

MUNICIPALITY OF LEAMINGTON AGENDA



COUNCIL MEETING

MONDAY, JUNE 21, 2010
COMMENCING AT 7:00 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 (including the minutes of the Special Council Meeting held at 6:00 p.m., the Special Council Meeting held at 6:45 p.m. and the Public Meeting re: the Sturgeon Creek Drain) held June 14, 2010.
Pages 3-21

(E) BUSINESS ARISING OUT OF THE MINUTES:

(F) PUBLIC MEETINGS/COURT OF REVISION:

(G) REPORTS OF STAFF & DELEGATIONS:

1. Catherine M. Micallef, Navy Lieutenant, Executive Officer of National Defence and Larry Costello, representative of the Naval Veterans Association, will be in attendance to make a presentation regarding Leamington's namesake, the warship, HMCS Sea Cliff, to mark the Centennial of the Canadian Navy. Also in attendance will be representatives of Leamington Legion Branch 84.
2. Report PLA 28/10 dated June 9, 2010 re: Zoning By-Law Amendment Proposed Agricultural Zoning - ZBA #22 - S/S Mersea Road 8 (Dreidger)
Pages 22-25
 - Elvey Marshall, Agent
3. Report PLA 29/10 dated June 8, 2010 re: Removal of Holding Zone Category Three Residential Lots (Santo Construction) Concession Broken Front West Part Lot 9
Pages 26-28
 - Suzanne Balzer, Agent
4. Report PLA 27/10 dated June 10, 2010 re: Zoning By-Law Amendment Proposed Residential Dwelling in a Commercial Zone - ZBA #23 - 133 & 135 Talbot Street West (1700746 Ontario Limited)
Pages 29-34
 - Sanjay Patel, Applicant/Owner
5. Report ENG 16/10 dated June 11, 2010 re: Erie/Seacliff Intersection and Reconstruction of Seacliff Drive West from Erie to Sherk
Pages 35-38

(H) **MATTERS FOR APPROVAL:**

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

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

By-law 47-10, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held June 21, 2010.

(K) **NOTICES OF MOTION:**

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

(M) **NEW BUSINESS:**

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

WEDNESDAY, JUNE 23, 2010

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

TUESDAY, JUNE 29, 2010

Committee of Adjustment - 7:00 p.m. Council Chambers

Public Meeting - OCPC - Leamington Police Service to OPP - 10:00 a.m. -
Pelee Days Inn & Conference Centre

MONDAY, JULY 5, 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, JUNE 14, 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
John Tofflemire, Director of Community Services
Allan Botham, Manager of Engineering Services
Amanda Smith, Manager of Culture and Recreation Services
Cam McKay, Manager of Operations
Peter Mullins, Manager of Accounting Services
Gary Foisy, Water Superintendent
Lu-Ann Barreto, Drainage Superintendent
Jennifer Bavetta, Corporate Assistant

DISCLOSURES OF PECUNIARY INTEREST: None.

ADOPTION OF COUNCIL MINUTES:

No. C-203-10

Moved by: Councillor Derbyshire **Seconded by:** Councillor Atkin

That the Minutes of the Council Meeting held June 7, 2010 be approved.

“CARRIED”

BUSINESS ARISING OUT OF THE MINUTES: None.

No. C-205-10

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

That Leamington Council appoint Bruce D. Crozier Engineering, to prepare an Engineer's Report pursuant to Section 78 of the Drainage Act, to provide for the new access culvert for Mr. and Mrs. Johan Wiebe, 503 Mersea Road 5;

And further that the Essex Region Conservation Authority be advised of the request;

And that all costs associated with this project will be charged to Account #2-680-8940-8940, once project is complete invoice the owner accordingly. (DR 18-10)

"CARRIED"

DRAINAGE - Report DR 14/10 dated May 26, 2010 re: Petition for Municipal Drainage - Lot 218, Concession NTR, along Kent Road 1

Lu-Ann Barreto, Drainage Superintendent, reviewed the report, noting in 2007 municipality was notified by the Ministry of the Environment (MOE) that sewage contamination issues in the area were to be rectified. She explained it was since discovered that a private tile drain runs behind the properties and that a storm sewer runs along the front. She further explained the landowners did not wish to proceed with a new sanitary sewer and have petitioned for a new municipal drain.

The Drainage Superintendent noted it is recommended the sanitary sewer running in the front of the properties be considered and the tile drain to the rear of the properties, which contains the contamination, be stopped up.

In response to an inquiry from council, the Drainage Superintendent confirmed the works, if completed as recommended, will comply with the notice given by the MOE in 2007. She further confirmed dye testing concluded grey water is being drained into the tile drain by seven properties.

No. C-206-10

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

That residents along Kent Road 1 be permitted to appear as delegations before council.

"CARRIED"

Wilbur Cranston, 711 Kent Road 1, noted the costs included in the report do not include costs to correct deficient septic systems. He stated if the work proceeds as recommended, the existing tile drain will be stopped up and deficient septic systems must be made compliant, and inquired whether a tertiary system will be acceptable.

Allan Botham, Manager of Engineering Services, noted he cannot speak on behalf of the Building Department, however, it was his belief tertiary systems are acceptable.

Mr. Cranston inquired where his yard will drain into if the rear tile drain is stopped up. Mr. Cranston was informed a drain from the lowest spot on his property should run to the front storm sewer.

Mr. Cranston stated he did not believe the tile drain needs to be stopped up.

Lu-Ann Barreto, Drainage Superintendent, explained as it is not a municipal drain, there will be no maintenance completed on the drain by the municipality, and repairs would be the

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responsibility of the landowners. She further explained if the storm sewer in the front is made into a municipal drain, the municipality would be responsible for overseeing maintenance and repairs.

Mr. Cranston stated there have been no problems with the tile drain to date.

The Drainage Superintendent suggested the issue could be reviewed during the Public Meeting.

Mr. McCracken provided history of the tile drain, noting it was installed by the McClellan family, which owned the grain elevator, and that the adjacent property owners were permitted to connect to the drain. Mr. McCracken stated his opposition to the plugging of the drain, as he has invested money connecting field tiles to the drain.

The Drainage Superintendent noted the issue could be reviewed during the engineering phase.

Mr. McCracken inquired when residents will be notified of the requirement to rectify non-compliant septic systems.

The Drainage Superintendent suggested the Building Department be invited to the initial site meeting regarding the issue. She noted her belief overflows cannot be directed to the drain.

No. C-207-10

Moved by: Councillor Enns

Seconded by: Councillor Atkin

That Leamington Council receive and proceed with the Petition received from the residents in Lot 218, Concession NTR, pursuant to Section 4, of the provisions of the Drainage Act R.S.O. 1990 for municipal drainage along Kent Road 1;

And that Council direct administration to notify the petitioners, landowners affected, the Municipality of Chatham-Kent, Lower Thames Valley Conservation Authority, Ministry of Environment and the Ministry of Natural Resources of their intention to proceed with the creation of a new drainage works;

And further, that if no response is received from the notification, N.J. Peralta Engineering be appointed as Engineer to prepare a Preliminary Report for the drainage works for the purpose of determining the extent of the work required, possible alternatives for construction of a drain and approximate cost;

And that the project costs be allocated to Account # 2-680-8870-7630. (DR 14-10)

“CARRIED”

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WATER SERVICES - Report LWS 01/10 dated May 26, 2010 re: Leamington Water System Improvements - County Road 20 - Tender Analysis and Recommendations

Gary Foisy, Water Superintendent, provide a summary of the report and confirmed the consultant reviewed the three lowest tenders for accuracy.

