



THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MEETING OF MUNICIPAL COUNCIL

MONDAY, AUGUST 15, 2011

COMMENCING AT 7:00 P.M.

IN LEAMINGTON COUNCIL CHAMBERS

(A) CALL TO ORDER:

(B) PRAYER:

(C) DISCLOSURES OF PECUNIARY INTEREST:

(D) ADOPTION OF COUNCIL MINUTES:

1. Minutes of the Council Meeting held August 8, 2011 (including Public Meeting for the Robert Anderson Drain - Highway 77 Branches and a Court of Revision for the 4th Concession Road Drain - Highway 77 Branch)
Pages 4-16
2. Minutes of the Special Confidential Meeting held August 8, 2011
Pages 17-18

(E) BUSINESS ARISING OUT OF THE MINUTES:

(F) PUBLIC MEETINGS/COURT OF REVISION:

1. Public Meeting - Zoning By-law Amendment 43 - 844B Essex Road 31 (Unger)

(G) REPORTS OF STAFF & DELEGATIONS:

1. Report DEV 03/11 dated August 8, 2011 re: Permission to Permit 2nd Dwelling - 336 Mersea Road 3
Pages 19-22
 - Richard McGrath, Representative for the Property Owner
2. Report PLA 43/11 dated August 4, 2011 re: Application for Site Plan Control Approval - Proposed Commercial Parking Area - Tony & Vicki Tawil - 206 Talbot Street East, Leamington
Pages 23-26
 - Tony and Vicki Tawil, Property Owners

3. Report PLA 44/11 dated August 4, 2011 re: Application for Site Plan Control Approval - Proposed Greenhouse Expansion - Phase 3 - 435 Mersea Road 3 - 435 Mersea Road 3 - (1560987 Ontario Ltd. - Fausto Amicone)
Pages 27-30
 - Fausto Amicone, Owner
4. Report PLA 41/11 dated August 4, 2011 re: Application for Site Plan Control Approval - Proposed Greenhouse Expansion - Phase 4 - Orangeline Farms, 627 Essex Road 14, Leamington Report
Pages 31-33
5. Report PW 09/11 dated July 15, 2011 re: Capital Acquisition; Public Works Department - Salter/Plow/Wing Attachment
Pages 34-36
6. Report REC 15/11 dated July 20, 2011 re: Liquor Licence Act (Ontario) - Updates (Municipal Alcohol Risk Management Policy (P09-Alcohol) available under separate cover
Pages 37-41
7. Report CL 24/11 dated August 10, 2011 re: Request for Storm Water Sewer Easement over Municipal Lands - 448 County Road 34
Pages 42-45

(H) **MATTERS FOR APPROVAL:**

1. Minutes of the Leamington Municipal Heritage Advisory Committee held July 20, 2011.
Pages 45-46

(I) **OTHER MATTERS FOR CONSIDERATION:** None

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

By-law 155-11, being a by-law to amend the Comprehensive Zoning By-law No. 890-09 for the Municipality of Leamington which pertains to the subject lands ZBA 43 - 844B Essex Road 31

By-law 156-11, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held August 15, 2011.

(K) **NOTICES OF MOTION:**

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

(M) **NEW BUSINESS:**

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

TUESDAY, AUGUST 16, 2011

Economic Development Committee - 6:00 p.m. - Room 112

WEDNESDAY, AUGUST 17, 2011

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

WEDNESDAY, AUGUST 17, 2011

Transit Route Open House - 2:00 p.m. to 7:00 p.m. - Leamington Kinsmen Recreation Complex

WEDNESDAY, AUGUST 17, 2011

County Council - 9:00 a.m. - Essex County Council Chambers

WEDNESDAY, AUGUST 24, 2011

Leamington Police Services - 8:30 a.m. - Room 112

MONDAY, AUGUST 29, 2011

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

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

(P) **ADJOURNMENT:**

T:\Corporate\C00-Council&By-laws\C04-CouncilMeetings\2011 Council\081511-Agenda.doc

BUSINESS ARISING OUT OF THE MINUTES: None

PUBLIC MEETINGS/COURT OF REVISION:

Public Meeting - Robert Anderson Drain Highway 77 Branches

A Public Meeting regarding the Robert Anderson Drain - Highway 77 Branches was held. A copy of the minutes is attached.

Court of Revision - 4th Concession Drain Highway 77 Branch

A Court of Revision regarding the 4th Concession Drain Highway 77 Branch was held. A copy of the minutes is attached.

REPORTS OF STAFF & DELEGATIONS:

DRAINAGE DEPARTMENT - Report DR-39/11 dated July 25, 2011 re: Dresser Drain - Change of Use - Abram & Susan Fehr, Pt. Lot 3, Concession 3

Lu-Ann Barreto, Drainage Superintendent, presented her report to adopt the change of use for the Dresser Drain.

No. C-296 -11

Moved by: Councillor Atkin

Seconded by: Deputy Mayor Wright

THAT Leamington Council, adopt the Change of Use Report dated July 13th, 2011 for the Dresser Drain - Abram & Susan Fehr pursuant to the provisions of the Drainage Act, R.S.O., 1990, Section 65(3);

AND THAT staff be authorized to update the maintenance schedule to reflect the change to Roll # 650-06500;

And THAT all cost associated with this project be charged to account - Dresser Drain - Abram & Susan Fehr #2-680-8226-7630 and invoiced to property owners.

And THAT the Essex Region Conservation Authority be advised of the subsequent connection to the drainage works as outlined in Report DR 39-11.

“CARRIED”

DRAINAGE DEPARTMENT - Report DR 41/11 dated July 25, 2011 re: Silver Creek Drain - Change of Use - 1266093 Ontario Limited Pt. Lot 4, Concession 9

Lu-Ann Barreto, Drainage Superintendent, reviewed her report to adopt the change of use for the Silver Creek Drain.

No. C-297-11

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

THAT Leamington Council, adopt the Change of Use Report dated July 18th, 2011 for the Silver Creek Drain - 1266093 Ontario Limited pursuant to the provisions of the Drainage Act, R.S.O., 1990, Section 65(3);

AND THAT staff be authorized to update the maintenance schedule to reflect the change to Roll #'s 840-00201 & 840-00300;

And THAT all cost associated with this project be charged to account - Silver Creek Drain - 1266093 Ontario Limited #2-680-8240-7630 and invoiced to property owners.

And THAT the Essex Region Conservation Authority be advised of the subsequent connection to the drainage works as outlined in Report DR 41-11

“CARRIED”

DRAINAGE DEPARTMENT - Report DR 42/11 dated July 25, 2011 re: Sturgeon Creek Drain - Change of Use - 156097 Ontario Limited, Pt. Lot 4 & 5 Concession 3

Lu-Ann Barreto, Drainage Superintendent, reviewed her report to adopt the change of use for the Sturgeon Creek Drain.

No. C-298-11

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

THAT Leamington Council, adopt the Change of Use Report dated July 12th, 2011 for the Sturgeon Creek Drain - 1560987 Ontario Limited pursuant to the provisions of the Drainage Act, R.S.O., 1990, Section 65(3);

AND THAT staff be authorized to update the maintenance schedule to reflect the change to Roll # 650-02500;

And THAT all cost associated with this project be charged to account - Sturgeon Creek Drain - 1560987 Ontario Limited #2-680-8228-7630 and invoiced to property owners.

And THAT the Essex Region Conservation Authority be advised of the subsequent connection to the drainage works as outlined in Report DR 42-11.

“CARRIED”

DRAINAGE DEPARTMENT - Report DR 40/11 dated July 20, 2011 re: Mersea Road 21 Branch of the Collison Drain Culvert, Replacement over Deer Run Road

Allan Botham, Manager of Engineering Services, reviewed his report for the replacement of the Collison Drain culvert over Deer Run Road.

No. C-299-11

Moved by: Councillor Atkin

Seconded by: Councillor Verbeke

That Council confirm the emergency replacement of the culvert crossing Deer Run Road being the Collision Drain;

And that Council confirm the tender for the replacement of the Collision Drain Road crossing over Deer Run Road be awarded to the low tender Digger Excavating at a total tender price of \$26,220.80;

And that emergency repairs be charged to account 1-510-8548-7630 for a total amount of \$26,220.80 (DR 40-11).

“CARRIED”

ENGINEERING SERVICES - Report ENG 13/11 dated July 18, 2011 re: Traffic Operations and Signal Improvements Program 2011 - Tender Results and Award

Allan Botham, Manager of Engineering Services, reviewed his report regarding the tender results and award for the traffic operations and signal improvements program 2011.

Council addressed concerns regarding the synchronizing of the traffic lights from Wilkinson Drive to Oak Street.

