

# MUNICIPALITY OF LEAMINGTON AGENDA



## COUNCIL MEETING

MONDAY, AUGUST 10, 2009  
COMMENCING AT 7:00 P.M.  
IN THE COUNCIL CHAMBERS

*\*SPECIAL MEETING OF COUNCIL AT 5:00 P.M.\*  
In the Council Chambers*

(A) **CALL TO ORDER:**

(B) **PRAYER:**

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

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

Minutes of the Council Meeting held Monday, July 20, 2009.  
Pages 4-16

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

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

1. Public Meeting - Proposed Development Charges
2. Public Meeting - Zoning By-law Amendment - 508 Mersea Road 3
3. Public Meeting - Zoning By-law Amendment - 804 Mersea Road 6

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

1. Mersea Rd 12 Road Conditions - Petition - 289 Signatures

*"We the undersigned request that the Council of the Municipality of Leamington immediately allocate the permanent repair of Road 12 from Road 8 to County Road 14 and from Road 10 to County Road 8. The surface should be consistent with the balance of same road"*

- Harold Douglas, 1010 Mersea Road 10, RR#1, Staples, ON
2. Club Fitt 29, 18 Mill Street West - Request for By-law to Authorize Entry onto Abutting Property, 20 Mill Street West to Perform Maintenance
    - Arley Derkach, Business Partner, Club Fitt 29
  3. Report REC 19/09 dated July 9, 2009 re: Funding Application - Non-Profit Infrastructure Stimulus Fund  
Pages 17-20
    - Sun Parlour Players Representatives
    - Leamington Mersea Historical Society Representatives

4. Report REC 18/09 dated July 28, 2009 re: MCR Train Station Renovation Project Historical Architect Recommendation  
Pages 21-22
5. Report CL/18/09 dated July 31, 2009 re: Request for an Extension to Permit a Second Dwelling - 1422 Mersea Road 6  
Pages 23-26
  - David & Helen Clark, Property Owners
6. Report PLA 26/09 dated August 5, 2009 re: Zoning By-law Amendment - Proposed Agricultural Zoning - 1218 Mersea Road 5 and S/S Mersea Road 5  
Pages 27-30
7. Report REC 16/09 dated July 20, 2009 re: Municipal Operating Agreement - Transit Operation Charge  
Pages 31-32
8. Report REC 17/09 dated July 28, 2009 re: Leamington Minor Soccer Hydro One Networks - Powerplay Grant Application  
Pages 33-34
9. Report PW 07/09 dated July 14, 2009 re: Leamington Tomato Festival Activities  
Pages 35-38
10. Report PW 09/09 dated July 20, 2009 re: Awarding Consulting Services for Seaclyff Park Redevelopment  
Pages 39-42
11. Report PW 10/09 dated July 23, 2009 re: Celebration of Two Cultures - September 13, 2009  
Pages 43-44
12. Report CL/19/09 dated July 31, 2009 re: Leamington Police Building - HVAC Roof Top Unit  
Pages 45-49

(H) **MATTERS FOR APPROVAL:**

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

Southeast Leamington Stakeholder Committee - Appointment of Leamington Resident At-Large

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

By-law 920-09, being a By-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands 804 Mersea Road 6

By-law 921-09, being a By-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington, which pertains to the subject lands 508 Mersea Road 3

By-law 922-09, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held August 10, 2009.

(K) **NOTICES OF MOTION:**

(L) OPEN SESSION - Council - Administration

(M) NEW BUSINESS:

(N) ANNOUNCEMENT OF UPCOMING MEETINGS/EVENTS:

**WEDNESDAY, AUGUST 12, 2009**

Union Water Joint Board of Management Meeting - 9:00 a.m. - Kingsville Council Chambers

**SUNDAY, AUGUST 16, 2009 TO WEDNESDAY, AUGUST 19, 2009**

Association of Municipalities of Ontario Conference - Westin Ottawa Hotel

**MONDAY, AUGUST 24, 2009**

Official Plan Amendment #1 Open House - 2:00 - 6:00 p.m. -Council Chambers

Official Plan Amendment #1 Public Meeting - 7:00 p.m. -Council Chambers

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

**TUESDAY, AUGUST 25, 2009**

Special Meeting of Council - Official Plan Amendment #1 - 9:00-11:00 a.m. - Council Chambers

Community Improvement Plan Meeting - 11:00 a.m. - Council Chambers

Special Meeting of Council - Development Charges By-law - 6:00 p.m. - Council Chambers

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

(O) STATEMENT OF MEMBERS: non-debatable

(P) ADJOURNMENT:

KA

# ***MUNICIPALITY OF LEAMINGTON***

## **MINUTES - COUNCIL MEETING**

**HELD MONDAY, JULY 20, 2009 - COMMENCING AT 7:00 P.M.  
IN THE COUNCIL CHAMBERS**

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**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  
David DelCiancio, Information Technology Manager  
Tracey Pillon-Abbs, Manager of Planning Services  
Denise McGregor, Planning Technician  
Jennifer Bavetta, Corporate Assistant

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

Councillor MacDonald disclosed a pecuniary interest in Report CL/17/09 dated July 16, 2009 re: Essex Power Corporation - Request for Shareholder Resolution to Authorize the Creation of Preferred Shares, and Confirming By-law 919-09, as her husband is an employee of Essex Power. Councillor MacDonald did not participate in discussion or vote on the matter.

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

#### **No. C-235-09**

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

That the minutes of the Meeting held Monday, July 13, 2009, be approved.

**“CARRIED”**

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

Councillor Paterson noted he met with residents of Joanne Court regarding the request to close the walkway connecting Joanne Court and Sherman Street, and requested clarification of the steps the municipality will be taking on the matter.

Brian Sweet, Director of Corporate Services, clarified that council directed staff to schedule a Public Meeting, which will be held on August 31, 2009 at 7:00 p.m. Mr. Sweet informed council he received calls from residents that signed the petition who stated they understood the request was only to close the walkway at night.

**PUBLIC MEETINGS/COURT OF REVISION:** None.

### **REPORTS OF STAFF & DELEGATIONS:**

#### **We Plant Our Trees - Request for \$5,000.00 Funding**

Bill Sherk of We Plant Our Trees thanked council for the opportunity to appear as a delegation and request the funding to assist in the planting of trees within the municipality.

Mr. Sherk explained he is requesting seventeen trees be planted which would represent trees numbers eighty-three through ninety-nine planted by the We Plant Our Trees program. He further explained Herm Dick, a local tomato farmer, has committed to donate the one hundredth tree to commemorate Heinz's one hundred year anniversary in the community. Mr. Sherk suggested the one hundredth tree be planted in the future trail head at the corner of Oak Street and Erie Street where the commemorative plaque will be placed.

Mr. Sherk explained that when the program was introduced, Heinz donated four trees. He confirmed he did not approach Heinz to contribute towards the planting of the seventeen ornamental trees as he felt the planting was a way in which to recognize their involvement in the community, however, he noted he would approach them if council wished.

In response to an inquiry, Mr. Sherk explained that of the eighty-three trees planted to date through the program, six trees were lost a few years ago due to draught and three or four will require replacement in 2009. He further explained large shade trees cost approximately five hundred dollars (\$500.00) and that the nursery the tree is purchased from provides a one year warranty for the tree, after which the municipality is responsible for the ongoing warranty for the tree.

Mr. Sherk noted to date approximately forty thousand dollars (\$40,000.00) has been donated for tree planting.

There was a discussion regarding the possibility of planting a tree in the municipal boulevard in front of 310 Erie Street South. It was noted a tree could be planted following acquisition of the land for construction of a sidewalk.

John Tofflemire, Director of Community Services, explained the Public Works operating budget includes six thousand five hundred dollars (\$6,500.00) for tree maintenance, and has already been earmarked for replacement of damaged trees. Mr. Tofflemire noted he confirmed with the Manager of Operations that the amount will be depleted in 2009.

Cheryl Horrobin, Director of Finance and Business Services, confirmed the funding request was not part of the 2009 budget and explained council has the option to finance the request as an over expenditure or by delaying another approved project.

With regard to the development of a trail head at the corner of Oak Street and Erie Street South to commemorate the one hundred year anniversary of Heinz in Leamington, Bill Marck, Chief Administrative Officer, explained the work will not be done until improvements to the intersection are completed following the completion of the East Side Arterial Road. This work will not be completed for a couple of years.

Council suggested that an effort be made to publicize the "We Plant Our Trees" campaign to obtain more public donations. Council would then make up the monetary difference to plant the number of trees necessary to get to ninety-nine (99) in 2009.

**No. C-236-09**

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

That the municipality provide additional funding for the "We Plant Our Trees" campaign to assist in the planting of trees within municipal boulevards and on municipal lands;

And that the additional funding not exceed five thousand dollars (\$5,000.00);

And that the additional cost of the trees be charged to account 1-510-8514-7610 "Materials" as an over expenditure in the 2009 budget.

**"CARRIED"**

Essex Power Corporation - Request for Shareholder Resolution to Authorize the Creation of Preferred Shares

Ray Tracey, President and CEO of Essex Power Corporation was in attendance to request a special resolution of council to authorize the creation of preferred shares. Mr. Tracey introduced Steve Ray and Chris Taylor, who were also in attendance from Essex Power and provided a PowerPoint Presentation to council.

Mr. Tracey explained the Green Energy Act places expectations on municipalities and Local Distributions Companies to be proactive about renewable energy development and to be leaders in energy conservation for communities.

Mr. Tracey explained Essex Power will partner with municipal shareholders to develop local renewable energy projects within the shareholder communities. He further explained Essex Power will provide education and serve as examples for others in the community to become engaged in green technologies.

With regard to renewable energy projects, Mr. Tracey explained an example that is proposed for Leamington is the installation of photovoltaic panels on the roof of the Leamington Kinsmen Recreation Complex. He noted the project would include an educational kiosk to provide community awareness.

In response to an inquiry from council, Mr. Tracey confirmed the proposed project would cost \$3,500,000.00 and would have a twenty year lifespan.

Mr. Tracey explained the proposed project will be supported by a guaranteed, fixed rate power purchase contract with the Ontario Power Authority.

In response to an inquiry from council, Mr. Tracey explained Essex Power should invest in green energy sources as the potential financial returns are far greater than those for pole and wire electricity and that the Green Energy Act encourages and anticipates involvement in green energy projects. Mr. Tracey further noted participation in green energy projects is consistent with the vision and mission statements of the company.