Mr. Foisy confirmed a six inch waterline will be installed, which is the same as the current size.

No. C-208-10

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

That Council award the County Road 20 Project as outlined in report LWS 1/10 to SLR Contracting Group Inc in the amount of \$ 315,000.00 including all applicable taxes;

And further, that the said Leamington Water System Improvements for the County Road 20 Project, be assessed to the Leamington Municipal Water Reserves Capital account 2-690-8873-7630;

And further, that the additional cost to the project above the 2010 capital budget be funded from the Water Services Unforeseen Capital account 2-690-8699-7630;

And further, the Mayor and Clerk be authorized to sign the appropriate agreement with SLR Contracting Group Inc. in accordance with report LWS 1/10.

"CARRIED"

WATER SERVICES - Report LWS 03/10 dated June 2, 2010 re: Capital Acquisition - Leamington Water Services - Utility Vacuum System and Valve Operating System Attachment

Gary Foisy, Water Superintendent, reminded council the purchase of the equipment was approved during budget deliberations and noted tenders were provided to the only two equipment dealers he was aware of that carry the items. He further noted only one tender was submitted, which was below the budgeted amount.

In response to an inquiry from council, Mr. Foisy stated he was unaware of the cost to rent the equipment or to hire a contractor to complete the work, however, it was substantial. He noted the hand held valve operator the department currently owns is fifteen years old and damaged, and replacement parts are no longer available.

No. C-209-10

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

That Administration be authorized to purchase the Wachs VMT-2 Trailer Mounted Gas Engine Driven Utility Vacuum System with ERV 750 Valve Operating System for the amount of \$66,225.66 excluding taxes from Wachs Canada Ltd.1166 Gorham Street, Newmarket, Ontario, L3Y 8W4, as per LWS 03/10.

"CARRIED"

June 14, 2010 - Council MeetingCULTURE AND RECREATION SERVICES - Report REC 07/10 dated May 25, 2010 re: Leamington Triathlon Weekend

Amanda Smith, Manager of Culture and Recreation Services, provided a summary of the report, including an overview of the proposed race routes. She noted 2010 would be the twelfth time the event was held in Leamington.

Ms. Smith confirmed the municipal engineer has been contacted regarding minor road construction along Seacliff Drive, and it not expected to affect the event. She further confirmed the recent storm event will not cause any immediate impact or concerns to the event.

John Tofflemire, Director of Community Services, noted the municipality wishes to get the message out that we are open for business, recovering, accessible and working hard to ensure such events are not delayed or cancelled due to the storm.

No. C-210-10

Moved by: Councillor Derbyshire **Seconded by:** Councillor Paterson

That the request of the "Leamington Triathlon Weekend" planning committee to utilize the municipal facilities and municipal right-of-ways outlined in Manager of Culture and Recreation Report REC 07/10 be approved, subject to the parties conducting the staging of said events in a manner satisfactory to municipal officials;

And further, subject to the planning committee providing the municipal clerk with a satisfactory certificate of insurance and with the municipality named as additional insured;

And further, that said municipal facility costs, policing costs, etc. be the responsibility of the local Leamington Triathlon planning committee.

"CARRIED"

PUBLIC WORKS - Report PW 9/10 dated June 2, 2010 re: Capital Acquisition; Public Works Department - 2010 4 Wheel Drive Diesel Tractor

Cam McKay, Manager of Operations, reviewed the amended report, noting three dealers submitted prices for the equipment.

A discussion ensued regarding the proposed purchase of a shredder, and boom flail attachment. It was noted council wishes to see a comparison of equipment included in tender results. Mr. McKay noted he has the specifications if council wishes to review them.

In response to an inquiry from council, Mr. McKay confirmed training will be provided to staff on how to correctly operate a boom flail. He further noted he will request a demonstration of boom flails prior to tendering out the purchase.

Mr. McKay noted the newly purchased wood chipper has been put to use and works well.

No. C-211-10

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

That administration be authorized to purchase a 2010 New Holland 1505 Tractor from Delta Power Equipment Ltd, 328 Talbot St North Essex, Ontario N8M 2W4 in the amount of Forty two thousand four hundred and thirty three dollars, excluding taxes; as per PW 09/10.

"CARRIED"

PUBLIC WORKS - Report PW 10/10 dated May 5, 2010 re: Leamington Tomato Festival Car Show

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Following a review of the report by Cam McKay, Manager of Operations, a discussion ensued regarding merchants who have moved road blocks during past years in order to park in front of their businesses. Mr. McKay noted he spoke with the Chair of the BIA, who confirmed they will look after that issue.

No. C-213-10

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

That Council approve the request of the Uptown Leamington BIA to utilize portions of the designated uptown streets inclusive of Mill Street, relative to the staging of the Uptown Business Association Sidewalk Sale of July 23rd and July 24th, 2010;

And that the municipal operations division be authorized to provide assistance with the preparation of said sidewalk sale;

And that fifty percent (50%) of the assigned labour costs to assist with the setup of the sidewalk sale to a maximum of one thousand dollars (\$1,000.00) be assessed to the Uptown Business Association;

And that the remaining labour, vehicle, and equipment costs be assessed to the municipal operations special events account;

Continued...

And that the Uptown Leamington BIA provide proof of liability insurance, to the satisfaction of the Municipal Clerk, naming the Municipality of Leamington as an additional insured;

And further, that the BIA provide proof of a certified Health and Safety inspector to perform periodic inspections throughout the duration of the event. (PW 11/10)

"CARRIED"

ENGINEERING SERVICES - Report ENG 13/10 dated May 31, 2010 re: 2010 Surface Treatment/Modified Slurry Seal Program Tender Award

Allan Botham, Manager of Engineering Services, reviewed the report, noting three tenders were submitted. In response to an inquiry from council, Mr. Botham confirmed asphaltting of Mersea Road 12 will be tendered separately in the future.

No. C-214-10

Moved by: Councillor Derbyshire **Seconded by:** Councillor Paterson

That Council award the 2010 Surface Treatment / Modified Slurry Seal Program contract to Shepley Road Maintenance Ltd. 2964 County Road 12, Essex, ON, N8M 2X6 in the amount of \$563,559.75 (plus all applicable taxes). (ENG 13-10).

"CARRIED"

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ENGINEERING SERVICES - Report ENG 14/10 dated June 1, 2010 re: Tender Results for Bridge No. 19 on Mersea Road 7 over the Lebo Creek Drain

Allan Botham, Manager of Engineering Services, provided a summary of the report and confirmed the lower bidder has met all of the needs of the municipality.

In response to an inquiry from council, Mr. Botham explained administration have chosen to move ahead with a cast in place box culvert in order to ensure the road is reopened in time for the August harvest.