Council asked Mr. Botham the timelines on the truck route signage to keep the trucks from going through the downtown core. Mr. Botham stated that he is still discussing prices with the Ministry of Transportation and County of Essex.

No. C-300- 11

Moved by: Deputy Mayor Wright

Seconded by: Councillor Verbeke

That Council award the Traffic Operations and Signal Improvements Program 2011 contract to Ron Field & Son Electrical Ltd. for an amount not to exceed \$79,050.00 (plus all applicable taxes)

And that the project be charged to account 2-320-8327-7630 (Traffic Signal Upgrades)

And that Council authorizes the Mayor and Clerk to execute the contract on behalf of the Municipality (ENG 13/11)

“CARRIED”

LEAMINGTON WATER SERVICES - Report LWS 1/11 dated July 14, 2011 re: Leamington Water System Improvements - Clark Street, Queens Avenue/Selkirk Avenue - Tender Analysis and Recommendations

Gary Foisy, Special Projects Coordinator, presented his report to Council regarding Tender results and award for Clark Street/Queens Avenue/Selkirk Avenue Project Water System Improvements.

No. C-301-11

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

That Council award the Clark Street / Queens Avenue / Selkirk Avenue Project to Major Construction (2010) Ltd. in the amount of \$ 542,271.75 H.S.T. included.

And further, that the said Leamington Water System Improvements; Clark Street / Queens Avenue / Selkirk Avenue Project, be assessed as outlined in report LWS 1/11 to the Leamington Municipal Water Reserves Capital accounts 2-690-8874-7630 Queen St. / 2-690-8875-7630 Selkirk Ave. / 2-690-8876-7630 Clark St.

And further, that the additional cost to the project above the 2011 capital budget be funded from the Water Services Unforeseen Capital account 2-690-8699-7630;

And further, the Mayor and Clerk be authorized to sign the appropriate agreement with Major Construction (2010) Ltd. in accordance with report LWS 1/11.

“CARRIED”

COMMUNITY SERVICES - Report ES 02/11 dated July 21, 2011 re: 2012 - 2016 Sanitation Contract

Kit Woods, Manager of Environmental Services, summarized his report to Council on the tender award for 2012 - 2016 Sanitation contract. Discussion ensued.

No. C-302- 11

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

That Ray Marentette be permitted to address Council.

“CARRIED”

Raymond Marentette, of 15 Marentette Beach, addressed Council regarding their waste pickup on Marentette Beach which is a private road. Mr. Marentette explained to Council that in the summer months (June to August), there is extra garbage due to the summer cottages. This private drive does not get roadside garbage pickup due to the narrow laneway and dead end. There are garbage bins at the entrance to the road where the residents dispose of their garbage. Mr. Marentette advised that they would like to see the garbage picked up twice a week in the summer or have an extra container at the end of the road. Council asked administration to consider adding an additional bin when appropriate.

No. C-305-11

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

THAT Council declare that the application was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act* to consider a proposed zoning by-law housekeeping amendment for the regulations for the parking and storage of recreational vehicles under the Leamington Zoning By-law #890-09, as outlined in Report PLA 26/11;

AND that Administration is directed to schedule the open house for Wednesday, September 7, 2011 from 2:00 pm to 8:00 pm required public meeting for Monday, September 12, 2011 at 7:00 pm.

“CARRIED”

PLANNING SERVICES - Report PLA 42/11 dated July 28, 2011 re: Draft of Subdivision Approval Request for Second Extension Bennie Farm Phase 1 - Residential Development File No. 37-T-04007

Tracey Pillon-Abbs, Manager of Planning Services, presented the report to Council to inform council of a request for a second three (3) year extension of a draft plan of subdivision approval for the Bennie Farm Phase 1 - Residential Development.

No. C-306-11

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

That Council supports the second request for a three (3) year extension of a draft plan of subdivision approval for the Bennie Farm Phase I - Residential Development, File No. 37-T-04007, as outlined in PLA 42/11;

And further that Council forwards a resolution to the County of Essex of their support for the extension from November 17, 2011 to November 17, 2014.

“CARRIED”

MATTERS FOR APPROVAL:

No. C-307-11

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

That the minutes of the Leamington Economic Development Committee held on July 19, 2011 be approved.

“CARRIED”

No. C-308-11

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

That the minutes of the Leamington Accessibility Advisory Committee held on June 8, 2011 be approved.

“CARRIED”

OTHER MATTERS FOR CONSIDERATION:

No. C-309-11

Moved by: Councillor Jacob **Seconded by:** Councillor Chopchik

That the minutes of the Leamington Police Services Board held June 22, 2011 be approved.

“CARRIED”

Mayor Paterson reviewed correspondence received from The Corporation of the Municipality of Meaford dated July 18, 2011.

No. C-310-11

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

That Council of The Municipality of Leamington support the position of the Township of Carling and the Township of North Stormont and authorize a donation of \$100 to the Town of Slave Lake to help compensate them in their recent fire;

Brian Sweet, Director of Corporate Services, asked Council to accept a letter from Union Water Supply System dated February 11, 2011.

No. C-311-11

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

That correspondence received from Union Water Supply System dated February 11, 2011 be received.

“CARRIED”

SPECIAL MEETING:

Brian Sweet, Director of Corporate Services, informed those in attendance that a Special Confidential Council Meeting was held at 6:30 p.m. prior to the regular Council meeting. He advised the meeting had been properly advertised. Mr. Sweet explained Council entered into closed session to consider three reports:

Report CAO 15/11 dated August 2, 2011 re: Leamington Firefighters' Association Collective Agreement pursuant to Subsection 239(2)(d) of the Municipal Act, 2001

Council directed administration to bring forward in public session the recommendation contained in Report CAO 15/11.

No. C-312-11

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

That the Council of the Corporation of the Municipality of Leamington adopt the conditions of a new three (3) year Collective Agreement between the Municipality of Leamington and the Leamington Firefighters' Association;

And further that upon ratification by the Leamington Firefighters' Association, the Mayor and Clerk be authorized to execute any agreements related thereto;

All as described in Confidential Report CAO 15/11 dated August 2, 2011.

"CARRIED"

Report CAO 14/11 dated July 15, 2011 re: Personnel Matter pursuant to Subsection 239(2)(d) of the Municipal Act, 2001.

Council directed administration to bring forward in public session the recommendation contained in Report CAO 14/11.

No. C-313-11

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

That the Council of the Corporation of the Municipality of Leamington approve extending the personal service contract for the Manager of Environmental Services - Mr. Kit Woods until December 31, 2012;

And that the Mayor and Clerk be authorized to execute the said contract extension (CAO 14/11)

"CARRIED"

Confidential Memo dated August 4, 2011 re: Leamington Municipal Heritage Committee - Appointment Consideration pursuant to Subsection 239(2)(b) of the Municipal Act, 2001

Confidential Memo dated August 4, 2011 re: Leamington Municipal Heritage Committee - Appointment Consideration.

No. C-314-11

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

That Scott Holland be appointed as a citizen representative to the Leamington Municipal Heritage Committee for a term expiring November 30, 2014.

CONSIDERATION OF BY-LAWS:

The Chief Administrative Officer advised Council that Mr. Charles Parsons was selected as the next Fire Chief. Mr. Parsons is to assume his new duties effective August 12th, 2011. He briefly mentioned Mr. Parsons past accomplishments and congratulated him on his promotion.

Mr. Parsons thanked Council for all of their past support and said that he was looking forward to the new challenges.

No. C-315-11

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

By-law 152-11, being a by-law to appoint Charles Parsons as Chief of the Leamington Fire Services Department

“CARRIED”

No. C-316-11

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

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

By-law 132-11, being a by-law to establish a new drain, namely the Jacob Fox Drain - Highway 77 Branch, in the Municipality of Leamington in the County of Essex.

“CARRIED”

No. C-317-11

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

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

By-law 150-11, being a by-law to appoint Robert Sharon as Director of Community Services for The Corporation of the Municipality of Leamington

By-law 151-11, being a by-law to amend By-law 769-07, a by-law to permit the Municipality to exercise its powers under its “waste management” sphere of jurisdiction in The Corporation of the Municipality of Leamington

By-law 153-11, being a by-law to amend By-law No. 4284-95, being a by-law for the regulation of traffic and parking in certain areas of the Municipality of Leamington. (Parking; Mill Street East Lots)

By-law 154-11, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held August 8, 2011.

“CARRIED”

OPEN SESSION - COUNCIL - ADMINISTRATION:

Deputy Mayor Wright advised Council that Constable Kevin O’Neil will be the final medal bearer in the Rick Hansen 25th Anniversary Relay Tour in Leamington on Sunday, November 20, 2011.

Councillor Verbeke asked who owned the Mill Street building next to the Art Gallery. Bill Marck, Chief Administrative Officer, advised Council that the Municipality owns this property and a report will be addressed to Council in September to consider options for the buildings future use.

