksen, Corporate Assistant  
Ronan Oliver, Marina Manager

**ALSO PRESENT:** Don Gage

Chair Art Krueger brought the meeting to order.

**ADOPTION OF MINUTES**

**Moved by:** Trevor Theriault      **Seconded by:** Don Gage

That the minutes of the Diving Tourism & Marine Heritage Committee Meeting held  
March 9, 2010 be received.

**CARRIED**

**BUSINESS ARISING OUT OF THE MINUTES**

**Nessen Project**

On April 9, 2010, the ErieQuest committee met with Dr. Simon Spooner, advisor to the Marine Heritage Minister of Culture for the Province of Ontario, at the current home of the Nessen. Dr. Spooner was very interested in this project and recommends the committee quickly move forward with the Nessen project. Ronan Oliver, Marina Manager, advised the committee that he received an email from Kerrin Churchill, Area Manager from the Trillium Foundation that the trillium grant for the Nessen project did not go through based on a technicality. She explained the Trillium grants do not fund new construction. Dr. Spooner suggested that Councillor Atkin meet with Sandra Braendle, Program Manager with Ontario Trillium Foundation, to review our options for the Nessen project and meet with her at the proposed site for the Nessen project. Mr. Oliver reported many phone calls and emails have been sent to Sandra Braendle but no response. Art Krueger will contact Councillor Atkin with this information. The next deadline for a Trillium Grant is July 1, 2010.

**WEBSITE**

Attached is the screen shot for the ErieQuest web page. Trevor Theriault suggested that an extra column be added for the diving tourism. Mr. Theriault will work with KNA Design.

**Buoys**

Art Krueger found an extra buoy at the Interpretive Centre at the Art Gallery. Don Gage advised the committee the Southshore Dive Club will be placing the buoys on May 13, 2010, weather permitting. Mr. Krueger is to follow up on the number of buoys.

**NEW BUSINESS**

Ronan Oliver reminded the committee on Saturday, May 29, 2011 starting at 9 a.m. is the opening of the Marina and the Blessing of the Divers.

**NEXT MEETING: To be announced**

**Meeting adjourned: 6 p.m.**

/cd



# welcome

Lorem ipsum dolor sit amet, consectetur adipiscing elit. Donec diam nisi, suscipit in viverra quis, vestibulum nec elit. Phasellus congue, tortor eu scelerisque interdum, nisi nulla interdum urna, eget vestibulum turpis lectus nec mauris. Phasellus cursus eros lacus.

Nunc at libero nulla, a faucibus mauris. Sed fermentum tincidunt aliquam. Sed non nunc felis. Proin euismod feugiat nisi in rhoncus. Suspendisse vel nulla quis urna fringilla eleifend sed nec dui. Vestibulum placerat posuere nisi in mollis. Sed nibb diam, pulvinar id facilisis eleifend, luctus in eros.



Nulla mi massa, laoreet in elementum vitae, eleifend ut purus. Sed vitae nisi in enim rutrum fermentum. In auctor, odio ut sodales tincidunt, est quam aliquam arcu, eget dictum lectus lectus eget metus. Phasellus id mauris vitae velit facilisis dictum. Duis lacus ipsum, rhoncus eget consectetur eget, dignissim nec urna. Nulla facilisi. Quisque at diam sem, porttitor auctor leo. Nam convallis ornare neque vitae sollicitudin. Curabitur consectetur gravida leo nec imperdiet. Vivamus condimentum suscipit risus pharetra pharetra. Nullam dictum turpis a dolor vulputate cursus condimentum justo ornare. Aenean suscipit urna dictum metus iaculis aliquet at non metus.



*Ships found to date*

## news

Wednesday, April 7 - Lorem ipsum dolor sit amet, consectetur adipiscing elit. Donec diam nisi, suscipit in viverra quis, vestibulum nec elit. Phasellus congue, tortor eu scelerisque interdum, nisi nulla interdum urna, eget vestibulum turpis lectus nec mauris. Phasellus cursus eros lacus.

Saturday, April 20 - Nunc at libero nulla, a faucibus mauris. Sed fermentum tincidunt aliquam. Sed non nunc felis. Proin euismod feugiat nisi in rhoncus. Suspendisse vel nulla quis urna fringilla eleifend sed nec dui. Vestibulum placerat posuere nisi in mollis.