Mr. Tracey noted The Corporation of the Municipality of Leamington is one of the largest electricity consumers in Leamington, and participation in green energy initiatives will allow the municipality to reduce its carbon footprint while providing a sound financial return.

In response to an inquiry from council, Mr. Tracey explained the exact financial return potential will not be known until the technology is deployed, however some financial return estimates total eleven percent (11%) and that guaranteed returns will not be less than seven percent (7%). He further explained Essex Power is providing its shareholder communities to participate in a co-investment with Essex Power and that Essex Power will be responsible for building and maintaining the projects.

In response to an inquiry from council, Mr. Tracey explained risk to the municipality will be mitigated through performance contracts with the provider of the solar panels. He further explained that while the technology is new to Leamington, it is used throughout the world and he is quite confident in the performance of the panels.

Mr. Tracey noted the financial return estimates were calculated using the lowest performance expectation in order to ensure that shareholders are protected by establishing a seven percent (7%) minimum rate of return.

Mr. Tracey explained the proposal will allow Essex Power to utilize the entire tax credit for the project and that Essex Power currently pays approximately \$800,000.00 in taxes per year.

Mr. Tracey provided an overview of the creation of the preferred shares, noting the municipality must provide fifty percent equity of the green energy project within its community.

It was confirmed by the Chief Administrative Officer that Essex Power currently holds funds in a shareholder loan which may be used to finance the municipality's portion of the project.

Mr. Tracey provided a proposed timeline for the potential solar panel project, noting construction is expected to commence in March of 2010.

In response to an inquiry from council, Mr. Tracey explained a twenty year agreement will be entered into with the Province which will guarantee a price of 63.5 cents per kilowatt for the entire project. He further explained that the cost for new technology is higher than what consumers can afford and that prices do not take into account the actual costs to produce energy. He noted his hope that future costs of technology will decrease.

Mr. Tracey noted Essex Power considered simply renting the roof space from the municipality to install the solar panels, however decided to offer municipalities partnerships for the green energy projects.

Mr. Tracey explained the shareholder agreement requires three of the four shareholders to approve amendments to the agreement. He further explained the approval currently being sought is for the offering of preferred shares only, and does not include the solar panel green energy project.

Mr. Tracey confirmed that should council decide to authorize the creation of preferred shares, the funds will be utilized for the project within our municipality.

The Director of Corporate Services explained administration has reviewed the report from a legal point of view and confirmed it complies with all applicable legislation.

Mr. Sweet noted Mr. Tracey explained possible risks and suggested that if council would like to discuss this further, they could do so.

Mr. Tracey informed council he will be presenting the opportunity to two more shareholders during the week, and will proceed with the matter when three of the four shareholders have provided their approval. He further informed council the matter was discussed during a recent shareholders' meeting.

**No. C-237-09**

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

That Council defer report CL/17/09 dated July 16, 2009 re: Essex Power Corporation - Request for Shareholder Resolution to Authorize the Creation of Preferred Shares until such time that a Special Meeting Council can be scheduled to discuss the request and receive further information from administration.

**"CARRIED"**



Mr. Tofflemire noted terms of reference were included in the study.

Mr. Tofflemire explained that should the studies go forward, the additional studies for the Point Pelee Peninsula Eastern Shoreline will include environmental assessment components. He further explained the budget for the study was increased through Parks Canada and that the municipality's contribution has not changed.

Mike Walsh, 220 East Beach Road, requested council defer a decision regarding the terms of reference until such time the Southeast Leamington Stakeholders Committee has the opportunity to review and provide comment on the terms of reference. He noted the request is in no way an attempt to delay the process and that he expected the committee could meet on short notice in order to make any recommendations to council.

**No. C-240-09**

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

That Council adopt the terms of reference for the "Point Pelee Peninsula Eastern Shoreline Erosion Mitigation Study" as described in report DCS-03-09.

**"CARRIED"**

**PLANNING SERVICES - Green Energy and Green Economy Act, 2009 (Bill 150) - Update on Regulations**

Tracey Pillon-Abbs, Manager of Planning Services, provided a summary of the report, noting the Green Energy and Green Economy Act has received royal assent, however the legislation is not yet in effect. She further noted various implementation schedules will be proclaimed separately on a later date. The Manager informed council they have the opportunity to comment on the regulations, and that all comments must be submitted by July 24, 2009.

The Manager noted the Ministry of Environment regulations have the most significant impact on municipal land use planning.

The Manager of Planning Services reviewed various proposed regulations and suggested comments provided by Jones Consulting.

In response to an inquiry from council, Ms. Pillon-Abbs confirmed the municipality did not receive a response from the Province regarding the comments submitted by the municipality in February, however, they were presented to and considered by the Standing Committee.

The Manager of Planning Services explained the services of Jones Consulting were retained in partnership with the Town of Kingsville and that all costs will be shared with the Town of Kingsville. The Manager noted the Town of Kingsville will be adopting a similar resolution as the Municipality of Leamington. She further noted the resolution can be circulated to local municipalities for consideration.

In response to an inquiry, the Manager of Planning Services noted she expects the regulations will be enacted fairly quickly.

**No. C-241-09**

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

That Council receives information regarding the regulations for the Provincial legislation entitled the "Green Energy and Green Economy Act, 2009" (Bill 150), as outlined in Report PLA 19/09;

And that that Administration be directed to submit comments as contained in report PLA 19/09;

And further that correspondence be forwarded to Pay Hoy, MPP for Chatham-Kent Essex, and to the Association of Municipalities of Ontario requesting support of the resolution.

**"CARRIED"**

**PLANNING SERVICES - Zoning By-Law Amendment Proposed Agricultural Zoning - 508 Mersea Road 3**

Tracey Pillon-Abbs, Manager of Planning Service, explained the applicant is seeking the amendment as a condition of a recent Committee of Adjustment consent.

The Manager explained that zoning by-law amendments as a condition of consent do not require advertisement of the Public Meeting in the local newspaper, however the applicant must post a sign on their property and property owners within four hundred feet of the subject property will be notified by mail of the meeting. She further explained a further report will not be forwarded to council following the Public Meeting and that the by-law will be forwarded the same evening for passing.

The Manager confirmed a twenty day appeal period will apply following approval of the amendment.

**No. C-242-09**

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

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 508 Mersea Road 3 to amend the subject lands from Agricultural Restricted (A2) to Agricultural Residential (A5) and obtain relief to increase the required lot frontage from 53 m (173.88 ft) to 70.71 m (232 ft) for the proposed surplus dwelling lot, as outlined in Report PLA 21/09;

And that Administration be directed to schedule the required public meeting for Monday, August 10, 2009 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 consideration.

**"CARRIED"**

PLANNING SERVICES - East Zoning By-Law Amendment Proposed Agricultural Zoning - 804 Mersea Road 6

Tracey Pillon-Abbs, Manager of Planning Services, reviewed the report, noting the application is a result of a condition of a severance.

**No. C-243-09**

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

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 804 Mersea Road 6 to amend the subject lands from Agricultural Hobby Farm (A3) to Agricultural Residential (A5) and Agricultural General (A1), as outlined in Report PLA 22/09;

And that Administration be directed to schedule the required public meeting for Monday, August 10, 2009 at 7:00 p.m.;

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 consideration.

**“CARRIED”**

CORPORATE SERVICES - Southeast Leamington Stakeholder Committee Appointments - July 2009 to November 30, 2010

Brian Sweet, Director of Corporate Services, reviewed the report, noting it took some time to receive responses from all stakeholder groups invited to participate on the committee. He further noted MPP Pat Hoy is unable to participate and that Point Pelee National Park has indicated an interest in the committee, however they have not appointed a representative yet.

With regard to a Leamington resident at large to sit on the committee, Mr. Sweet noted that at the time the report was written no nominations had been received, however, Mr. Mike Thibodeau has since submitted a nomination form.

Mr. Sweet informed council an additional member of council is required for the committee.

**No. C-244-09**

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

That Councillor MacDonald be nominated to represent Leamington Municipal Council on the Southeast Leamington Stakeholders Committee

**“CARRIED”**

Councillor MacDonald accepted the nomination.



Mr. Wright noted the fact sheet stated J.P. Thompson and Associates were commissioned three years ago to prepare Requests for Proposals, however a more recent quote has not been retained by the municipality.

Mr. Wright suggested the Public Works building located on Wilkinson Drive be utilized for Engineering staff, which would alleviate overcrowding in the current municipal building. He stated that the concept of one stop shopping is "old hat", and not necessary.

Mr. Wright stated that due to modern technology the municipality should be considering downsizing rather than upsizing and that the municipality owes it to the public to save money for retirees and the vulnerable.

Mr. Wright stated he would like council to consider renovations to the Public Works building.

#### FINANCE AND BUSINESS SERVICES - IT Infrastructure - PC/Laptop Replacements

David DeCiancio, Information Technology Manager, reviewed the report, noting the current computer equipment is more than four years old. Mr. DeCiancio further noted four tenders were submitted, however one was late and therefore discarded.

A discussion ensued regarding possible methods of discarding of the existing equipment, including public auction, which is the municipality's current policy and donation of the equipment on a first come first served "as is" basis. The possibility that the surplus equipment be deemed specialty equipment and disposed of at the discretion of the Chief Administrative Officer was also discussed. Mr. DeCiancio confirmed the current equipment has a net book value of zero dollars.

Mr. DeCiancio explained the purchase of the computer equipment and all peripherals and accessories will be within the budgeted amount and will be funded through reserves.

In response to an inquiry from council, Mr. DeCiancio explained peripherals and accessories consist of items such as additional power supplies, cases, docking stations and monitors for laptops. He further explained the IT laptop unit is specifically configured to allow IT staff to perform processes such as testing configurations and running multiple sessions at one time.

Mr. DeCiancio explained that the warranty for the new equipment lasts for three years and that staff intend to utilize the equipment for four years. He further explained that following an analysis of the cost to extend the warranty versus repairs that may be required during the final year of use of the equipment, it is more economical to perform required repairs.

The Chief Administrative Officer explained the surplus equipment will likely be sold through public auction and provided to agencies that require the equipment.

A discussion ensued about the current policy allowing staff to purchase computers through payroll deduction. The Chief Administrative Officer explained the policy was first introduced when the municipality first utilizing computers in order to allow staff to become more familiar with the equipment on their own time and that the option is no longer available to staff.

The Chief Administrative Officer noted the municipality will consider a request from the Migrant Worker Community Program that the municipality donate surplus computer equipment to the program.