Mayor Paterson read a letter from Dillon Consulting in regard to a report for the Marentette Drainage Scheme. The company advised that they were giving this project a high priority and that Andrea Winter will be handling the file in Tim Oliver’s absence.

Mayor Paterson reported that he and the Chief Administrative Officer met with members of both the Federal and Provincial governments regarding the break wall at the marina. They discussed both short term and long term action plans and changes would be made by the senior levels of government to increase boater safety.

Mayor Paterson thanked Councillor Chopchik for attending the Caribbean Festival on his behalf.

Mayor Paterson thanked Councillor Verbeke for inviting him to the tractor pull on Saturday which was held at the farm owned by Harold Douglas.

NEW BUSINESS: None

STATEMENT OF MEMBERS: None.

ADJOURNMENT:

No. C-318-11

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

That the meeting adjourn at 9:15 p.m.

“CARRIED”

John Paterson, Mayor

Brian Sweet, Clerk

/cd

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - PUBLIC MEETING

ROBERT ANDERSON DRAIN - HIGHWAY 77 BRANCHES

**HELD MONDAY AUGUST 8, 2011 AT 7:05 P.M.
IN THE COUNCIL CHAMBERS**

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

STAFF PRESENT: Bill Marck, Chief Administrative Officer
Brian Sweet, Director of Corporate Services
Robert Sharon, Director of Community Services
Tracey Pillon-Abbs, Manager of Planning Services
Allan Botham, Manager of Engineering Services
Lu-Ann Barreto, Drainage Superintendent
Carol Derksen, Corporate Assistant

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

Lu-Ann Barreto, Drainage Superintendent reviewed with council the engineer's report prepared by N. J. Peralta Engineering regarding the Robert Anderson Drain - Highway 77 Branches.

Mr. Peter Banman, 567 Highway 77, advised that his existing storm drains were not reconnected to the new catch basin during the Highway 77 reconstruction project. The Drainage Superintendent advised that she would contact the Ministry of Transportation to make this connection.

Mr. Joe Sousa, son of Paul Sousa, 571 Highway 77, advised that his existing storm sewer was connected to the old Robert Anderson Branch was not reconnected to the new storm drain. He noted that the new storm drain is 10 inches higher than the old drain. He noted that MTO had made a temporary repair but did not fix the flooding problem.

The Drainage Superintendent noted that since further investigation is required on both the above noted properties, she would recommend that Council not consider the Peralta report this evening and that the report be brought back when the above concerns are addressed.

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

That the Engineer's Report dated July 4th, 2011, as prepared by N.J. Peralta Engineering, re: Robert Anderson Drain - Hwy 77 Branches, be deferred until the corrections from the Ministry of Transportation as noted in the Minutes be addressed (DR 38-11).

"CARRIED"

The meeting adjourned at 7:10 p.m.

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - DRAINAGE COURT OF REVISION

4TH CONCESSION ROAD DRAIN - HIGHWAY 77 BRANCH

**HELD MONDAY, AUGUST 8, 2011 COMMENCING AT 7:10 P.M.
IN THE COUNCIL CHAMBERS**

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

ALSO PRESENT: Mayor Paterson, John Jacobs

STAFF PRESENT: Bill Marck, Chief Administrative Officer
Brian Sweet, Director of Corporate Services
Robert Sharon, Director of Community Services
Allan Botham, Manager of Engineering Services
Kit Woods, Manager of Environmental Services
Tracey Pillon-Abbs, Manager of Planning Services
Lu-Ann Barreto, Drainage Superintendent
Carol Derksen, Corporate Assistant

DISCLOSURES OF PECUNIARY INTEREST: None

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

That the Court of Revision, to establish a new municipal 4th Concession Drain - Highway 77 Branch in accordance with By-law 141-11, be opened.

“CARRIED”

Deputy Mayor Wright confirmed there were no residents in attendance regarding the Court of Revision for the 4th Concession Drain - Highway 77 Branch.

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

That the Court of Revision, to establish a new municipal drain - 4th Concession Drain - Highway 77 Branch, in accordance with By-law 141-11, in the Municipality of Leamington, in the County of Essex, be confirmed.

“CARRIED”

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

That the Court of Revision, to establish a new municipal drain - 4th Concession Drain - Highway 77 Branch, in accordance with By-law 141-11, be closed.

“CARRIED”

Meeting adjourned at 7:15 p.m.

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

CONFIDENTIAL MINUTES - SPECIAL COUNCIL MEETING

**HELD MONDAY, AUGUST 8, 2011 - COMMENCING AT 6:30 P.M.
IN THE ANTE ROOM**

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

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

DISCLOSURES OF PECUNIARY INTEREST: None.

No. S-51-11

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

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

- Report CAO 15/11 dated August 2, 2011 re: Leamington Firefighters' Association Collective Agreement pursuant to Subsection 239(2)(d) of the Municipal Act, 2001.
- Report CAO 14/11 dated July 15, 2011 re: Personnel Matter pursuant to Subsection 239(2)(d) of the Municipal Act, 2001.
- Confidential Memo dated August 4, 2011 re: Leamington Municipal Heritage Committee - Appointment Consideration pursuant to Subsection 239(2)(b) of the Municipal Act, 2001

"CARRIED"

CHIEF ADMINISTRATIVE OFFICE - Confidential Report CAO 15/11 dated August 2, 2011 re:
Leamington Firefighters' Association Collective Agreement

Bill Marck, Chief Administrative Officer, reviewed his report with Council and discussion ensued.

Administration was directed to present the recommendation contained in Report CAO 15/11 to Council in public session.

CHIEF ADMINISTRATIVE OFFICE - Confidential Report CAO 14/11 dated July 15, 2011 re:
Personnel Matter pursuant to Subsection 239(2)(d) of the Municipal Act, 2001

Bill Marck, Chief Administrative Officer, reviewed his report with Council and discussion ensued. Administration was directed to present the recommendation contained in Report CAO 14/11 to Council in public session.

CORPORATE SERVICES - Confidential Memo dated August 4, 2011 re: Leamington Municipal Heritage Committee - Appointment Consideration

Brian Sweet, Director of Corporate Services, reviewed the report with Council and discussion ensued.

Administration was directed to bring forward Scott Holland's name to Council for appointment to the Leamington Heritage Advisory Committee.

No. S-52-11

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

That the Committee move into public session at 6:42 p.m.

"CARRIED"

No. S-53-11

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

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

"CARRIED"

John Paterson, Mayor

Brian Sweet, Clerk

BRS

T:\Corporate\C00-Council&By-laws\C04-CouncilMeetings\2011 Council\80811-Conf Special Minutes.doc

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL
 FROM: BECHARA DAHER, MANAGER OF BUILDING SERVICES
 DATE: AUGUST 8, 2011
 RE: PERMISSION TO PERMIT SECOND DWELLING - 336 MERSEA ROAD 3

AIM:

To seek Council's authorization to enter into an agreement with Jose Dacosta Cacilhas and Jorgina Dacosta Cacilhas to allow for the construction of a new single detached dwelling and to permit the use of the existing dwelling for a period of one (1) year.

BACKGROUND:

Staff have received a request from Mr. & Mrs. Dacosta Cacilhas who own property at 336 Mersea Road 3 (see key map below) to construct a new dwelling and allow original dwelling to exist on the property for up to nine (9) years. The owners would like to live in the new dwelling and move an elderly parent into the old dwelling.

The Subject land is Zoned as an agricultural Hobby Farm (A3) on Map 34 of the Municipality Zoning By-Law 890-09 and the property is approximately 6 hectares (15.01 acres) in total area. It is proposed to construct a 3500 square foot new home. The original dwelling is 1,353 square feet in size (see attached sketch).



COMMENTS:

Staff has reviewed the application and would support a request for a second dwelling for up to one (1) year provided the applicants are prepared to enter into the appropriate agreement.

Sec. 3.1.2 (f) of the Official Plan provides "A second dwelling on a lot, where one is required on a temporary basis, can be allowed, provided the property owner enters into an agreement and a security taken to determine when the original residence will be removed".

The agreement would require that the owner undertake and agree to completely demolish, raise or remove the existing residential dwelling unit from the subject lands within 360 days of the date of issuance of the building permit for the newly constructed dwelling.

In the case that the existing dwelling is not completely demolished, raised or removed from the subject lands within 360 days of issuance of a building permit for the new building, the Municipality may recover the expense incurred to demolish or raise the dwelling and recover costs associated with the demolition in the same manner as municipal taxes. The agreement would also provide for securities of \$1000 to ensure requirements have been complied with.