No. C-215-10

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

That Council award the Reconstruction of Bridge No. 19 on Mersea Road 7 over the Lebo Creek Drain to SLR Contracting Group Inc. in the amount of \$325,000.00 plus all applicable taxes, charged to account 2-320-8512-7630. (ENG 14-10)

“CARRIED”

DRAINAGE - Report DR 12/10 dated May 10, 2010 re: Belluz Drain - New Maintenance Schedule, Part Lot 13, Concession C

Lu-Ann Barreto, Drainage Superintendent, explained a new maintenance schedule is required as the current one does not clearly address who benefits from the enclosure.

In response to an inquiry from council, the Drainage Superintendent explained the municipality reviews which drainage engineer completed the most recent engineer's report when selecting a consulting firm for projects in an effort to save money, as they will have the most knowledge on the drain.

No. C-216-10

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

That Leamington Council appoint N.J. Peralta Engineering to prepare an Engineer's Report pursuant to Section 76 of the Drainage Act, to provide for an Updated Maintenance Schedule on the Belluz Drain (DR-12-10).

“CARRIED”

June 14, 2010 - Council Meeting

DRAINAGE - Report DR 17/10 dated June 4, 2010 re: Sturgeon Creek Drain - Woodsit Subdivision Re-Grading Slopes of Drain for Residential Subdivision, Part of Lots 243, Concession NTR

Lu-Ann Barreto, Drainage Superintendent, reviewed the report and provided a history of the property. She noted it is recommended the report be abandoned and the landowner be responsible for outstanding engineering costs.

The Drainage Superintendent confirmed the landowner is aware of the recommendation and is pleased that the report is being abandoned.

No. C-219-10

Moved by: Councillor Paterson **Seconded by:** Councillor Derbyshire

That Leamington Council abandon report dated November 12, 2008, prepared by Bruce D. Crozier Engineering;

And that the Municipality invoice Mr. Jim Liovas, Developer and Owner, 1037193 Ontario Ltd. the amount of \$15,875.00 for the outstanding cost of engineering to create the report;

And that the Essex Region Conservation Authority be advised of the abandonment (DR 17-10).

“CARRIED”

FINANCE AND BUSINESS SERVICES - Report FIN-10-06-01 dated June 3, 2010 re: Renewal of POA Intermunicipal Service Agreement

Bill Marck, Chief Administrative Officer, explained the program is administered by the City of Windsor, and deals with violations of the Highway Traffic Act and Liquor Control Act. He noted parking fines are not included in the agreement.

Mr. Marck noted Leamington has received approximately one and a half million dollars (\$1,500,000.00) as a result of the agreement since 1999.

No. C-220-10

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

That the Mayor and Clerk be authorized to execute an agreement renewing the POA Intermunicipal Service Agreement (ISA) between the City of Windsor, County of Essex, Township of Pelee and seven local municipalities for an additional five (5) year term;

And that the Clerk for the City of Windsor be so advised. (Report FIN-10-06-01)

“CARRIED”

June 14, 2010 - Council MeetingFINANCE AND BUSINESS SERVICES - Report FIN-10-06-02 dated June 8, 2010 re: UWSS Loan Agreement Renewal - United Communities Credit Union

Bill Marck, Chief Administrative Officer, reviewed the report, noting the current loan agreement expires on July 1, 2010 and it is recommended the municipality enter into another five year agreement at the same interest rate as the current agreement.

The Chief Administrative Officer confirmed council has the authority to enter in agreement that creates debt for the future council term.

No. C-221-10

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

That the Clerk and Mayor be authorized to execute the Business Credit Agreement for renewal of the loan from United Communities Credit Union Limited in the amount of \$2,010,887.09 for a term of sixty (60) months with a fixed interest rate of 4.75% per year;

And that Council approves the bylaw to authorize the long term borrowing by the municipality in respect of its share of purposes of the Union Water Supply System;

And further, that Council forward the necessary correspondence to the Union Water Board. (Report FIN-10-06-02)

“CARRIED”

CHIEF ADMINISTRATIVE OFFICER - Report CAO 08/10 dated June 14, 2010 re: Request of Resolution for Leamington to Apply for Funding Pursuant to the Ontario Disaster Relief Assistance Program (ODRAP)

Bill Marck, Chief Administrative Officer, reviewed the report, noting resolution of council is required in order to be eligible to apply for funding under the Ontario Disaster Relief Assistance Program (ODRAP). He further explained a request must be made to the Minister of Municipal Affairs to declare Leamington a disaster area for the purposes of ODRAP. Mr. Marck reviewed the public and private items that would be eligible for funding under the program.

It was noted a great deal of assistance has been provided by surrounding municipalities and the additional staffing costs would be an eligible cost.

Mr. Marck noted a Disaster Relief Committee would be required to oversee the funding, and that no elected officials may sit on the committee.

No. C-222-10

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

Whereas the Municipality of Leamington on June 6, 2010 experienced a tornado and has experienced substantial damage to municipal property and infrastructure and has received reported losses of private damage, the Council of the Municipality of Leamington hereby request the Minister of Municipal Affairs and Housing to declare Leamington a disaster area for the purpose of the Ontario Disaster Relief Assistance Program (ODRAP);

And further should the Minister declare a disaster area regarding the private component of ODRAP, Council will immediately, under the authority of ODRAP, appoint members to a disaster relief committee to administer ODRAP (CAO 08/10).

“CARRIED”

MATTERS FOR APPROVAL: None.

OTHER MATTERS FOR CONSIDERATION: None.

CONSIDERATION OF BY-LAWS:

No. C-223-10

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

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

By-law 26-10, being a by-law to provide for the relocation of the Upper Portion of the Temple Drain in the Municipality of Leamington in the County of Essex.

“CARRIED”

No. C-224-10

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

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

By-law 43-10, being a by-law to authorize long-term borrowing by The Corporation of the Municipality of Leamington in respect of the purposes of the Union Water Supply System, such purposes constituting joint purposes of The Corporation of the Municipality of Leamington, The Corporation of the Town of Kingsville, The Corporation of the Town of Essex and The Corporation of the Town of Lakeshore.

“CARRIED”

No. C-225-10

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

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

By-law 44-10, being a by-law to provide for the repair and improvement to the Sturgeon Creek Drain, in the Municipality of Leamington in the County of Essex.

“CARRIED”

No. C-226-10

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

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

By-law 46-10, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held June 14, 2010.

“CARRIED”

June 14, 2010 - Council Meeting

NOTICES OF MOTION: None.

OPEN SESSION - Council - Administration

John Tofflemire, Director of Community Services, noted an email was received regarding a Provincial tourism initiative titled "Bike Train", which will be held the upcoming weekend. He explained participants bring bikes to this and other areas on Via Rail, and will be visiting Windsor and Leamington. Mr. Tofflemire confirmed the storm will not affect the event.

Councillor MacDonald noted she visited one of the greenhouse operations damaged by the storm, who asked her to pass on a request that the issuance of building permits be fast tracked in order to allow for swift rebuilding.

Councillor MacDonald noted there is a great deal of debris along a section of the Sturgeon Creek Drain. Mr. Tofflemire noted the work will be completed in the near future.

Deputy Mayor Schmidt inquired whether storm debris will be collected in the East Beach area of the municipality. Mr. Marck confirmed the area is next to be completed.