**No. C-247-09**

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

That the bids from Alphakor (1670 Mercer Street Windsor, ON N8X 3P7) be accepted as follows:

Standard Desktop Configuration (HP DC5800, Core 2 Duo 2.8GHz) - unit price including Ontario Waste Electrical and Electronic Equipment Fees of \$741.99 plus GST; and

Enhanced Desktop (HP DC7900, Core 2 Duo 3 GHz) - unit price including Ontario Waste Electrical and Electronic Equipment Fees of \$1,006.48 plus GST;

And further that the bids from Product Source 7 (781 Scofield Ave., Windsor, ON N9G 1L4) be accepted as follows:

Standard Laptop (DELL Latitude E5500, Core 2 Duo 2.26 GHz) - unit price including Ontario Waste Electrical and Electronic Equipment Fees of \$1,357.71 plus GST; and

Enhanced Laptop (DELL Precision M6400, Core 2 Duo 2.4 GHz - 17inch) - unit price including Ontario Waste Electrical and Electronic Equipment Fees of \$2,567.31 plus GST; and

Enhanced Laptop (DELL Latitude E5500, Core 2 Duo 2.66 GHz - 15 inch) - unit price including Ontario Waste Electrical and Electronic Equipment Fees of \$1573.71 plus GST; and

Enhanced IT Laptop (DELL Precision M6400, Core 2 Duo 3 GHz) - unit price including Ontario Waste Electrical and Electronic Equipment Fees of \$4,295.31 plus GST;

And that Administration be authorized to acquire required peripherals/accessories, hardware upgrades and/or other hardware enhancements to complete to technology equipment refresh within the approved budget of \$150,000 and charged to account 2-310-8050-7630 all as outlined in Report FIN-09-07-01 dated July 20, 2009;

And that Administration be authorized to dispose of surplus computer equipment at the discretion of the Chief Administrative Officer.

**“CARRIED”**

**MATTERS FOR APPROVAL:** None.

**OTHER MATTERS FOR CONSIDERATION:**

**No. C-248-09**

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

That the minutes of the Leamington Accessibility Advisory Committee (LAAC) Meeting held June 10, 2009 be approved.

**“CARRIED”**

**No. C-2(-)-09**

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

That the minutes of the Leamington Economic Development Committee Meeting held June 25, 2009 be approved.

**“CARRIED”**

**CONSIDERATION OF BY-LAWS:**

**No. C-2) \$-09**

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

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

By-law 919-09, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held July 20, 2009.

**“CARRIED”**

**NOTICES OF MOTION:** None

**OPEN SESSION - Council - Administration**

Brian Sweet, Director of Corporate Services, informed council the municipality’s by-law enforcement officers and a building inspector have been conducting a swimming pool blitz. He explained they have been ensuring that all swimming pools comply with the by-law and are surrounded by a fence or emptied. Mr. Sweet noted forty-eight pools were found to be non-compliant, but following contact from one of the by-law enforcement officers or the building inspector, most have emptied the pool or applied for a permit to erect a fence in order to comply.

Mayor Adams inquired whether a pool must be emptied if a resident has applied for a fence permit.

Mr. Sweet confirmed that in most cases a pool must be emptied as it poses a danger until such time as a fence is installed.

Councillor Paterson requested an update on the issue between the owner of Club Fitt 29, 18 Mill Street West, and the neighbouring property owner regarding painting of an exterior wall of Club Fitt 29.

Mr. Sweet noted he did not believe the issue had been resolved. He further noted the owner of Club Fitt 29 made a request to appear as a delegation before council to explain whether he would like council to pass a by-law allowing him to enter onto his neighbour’s property, however did not attend the meeting and therefore would be listed as a delegation on the August 10, 2009 Council agenda.

**NEW BUSINESS:**

Tracey Pillon-Abbs, Manager of Planning Services, reminded council a Public Meeting regarding the proposed Development Charges By-law has been scheduled for August 10, 2009. She further reminded council a session to discuss the Development Charges Background Report has been scheduled immediately before the council meeting at 5:00 p.m. in the Council Chambers.

With regard to scheduling a meeting to discuss the resolution request from Essex Power to create preferred shares, Bill Marck, Chief Administrative Officer, informed council he would review with Cheryl Horrobin, Director of Finance and Business Services, to determine an appropriate date and relay to council.

**STATEMENT OF MEMBERS:** non-debatable

**ADJOURNMENT:**

**No. C-25%09**

**Moved by:** Councillor Enns

**Seconded by:** Councillor MacDonald

That the meeting adjourn at 9:40 p.m.

**"CARRIED"**

\_\_\_\_\_  
John Adams - Mayor

\_\_\_\_\_  
Brian R. Sweet- Municipal Clerk

JB

## REPORT

TO: MAYOR AND MEMBERS OF COUNCIL  
FROM: PAUL ANTHONY, MANAGER OF CULTURE & RECREATION  
DATE: JULY 9, 2009  
RE: FUNDING APPLICATION - NOT FOR PROFIT  
INFRASTRUCTURE STIMULUS FUND

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**AIM:**

To recommend that two applications be submitted for funding under the noted Program

**BACKGROUND:**

On July 29<sup>th</sup>, 2009, the Government of Canada and the Province of Ontario jointly released the application and guidelines for the Infrastructure Stimulus Fund - Not-for-Profit Intake. The aim of this program is to allow Not-for-Profit organizations interested in upgrading infrastructure to apply for funding, with the goal of providing local residents with the benefit from a stronger community with enhanced services and facilities.

Not-for-Profit entities that have eligible projects that can be completed before March 31, 2011, are invited to submit their applications. Priorities will be given to the rehabilitation of existing infrastructure, but new construction will be considered provided it can be fully completed by March 31, 2011.

Program Highlights are as follows:

- 1. Applicants can apply for only one project per Not-for-Profit Organization.*
- 2. Projects must be completed by March 31, 2011.*
- 3. Funding formula: The governments of Canada and Ontario can each fund up to one third of a project's total eligible cost. The project must have eligible cost not less than \$750,000 and not greater than 15 million. The Not-for-Profit must also have secured all of their necessary cost for the project.*

*Priority will be given to the projects and proponents that:*

- Are rehabilitating or renovating existing assets, as opposed to new construction
- Will spend over 40% of their budget before March 3, 2010
- Can be completed by December 31st, 2010 (eligibility still exists until March 31, 2011)
- Require not more than 1/3 funding from the federal and provincial government
- Has leveraged funding from another source(s) (e.g. municipal government)
- Have experience in managing capital projects, similar in nature to the proposed project

4. **Eligible Projects:** *Eligible projects under the Infrastructure Stimulus Fund are for the rehabilitation or retrofit of existing infrastructure assets, or the construction of new infrastructure assets, in eligible categories, that can be substantially completed by March 31, 2011. For the purposes of the Infrastructure Stimulus Fund, a project is deemed to have been substantially completed once all major construction work has been completed and the infrastructure is ready to be used for its intended purpose. Upon completion of the project, and prior to the final payment, recipients will be required to provide a Solemn Declaration of Substantial Completion attested to by a registered professional or in a manner deemed satisfactory by Canada and Ontario.*

To be eligible for funding under the Infrastructure Stimulus Fund, projects will be required to demonstrate:

1. **Project incrementally** - *All eligible recipients will be required to attest, in conjunction with their project application, that the work to be undertaken is an incremental construction activity that would not otherwise have been constructed by March 31, 2011, were it not for funding from the Infrastructure Stimulus Fund. Federal and provincial funding could be used to provide sufficient funding to allow a project to proceed that would not otherwise be built, or could be used to accelerate a project planned for future years so that it can be completed by March 2011.*
2. **Project readiness** - *All eligible recipients will be required to provide information necessary to determine if the project is construction-ready and likely to be substantially completed by March 31, 2011.*
3. **Project merit** - *As part of the online application form, all eligible recipients will be required to provide a description of the project benefits, which may inform the evaluation and selection of projects under the Infrastructure Stimulus Fund. For projects involving the rehabilitation of existing assets, such benefits could include: public health and safety, energy efficiency, accessibility, and/or extending the economic life of the asset consistent with sound asset management principles. For projects involving new construction, these benefits could include: adding new public infrastructure for which there is a demonstrable need, replacing an existing asset that has reached the end of its useful life, but is still needed to provide public services, or improving the energy efficiency, accessibility, safety or quality of public infrastructure in a community.*
4. **Financial leverage** - *The Government of Canada and the Province of Ontario are seeking to leverage additional funds from municipalities, not-for profit sector or the private sector to provide additional economic stimulus. The ability for a given project to leverage additional capital will be considered when making project decisions.*
5. **Endorsement** - *All Not-for-Profit project recipients must submit a resolution of its board of directors endorsing the project*

#### Eligible Project Categories

*Projects must fall within the following eligible project categories to be eligible for the Infrastructure Stimulus Fund. In addition, only assets that are currently owned or will be owned by Not-for-Profit entities will be eligible.*

1. **Temporary Housing Shelters** - *infrastructure providing temporary or emergency shelter to disadvantaged or homeless persons.*
2. **Community Centres** - *multi-purpose centres providing a facility for public use for meetings, recreation, arts, and other community purposes for use by the public.*
3. **Community Services** - *facilities in which community and social services are provided to the public such as food banks, immigrant services, employment and other counseling, and emergency animal shelters. This excludes Not-for-Profit entities or projects whose primary focus and purpose is to provide health care, long term medical care or medical services to the public, education facilities (schools, colleges, universities, etc.) or correctional facilities.*

4. **Culture** - Art galleries, libraries, museums, performing arts centres for the creation and presentation of the arts as well as preservation or enhancement of heritage structures.

Projects must be for the substantial renovation or rehabilitation of existing infrastructure or new capital infrastructure. Minor improvements (painting, flooring, and interior decoration), vehicles and equipment are not eligible.

**Application deadline** - All applications must be received by 5:00 p.m. EST on August 18, 2009.

**COMMENTS:**

Administration has reviewed the program material and recommends that council consider endorsing two applications for this funding program:

- 1) Sun Parlour Players - requesting funding to renovate the former Bank of Montreal building at 10 Erie Street South into a performing Arts Centre in the amount of \$1,500,000. Administration would recommend that this application be submitted by the deadline date; if Council subsequently determines that the building is required for another municipal use, the funding application (if approved) can be withdrawn or turned down at a later date.
- 2) Leamington Mersea Historical Society - requesting funding to renovate the MCR Train Station in the amount of \$1,000,000.