Administration does not recommend a second dwelling unit for nine (9) years on the existing property. The Official Plan allows for *"a second dwelling on a lot, where one is required on a temporary basis, provided the property owner enters into an agreement and a security taken to determine when the original residence will be removed"*. Our normal practice is to require that the old house be demolished 1 year after the building permit was issued. It is felt that 1 year provides enough time to build the new dwelling and demolish the original dwelling where the owners would live while the new dwelling is being constructed.

Administration has reviewed other policies and options in the Official Plan or Zoning By-law which would support this type of request to allow two residential dwellings provide all criteria have been met.

1. Under the Garden Suite provisions of the Official Plan, the intent is to allow for family to live in a temporary detached structure that is to be demolished over time. The Official Plan sets out that *"subject to the passing of a site specific temporary use by-law under Section 39 of the Planning Act, a maximum of one garden suite shall be permitted as a separate dwelling unit to a permitted main residential use on the same lot, provided that:*
 - a) *the minimum lot area is 460 m² (4,951.56 ft²);*
 - b) *the maximum floor area of the garden suite is 60 m² (645.85 ft²);*
 - c) *the maximum height of the garden suite is 6 m (19.68 ft);*
 - d) *the garden suite is located in a rear or interior side yard and meets the minimum yard and lot coverage requirements set out in the corresponding zone; and*
 - e) *the dwelling unit is set back a minimum of 3 m (9.84 ft) from any rear or side lot line.*

A garden suite shall only be permitted where the owner of the property has entered into an agreement with the Corporation of the Municipality of Leamington under the Municipal Act to register the name(s) of the occupant(s), to govern the appearance and maintenance of the structure and its removal when the dwelling has been vacated, the occupant(s) die or the temporary use By-law expires, whichever is applicable. A separate dwelling cannot be a recreational vehicle or a mobile home".

There is concern as there are some size limitations as the original dwelling is 1,353 square feet in size and the use is not permitted in the Agricultural Hobby Farm (A3) Zone.

2. Under the Temporary Use provisions, which are similar to a zoning by-law amendment, the intent is to allow for a use that is not permitted. The Official Plan sets out that *"prior to the approval of any temporary use by-law, Council shall be satisfied that the following principals and criteria are met:*
 - a. *the proposed use shall be of a temporary nature, and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of temporary use provisions;*

- b. *the proposed use shall not be incompatible with adjacent land uses and the character of the surrounding land area;*
- c. *the proposed use shall be properly serviced and not require the extension or expansion of existing municipal services;*
- d. *the proposed use shall not create any traffic problems within the surrounding area, nor shall it adversely affect the volume and/or the type of traffic commonly found on the area's roads;*
- e. *parking facilities required by the proposed use shall be provided entirely onsite;*
- f. *the proposed use shall generally be beneficial to the surrounding area or the community-at-large”.*

Sec. 7.15 of the Official Plan allows “A temporary use By-Law to be in effect for three years. Council may pass further By-Law extending the temporary use By-Law for further three Years periods”. This will allow for 3 years, but there are concerns with subsection (a) that it not entails any major construction or investment as the proposed new dwelling is 3500 square foot home and the original dwelling is 1,353 square feet in size.

3. Under the farm dwelling regulations, the A3 zone does permit a ‘farm dwelling’ but this type of dwellings are defined as “*shall mean a dwelling that is used for the housing of on-site farm labour where the workers assists on the subject farm on a regular basis*”. And the official plan sets out that “*more than one residence on a lot for the purposes of housing farm help may be allowed in those instances where: the need for such housing has been adequately demonstrated; the farm help assists on the subject farm on a regular basis; and the farm operation is of such a size and nature that this assistance is required and needs to be located close by the farm.* This situation is not for farm help.

The applicant is allowed to appear before Council to argue the rationale to allow for the second dwelling; however, staff would not support two homes on a single lot as it would set a precedent for other owners of large parcels of property who may wish to ask for similar relief to construct more than one home on a single parcel.

Administration can support a second dwelling pursuant to a one year agreement as described above.

RECOMMENDATION:

That the request by Jose Dacosta Cacilhas and Jorgina Dacosta Cacilhas to allow for two single family homes on one parcel of land for up to 9 years be denied; (DEV 03/11)

Respectfully submitted,

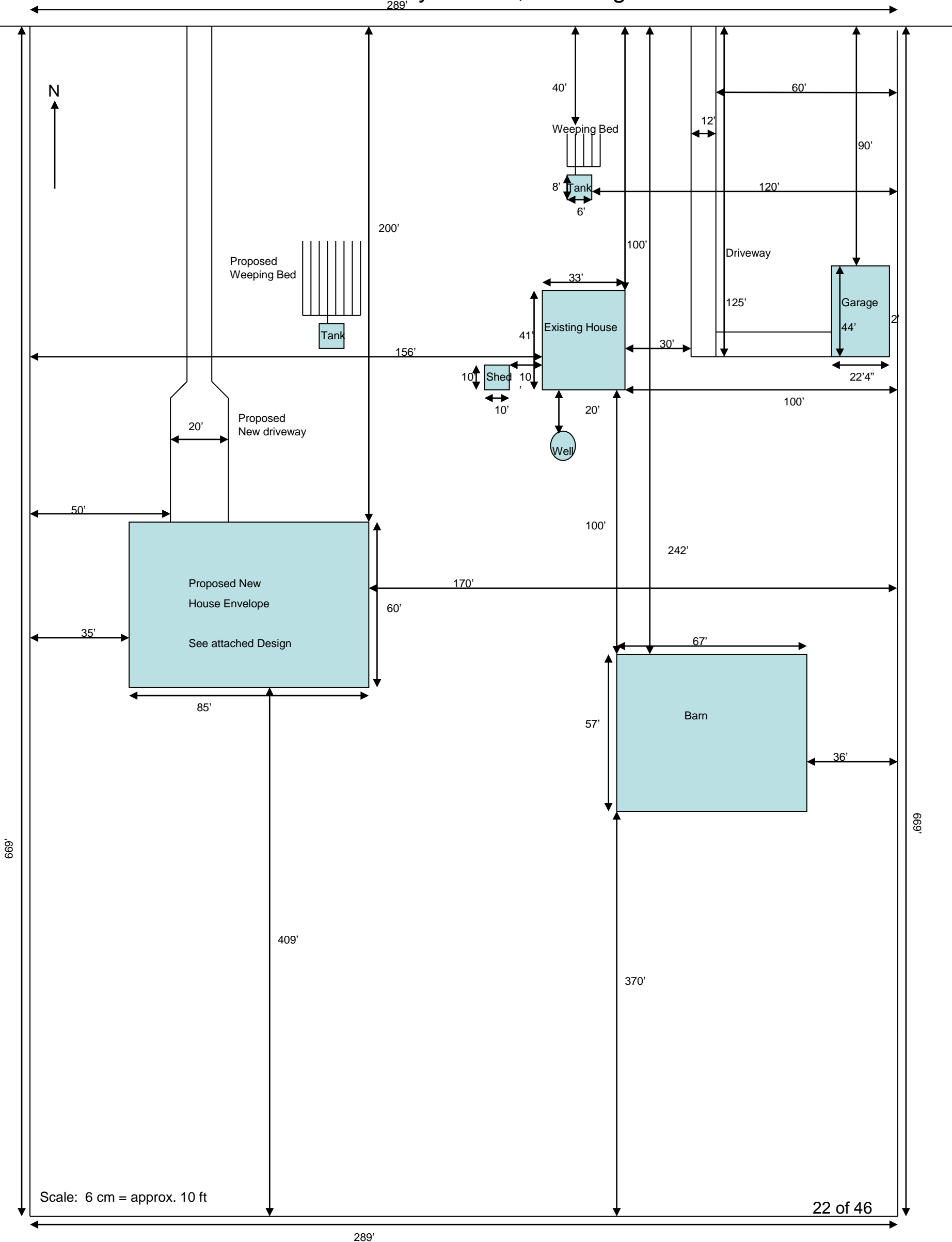
Bechara Daher
Manager of Building Services

BD/ka

File: T:\Development\Reports\2011 Reports\Building\DEV 02 11 - New Municipal Bldg - New Office Furnishings.doc

Site Plan for Jose and Jorgina Cacilhas – Proposed Additional Dwelling

336 County Road 3, Leamington



REPORT

TO: MAYOR AND COUNCIL
FROM: DENISE MCGREGOR, PLANNING TECHNICIAN
DATE: AUGUST 4, 2011
SUBJECT: APPLICATION FOR SITE PLAN CONTROL APPROVAL
 PROPOSED COMMERCIAL PARKING AREA
 TONY & VICKI TAWIL
 206 TALBOT STREET EAST, LEAMINGTON

AIM:

To report upon an application for site plan control for a proposed commercial parking area located at 206 Talbot Street East.