Deputy Mayor Schmidt commended staff on the work they have done to clean up after the storm, noting the process has been relatively smooth. He further noted the municipality has been fortunate to receive a great deal of assistance from neighbouring communities, utility companies, individual volunteers and organizations and stated the community will be stronger following the storm.

Bill Marck, Chief Administrative Officer, informed those in attendance that council met in camera prior to the regular meeting pursuant to Subsection 239(2)(b) of the Municipal Act, 2001 to consider a personnel matter. Mr. Marck noted there were no resolutions as a result of the meeting.

NEW BUSINESS:

STATEMENT OF MEMBERS: non-debatable

ADJOURNMENT:

No. C-227-10

Moved by: Councillor MacDonald **Seconded by:** Councillor Derbyshire

That the meeting adjourn at 9:01 p.m.

"CARRIED"

John Adams, Mayor

Brian Sweet, Clerk

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - SPECIAL COUNCIL MEETING

**HELD MONDAY, JUNE 14, 2010 - COMMENCING AT 6:00 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
John Tofflemire, Director of Community Services
Kit Woods, Manager of Environmental Services
Peter Mullins, Manager of Accounting Services
Gary Foisy, Water Superintendent
Jennifer Bavetta, Corporate Assistant

DISCLOSURES OF PECUNIARY INTEREST: None.

REPORTS OF STAFF & DELEGATIONS:

WATER SERVICES - Report LWS 04/10 dated June 8, 2010 re: Financial Plan - Leamington Water Services

Bill Marck, Chief Administrative Officer, explained the municipality must submit a waterworks financial plan to the Ministry of Municipal Affairs and Housing (MMAH) and the Ministry of the Environment (MOE) by July 1, 2010, which has been prepared by Watson and Associates Economists Ltd.

Gary Scanlan, Watson & Associates Economists Ltd., provided a Powerpoint presentation for those in attendance the highlighted legislative changes that call for the reporting as well as the details of the plan his company prepared.

Mr. Scanlan explained the financial plan must cover at least six (6) years and that the one prepared for the municipality covers ten (10). He further explained the document would have to be renewed every five (5) years and that the financial plan must be made available to the public upon request.

Mr. Scanlan informed council the municipality's current water rates are financially sustainable and that no new rates require approval at this time. He noted future rates, which will likely be based on inflationary increases, will be revisited during normal capital and operational budget deliberations.

It was noted the estimated capital water system infrastructure needs from 2010 to 2019, in inflated dollars, will be \$22,252,000.00. It was further noted the municipality's water infrastructure dates back to the 1930s, and the current value is \$107,600,000.00, excluding Union Water Supply System common assets.

John Tofflemire, Director of Community Services, informed council a resolution that required passing was included in Report LWS 04/10.

In response to an inquiry from council, Mr. Scanlan explained some municipalities have been moving forward with merging water supply systems, and that there are pros and cons with doing so.

With regard to submission of the financial plan to the MMAH and the MOE, Mr. Scanlan explained it is expected the document will be reviewed, however, he was confident the document contains all of the necessary elements.

No. C-201-10

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

That Council approve a Water Financial Plan based on the Municipality of Leamington Water Rate Study dated June 8th 2010, prepared by Watson & Associates Economists Ltd. for the Municipality of Leamington;

And that Council authorize administration to forward a copy of the Municipality of Leamington Water Rate Study, Water Financial Plan and a copy of the Council resolution approving the Water Financial Plan to the Ministry of Municipal Affairs and Housing and the Ministry of the Environment. (LWS 4/10)

“CARRIED”

ADJOURNMENT:

No. C-202-10

Moved by: Councillor Derbyshire **Seconded by:** Councillor Atkin

That the meeting adjourn at 6:43 p.m.

“CARRIED”

John Adams, Mayor

Brian Sweet, Clerk

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - SPECIAL COUNCIL MEETING

**HELD MONDAY, JUNE 14, 2010 - COMMENCING AT 6:45 P.M.
IN THE DOWNSTAIRS COMMITTEE ROOM**

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

STAFF PRESENT: Bill Marck, Chief Administrative Officer
John Tofflemire, Director of Community Services

DISCLOSURES OF PECUNIARY INTEREST: None.

No. IC-27-10

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

That Council move into closed session pursuant to Subsection 239(2)(b) of the Municipal Act, 2001 to consider Confidential Report CAO 5/10 re: Personnel Matters.

“CARRIED”

Bill Marck, Chief Administrative Officer, reviewed the report for council.

No. IC-28-10

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

That the Committee move into public session at 6:59 p.m.

“CARRIED”

No. IC-29-10

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

That the meeting adjourn at 7:00 p.m.

“CARRIED”

John Adams, Mayor

Brian Sweet, Clerk

MUNICIPALITY OF LEAMINGTON **MINUTES - PUBLIC MEETING**

Sturgeon Creek Drain Repairs and Improvements

**HELD MONDAY, JUNE 14, 2010 AT 7:02 P.M.
IN THE COUNCIL CHAMBERS**

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

STAFF PRESENT: Bill Marck, Chief Administrative Officer
John Tofflemire, Director of Community Services
Allan Botham, Manager of Engineering Services
Amanda Smith, Manager of Culture and Recreation Services
Cam McKay, Manager of Operations
Peter Mullins, Manager of Accounting Services
Gary Foisy, Water Superintendent
Lu-Ann Barreto, Drainage Superintendent
Jennifer Bavetta, Corporate Assistant

ALSO PRESENT: Ed Dries, P.Eng., Dillon Consultign

Lu-Ann Barreto, Drainage Superintendent, reviewed the report, noting Mr. Dries was requested to prepare various reports following the 2004 major storm event, including the Sturgeon Creek Drain, which affects the proposed Cervini Farms development.

With respect to a large amount of greenhouse debris in the drain, the Drainage Superintendent explained municipal law enforcement staff will be reviewing the issue and proceed pursuant to the municipality's property standards by-law to have the property cleaned up.

Anthony Cervini, owner of Cervini Farms Ltd., inquired what the \$2,500.00 special benefits charged to his property is in relation to.

Ed Dries, P.Eng., Dillon Consulting Ltd., explained the charge covers additional engineering costs due to the development of an alternate design for the urban development of his land.

Mr. Cervini noted his property is being assessed approximately twenty-five percent (25%) of the entire cost. He was informed the costs can be appealed during the Court of Revision stage.

Mayor Adams confirmed there were no other residents in attendance regarding the matter.

In response to an inquiry from council, the Drainage Superintendent explained the Municipal Law Enforcement Officer will issue an order to have the greenhouse material cleaned from the property, and if it is not completed, the municipality will have the material removed and charge the cost to the land owner. She further explained the material will be cleaned up prior to tendering of the work so that the removal of the material will not be a part of the tender.

In response to an inquiry from council, Mr. Dries explained the Essex Region Conservation Authority (ERCA) and the Department of Fisheries and Oceans (DFO) do not like the use of concrete in a channel, as they prefer natural stone.

Public Meeting - Sturgeon Creek Drain

Mayor Adams noted the municipality received correspondence from Mark Whittle, who stated the costs to clean the debris from the drain should be borne by the property owner, and not be shared by all assessed owners.