As noted in the guidelines above, the deadline for applications is August 18, 2009.

**FINANCIAL IMPLICATIONS:**

The gross cost for both projects totals \$2.5 Million broken down as follows:

	<b>Feds</b>	<b>Prov.</b>	<b><i>Other</i></b>
BMO Building upgrades	\$500,000	\$500,000	\$500,000
MCR Train Station upgrades	\$333,333	\$333,333	\$333,333

The municipality has not placed any funding in its budget projections for the aforementioned projects. The program is designed to encourage that not-for-profit organizations upgrade facilities that they would own. Administration will need direction from Council on whether the not-for-profit groups would be responsible for the amount noted as *other*, and/or whether the municipality should enter into an agreement with the not-for-profit groups that the Corporation would pay up front cost, however the not-for-profit would reimburse the municipality for all or a portion of the amount financed.

Council needs to be aware that should the Municipality pay all or some of the *other*, then Council will either have to defer future capital projects identified in the 5 year capital forecast and/or raise the tax rate.

There are a few technical issues staff is reviewing with senior government officials at this time with respect to ownership. The guidelines suggest the not-for-profit group must own the building. Should the projects be approved, Council could convey the BMO building to the Sun Parlour Players, however clarification is needed with respect to the MCR Train Station, and whether it could be conveyed to the Leamington Mersea Historical Society, in light of the fact the building is designated as a historical structure. Administration are exploring if a long term arrangement with the Municipality and the Historical Society would suffice.

Unfortunately, time is of the essence as applications are due by August 18th, and therefore questions related to cost sharing, financing, property tax implications and ownership etc. will not be realized at this time, and if Council approves this report, these matters would be subject to further reports should the grants be approved.

Administration would confirm that one of the criteria is that the applicant must demonstrate that they have secured all other necessary funds for the project, beyond the grant funded portion. Further, the application criteria state that "The Government of Canada and the Province of Ontario are seeking to leverage additional funds from municipalities, not-for-profit sector or the private sector to provide additional economic stimulus. The ability for a given project to leverage additional capital will be considered when making project decisions."

**RECOMMENDATION:**

That Council endorse the Sun Parlour Players to apply for funding under the Infrastructure Stimulus Fund - Not-for-Profit Intake in the amount of \$1.5 million to renovate the former Bank of Montreal Building 10 Erie St. South into a performing Arts Centre;

And further that Council endorse the Leamington Mersea Historical Society to apply for funding under the Infrastructure Stimulus Fund - Not-for-Profit Intake in the amount of \$1 million to renovate the MCR Train Station;

And further that for the purposes of the grant applications, Council commits to initial funding of up to 1/3 of the cost of each project;

And further that if either application is successful that Administration brings back a report outlining the related financing and funding implications;

All as noted in report REC 19-09 dated July 9, 2009.

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_  
Paul Anthony John Tofflemire, P Eng  
Manager of Culture and Recreation Director of Community Services

FILE: s/cs/cs/council reports/2009/REC 19/09 Infrastructure Stimulus fund Not-for-Profit Intake

**REPORT**

**TO: MAYOR AND MEMBERS OF COUNCIL**

**FROM: PAUL ANTHONY, MANAGER OF CULTURE AND RECREATION**

**DATE: JULY 28<sup>th</sup>, 2009**

**RE: MCR TRAIN STATION RENOVATION PROJECT  
HISTORICAL ARCHITECT RECOMMENDATION**

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**AIM:**

To provide Council with a report on the recommendation of a preferred architecture firm to design and oversee the future renovations to the MCR Train Station.

**BACKGROUND:**

Administration would confirm that in the 2009 Capital Budget funding in the amount of \$28,000 was approved to hire an architect to prepare design concepts for the renovation of the MCR Train Station.

**COMMENTS:**

- 1 The Municipality of Leamington obtained ownership of the MCR Train Station when they purchased the former CN railway property. At that time the Municipality entered into an Ontario Heritage Trust Agreement for the station and adjacent property.
- 2 The resulting 'Ontario Heritage Trust Conservation easement - former CNR/Canadian Southern Railway Station Leamington', contains a number of restrictions to ensure any construction or renovation work on the facility meets the guidelines of the Heritage Trust agreement.
- 3 One of the restrictions in the agreement is that any architect that works on the renovation project must have a conservation designation, to be allowed to undertake the work.
- 4 A list of conservation designated architects was provided by the Ontario Heritage Foundation staff. Administration would confirm that there are no local designated architect firms listed in the information provided.
- 5 The Ventin Group Architects, who recently completed the elevator project at the Arts Centre, have conservation designated architects on staff and as such administration requested a proposal from the Ventin Group to undertake this project.
- 6 Administration would confirm that the Ventin proposal includes the following:
  - a) Condition Assessment & Report \$ 4,140.00
  - b) Measuring of Building  
Preparation of electronic drawings \$ 5,900.00\*  
Exterior & Interior elevations

c) Design & working drawings	\$20,400.00
Total	\$30,440.00 plus GST

\* Administration would confirm that if the municipality can have staff undertake item b) under the direction of the conservation architect then \$5,900 can be removed from the proposal.

- 7 If item b) is removed from the contract then the total price would be \$24,540.00 plus GST. Administration has confirmed that staff from the Engineering Division of Community Services Department can undertake this portion of the project.
- 8 Golder and Associates have been contracted to undertake a designated substance survey of the building at a cost of \$2,275. This survey is required before any design work can be completed, to ensure safe working conditions for the architect and future construction workers. Administration would confirm that if any designated substances are found in the building a report will be provided as to how to properly remove the substance.

#### **FINANCIAL IMPACT:**

The architecture fees if approved would be charged to the Arts & Culture Capital Account 2-870-8041-7630 in the amount not to exceed \$28,000 plus GST. The \$28,000 amount includes the \$2,275 cost to undertake the designated substance survey.

#### **RECOMMENDATION:**

That Council approve the selection of Ventin Group Ltd Architects, 50 Dalhousie Street, Brantford, Ontario N3T 2H8 as the Architecture firm for design and construction drawings of the MCR Train Station Renovations;

And further, that the requested Architecture funding for this project not exceed \$28,000 plus GST, including the \$2,275 cost for the designated substance survey;

And further, that the architecture cost be assessed to Arts & Culture Capital Budget capital account 2-870-8041-7630. (REC 18/09)

Signed: _____	Signed: _____
Paul Anthony Manager of Culture and Recreation	John Tofflemire, P Eng Director of Community Services

## REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: BRIAN SWEET, DIRECTOR OF CORPORATE SERVICES

DATE: JULY 31, 2009

RE: REQUEST FOR AN EXTENSION TO PERMIT A SECOND DWELLING -  
1422 MERSEA ROAD 6

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### AIM:

To report upon a request from David and Helen Clark, the owners of 1422 Mersea Road 6 (herein the property owners), to extend the time limits contained in an agreement between the owners and the Municipality to permit a second dwelling unit on the subject lands.

### BACKGROUND:

On Friday, July 30, 2009, the Municipality received a letter from the property owners requesting an extension of the terms of an agreement made in 2004 between the owners and the Municipality of Leamington. The agreement provided that the second dwelling unit on the property had to be removed or demolished by the property owners no later than July 31, 2009. The reason given for the need to extend the terms of the agreement is to allow the property owners time to apply for a consent to sever the subject lands so that there will only be one dwelling unit on each property.

This matter originated back in 1997. At that time the property owners wanted to construct a new house on the subject lands and asked Mersea Township's permission to let them reside in the original dwelling until the new house was completed. Mersea Township granted the request and entered into a written agreement with the property owners that provided the original dwelling be removed or demolished within six months from the date of issuing the building permit for the new dwelling. Contrary to the agreement, the house was never demolished.

In 2004, the property owners applied to the Committee of Adjustment for consent to sever three lots off of the subject lands so that new dwelling unit would be on the retained parcel, the original dwelling would be situated on one of the newly created parcels and there would be two vacant parcels.



Report CL/18/09 - Request for an Extension to Permit a Second Dwelling-1422 Mersea Road 6

The Municipal Planner advised the Committee that all three applications to sever were contrary to the Official Plan; however, the Committee granted the severance applications and the accompanying minor variances. A neighbour then appealed to the Ontario Municipal Board (OMB). A hearing was scheduled and if the matter would have proceeded to the OMB, it is most probable the OMB would have allowed the appeal and overturned the decision of the Committee of Adjustment because the Committee's decision was contrary to the Municipality's Official Plan. However, the property owners obtained legal advice and, upon the advice of their lawyer, withdrew their application so an OMB hearing was not necessary.

As part of the discussions which occurred at that time, the property owners requested the Municipality of Leamington enter into a new agreement with them to permit a second dwelling unit for a period of time. The property owners informed Council that Mrs. Clark's elderly parents were living in the original dwelling and they were providing care to the parents.

The Municipality entered into an agreement with the property owners to permit the original dwelling unit to remain until no later than July 31, 2009. The agreement further provided that the only people who could reside within the original dwelling were Mrs. Clark's parents and if the parents ceased to live there prior to July 31, 2009, then the original dwelling was to be removed or demolished within 30 days of the parents vacating the premises.

At the beginning of July 2009, staff attended the property to determine the status of this dwelling unit. It was discovered that the original dwelling was still in existence and that someone other than Mrs. Clark's parents was living in the dwelling.

The property owners then met and had telephone conversations with both the Municipal Planner and the writer.

Administration has advised the property owners that a consent to sever application cannot be approved by the Committee of Adjustment because it is contrary to the Municipality's Official Plan. The property owners would first require an Official Plan Amendment. Rezoning or minor variance applications may also be required.

The Municipal Planner has also advised the property owners that based on the information that they have provided to date, she would not be able to support an Official Plan Amendment to allow two separate dwellings on this property or an amendment to permit a severance of the subject lands.

It has also been recommended to the property owners by administration that they obtain independent legal advice.

**CONCLUSION:**

A consent application as requested by the property owners cannot be granted by the committee because it is in contravention of the Official Plan and there is little possibility that an Official Plan Amendment application would be successful. Therefore the request to extend the time limits contained in the agreement should be denied.

Report CL/18/09 - Request for an Extension to Permit a Second Dwelling-1422 Mersea Road 6

**FINANCIAL IMPLICATIONS**

If Council approves the request there will be no financial implications to the municipality. If Council denies the request then administration will take steps to enforce the agreement. The agreement contains the following clause:

*In the event that the Owners fail to demolish, raze or remove the original dwelling as provided in this agreement then the Municipality may enter onto the .subject lands and demolish the original dwelling and may recover all expenses incurred from the Owners. All expenses incurred by the Municipality shall form a charge upon the subject lands and may be recovered in like manner as municipal taxes.*

Since all costs incurred by the municipality will be charged to the property owners, there will be no financial impact upon the municipality.