BACKGROUND:

Staff received an application from the owners of the subject property to construct a commercial parking area at 206 Talbot Street East for the sale of automobiles. The subject property is zoned Commercial Highway Zone which permits sales and service establishments for automobiles, trucks, industrial equipment, farm equipment and recreation vehicles. There is no existing site plan agreement in place for the subject property.

Property Description:

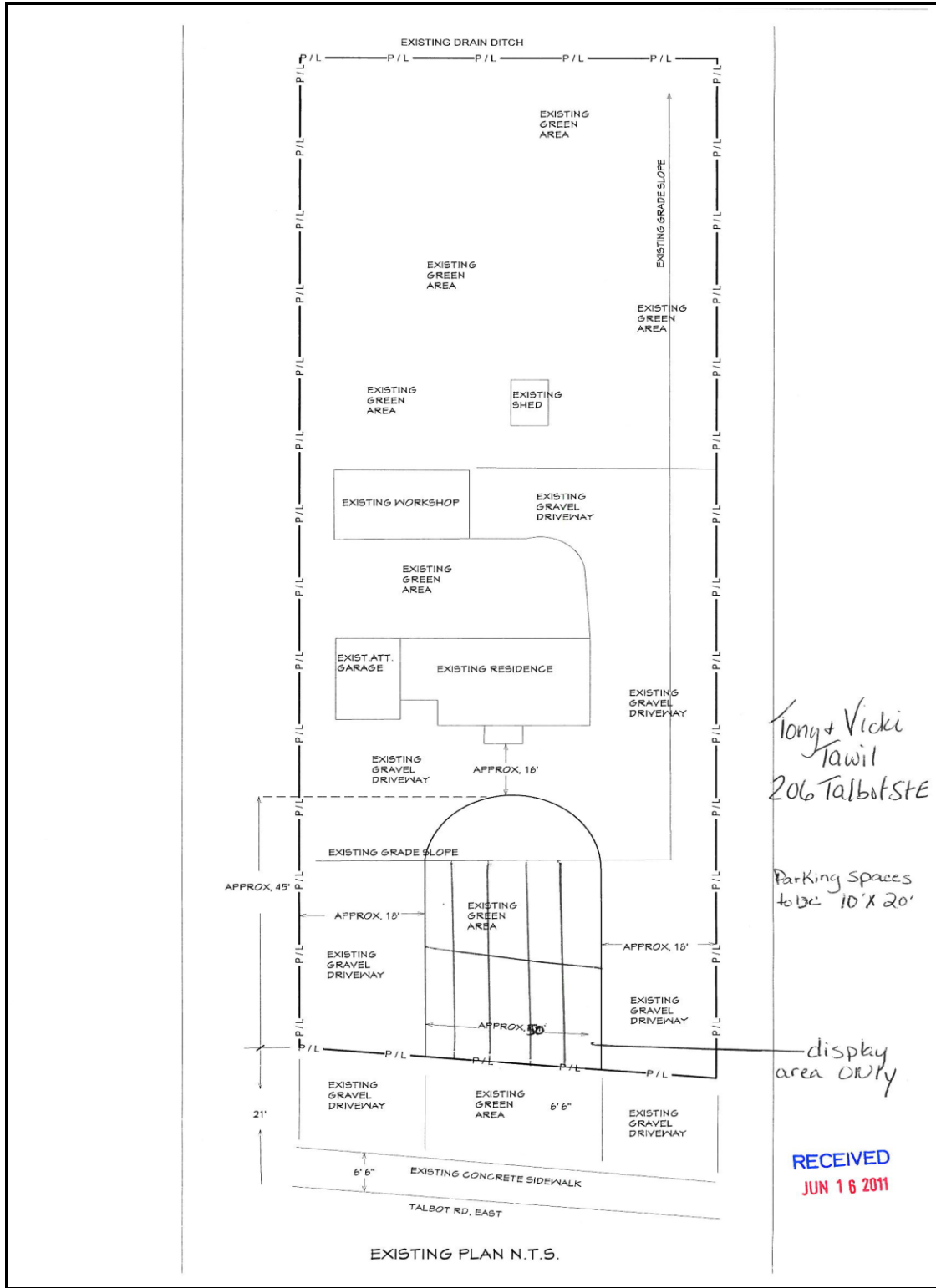
The subject property is described as Part Lot 241, Concession NTR, locally known as 206 Talbot Street East, in the Municipality of Leamington. See key map attached.

The subject property is 1.04 acres. The property fronts on Talbot Street East. There are commercial uses to the north, and residential uses to the south, east and west of the property.



Proposal:

The owners propose to construct a commercial parking area that consists of 10 parking spaces to replace the green area north of the existing dwelling. The owner proposes to install gravel for the parking area at this time and wishes to have one year from the date of the site plan agreement to pave the parking area. In addition to paving the parking area, administration is requesting the existing driveway and driveway approaches be hard surface as well. The Municipality will hold sufficient securities until such time the paving of the parking area and driveway is complete.

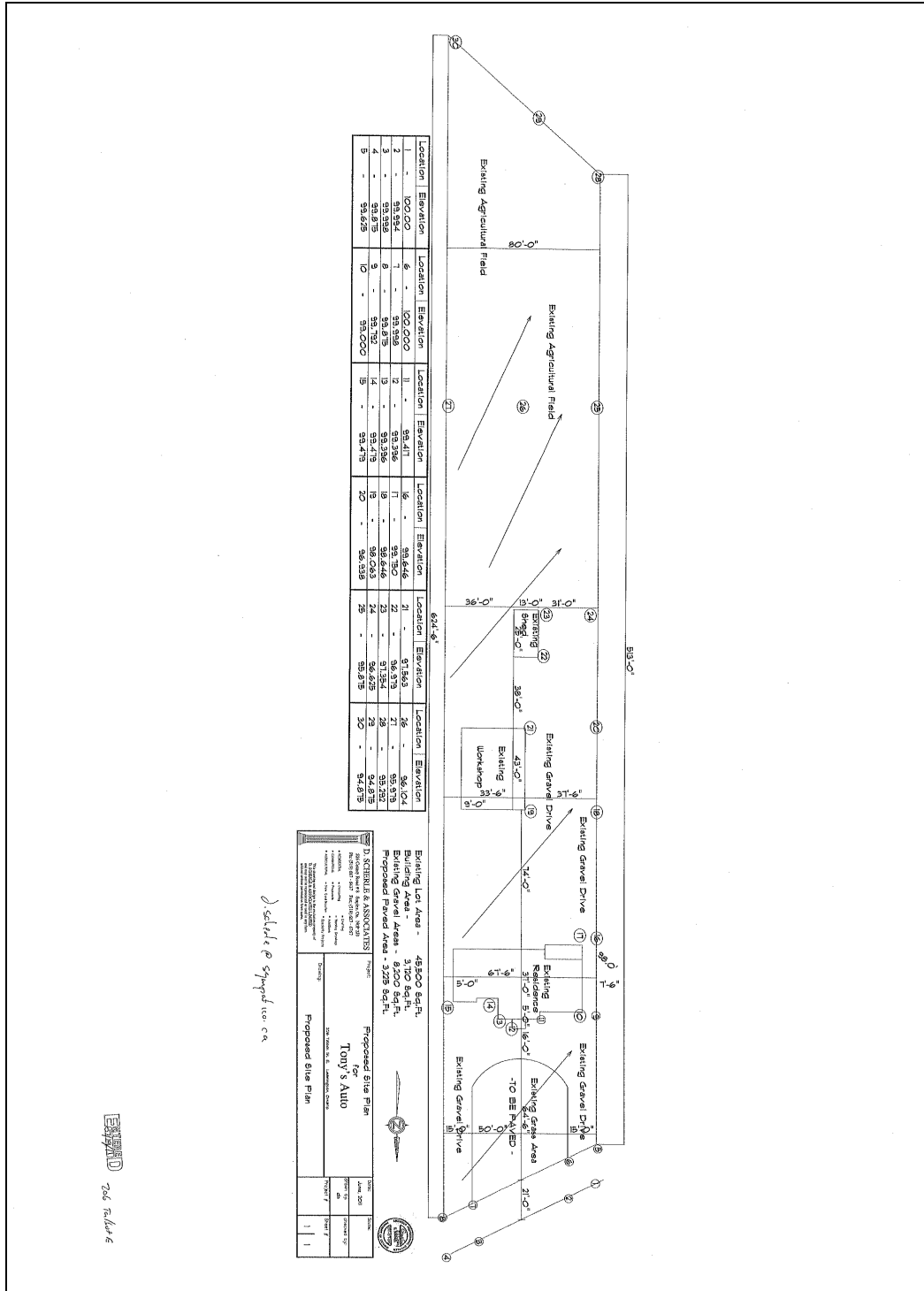


Tony + Vicki
Tawil
206 Talbot STE

Parking Spaces
to be 10' x 20'

display
area ONLY

RECEIVED
JUN 16 2011



Site Plan Details:

The subject property is zoned C2 (Commercial Highway Zone) on Map 41 of the Municipality of Leamington Zoning By-law No. 890-09. The property is designated Eastern Commercial District on Schedule A6-D in the Official Plan approved February 5, 2008. The proposed development complies with the Official Plan and the Zoning By-law.