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

That the Engineer's Report dated April 30th, 2010 as prepared by Dillon Consulting, re: Sturgeon Creek Drain Repairs & Improvements, be adopted;

And that By-law 44-10 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 further, that a Court of Revision be held on July 12th at 6:30 p.m. and that a Member of Kingsville Council be requested to sit on the Court;

And further, that Ed Dries, 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-13-10).

"CARRIED"

The meeting was adjourned at 7:14 p.m.

/jb

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES

DATE: JUNE 16, 2010

SUBJECT: ZONING BY-LAW AMENDMENT
 PROPOSED AGRICULTURAL ZONING
 ZBA #22 - S/S MERSEA ROAD 8 (DREIDGER)

AIM:

To report upon a request to schedule the required public meeting to consider a proposed zoning by-law amendment for property located on the S/S Mersea Road 8.

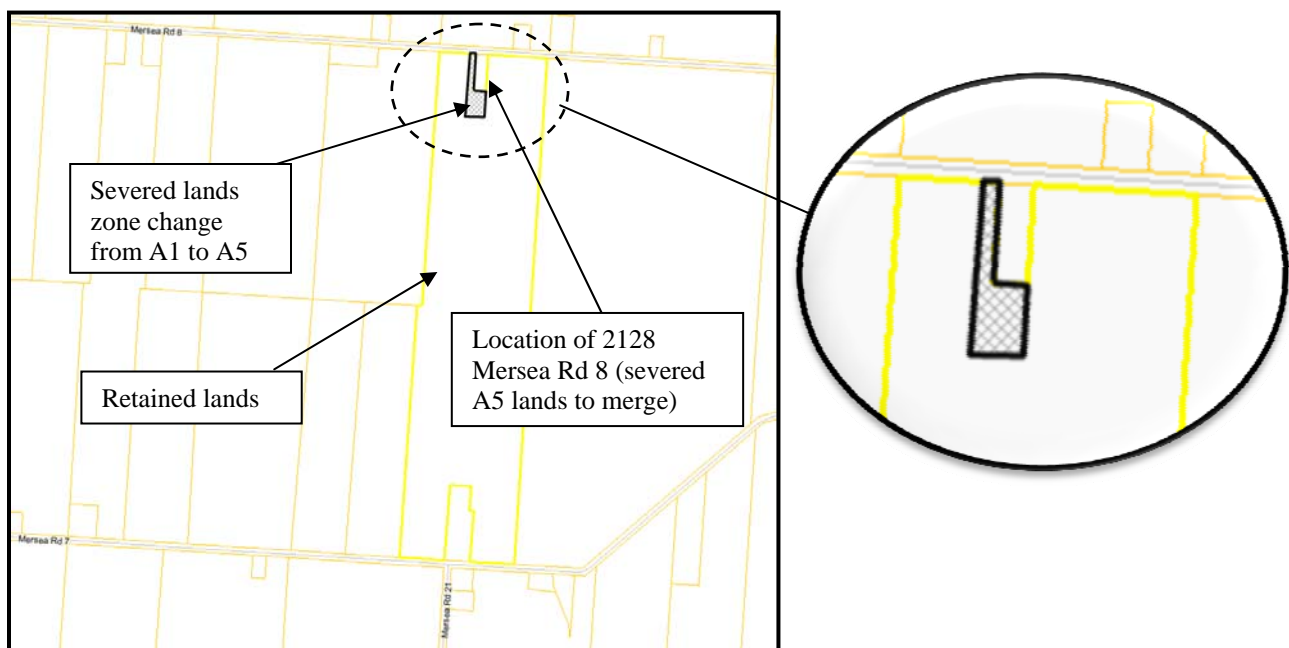
BACKGROUND:

Purpose of Application:

Staff has received an application for re-zoning by the owners of the property, to amend the agricultural zoning for the subject lands as part of a condition of approval for consent application (B/10/10) on the subject land.

Property Description:

The subject property is described as Concession 7 , Part Lot 21, Registered Plan 12R-4058 Part 1 & 2 and locally known as S/S Mersea Road 8 in the former Township of Mersea, now a portion of the Municipality of Leamington (see key map).



Currently, the subject property is vacant with frontage on Mersea Road 8. There is a mix of residential and agricultural uses abutting the land.

COMMENTS AND ANALYSIS:

Provincial Policy Statement (PPS):

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.

County of Essex Official Plan 2005 (OP):

The subject land is designated within the County of Essex Agricultural Area on Schedule "A" in the County OP. The goal is to protect prime agricultural areas for agricultural purposes to ensure the continued long term availability of this resource;

Leamington Official Plan, 2008 (OP):

The subject property is designated Agricultural on Schedule "A-2" the Leamington OP, as approved on February 5, 2008. The goal is to preserve prime agricultural land for agricultural purposes and to restrict the type and amount of non-farm development.

Leamington Zoning:

The subject property is currently zoned Agricultural General (A1) on Map 20 in Zoning By-law #890-09, as approved on January 12, 2009.

The property owner requested that the Committee of Adjustment consider a lot line adjustment to sever a 13' x irregular shaped parcel to be added to the residential lands to the north located at 2128 Mersea Road 8 (Roll 3706 730 000 02550) and retain approximately a 98.80 acre farm parcel.

Lot adjustments may be permitted for legal or technical reasons provided that both parcels (severed and retained) comply with the provisions of the implementing Zoning By-law and the lot adjustment does not result in the creation of a 'residential lot' that would not have otherwise been allowed.

Therefore, the application was supported on condition that:

1. a favourable rezoning amendment shall be processed to change the zoning classification of the severed lands from Agricultural General (A1) to Agricultural Residential Zone (A5).

CONSULTATION:

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

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

Due to the nature of the proposed zoning change it is Administration's position that additional information is not required.

CONCLUSION:

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

Administration suggests that this matter should now proceed to a public meeting. The date for the required public meeting is requested to be scheduled for **Monday, July 19, 2010 at 7:00 pm.**

Notice of public meeting will be circulated to all commenting agencies, municipal departments and abutting landowners within 120 m (400 ft) of the subject property. Notice will also be posted on site. As part of the new Bill 51, all information will be made available to the public and commenting agencies.

A report by Administration will not be presented to Council after the public meeting, unless there are concerns raised at the public meeting. It is requested that Council consider the amending by-law for the zoning by-law amendment approval the same night as the public meeting.

Therefore, it is administration's opinion that;

- i) The application is consistent with the policy statements issued under subsection 3 (1) of the Planning Act.
- ii) The application conforms to or does not conflict with any applicable provincial plan or plans.
- iii) The development proposed is in keeping with the overall goals and policies of the Official Plan.
- iv) The proposed amendment does meet the criteria used when considering applications to amend the zoning by-law.

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

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

RECOMMENDATION:

THAT Council declare that the application was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act* to consider a zoning by-law amendment for property located at S/S Mersea Road 8 (Driedger) to amend the severed lands for B/10/10 from lands from Agricultural General (A1) to Agricultural Residential Zone (A5), as outlined in Report PLA 28/10;

AND that Administration be directed to schedule the required public meeting for Monday, July 19, 2010 at 7:00 pm.