**RECOMMENDATION:**

That the request by the owners of 1422 Mersea Road 6 to extend the terms of an agreement dated the 18<sup>th</sup> day of June, 2004 between the property owners (David and Helen Clark) and the Municipality of Leamington to permit a second dwelling unit be denied;

And that administration be directed to take all steps necessary to enforce the terms of the agreement between the property owners and the Municipality of Leamington to have the original dwelling unit either demolished or removed from the property. (Report CL/18/09)

Respectfully submitted,

BRS/ka  
Enc.

FILE: T:\Corporate\A00-Administration\A00-Council Reports\2009 Corporate Reports\Word Reports\CL1809-Request-Ext to Permit 2nd Dwelling-Clark.doc



## REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES

DATE: AUGUST 5 2009

SUBJECT: ZONING BY-LAW AMENDMENT  
PROPOSED AGRICULTURAL ZONING  
1218 MERSEA ROAD 5 AND S/S MERSEA ROAD 5

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### AIM:

To report upon a request to schedule the required public meeting to consider a proposed zoning by-law amendment for property located at 1218 Mersea Road 5 and S/S Mersea Road 5.

### BACKGROUND:

#### Purpose of Application:

Staff has received an application for re-zoning by the owner(s) of the property, to amend the subject lands. A zoning by-law amendment is a condition of approval for a consent (B/117/09) application on the subject lands.

#### Property Description:

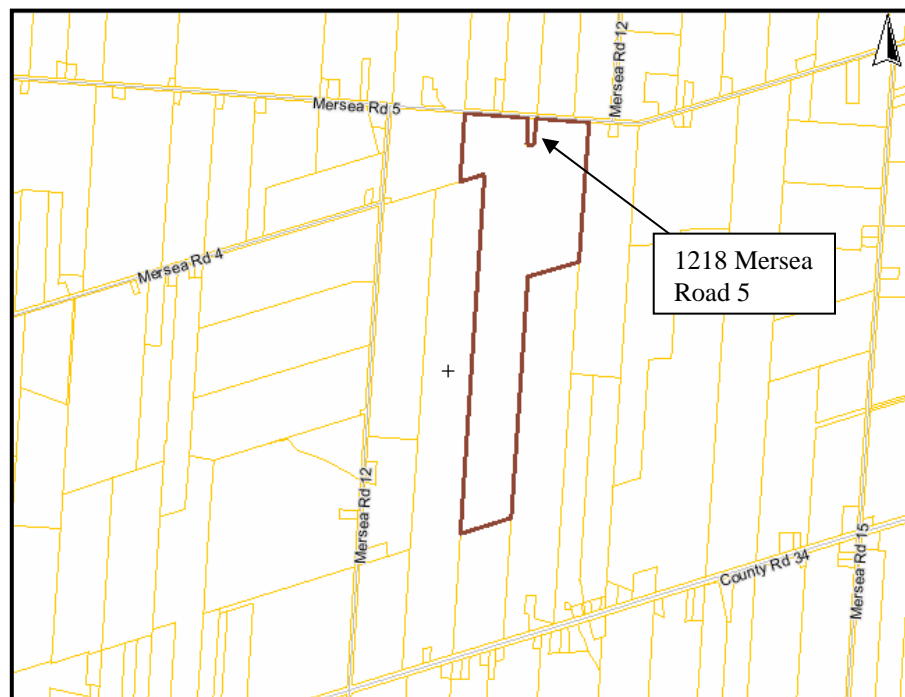
The subject property is described as concession 4, south part Lot 12 and concession NTR west part lot 236, part lot 237 and part road allowance and parts 2 and 3 on 12R - 14973 which is locally known as 1218 Mersea Road 5 and S/S Mersea Road 5 in the former Township of Mersea, now a portion of the Municipality of Leamington (see key map).

Currently, the property is being farmed and has some accessory structures.

The property has access to municipal water along with private sanitary and storm sewers.

The property has frontage on and access from Mersea Road 5.

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-3" the Leamington OP. The goal is to preserve prime agricultural land for agricultural purposes and to restrict the type and amount of non-farm development.

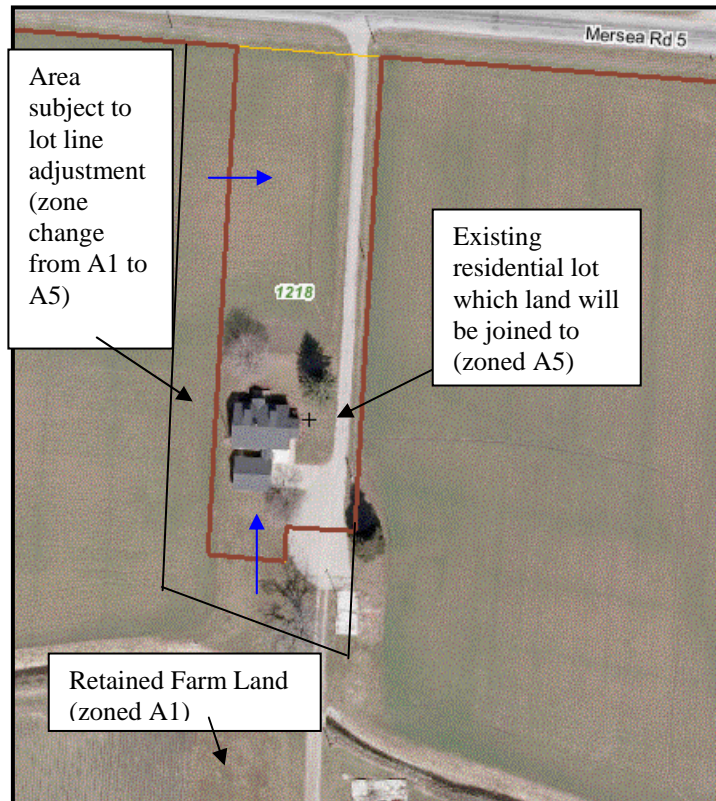
Leamington Zoning:

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

The property owner had requested that the Committee of Adjustment consider a lot adjustment to sever a 22 ft irregular shaped parcel to be added to an existing residential lot at 1218 Mersea Road 5 and retain a 124 acre (+/-) farm parcel (see site plan).

Lot adjustments may be permitted for legal or technical reasons provided that:

1. both parcels (severed and retained) comply with the provisions of the implementing Zoning By-law. ***As submitted, the proposed severed lot will not comply with the minimum lot area (10 ha/24.7 ac) of the Agricultural General (A1) Zone. However, the severed parcel will comply if re-zoned to the Agricultural Residential (A5) Zone.***
2. the lot adjustment does not result in the creation of a 'residential lot' that would not have otherwise been allowed. ***No new residential lot is being created.***



Therefore, the application for consent can be supported on condition that a favourable rezoning amendment shall be processed to change the zoning classification of the severed lands from Agricultural General Zone (A1) to Agricultural Residential Zone (A5). The land which the severance will be joined to is zoned 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, August 31, 2009 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 1218 Mersea Road 5 and S/S Mersea Road 5 to amend the subject lands from Agricultural General Zone (A) to Agricultural Residential Zone (A5), as outlined in Report PLA 26/09;

AND that Administration be directed to schedule the required public meeting for Monday, August 31, 2009 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,

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Tracey Pillon-Abbs,  
Manager of Planning Services

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Douglas E. Morrish,  
Director of Development Services

/tpa

**REPORT**

**TO: MAYOR AND MEMBERS OF COUNCIL**

**FROM: PAUL ANTHONY, MANAGER OF CULTURE AND RECREATION**

**DATE: JULY 20<sup>th</sup>, 2009**

**RE: MUNICIPAL OPERATING AGREEMENT TRANSIT  
OPERATION CHARGE**

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**AIM:**

To request Council authorization to amend the Municipal Transit Operating Agreement dated October 1<sup>st</sup>, 2005 Schedule "B" to include the wording plus GST after the hourly rate effective January 1, 2009.

**BACKGROUND:**

Recently administration met with C. A. Bailey to review the Transit Agreement as the per hour rate for public transit services is to be reviewed annually. Part of the discussion related to the wording on Schedule "B" of the agreement that reflects the per hour operational charge for transit services, which is currently \$50 per hour, and the treatment of GST. The agreement with C.A. Bailey has a term of October 1, 2005 through September 30, 2014.

**COMMENTS:**

Through review of the agreement and related legislation, it is clear that GST is to be assessed in relation to the provision of transit services to a municipality by a third party. The agreement states under subsection 5.7 that:

The Contractor shall pay all expenses associated or connected with operating the service except as specifically excluded by the contract. These expenses include but are not limited to: keeping, maintaining and operating the buses; payment of: salaries, wages, fringe benefits of all staff, initial and routine training of all staff, insurance, taxes as of the date of signing of the contract, rents and obligations pursuant to the Workplace Safety and Insurance Act, 1977 s.o. 1977, c.16, Schedule A.

C.A. Bailey has requested consideration of the interpretation and wording of Schedule B to the agreement on the basis that the per hour service rate for public transit services be the stated rate plus GST. Administration supports amendment of the agreement effective January 1, 2009, and payment of GST in addition to the per hour rate from that date forward for the term of the agreement on the basis of the cost for service in relation to the fee for service at this time. It is notable that the municipality receives a 100% rebate of GST payments at this time.

On a related note, Council is reminded that senior levels of government are planning to blend GST and PST into a harmonized sales tax (HST) in 2010. The effect of the HST on the transit agreement is not known at this time, i.e. whether the HST will apply to transit services and if so, what portion of the HST would be recoverable. In 2010, there is a possibility that application of the HST alone will increase the cost of transit services to the municipality by 8% based on addition of the PST portion of the HST. In relation to this consideration, please note the clause 7.5 of the agreement:

In addition to payment for the service as provided for in Article 22.0, the Municipality shall pay for:

- (a) the route maps and schedules and such related advertising and publicity as the Municipality may require;
- (b) all new and/or expanded taxes not in force at the date of tender.

As a result of reviewing the agreement with the Operator, it was agreed to commence the reference to GST effective January 1<sup>st</sup>, 2009, and therefore suggest that an amendment be made to Schedule "B" of the agreement to show that the rate as of January 1<sup>st</sup>, 2009 would be \$50.00 per hour plus GST, and all future rate references in schedule "B" will be rate plus GST.