***MINUTES - LEAMINGTON POLICE SERVICES BOARD MEETING***

**HELD WEDNESDAY, MARCH 3, 2010 - COMMENCING AT 8:30 A.M.  
IN THE POLICE BOARD ROOM**

---

**MEMBERS PRESENT:** Rob Schmidt, Chair  
Jeff Konrad  
John Adams  
Maureen Sutherland

**MEMBERS ABSENT:** Lorraine Hodgson

**ALSO PRESENT:** Dean Gow, Police Chief  
Reg Campbell, Deputy Police Chief  
Jennifer Bavetta, Corporate Assistant

DISCLOSURES OF PECUNIARY INTEREST: None.

BUSINESS ARISING OUT OF THE MINUTES: None.

No. 12-03-10

**Moved by:** Maureen Sutherland

**Seconded by:** Jeff Konrad

That the minutes of the Police Services Board Meeting (including the Minutes of the In Camera portion of the meeting) held January 27, 2010 be approved.

**"CARRIED"**

With regard to the January crime statistics, Chief Gow informed the Board Highway Traffic Act enforcement increased significantly.

In response to an inquiry from the Board, it was noted three charges were laid pursuant to the new hands free cell phone legislation.

No. 13-03-10

**Moved by:** Jeff Konrad

**Seconded by:** John Adams

That the Leamington Police Services Crime Statistics for the month of January, 2010, be approved.

**"CARRIED"**

No. 14-03-10

**Moved by:** Maureen Sutherland

**Seconded by:** Jeff Konrad

That the Leamington Police Services Monthly Charge Statistics for the month of January, 2010, be approved.

**"CARRIED"**

2009 Annual Report

Chief Gow reviewed the report with the Board, noting while a number of items remained relatively unchanged, there has been an increase in property crimes and criminal code charges. He further noted statistics regarding the drug operation that took place in 2009 in collaboration with the OPP is included in the Annual Report.

No. 15-03-10

**Moved by:** Maureen Sutherland

**Seconded by:** John Adams

That the Board receive the Leamington Police Services 2009 Annual Report.

**“CARRIED”**

Report from Chief Gow dated February 10, 2010 re: 2010 Budget

Chief Gow highlighted the proposed 2010 Police Services budget, noting 2010 is the final year in which the Board will approve the budget in this manner.

Chief Gow reminded the Board revenue has decreased a great deal due to the end of the dispatch agreement between the Leamington, Amherstburg and Essex Police Services Boards. He noted dispatcher staffing has been reduced as much as feasible in order to reduce wages in response to the loss in revenue.

Chief Gow noted the budget has been prepared in a manner that assumes the police department will be operating for the entire year at full costs.

Chief Gow explained the proposed budget includes a 0.49% increase in expenditures over 2009, however due to loss in revenue, the overall increase in the proposed budget is 8.53% over 2009.

It was noted only one capital item is included in the proposed budget, namely, the replacement of the HVAC system, which will be discussed later in the meeting.

Chief Gow informed the Board interest has already been shown in the communications system, and that further information will be provided when available.

No. 16-03-10

**Moved by:** Maureen Sutherland

**Seconded by:** Jeff Konrad

That the Board approve the proposed 2010 Police Services Budget;

And that the proposed 2010 Police Services budget be forwarded to Council for information and adoption.

**“CARRIED”**

Correspondence from the Village of Point Edward re: OAPSB Conference Seminar, Sponsorship

Following review of the correspondence from the Village of Point Edward regarding sponsorship opportunities at the upcoming OAPSB Conference Seminar, it was determined the Board would not provide any sponsorship funding for the conference due to budgetary restrictions.

It was confirmed no members of the Board will be attending the 2010 conference.

Correspondence from St. John Ambulance dated January 27, 2010 re: Donation Request

The Board reviewed correspondence from St. John Ambulance requesting the donation of the Leamington Police Service Community Services van when the municipality transitions to OPP policing.

Following a discussion by the Board, it was determined the request will be considered in the future when further details regarding the needs of the OPP are known.

Memo from Chief Gow dated February 19, 2010 re: Promotion: Constable Ryan O'Neil

Chief Gow reviewed his report regarding the recommended promotion of constable Ryan O'Neil, noting the officer has received positive reviews from his supervising officer.