The site servicing/grading plan received July 19, 2011, was prepared by D. Scherle and Associates and has been approved by the Municipality.

Other Provisions:

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

CONSULTATION AND CONCLUSION:

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

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

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

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

RECOMMENDATION:

THAT the site plan be approved for the commercial parking area located at 206 Talbot Street East (Tony and Vicki Tawil) as outlined in Report PLA 43/11;

THAT the new parking area, existing driveway and driveway approaches be hard surface;

THAT the owner has one year from the date of the site plan agreement to pave the parking area, existing driveway and driveway approaches and the municipality hold sufficient securities until such time the paving is complete.

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

Respectfully submitted,

Denise McGregor,
Planning Technician

Tracey Pillon-Abbs,
Manager of Planning Services

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: DENISE McGREGOR, PLANNING TECHNICIAN

DATE: AUGUST 4, 2011

SUBJECT: APPLICATION FOR SITE PLAN CONTROL APPROVAL
PROPOSED GREENHOUSE EXPANSION - PHASE 3
435 MERSEA ROAD 3 (1560987 ONTARIO LTD - FAUSTO AMICONE)

AIM:

To report upon an application for site plan control approval for proposed greenhouse expansion located at 435 Mersea Road 3.

BACKGROUND:

Staff has received an application from the owner for site plan control approval for a greenhouse expansion for phase 3. Any future development or phasing will require further review and approvals from the municipality.

Property Description:

The subject property is described as Concession 3, Lot 4 and 5, Parts 1 and 2 on 12R-20423 and locally known as 435 Mersea Road 3 in the former Mersea Township, now a portion of the Municipality of Leamington (see key map).

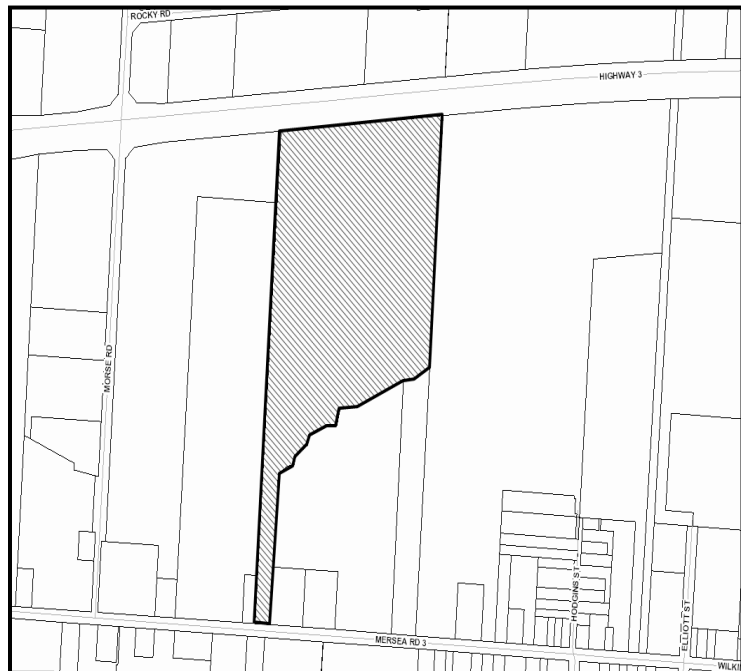
The subject property is approximately 36.83 Acres in size. The property abuts Highway 3 to the North, agricultural uses to the South and mix of agricultural and residential uses to the east and west.

Proposal:

The owner of the subject property proposes to construct 12.45 acres of greenhouses known as phase 3 of construction. There currently is 10.31 acres of greenhouses on the property.

Site Plan Details:

The subject property is designated Agricultural on Schedule "A-6B" in the Leamington OP as approved February 5, 2008.



The subject property is currently zoned A2 (Agricultural Restricted Zone) on Map 28 in the Zoning By-law #890-09.

The owner has applied for a zoning by-law amendment for the reduction of setbacks 49.21' to 19.36'. The zoning by-law amendment was passed and the last day for appeal is August 22, 2011. Pending no appeals, a building permit may be issued after the last day of appeal.

The site plan dated June 10, 2011 prepared by N. J. Peralta Engineering Ltd. meets all provisions of the Municipality of Leamington Zoning By-law No. 890-09 and the provisions set out in the zoning by-law amendment.

The owner has applied to ERCA for stormwater management approval. ERCA has provided their clearance for the proposed expansion and stormwater management, therefore, an ERCA permit should be issued shortly.

Water Services has received recommendations from Stantec for this development. The owner plans to service this development with ground water wells. They have signed an indemnity agreement with the municipality by managing their current water treatment allocation of 501,000 imperial gallons per day at a regulated delivery rate of 418 imperial gallons per minute for 50.1 acres.

The owner is to provide and implement a rate of flow control valve system to regulate inflow not exceeding 418 imperial gallons per minute to limit total water delivery volume to the proposed treatment capacity of 501,000 imperial gallons per day over a 20 hour period. The owner shall maintain sufficient onsite fresh water storage to achieve a total working volume of 376,000 imperial gallons or greater.

These provisions for water capacity will be included in the site plan agreement to be registered on title of the property.

Other Provisions:

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

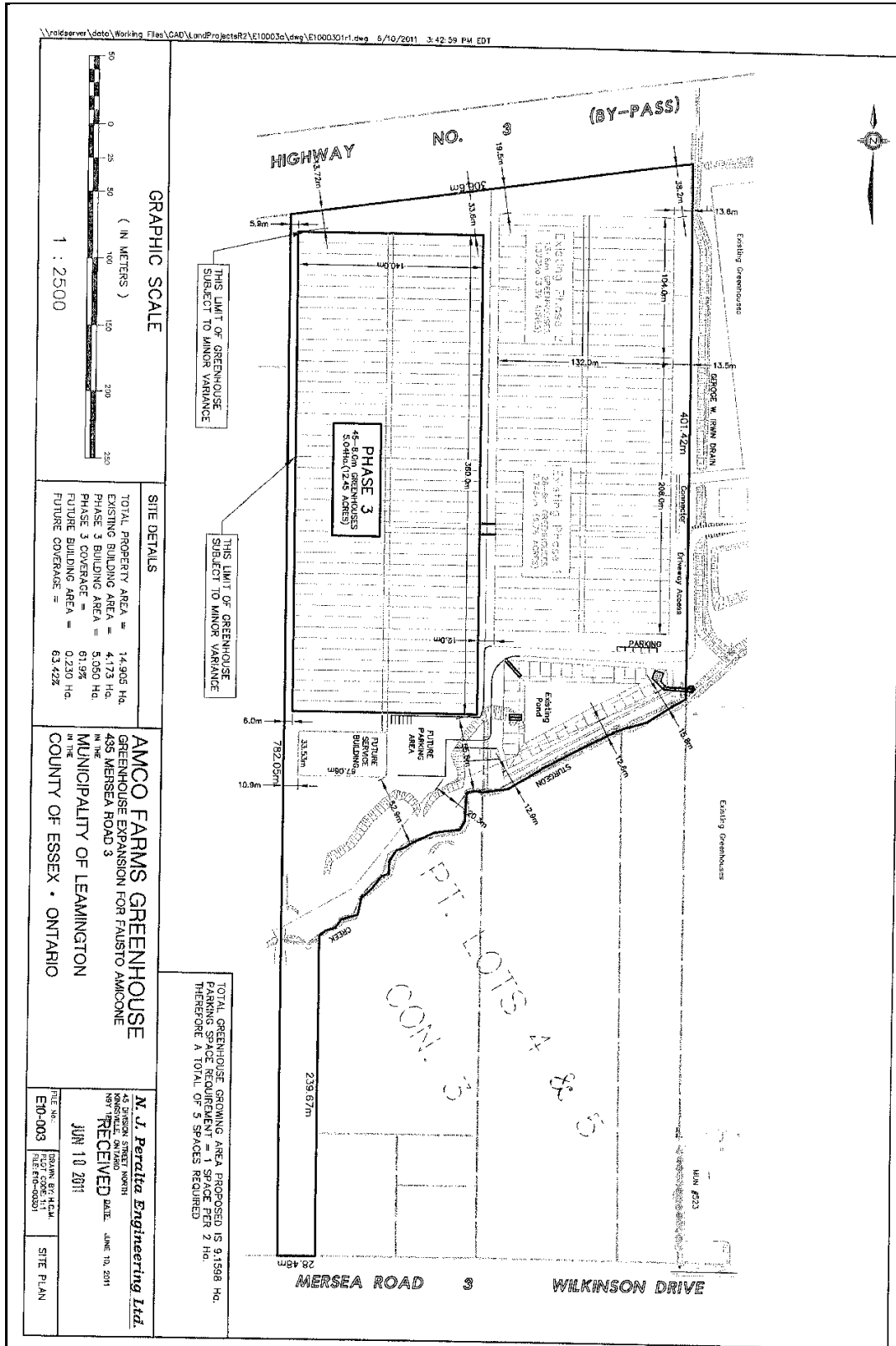
CONSULTATION AND CONCLUSION:

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

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

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

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



RECOMMENDATION:

THAT the site plan be approved for the proposed Phase 3 of the greenhouse development located at 435 Mersea Road 3 (1560987 Ontario Ltd. - Fausto Amicone) as outlined in Report PLA 44/11;

AND FURTHER that the Mayor and Clerk be authorized to execute the site plan agreement pending no appeals have been received for the zoning by-law amendment.