**FINANCIAL IMPACT:**

The recommendation to amend the agreement with C.A. Bailey for the provision of public transit services on the basis that effective January 1<sup>st</sup>, 2009 an amendment be made to Schedule "B" of the agreement to show that the rate as of January 1<sup>st</sup>, 2009 would be \$50.00 per hour plus GST, will not impact the cost of transit services on the basis that the municipality receives a full rebate of GST.

**RECOMMENDATION:**

That Council authorize administration to amend Schedule B to the agreement dated October 1, 2005 with C. A. Bailey for the provision of public transit services to reflect that the hourly rate effective January 1<sup>st</sup>, 2009 be \$50.00 per hour plus GST, and that all future rate amendments referenced in Schedule B to this agreement will be stated as hourly rate plus GST. (REC 16/09)

Signed: _____	Signed: _____
Paul Anthony	John Tofflemire, P Eng
Manager of Culture and Recreation	Director of Community Services

FILE: s/cs/cs/council reports/2008/REC 16/09 Municipal Operating Agreement Transit Operational Charge

**REPORT**

**TO: MAYOR AND MEMBERS OF COUNCIL**

**FROM: PAUL ANTHONY, MANAGER OF CULTURE AND RECREATION**

**DATE: JULY 28<sup>th</sup>, 2009**

**RE: LEAMINGTON MINOR SOCCER  
HYDRO ONE NETWORKS - POWERPLAY GRANT APPLICATION**

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**AIM:**

To request Council authorization to provide a letter from the Municipality of Leamington to Hydro One Networks Inc. confirming that should Leamington Minor Soccer's PowerPlay Grant application be successful in any amount, that PowerPlay funding could be directed through the Municipality of Leamington to Leamington Minor Soccer.

**BACKGROUND:**

Hydro One Networks Inc. has a new grant program to support and enhance children's sports and recreation facilities in Ontario communities serviced by Hydro One.

Administration would confirm that grants up to \$25,000 are available for capital projects for community centres, indoor or outdoor ice rinks, playgrounds, splash pads, sports fields - facilities where the primary purpose is to support children's sports and active play.

The program is open to municipalities and registered charities in communities where Hydro One is the local electricity supplier. The facility must be open and accessible to the community at large.

**COMMENTS:**

- 1 The new Leamington outdoor sports field is located in a Hydro One serviced area, so a project related to the outdoor sports field is eligible for a grant funding request.
- 2 Leamington Minor Soccer has applied for grant funding through this program for the maximum grant limit of \$25,000.00. The Grant application has requested funding to be allocated towards the purchase of playground equipment for the Leamington Soccer Complex, as identified in the approved concept plan.
- 3 Because Leamington Minor Soccer is not a registered charity they have received correspondence from Camilla Rogalski, the corporate citizenship administrator for the PowerPlay grant program, requesting confirmation in writing from the Municipality that if Leamington Minor Soccer is successful in obtaining grant funding in any amount, the PowerPlay funding could be directed through the Municipality of Leamington to Leamington Minor Soccer.

**FINANCIAL IMPACT:**

There would be no financial impact on the municipal budget.

**RECOMMENDATION:**

That Council authorize administration to forward correspondence to Hydro One Networks Inc. confirming that if Leamington Minor Soccer is successful in obtaining funding in any amount up to the maximum \$25,000, such funding can be directed through the Municipality of Leamington to Leamington Minor Soccer for the purchase of playground equipment for the Leamington Soccer Complex. (REC 17/09)

Signed: \_\_\_\_\_  
Paul Anthony  
Manager of Culture and Recreation

Signed: \_\_\_\_\_  
John Tofflemire, P Eng  
Director of Community Services

FILE: s/cs/cs/council reports/2008/REC 17/09 Leamington Minor Soccer PowerPlay Grant Request

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL  
FROM: CAMERON MCKAY C.E.T., MANAGER OF OPERATIONS  
DATE: July 14, 2009  
RE: LEAMINGTON TOMATO FESTIVAL ACTIVITIES

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**AIM:**

To report to council on correspondence which has been received from the Leamington Tomato Festival Committee.

**BACKGROUND:**

- 1 Correspondence has been received from the Tomato Festival Committee which reads as follows:

*“June 3, 2009*

*Dear Mr. Mckay:*

*Re: Permission re Seacliff Park, Parade Route, Dock  
Leamington Tomato Festival's (Heinz's 100 Years)  
August 14 - 16, 2009 (Friday - Sunday)*

*On behalf of the Tomato Festival, please let me express our sincere appreciation for the continuing support and assistance provided by Council and Administration. Our 2009 planning is well underway and we look forward to celebrating the 100<sup>th</sup> Year of Heinz. We further firmly believe that several new events for this year's Festival will be an asset in promoting the Municipality and the Community for many years.*

*Accordingly, and acknowledging our history of cooperative effort, we request permission to:*

- 1. host the Parade on Saturday morning, August 15, 2009. The route is unchanged and will be forwarded with the Festival's Parade Permit;*
- 2. use of Seacliff Park and its facilities for the Tomato Festival, August 14 through 16, 2009. Our promotional program brochure is under development for events to be held in the Seacliff Park and will include: food and craft vendors, children's village, a relocated outdoor stage with free entertainment, along a new event featuring participation by local Vintners. Will forward the brochure directly to the Municipality as it is finalized; and*
- 3. use of the Leamington Kinsmen Recreation Complex as the base for the Festival's 5K Run/Walk on Sunday, August 16, 2009, commencing at 8:00 a.m.*

4. *Please note that the Kinsmen advised early in 2009 that they would no longer be operating the Festival Tent.*

*Subsequent to that advice, the Tomato Festival made arrangements to use the south-western corner of the ballpark playing field area (along the trees on the westerly limit) in Seacliff Park to situate 3 separate tents to accommodate 3 wineries and 3 food pairings. The Special Occasion Permit allows the wineries to operate as follows: Friday, 5:00 p.m. to midnight; Saturday, 12:00 noon to midnight; and Sunday, 1:00 p.m. to 5:00 p.m.*

*If you should require additional information, same will be provided directly upon request and we would be pleased to meet with you to discuss our planning.*

*Trusting this to be satisfactory and in order, I remain,*

*Yours truly,  
Stan Brophy"*

- 2 As noted this year's festival is scheduled for August 14, 15 and 16 and does involve the following municipal facilities: -- Seacliff Park and numerous municipal right-of-ways.
- 3 The Manager of Operations (Public Works) and/or his designate are the corporate liaison with the Tomato Festival relative to activities involving Seacliff Park and right-of-ways.

#### **COMMENTS:**

- 1 Administration would advise that firstly, Seacliff Park is available for the designated festival days and secondly that there are no objections to the utilization of the suggested municipal property for the staging of this year's festival, subject to the festival committee agreeing to the guidelines outlined in the report recommendations.
- 2 Additionally, the Tomato Festival will be organizing the Tomato Festival Parade on Saturday August 15, 2009. They are requesting permission to utilize municipal streets for said parade. The committee is requesting a similar parade route to previous years. Erie Street from the old arena site to Seacliff Park.
- 3 The Leamington Kinsmen will not be staging the festival tent this year. The Tomato Festival Committee will be displaying a wine & food venue. The venue will be located in the southwest corner of the ball diamond and will be open on Friday, 5:00 p.m. to midnight; Saturday, 12:00 noon to midnight; and Sunday, 1:00 p.m. to 5:00 p.m.

#### **RECOMMENDATION:**

That the request of the Leamington Tomato Festival Committee for permission to utilize Seacliff Park and other designated municipal right-of-ways (roads, etc.) from August 14<sup>th</sup> to the 16<sup>th</sup>, 2009 for the purpose of staging the Leamington Tomato Festival be approved, subject to the applicant agreeing to the following conditions:

- a) To use and occupy only those areas of the requested facilities approved by administration of the Municipality of Leamington;

- b) To pay to the Corporation of the Municipality of Leamington, all applicable rental costs associated with the utilization of Seacliff Park;
- c) To pay all utility charges, including water and hydro attributable to the utilization of said facilities;
- d) To indemnify and save harmless the Corporation of the Municipality of Leamington, by maintaining to the satisfaction of the municipal solicitor, an insurance policy which must be submitted to the Director of Corporate Services prior to the staging of the 2009 Tomato Festival;
- e) The event organizers will be responsible to carry out periodic Health and Safety Inspections throughout the duration of the event. The inspections are to be carried out by an individual certified in Health and Safety. Organizers are to show proof of certification of said inspector.
- f) To conduct the staging of the Tomato Festival festivities in a manner satisfactory to the Corporation of the Municipality of Leamington;
- g) To keep the designated facilities in a clean and sanitary condition and leave the facilities in the same condition that they were on the day that the area become occupied by the applicant;  
  
 Provided that these conditions are not met, the Corporation may undertake the work to clean up such portions utilized by the applicant and the applicant shall bear the costs of labour and materials required to clean the above-mentioned facilities;
- h) To provide remuneration for any additional work (work above and beyond what as been agreed to by the municipal P. W. Dept.) in connection with the preparation of the above mentioned facilities, during the Tomato Festival 2009;
- i) To comply with all the municipal, provincial, and federal regulations as may be applicable to the scheduled activities;
- j) To provide, at its expense, portable toilet facilities as may be required by the medical officer of health of the Windsor Essex County Health Unit;
- k) To provide at its expense, such security personnel, as may be required by the Leamington Chief of Police;
- l) That the Council of the Corporation of the Municipality of Leamington in the interest of public safety, may in its discretion terminate this agreement;
- m) To not erect or permit to be erected or located, any refreshment booths or other concessions in any other location or area other than those approved or designated by the Administration;

And further, that the request of the Tomato Festival Committee's Wine & Food Venue Permit for the Seacliff Park for August 14, 15 and 16<sup>th</sup>, 2009, be approved subject to conformity of the requirements of the Metro-Windsor Essex County

Health Unit, the Leamington Fire Department, Leamington Police Department and the Municipal Alcohol Policy;

And further, that in conjunction with the Leamington Tomato Festival, a parade permit be approved for Saturday, August 15<sup>th</sup>, 2009, provided that the Leamington Tomato Festival Committee has obtained the appropriate regulatory approvals (Report PW 07/09).