AND further, if no concerns are raised at the public meeting, that the Clerk be directed to forward the amending by-law for the zoning by-law amendment approval to Council for its consideration.

Respectfully submitted,

Tracey Pillon-Abbs,
Manager of Planning Services

Douglas E. Morrish,
Director of Development Services

/tpa

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES

DATE: JUNE 16, 2010

SUBJECT: REMOVAL OF HOLDING ZONE CATEGORY
THREE RESIDENTIAL LOTS (LARRY SANTOS CONSTRUCTION LTD)
201 ROBSON ROAD - CONCESSION BROKEN FRONT WEST PART LOT 9

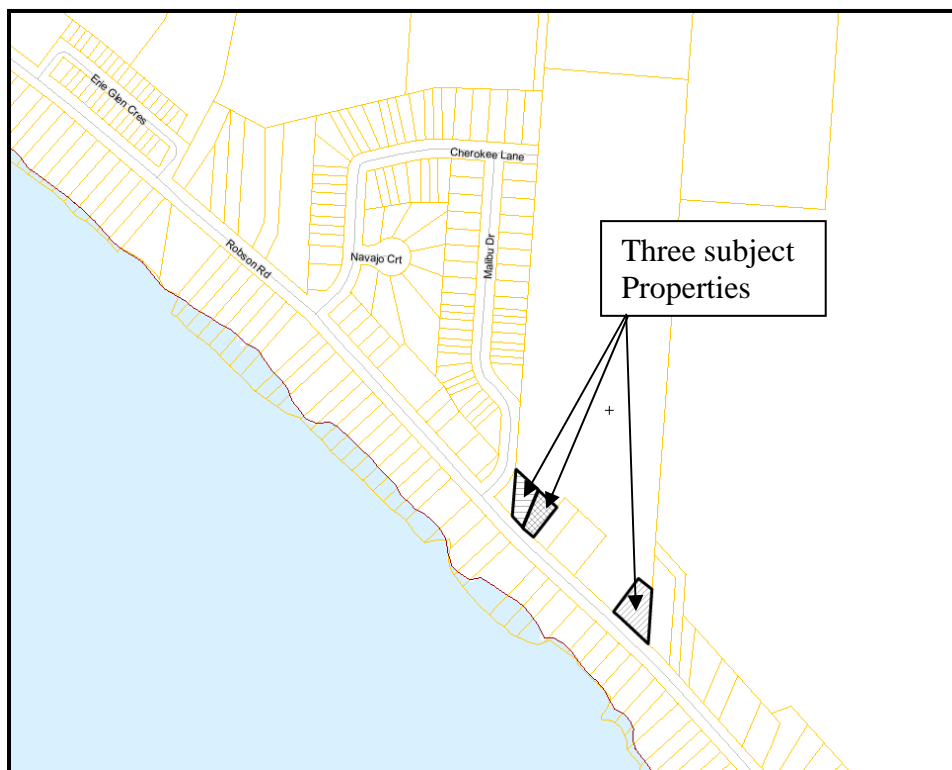
AIM:

To request that Council remove the holding zone category for three residential lots located on Concession Broken Front West Part Lot 9.

BACKGROUND:

The owner of the property has requested that the holding zone category be removed on three newly created residential lots. The lots had received conditional approval from the Committee of Adjustment as part of consent applications B/07/10, B/08/10 and B/09/10. The deeds have now been stamped and an undertaking was received for the removal of the holding zone.

The subject property is described as Concession Broken Front, West Part Lot 9 in the former Township of Mersea, now a portion of the Municipality of Leamington (roll number 3706 3900 0000 1000 000) and known locally as 201 Robson Road (see key map). The lots will receive municipal address once building permits are issued.



The property is designated Residential in the Official Plan for the Municipality of Leamington, as approved on February 5, 2008.

The zoning for the subject property is Residential (R3-h) Defined Holding Zone on Map 61 of the Zoning By-law for the Municipality of Leamington, as approved on January 12, 2009.

COMMENTS:

Section 7.3 of the Official Plan establishes that the zoning by-law will incorporate the holding zone approach in accordance with Section 36 of the *Planning Act*.

The Zoning By-law identifies that the use is intended to be Residential, but has added the holding (h) symbol to defer development until specific conditions have been met. In this case, a lot grading plan was required and has been received as part of the condition of the consent applications.

In order to remove the symbol, a notice is placed in the local paper. Only the property owner of the subject property can appeal to the OMB.

A statutory public meeting is proposed to be held on Monday, August 9, 2010. If there are no objections, it is requested that Council consider the by-law at their regular meeting the same night.

CONCLUSION:

Committee of Adjustment has approved the application for consent and the owner has provided the necessary lot grading plan for the three residential lots. The retained portion of the lands will remain in a holding zone until such time that a subdivision application is processed and a subdividers agreement has been executed.

Therefore, the criteria for holding (h) zone removal have been satisfied. A by-law removing the symbol may be passed.

RECOMMENDATION:

THAT administration be directed to prepare the required public notice for the removal of the holding (h) zone category for property located at 201 Robson Road, Concession Broken Front West Part Lot 9 (LARRY SANTOS CONSTRUCTION LTD), as outlined in Report PLA 29/10;

AND FURTHER THAT, if no objections are heard at the public meeting, the removal of the holding (h) zone category be approved;

AND FURTHER THAT the Clerk forward the by-law to Council for its consideration at its regular meeting, to be held on Monday, August 9, 2010.

Respectfully submitted,

Tracey Pillon-Abbs,
Manager of Planning Services

Douglas E. Morrish,
Director of Development Services

/tpa

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REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES

DATE: JUNE 16, 2010

**SUBJECT: ZONING BY-LAW AMENDMENT
PROPOSED RESIDENTIAL DWELLING IN A COMMERCIAL ZONE
ZBA #23 - 133 & 135 TALBOT STREET WEST (1700746 ONTARIO LIMITED)**

AIM:

To report upon a request to consider a proposed zoning by-law amendment for property located at 133 & 135 Talbot Street West.

BACKGROUND:

On March 15, 2010 Council enacted a resolution to refuse the application for a zoning by-law amendment to permit a two storey single unit dwelling for permanent staff accommodation in addition to an office/reception area in portion of the main floor on the same lot and detached from an existing motel.

Prior to the notice of refusal being sent out, the owner of the subject property requested an opportunity to review a revised application with Administration.

A series of draft site plans were reviewed by the Development Services Review Committee. Administration and the property owner have agreed on a final plan to recommend to Council which proposes to attach the two storey single unit dwelling for a permanent staff accommodation in addition to an office/reception area in portion of the main floor on the same lot of an existing motel.

Therefore, the application for zoning by-law amendment has been amended.

Purpose of Application:

Staff has received an application for re-zoning by the owner(s) of the property, to amend the use of the subject lands to permit a two storey single unit dwelling for permanent staff accommodation in addition to an office/reception area in portion of the main floor on the same lot and attached to an existing motel.

Relief is also requested to decrease the required parking requirement from 24 to 22 spaces.

Property Description:

The subject property is described as Concession 2 Part Lot 5 and locally known as 133 & 135 Talbot Street West in the former Town of Leamington, now a portion of the Municipality of Leamington (see key map).