Respectfully submitted,

Denise McGregor,
Planning Technician

Tracey Pillon-Abbs,
Manager of Planning Services

/dm

T:\Development\Reports\2011 Reports\Planning\Planning - Word document\PLA-44-11 435 Mersea Road 3 - Phase 3.docx

REPORT

TO: MAYOR AND COUNCIL
FROM: DENISE MCGREGOR, PLANNING TECHNICIAN
DATE: AUGUST 4, 2011
SUBJECT: APPLICATION FOR SITE PLAN CONTROL APPROVAL
 PROPOSED GREENHOUSE EXPANSION - PHASE 4
 ORANGELINE FARMS LIMITED
 627 ESSEX ROAD 14, LEAMINGTON

AIM:

To report upon an application for site plan control for a proposed greenhouse expansion located at 627 Essex Road 14.

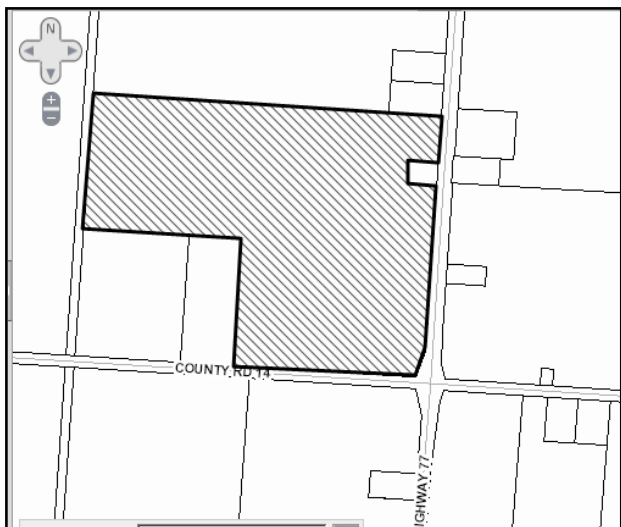
BACKGROUND:

Staff received an application from the owner of the subject property to construct 11.95 Acres of greenhouse, a service building, a hot water storage tank and a warehouse expansion which is Phase 4 of this development. The property currently has approximately 21 acres of greenhouses in operation which is under a site plan agreement dated April 11, 2005. Any future development or phasing will require further review and approvals from the municipality.

Property Description:

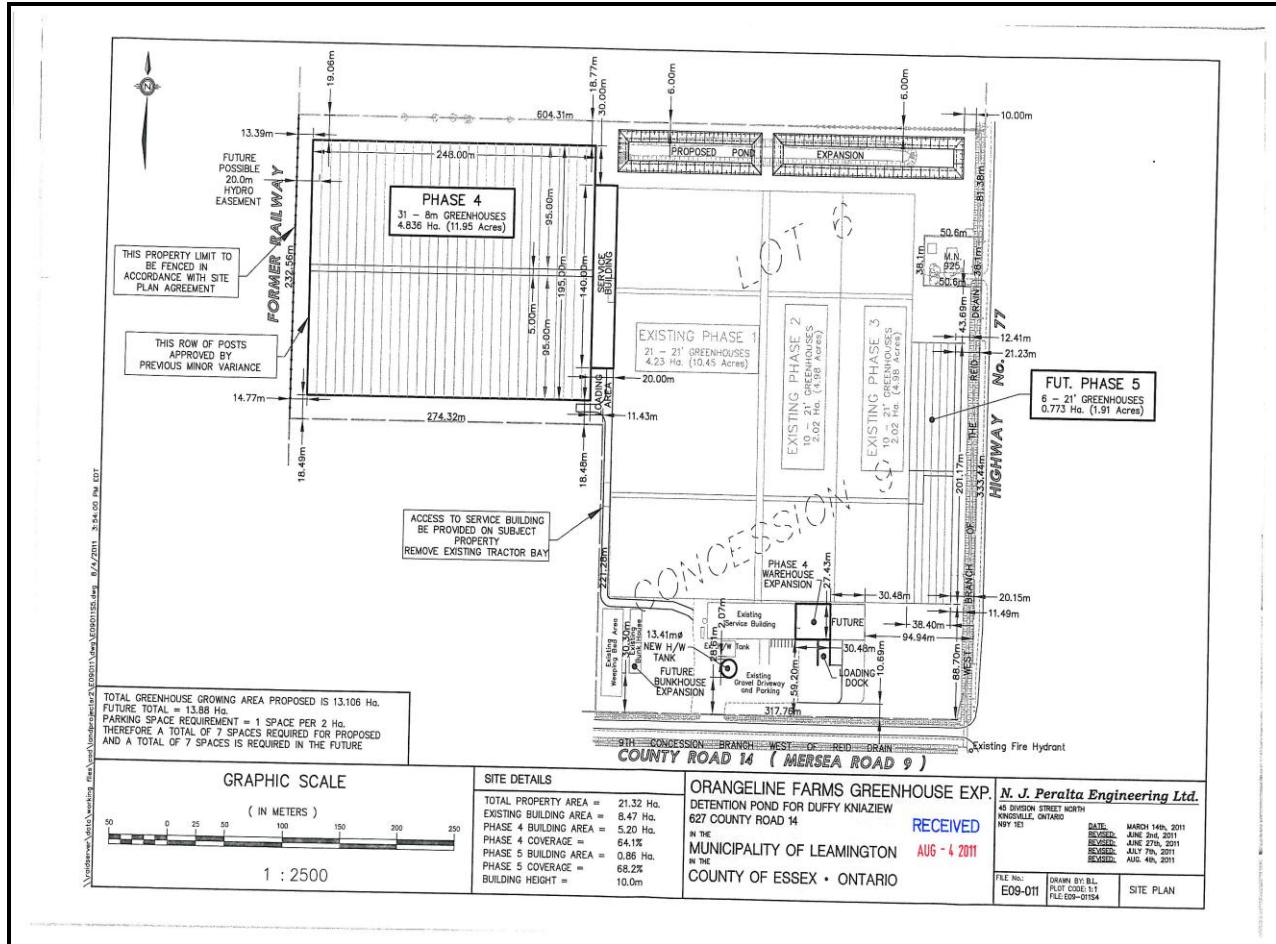
The subject property is described as South Part Lot 6, Concession 9, in the former Township of Mersea and now in the Municipality of Leamington. See key map attached.

The subject property is approximately 52.68 acres in size. The property is surrounded by a mix of agricultural and residential uses to the north, agricultural uses to the south, a mix of agricultural and residential uses to the east and the former railway (future trail) to the west.



Proposal:

The owner of the subject property proposes to construct 11.95 acres of greenhouse, a service building, a hot water storage tank and a warehouse expansion which is all part of Phase 4 of this development.



Site Plan Details:

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

The owner has applied to the committee of adjustment for a minor variance to decrease the minimum rear yard setback from the required 49.21' to 44.95' and decrease the minimum interior side yard on the west side from the required 49.21' to 41.44' to permit Phase 4 greenhouse expansion. The minor variance was granted on July 28, 2009 and no appeals were received.

The site plan received August 4, 2011, prepared by N. J. Peralta Engineering Ltd. meets all provisions of the Municipality of Leamington Zoning By-law No. 890-09 and the decision of the Committee of Adjustment.

The owner is required to install a farm fence along the west property line abutting the former railway lands. This provision will be included in the site plan agreement to be registered on title.

Water Services received recommendations from Stantec for this development. The owner is to provide and implement a rate of flow control valve system to regulate inflow not exceeding 356 imperial gallons per minute to limit total water delivery volume to the proposed treatment

capacity allocation of 427,000 imperial gallons per day over a 20 hour period. The owner must maintain sufficient onsite water storage to achieve a total working volume of 320,000 imperial gallons or greater.