No. 17-03-10

**Moved by:** John Adams

**Seconded by:** Jeff Konrad

That the Board approve the promotion of constable Ryan O'Neil to 1<sup>st</sup> Class Constable effective February 17, 2010.

**"CARRIED"**

NEW BUSINESS:Report from Chief Gow dated March 1, 2010 re: HVAC System Tender Results - 7 Clark Street West

Chief Gow provided the Board with copies of his report dated March 1, 2010 regarding the tender results for the replacement of the HVAC system at the station.

Chief Gow reminded the Board the project was previously tendered in 2009, however, due to confusion over a portion of the work outlined in the tender, it was determined the project be re-tendered.

Chief Gow noted he spoke with a representative of the contractor that submitted the low tender, Policella Plumbing and Heating, and it was confirmed the work will be completed when court is not in session, likely at the end of June and beginning of July.

No. 18-03-10

**Moved by:** Jeff Konrad

**Seconded by:** John Adams

That the Board direct the Chief to proceed with the replacement of the HVAC system;

And that the Tender for the HVAC system replacement be awarded to Policella Plumbing and Heating in an amount not to exceed \$125,000.00;

All as described in the Chief's report dated March 1, 2010 re: HVAC System Tender Results - 7 Clark Street West.

**"CARRIED"**

Deputy Chief Campbell provided the Board with an overview of the RIDE Grant program, noting the current program ended in February, 2010. Deputy Chief Campbell noted the reporting documents require signature by the Chair.

No. 19-03-10

**Moved by:** Maureen Sutherland

**Seconded by:** Jeff Konrad

That Board receive the verbal report from Deputy Chief Campbell regarding the 2009 RIDE grant program.

**"CARRIED"**

Chief Gow reminded the Board the Zone 6 OAPSB meeting is scheduled for March 24, 2010 in Strathroy, and asked that members inform him if they wish to attend.

Chief Gow provided the Board with an update regarding the drug awareness activities recently organized by Constable Kevin O'Neil and the EEE group. He noted the activities included guest speakers at Leamington District Secondary School, Cardinal Carter Secondary School and Kingsville District Secondary School, as well as an evening session held for parents and other members of the community at the Portuguese Club.

Chief Gow commended Constable O'Neil on the activities, noting the B-RAD group assisted in the organization of the sessions. Chief Gow reported there was a fair turnout at the evening session. And that a number of questions were raised. He further reported the mother and sister of a Leamington man who was murdered in Leamington in 2006 as a result of drug related activities spoke on the effects of drugs on families.

Maureen Sutherland noted she attended the evening session and commended the organizers on the excellent information provided.

John Adams noted there was a fair amount of coverage of the evening session on A-Channel news.

No. 20-03-10

**Moved by:** John Adams

**Seconded by:** Maureen Sutherland

That the Board move into closed session to receive an update on personnel issues.

**"CARRIED"**

As a result of the closed session, there were no directions to the Chief or Deputy Chief.

ADJOURNMENT:

No. 21-03-10

**Moved by:** Maureen Sutherland

**Seconded by:** Jeff Konrad

That the meeting be adjourned at 10:10 a.m.

**"CARRIED"**

**NEXT MEETING:** Wednesday, March 31, 2010 at 8:30 a.m.

***MINUTES - CONFIDENTIAL LEAMINGTON POLICE SERVICES BOARD MEETING***

**HELD WEDNESDAY, MARCH 3, 2010 - COMMENCING AT 9:55 A.M.  
IN THE POLICE BOARD ROOM**

---

**MEMBERS PRESENT:** Rob Schmidt, Chair  
Jeff Konrad  
John Adams  
Maureen Sutherland

**MEMBERS ABSENT:** Lorraine Hodgson

**ALSO PRESENT:** Dean Gow, Police Chief  
Reg Campbell, Deputy Police Chief  
Jennifer Bavetta, Corporate Assistant

Chief Gow provided the Board with an update regarding ongoing personnel matters.

As a result of the in camera meeting, there were no directions to staff or resolutions passed.

No. IC-02-10

**Moved by:** Maureen Sutherland

**Seconded by:** Jeff Konrad

That the Board move into regular session at 10:05 a.m.

**“CARRIED”**

JB