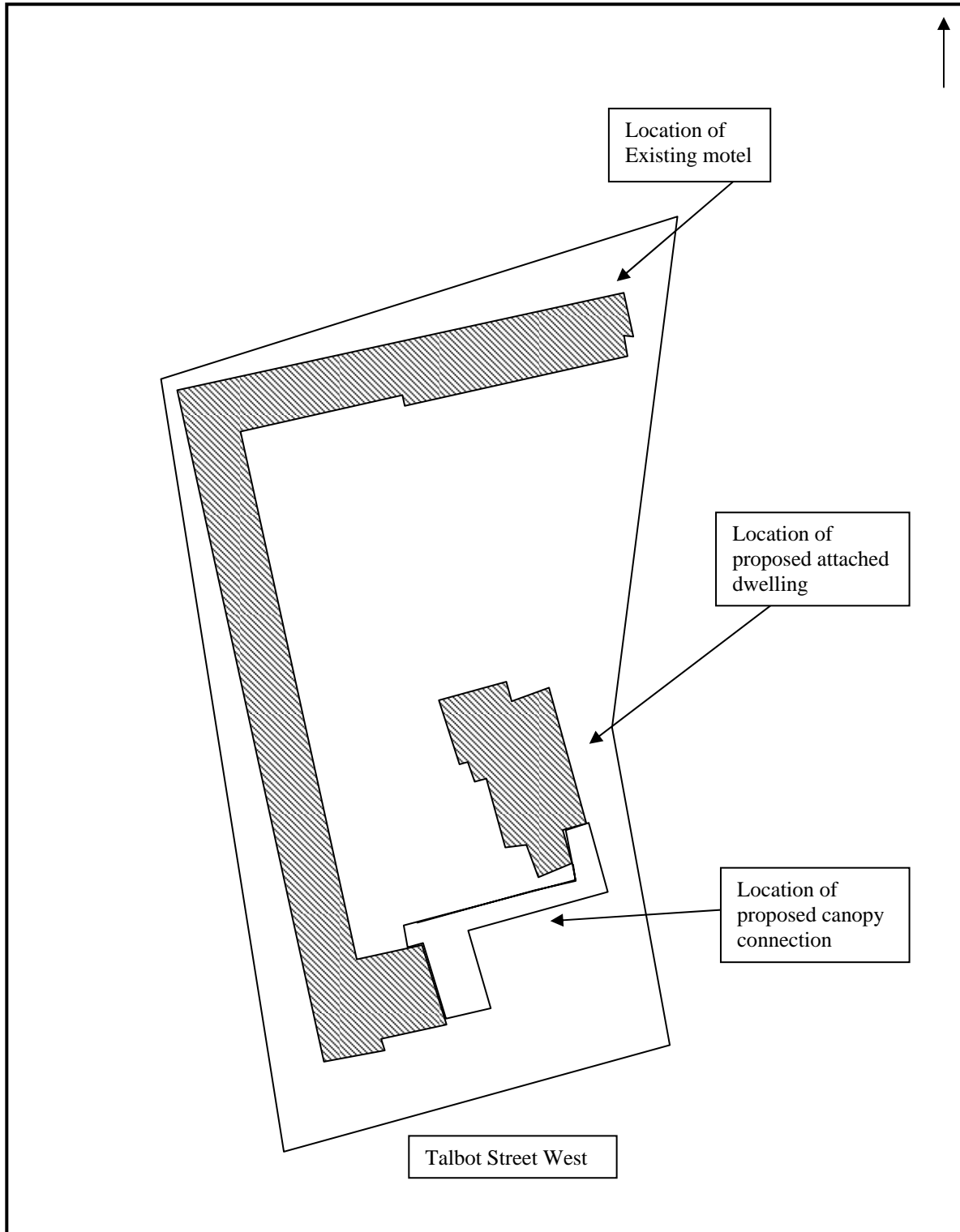


The property is 0.300 ha (0.743 ac) in size. There is residential to the north and commercial to the south, east and west. The property has frontage and access on Talbot Street West.

Currently, the subject property has a 617 sq m (6,641.72 sq ft) motel with owner's residence. The motel has 17 suites with parking in front of each suite. There is also a carport attached to the motel.

It is proposed to construct a 136.42 sq m (1,468.50 sq ft) two storey single unit dwelling. The dwelling will be used for permanent staff accommodation in addition to a 3.04 m x 3.04 m (10 ft x 10 ft) office, coffee and reception area in the front portion of the main floor. The dwelling is proposed to be attached to the existing motel with a canopy. The canopy will be approximately 16.5 feet in height allowing cars and emergency vehicles access to the parking area. The existing owner's residence will be converted into 4 new motel suites (see attached site plan).

Prior to any development, the property will be subject to site plan control.



COMMENTS AND ANALYSIS:

Provincial Policy Statement (PPS):

In reviewing the PPS, avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas is key to promoting a healthy community.

County of Essex Official Plan 2005 (OP):

The subject land is designated within the Settlement Area on Schedule "A" in the OP.

Leamington Official Plan, 2008 (OP):

The property is designated "Western Commercial District" on Schedule "A-6B" of the Official Plan (OP) for the Municipality of Leamington, as approved February 5, 2008.

Section 3.6 of the OP sets out that employment lands are intended to include a full range of commercial and limited residential uses. The mix of uses, however, will depend on the character and location of the Employment Lands. The designation is intended to reflect existing mixed use and other areas where people work and where employment opportunities are expected to be provided in the future. These areas are primarily designed to provide for a diverse range of employment opportunities for the present and future residents of the Municipality.

Employment lands will also provide for residential uses that are appropriately located and which support the commercial, industrial and institutional employment generators found in these areas. The implementing Zoning By-law will recognize appropriate commercial, industrial, institutional and limited residential uses and ensure land use compatibility results.

The goal of the Western Commercial District is to encourage further smaller scale highway commercial development. The district currently is a mix of highway commercial and service commercial type uses. New development and redevelopment within this District is encouraged and permitted in accordance with the permitted uses and provisions of the Zoning By-law.

Leamington Zoning:

The subject property is zoned Commercial Highway Zone (C2) on Map 38 in the Zoning By-law for the Municipality of Leamington #890-09.

Motels are permitted under the C2 Zone. However, Motels, as defined in Section 3 does not include a residence for permanent staff accommodation.

Residential dwelling units are permitted in the C2 Zone, however must be located above a commercial use.

Further, it appears that the regulations proposed comply, however 24 parking spaces are required and only 22 spaces are provided due to the proposed additional suites and dwelling unit.

Therefore, the applicant is required to apply for a zoning by-law amendment to obtain relief from Section 13.1.1 (y) to permit a dwelling unit on the main floor of a proposed two storey single unit dwelling for permanent staff accommodation in addition to an office/reception area in portion of the main floor on the same lot and attached to an existing motel. Relief is also requested to decrease the required parking requirement from 24 to 22 spaces.

CONSULTATION:

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

As submitted, the application can be supported by Administration. The dwelling unit attached to the existing motel will help ensure that the residential dwelling will remain accessory to the motel and be more compatibility with the surrounding land uses.