Signed: \_\_\_\_\_  
Cameron McKay, C.E.T.  
Manager of Operations

Signed: \_\_\_\_\_  
John D. Tofflemire, P. Eng  
Director of Community Services

C.C.: Leamington Police Department  
Leamington Fire Services,  
Metro-Windsor Essex Country Health Unit  
Director of Corporate Services  
Manager of Recreation

FILE: t/cs/cs/community council reports/2009/ PW 07 09 Leamington Tomato Festival Activities

**REPORT**

**TO: MAYOR AND MEMBERS OF COUNCIL**

**FROM: CAMERON MCKAY C.E.T., MANAGER OF OPERATIONS**

**DATE: July 20, 2009**

**RE: Awarding Consulting Services for Seacliff Park Redevelopment**

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**AIM:**

To seek Council authorization to award the Consulting services for the Redevelopment of Seacliff Park.

**BACKGROUND:**

1. Council may recall in 1999 that a redevelopment plan for Seacliff Park and waterfront lands west of the Federal Dock was approved in principle by council.

The overall redevelopment plan, including links to the Federal Dock, was a vision of ten years necessitating public/private partnership. As a result of other municipal infrastructure priorities no action was taken relative to the plan.

2. At the request of council the plan was updated for design and cost in 2002. This work was completed by Bezaire & Associates. In summary, the redevelopment cost in 2002 dollars was estimated at \$3.4 M dollars
3. In 2004, administration scheduled an open house to re-familiarize the community with the redevelopment and to receive current input and community response to the redevelopment plan.

Bezaire and Associates - open space planners, facilitated the workshop and prepared a series of plans/sketches for discussion.

4. In 2007 Council approved the collaborative between the Lions Club of Leamington and the Corporation of the Municipality of Leamington to construct a "Barrier Free" play structure in Seacliff Park.
5. In 2008 the Municipality completed the play structure installation along with extensive renovations to the upper washroom facility.
6. In 2009 the Municipality applied for a stimulus funding package in the amount of \$3.4 million dollars; approval was given in the amount of \$1,057,696 from each of the Provincial and Federal governments, for a total project cost of \$3,173,088 based on the formula of 1/3 federal funding, 1/3 provincial funding and 1/3 municipal funding.

7. One condition of the grant is that the works have to be completed by March 2011.
8. The project consists of seven phases as shown on the attached concept plan, each with quite different design and construction requirements. Administration anticipates commencing the project in the fall of this year and completing the final stages in 2010.

### COMMENTS:

1. In the approved funding application, it was noted that it was the Municipality's intention to retain the services of the Landscape architect of record for the project (Bezair and Associates) to provide final design and construction management and inspection services.
2. Bezair and Associates expressed interest in the project, and subsequently R.C. Spencer and Associates also expressed interest in the project.
3. Submissions were received from Bezair and Associates and from R.C. Spencer Associates Inc. Both submissions contained information about their professional qualifications and capabilities as well as fees.
4. Both expressions of interest were reviewed by administration and discussed with the respective consultants. For this project, there is a 'hard cap' on the budget since the funding program provides for a fixed expenditure of \$3,173,088; both firms' submissions proposed fees that were essentially the same percentage.
5. Accordingly the decision needs to be made based on the personnel of the firms, their professional qualifications, and their familiarity with the program. In this regard, while both firms have sufficient staff resources and adequate professional qualifications, Bezair and Associates have more direct experience having been previously engaged for the development of the approved concept plan.
6. Therefore it is recommended that the Municipality retain the services of Bezair and Associates for the Consulting work required to complete Seacliff Park Redevelopment Project in accordance with the approved 'Building Canada Fund - Communities Component' application.

### FINANCIAL IMPACT

1. The total program cost of the approved funding application is \$3,173,088; the Municipality of Leamington's share is one third of this amount, or \$1,057,696. This cost is inclusive of design, contract administration and inspection services for the project.
2. Account # 2-810-8811-7630 has been established as the Seacliff Park project account for cost tracking. A further report will be submitted with revised drawings and estimates for the two phases to proceed this fall. This project was not approved in the 2009 Capital Budget; project financing and funding for the municipal cost share will be addressed that the further report to Council.

- 3. The proposed upset limit for the services of Bezaire and Associates is \$364,000 plus GST.

**RECOMMENDATION:**

That Administration be authorized to retain the service of Bezaire and Associates for the final design, contract administration, and inspection components required for the Seacliff Park Redevelopment Project for the upset limit of \$364,000 (three hundred and sixty four thousand dollars) plus GST assessed to account #2-810-8811-7630 as described in report PW 09/09 .

Signed: \_\_\_\_\_  
Cameron McKay, C.E.T.  
Manager of Operations

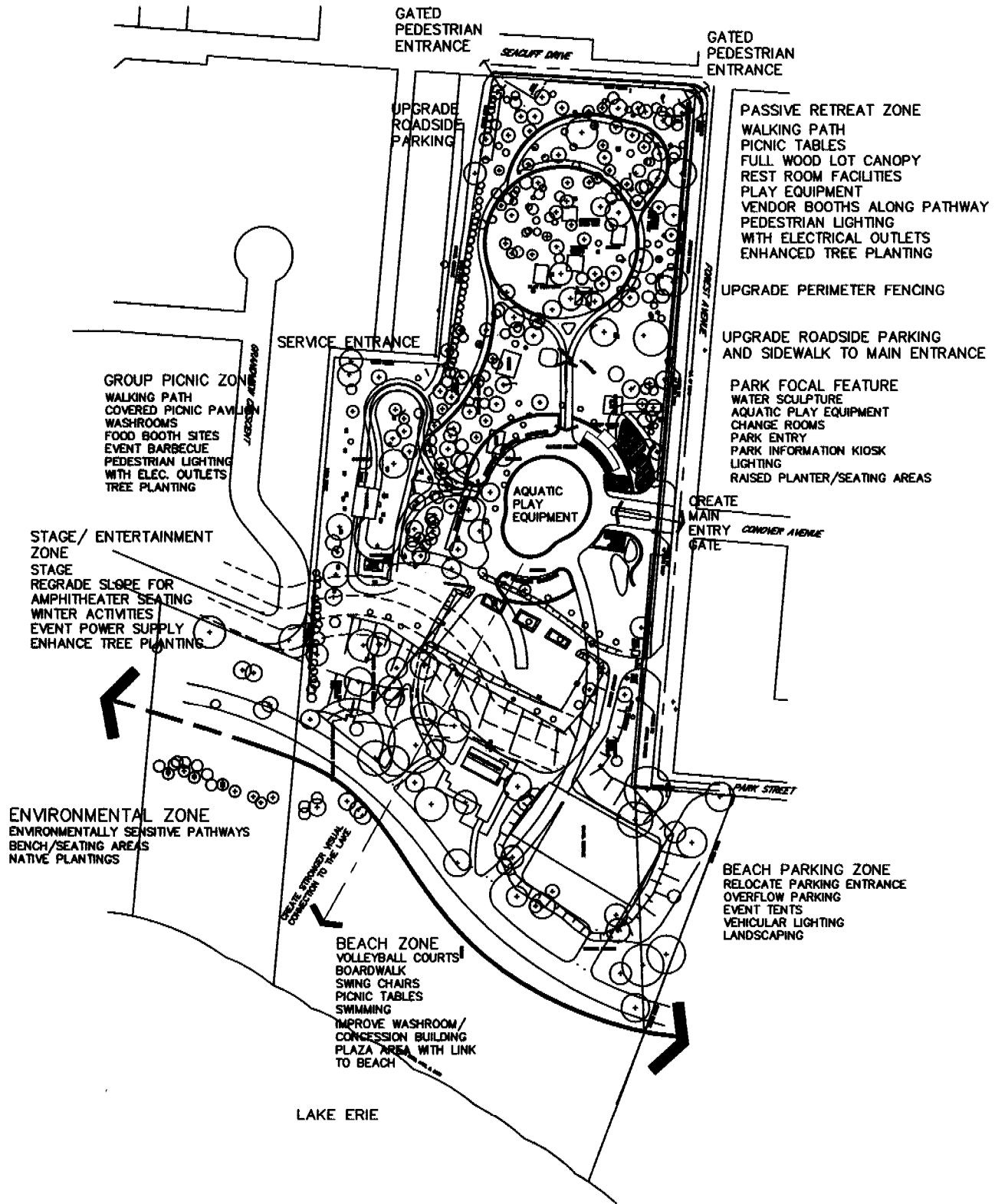
Signed: \_\_\_\_\_  
John D. Tofflemire, P. Eng  
Director of Community Services

# SEACLIFF PARK

MASTER PLAN

OCTOBER 2004

50' 150'  
100' 200'  
SCALE 1" = 80'-0"



**GROUP PICNIC ZONE**  
WALKING PATH  
COVERED PICNIC PAVILION  
WASHROOMS  
FOOD BOOTH SITES  
EVENT BARBECUE  
PEDESTRIAN LIGHTING  
WITH ELEC. OUTLETS  
TREE PLANTING

**STAGE/ ENTERTAINMENT ZONE**  
STAGE  
REGRADE SLOPE FOR  
AMPHITHEATER SEATING  
WINTER ACTIVITIES  
EVENT POWER SUPPLY  
ENHANCE TREE PLANTING

**ENVIRONMENTAL ZONE**  
ENVIRONMENTALLY SENSITIVE PATHWAYS  
BENCH/SEATING AREAS  
NATIVE PLANTINGS

**BEACH ZONE**  
VOLLEYBALL COURTS  
BOARDWALK  
SWING CHAIRS  
PICNIC TABLES  
SWIMMING  
IMPROVE WASHROOM/  
CONCESSION BUILDING  
PLAZA AREA WITH LINK  
TO BEACH

**PASSIVE RETREAT ZONE**  
WALKING PATH  
PICNIC TABLES  
FULL WOOD LOT CANOPY  
REST ROOM FACILITIES  
PLAY EQUIPMENT  
VENDOR BOOTHS ALONG PATHWAY  
PEDESTRIAN LIGHTING  
WITH ELECTRICAL OUTLETS  
ENHANCED TREE PLANTING

**UPGRADE PERIMETER FENCING**  
**UPGRADE ROADSIDE PARKING  
AND SIDEWALK TO MAIN ENTRANCE**

**PARK FOCAL FEATURE**  
WATER SCULPTURE  
AQUATIC PLAY EQUIPMENT  
CHANGE ROOMS  
PARK ENTRY  
PARK INFORMATION KIOSK  
LIGHTING  
RAISED PLANTER/SEATING AREAS

**CREATE  
MAIN  
ENTRY GATE**

**BEACH PARKING ZONE**  
RELOCATE PARKING ENTRANCE  
OVERFLOW PARKING  
EVENT TENTS  
VEHICULAR LIGHTING  
LANDSCAPING

## REPORT

TO: MAYOR AND MEMBERS OF COUNCIL  
 FROM: CAMERON MCKAY CET., MANAGER OF OPERATIONS  
 DATE: JULY 23, 2009  
 RE: CELEBRATION OF TWO CULTURES; SEPTEMBER 13, 2009

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**AIM:**

To report to council on correspondence which has been received from the Migrant Worker Community Program and relevant to approval of September 13, 2009 - Celebration of Two Cultures.