The zoning by-law does not regulate the style of the proposed structure; however, it is encouraged that it be designed to blend with the surrounding commercial area.

CONCLUSION:

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

Due to the nature of the proposed zoning change it is Administration's position that additional information is not required. However, Council may request a planning justification study to be completed by a qualified planner.

Administration suggests that this matter should now proceed to a public meeting. The date for the required public meeting is requested to be scheduled for **Monday, August 9th, 2010 at 7:00 pm.**

Notice of public meeting will be circulated to all commenting agencies, municipal departments and abutting landowners within 120 m (400 ft) of the subject property. Notice will also be posted in the Leamington Post. As part of the new Bill 51, all information will be made available to the public and commenting agencies.

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

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

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

RECOMMENDATION:

THAT Council declare that the application was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act* to consider a zoning by-law amendment for property located at 133 & 135 Talbot Street West (1700746 ONTARIO LIMITED) to amend the zoning from Commercial Highway Zone (C2) to Commercial Highway Defined Zone (C2-15) to obtain relief from Section 13.1.1 (y) to permit a dwelling unit on the main floor of a proposed two storey single unit dwelling for permanent staff accommodation in addition to an office/reception area in

portion of the main floor on the same lot and attached to an existing motel and to decrease the required parking requirement from 24 to 22 spaces, as outlined in Report PLA 27/10;

AND that Administration is directed to schedule the required public meeting for Monday, August 9th, 2010 at 7:00 pm.

Respectfully submitted,

Tracey Pillon-Abbs,
Manager of Planning Services

Douglas E. Morrish,
Director of Development Services

/tpa

REPORT

TO: MAYOR & MEMBERS OF COUNCIL

FROM: ALLAN BOTHAM, P.ENG., MANAGER OF ENGINEERING SERVICES

DATE: JUNE 11, 2010

SUBJECT: ERIE/SEACLIFF INTERSECTION AND RECONSTRUCTION OF SEACLIFF DRIVE WEST FROM ERIE TO SHERK

AIM:

To obtain Council approval to award the Erie/Seacliff Intersection and Seacliff Drive West Reconstruction to MR Dunn Contractors Ltd., 845 Little Baseline Road, Tecumseh, Ontario, N8N 2L9.

BACKGROUND:

Through the 2010 budget approval administration received direction to tender for the Erie/Seacliff Intersection and Seacliff Drive West Reconstruction project, a contract to reconstruct the Erie Street South/Seacliff Drive intersection and Seacliff Drive West to Branton Drive.

The project generally includes minor storm and sanitary sewer work, construction of new pavement, new concrete curb and gutter, construction of new sidewalk, construction of a new traffic signal at Erie & Seacliff, and improvements to the intersection of Sherk & Seacliff. The pavement cross section, as approved through the Environmental Assessment generally consists of three lanes, with the outside lanes widened to accommodate unmarked bike lanes. (See attached Schedule A)

A funding opportunity became available through a second intake of the Building Canada Fund as presented by the CAO at the April 27, 2009 meeting of Council, CAO 06-09 Infrastructure Funding. The intersection of Erie and Seacliff was presented as one of the three (3) "Local Roads Infrastructure" projects. It was also noted in the report that this was really the first phase of a two phase undertaking with the second phase being the improvements to Seacliff Drive West to Sherk Street. Therefore, the BCF application included for the entire project and Council resolved, C-125-09:

"That pursuant to intake 2 of the Building Canada Fund Program the Council for the Corporation of the Municipality of Leamington endorse the Improvements to Erie Street South and Seacliff Drive Intersection (\$2.6 Million) as part of the Infrastructure Stimulus Component;"

In June of 2009 the Municipality received confirmation that this project was approved for funding through the Infrastructure Stimulus Fund, with the Federal and Provincial governments providing 1/3 each of the eligible project costs. **One condition of this program is that the project must be complete by March 31, 2011.** It is important to note that this is a road construction project and therefore must be completed by the end of the 2010 construction season.

ENG 16-10 - Erie/Seacliff Intersection and Reconstruction of Seacliff Drive West

On Friday, June 11, 2010, four (4) tenders were received and opened:

Contractor	Amount (excl. all Taxes)
M.R. Dunn Contractor Ltd. 485 Little Baseline Road, R.R. 1 Tecumseh, ON N8N 2L9	\$1,959,500.00
D'Amore Construction (2000) Ltd. 3914 North Service Rd. E Windsor, ON N9A 6J3	\$2,101,123.00
Coco Paving 6725 South Service Road Windsor, ON N8N 2M1	\$2,254,161.50
S.L.R. Contracting Inc 6260 Westar Drive Windsor, ON N9J 3W3	\$2,498,000.00

COMMENTS:

Dillon Consulting has reviewed all tender packages for accuracy and confirms that the low tenderer satisfies all our conditions to perform the Work, and recommends that the Contract be awarded to MR Dunn Contractors Ltd.

Certificates of Approval have been received from the Ministry of the Environment for sewer works.

FINANCIAL IMPACT:

Task	2010 Budget	2010 To Date	Estimated Final Costs (Excl Tax)
Construction Tender (MR Dunn)			
Road Construction (2-320-8930-7630)	\$ 2,100,000	\$ 0	\$ 1,812,000
Sewers (2-610-8930-7630)	\$ 200,000	\$ 0	\$ 123,950
Water (2-690-8930-7630)	\$ 35,000	\$ 0	\$ 23,550
Sub-Total Construction Tender			\$ 1,959,500
Land Acquisitions (2-320-8930-7630)	\$ 400,000	\$ 260,000	\$ 400,000
Engineering During Construction (2-320-8930-7630)		\$ 100,000	\$ 300,000

Total (2-320-8930-7630) = \$ 2,512,000
 Total (2-610-8930-7630) = \$ 123,000
 Total (2-690-8930-7630) = \$ 23,550

ENG 16-10 - Erie/Seacliff Intersection and Reconstruction of Seacliff Drive West

Since this work will be constructed after June 30, 2010 HST will apply. The Municipality will obtain a rebate of 100% of the Goods and Services portion, and 78% of the Retail Sales Tax portion. The writer estimates that the remaining 22% of Sales Tax will be \$34,500. Therefore, the Contract is estimated at \$1,994,050 (after tax).

Construction, Engineering and Sewers portions of the Contract are eligible for funding within the ISF agreement (1/3 funding model). Further, since Seacliff Drive West is a Connecting Link, the County of Essex is responsible for road construction within the centre 7.0m of roadway (excavating, granular and asphalt) and will provide the 1/3 share of that portion of the project (approximately \$100,000).

RECOMMENDATION:

THAT Council award the Erie/Seacliff Intersection and Seacliff Drive West Reconstruction from Erie to Sherk to MR Dunn Contractors Ltd., 845 Little Baseline Road, Tecumseh, Ontario, N8N 2L9 in the amount of \$1,959,550 (plus applicable taxes).

All as described in ENG 16-10

Respectfully submitted;

Allan Botham, P.Eng.
Manager of Engineering Services

John Tofflemire, P.Eng.
Director of Community Services


SEACLIFF DRIVE WEST



Legend

- Municipalities
- Streets
- Water

Schedule A


Scale: 1:3,956

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.