**BACKGROUND:**

Administration has received correspondence from Charlene Houle of the Migrant Worker Community Program which reads as follows:

*"Dear Mayor Adams:*

***Re: Celebration of Two Cultures: September 13, 2009***

*The Celebration of Two Cultures/FESTAS Patrias is a festival of celebration supporting the life of the Mexican worker in our community. This year's celebration is scheduled for Sunday September 13, 2009.*

*Talented artists from both nationalities provided a superb cultural experience of music, art and food for the whole community.*

*With respect to the Council decision to not allow street closure on Talbot Street for MWCP Festivals, we respectfully request that Queen Street (beside Gabrielle's Furniture) be closed on Sunday, September 13 to allow for the staging of the Celebration of Two Cultures/Fiestas Patrias. I have permission from Gabrielle's for the use of their parking lot. I have attached a site map for your review.*

- *To allow for adequate preparation of this event the following street closure times are requested:*

<i>- 9:00 a.m. to 1:00 p.m.</i>	<i>Stage/sound set up</i>
<i>- 1:00 p.m. to 7:00 p.m.</i>	<i>Festival Entertainment</i>
<i>- 7:00 p.m. to 9:30 p.m.</i>	<i>Stage/sound take down</i>
- *In kind support of the Public Works department in providing for the set up and dismantling of the requested road closures and related festival event necessities.*
- *Recognition of emergency services (police, fire) that a portion of Queen Street will be utilized for the planned event*

*Trusting the above request receives your consideration.*

*Respectfully,*

*Charlene Houle  
GM, Migrant Worker Community Program*

**COMMENTS:**

1. Firstly, administration would advise they have no objections to the Migrant Worker Community Program utilizing the requested municipal streets, Queens Avenue between John Street and Talbot Street West on Sunday, September 13, 2009 between 9:00 a.m. and 9:30 p.m. for the staging for the staging of the Celebration of Two Cultures subject to conformity of the Leamington Fire Department and the Leamington Police Department.
2. Relative to the set-up, dismantling, road closure, collection of debris and litter, administration have no objections to assisting subject to Migrant Worker Community Program agreeing to reimburse the Municipality fifty percent (50%) of the subject labour costs to an upset limit of \$300 per event.
3. The applicant must provide the necessary liability insurance, naming the Municipality of Leamington additionally insured.
4. The event organizers will be responsible to carry out periodic Health and Safety Inspections throughout the duration of the event. The inspections are to be carried out by an individual certified in Health and Safety. Organizers are to show proof of certification of said inspector.

**RECOMMENDATION:**

That council approves the request of the Migrant Worker Community Program to utilize portions of the designated Uptown Streets being Queens Avenue between John Street and Talbot Street West, relative to the staging of the Celebration of Two Cultures on September 13, 2009.

And further, that the Migrant Worker Community Program provide proof of a certified Health and Safety Inspector to perform periodic inspections throughout the duration of the event.

And further, that fifty percent (50%) of the assigned costs to assist with the set-up to an upset limit of \$300 be assessed to the Migrant Worker Community Program;

And further, that the remaining vehicle and equipment costs be assessed to the municipal operations special events account (PW 13/08).

Signed: \_\_\_\_\_  
Cameron McKay, C.E.T.  
Manager of Operations

Signed: \_\_\_\_\_  
John D. Tofflemire, P. Eng  
Director of Community Services

**REPORT**

TO: MAYOR AND MEMBERS OF COUNCIL  
 FROM: BRIAN SWEET, DIRECTOR OF CORPORATE SERVICES  
 DATE: JULY 31, 2009  
 RE: LEAMINGTON POLICE BUILDING - HVAC ROOF TOP UNIT

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**AIM:**

To report upon a request from the Leamington Police Services Board for funds to pay for the replacement of the HVAC system on the original Police Services building.

**BACKGROUND:**

At its meeting of July 22, 2009, the Police Services Board reviewed a report from Chief Gow which described the need for a new HVAC system for the Leamington Police Services building on Clark Street West.

Chief Gow's report dated July 6, 2009, is attached and explains both the need for the replacement and how the project could be financed.

The Leamington Police Services Board adopted the recommendation contained in Chief Gow's report and has now requested that the Municipality approve funding for the 2009 replacement of the HVAC system at an estimated cost of \$160,000 plus GST.

**FINANCIAL IMPACT**

The need to replace the HVAC system was reviewed during 2009 budget development and an estimated cost of \$75,000 was request in the 5-year capital forecast for an HVAC replacement in 2010. Chief Gow's report provides recommendations on how the 2009 HVAC replacement could be financed, through deferral of other approved 2009 projects (Accident/Crime Scene Reconstruction Equipment \$20,000 and Jail Cell Upgrade \$20,000) and anticipated for 2010 as outlined below.

Estimated HVAC Replacement cost (2009) - plus GST	\$160,000
Deferral of 2009 Capital Projects - funded from revenue	<u>(\$40,000)</u>
Unfinanced Carryforward to 2010	\$120,000

Funding for the 'unfinanced carry forward' balance of \$120,000 will be requested under the 2010 budget. It is expected that the funding will be available in 2010 based on the original estimated 2010 budget request of \$75,000 plus the deferral of a \$60,000 request for mobile data terminals.

**RECOMMENDATION:**

That the request of the Leamington Police Services Board for funding to replace the HVAC system on the Leamington Police Services building located on Clark Street West at an estimated cost of \$160,000 plus GST be approved and charged to 2-420-8940-8940 ;

And that the 2009 HVAC replacement project be funded as follows:

1. \$40,000 from the 2009 Police Capital Budget based on deferral of the following budgeted projects: \$20,000 - Accident/Crime Scene Reconstruction Equipment and \$20,000 - Jail Cell Upgrade; and
2. \$120,000 as a first charge to the 2010 Police Capital Budget.

(Report CL/19/09)

Respectfully submitted,

BRS/ka

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## REPORT

TO: LEAMINGTON POLICE SERVICES BOARD  
FROM: DEAN F. GOW  
CHIEF OF POLICE  
DATE: July 6, 2009  
RE: HVAC ROOF TOP UNIT - POLICE BUILDING

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### AIM:

To advise the Board regarding the condition of the heating and cooling system of the original police building and recommend immediate consideration for its replacement.

### BACKGROUND:

The police services facility was constructed in 1982 and was part of a new complex that would house police, fire and public utilities offices in three separate but adjoining structures.

As the Board is aware, following amalgamation of the Leamington and Mersea Police Services, space was at a premium and in 2001 an expansion was added into the adjoining vacant P.U.C. facility. A second expansion into the remaining P.U.C. area occurred in 2006.

Both expansions involved replacement of the existing HVAC systems in those renovated areas and the entire police facility is currently operating three separate HVAC systems in the three separate structures.

The original police (1982) building has been operating on the original HVAC system for 27 years and the past four years have experienced a steady increase in system failures and maintenance costs.

2005	\$674
2006	\$4,249
2007	\$2,451
2008	\$2,363
2009	\$7,100 (year to date pending \$800 motor replacement plus labour)

The area of the facility serviced by this unit comprises approximately 8,300 square feet and includes administration offices, clerical workspaces, interview rooms, court room, lobby, public restrooms, jail cells, basement locker room, washrooms, lunch room, briefing room, file storage and utility areas.

### COMMENTS:

In anticipation of eventually replacing the HVAC, funds were considered in the 5 Year Capital and \$75,000 was budgeted for 2010.

This estimated figure was based on the costs experienced during the 2001 and 2006 renovations.

With the assistance of the Director of Development Services, arrangements were made to have a mechanical contractor provide an estimate and scope of work for the replacement of the rooftop unit.

The result of the estimate is \$158,500. (plus GST).

Most recently, the HVAC has required continued maintenance through the warm weather and the service provider has had to improvise various tactics while searching for and awaiting replacements parts. At the time of this report there is a water hose applying a water spray to keep a motor from over heating.

With consideration to the age of the unit and the escalating level of breakdowns it would be advantageous to replace the HVAC unit as soon as possible. The time of year for replacing this type of system is also a consideration relative to weather conditions during installation.

### FINANCIAL IMPACT

As noted above, \$75,000 was estimated in the 2010 Police Capital Budget for this item. Obviously that was a substantial under estimate.

The 2009 Capital Budget contains two items that could be deferred until 2010:

1. \$20,000 - Accident / Crime Scene Reconstruction Equipment
2. \$20,000 - Jail Cell Upgrade

The 2010 Capital Budget contains one item that could be reduced or deferred until 2011:

1. \$60,000 - Mobile Data

Discussion with the Director of Finance would indicate that the project could be financed through the deferral of the \$40,000 from the 2009 Capital Budget and the balance to be paid from the Contingency Reserve. This loan could be re-paid through the 2010 Capital Budget in which there is \$75,000 already requested for this project and the \$60,000 for Mobile Data may be reduced or deferred.

At the time of this report, the possibility of grant funds is being explored to determine if the project would qualify for any partial funding.

### CONCLUSION:

The HVAC on the original police building is 27 years old and needs to be replaced at the earliest opportunity. Although this project was considered for 2010, the ongoing need for service calls and the difficulty in finding replacement parts, it is no longer an option to wait.

The timing of the season is a factor to consider relative to weather conditions during installation and a total breakdown in the winter would effect the operations of the police service and the courts.

As noted above, it has not yet been determined if any grant funds are available for this project.

In order to proceed to tender and complete the project in 2009, the Board would be required to make a request to Municipal Council for budget financing.

**RECOMMENDATION:**

That the Board request \$160,000 financing from Municipal Council for the replacement of the HVAC system on the original police service building;

And further;

That the Board approve that a tendering process commence for the replacement of the HVAC system following Municipal Council approval of the finance request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dean F. Gow". The signature is written in a cursive, flowing style.

Dean F. Gow  
Chief of Police