These provisions for water capacity will be included in the site plan agreement which will be registered on title.

Other Provisions:

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

CONSULTATION AND CONCLUSION:

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

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

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

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

RECOMMENDATION:

THAT the site plan be approved for the proposed Phase 4 of the greenhouse development located at 627 Essex Road 14 (Orangeline Farms Limited) as outlined in Report PLA 41/11;

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

Respectfully submitted,

Denise McGregor,
Planning Technician

Tracey Pillon-Abbs, Planner,
Manager of Planning Services

/dm

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

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

DATE: July 15, 2011

**RE: CAPITAL ACQUISITION; PUBLIC WORKS DEPARTMENT -
SALTER/PLOW/WING ATTACHMENTS**

AIM:

To seek Council approval to purchase a Salter/Plow/Wing attachment for the new Tandem Cab and Chassis, for the Public Works Department as approved in the 2011 capital budget.

BACKGROUND:

1. Council will recall that during the 2011 capital deliberation process administration requested approval to purchase a Tandem Cab and Chassis with Salter/Plow/Wind attachments. Council authorized an expenditure of \$170,000.00.
2. As per PW 04 11, administration purchased a Tandem Cab and Chassis from International Truck in the amount of \$78,495.78 including net HST.
3. The remaining component to this replacement was the Salter box with a front mount plow and side wing.

COMMENTS:

1. Administration notified industry suppliers and placed the tender on the Municipal website.
2. Tenders were received and opened on July 14, 2011. There were 3 suppliers that closed the tender as per attachment.
3. Wiltsie Truck Bodies Ltd was the low tender quoting a Tenco Dump Body/Spreader with front mount plow and side wing in the amount of \$83,953.00 and Viking Cives Ltd was second low bidder in the amount of \$88,982.00 excluding applicable taxes.
4. Administration reviewed the tender specifications from Wiltsie Truck Bodies Ltd and it appears there are a number of important items that do not meet specification requested in the tender document. Such as the wing mast is a 6" I-beam verses 8",

one tail gate cylinder verses two, manual tensioning mechanism verses self tensioner on the main chain, non adjustable spinner verses adjustable and the plows are seven ribs verses eight, to name a few items.

5. Viking Cives Ltd equipment meets, if not exceeds all specifications requested in the tender documents and as per Purchasing Policy F18-Tenders which reads "Should tenders submitted not meet the requirements of the tender call, the tender would then be rejected and returned to the appropriate bidder". As such administration is recommending the purchase of the Viking Cives Ltd equipment over the Wiltsie Truck Bodies' equipment.

FINANCIAL IMPACT:

The low bid in the amount of \$78,495.78 including net HST for the Cab and Chassis and second lowest bid for the Salter/Plow/Wing in the amount of \$90,548.08 including net HST for a total of \$169,043.86 will be assessed to the Public Works Capital account 2-510-8546-8940. The total amount is under the budget request of \$170,000.00 as per PW 09 11.

CONCLUSION:

The Department is quite familiar with the Viking Cives Ltd equipment, we currently operate one unit and have three one way plows in operation.

RECOMMENDATION:

THAT administration be authorized to purchase a Viking Cives Ltd dump body/spreader with front plow and side wing in the amount of Eighty Eight Thousand Nine Hundred and Eighty Two Dollars (\$88,982.00) plus applicable taxes assessed to account 2-810-8546-8940, as per report PW 04-11.

Signed _____
Cameron McKay, C.E.T.
Manager of Operation, Public Works

Signed _____
Robert Sharon
Director of Community Services



PRELIMINARY RESULTS

Minutes of the Tender Closing

Tender for Dump Body, Wing, Harness, etc.

Held on Thursday, July 14, 2011 @ 11:00 a.m.
Leamington Council Chambers

Attendance: Paul Schoon, Operations Supervisor
Mary Ann Manley, Corporate Services

| Contractor | Tender Amount \$ Excluding HST |
|---|-----------------------------------|
| Larochelle Equipment 250 2 nd Avenue Quebec, QC G1L 3A7 | \$92,283.65 |
| Viking Cives Ltd P.O. Box 1120 Mount Forest ON N0G 2L0 519-323-4433 (P) 519-323-4608 (F) | \$88,982.00 |
| Wiltsie Truck Bodies 686 Talbot Street West, P.O. Box 216 Aylmer ON N5H 2R9 519-773-2066 (P) 519-765-1432 (F) | \$83,953.00 |

Meeting adjourned at 11:05 a.m.

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: AMANDA SMITH
MANAGER OF CULTURE AND RECREATION

DATE: July 20, 2011

RE: Liquor Licence Act (Ontario) - Updates

AIM:

To report to Council on the recent changes and updates to the Liquor Licence Act (Ontario) as it relates to the sale and consumption of alcohol in municipally-operated facilities; and to recommend adherence to the existing Municipal Alcohol Risk Management Policy (MAP) P-09 until a thorough review can be completed and changes recommended.

BACKGROUND:

1. On May 27, 2010, the Government of Ontario, Ministry of the Attorney General amended the alcohol laws. According to the news alert, the changes “eliminate unnecessary barrier for special events, festivals and licensed establishments, while maintaining the highest standards of social responsibility”.
2. This summer, the Municipality will have been involved in a number of events, either directly or indirectly as it relates to the sale of alcohol. Service Clubs or private rentals typically hold the liquor licence at events hosted on municipal-property, such as the Tomato Festival, Summer Spin Off Concert and Grand Re-Opening of the Leamington Marina. On occasion, the Municipality will hold the liquor licence for events, such as special events at the Marina.

COMMENTS:

1. A complete list of changes is attached to this report; however, Administration will highlight the following changes as they relate to municipally-operated facilities:

Effective June 1, 2011:

- a) The holders of Special Occasion Permits (SOPs) for special events such as weddings and charity fundraisers can serve alcohol for an extra hour until 2:00am. They can also start serving as early as 11:00am on Sunday.
- b) Street festivals can allow people to leave their bar or restaurant with a drink in hand, providing specified conditions are met to ensure public safety.
- c) Festival and events can define an area larger than beer tents where people can walk around freely with drinks. Local communities are free to customize the events to their needs.
- d) Businesses, such as spas and art galleries can apply for an SOP to serve alcohol during a special event.

- e) Venues with tiered seating, such as stadiums and theatres can now apply for SOPs.
- f) First Nations status card, Ministry of Transportation photo cards and permanent resident cards can be used as proof of age.
- g) The Alcohol and Gaming Commission of Ontario (AGCO) will now be able to impose risk-based conditions on event holders and levy fines for offences at these events.

Effective August 2, 2011:

- a) Public events will be required to give more advance notice to municipalities and local officials up from 21 days to 30 days for events under 5000 people, and 60 days notice for events with more than 5000 people.
- b) Restrictions on tiered seating will be eliminated and businesses such as galleries and spas that are not mainly in the food and alcohol industry will become eligible for ongoing liquor sales licences.

Effective July 1, 2012:

- a) Changes will be made to the SOP categories.
- b) Permits will be able to be issued for multiple day events, and the carryover of liquor will be allowed between occurrences.
- c) Applications for SOPs can now be made at any LCBO store.

2. There are a number of options available for the Municipality to act upon for 2011. A response from two third-party organizations, the Ontario Recreation Facilities Association and the municipal insurance provider suggests that the new LLA changes will be a learning curve for all organizations and municipalities over the next year.
3. In response to an inquiry to the Ontario Recreation Facilities Association (ORFA), both the Facilities Librarian and Technical Director provided these comments:

"If organizers of events and municipalities do not want to take advantage of the new allowances they do not have to. Allowances under the Liquor License Act are set as maximum application limits. Your responsibility under the LLA and its Regulations is to operate your establishment as per the law. While the changes to Ontario's regulations may allow more freedom, local municipalities still have the power to use their bylaws to add restrictions. Municipalities and festival organizers can choose to adopt them or keep on [with the] traditional beer tent. Informing patrons about licensed and unlicensed areas within an establishment remains the responsibility of licensees. A sign indicating that liquor is not permitted past a certain point, an informed staff, reasonable monitoring and appropriate security will all help to instruct patrons if areas remain unlicensed" - Rebecca Russell, Facilities Librarian

"...my recommendation to key decision makers for 2011 would be status-quo" - Terry Piche, Technical Director

4. Comments from the Ontario Municipal Insurance Exchange (OMEX) were encouraging with regards to making certain changes to the MAP; however, Shannon Devane, Director of Risk considers this an on-going project and that claims that arise out of these changes will provide additional clarification for responsibility and managing exposure.

"I have reviewed the initial documentation put out by the Attorney General and the AGCO. The recommended changes that you have made thus far look good. I would recommend increasing the event staff numbers you have listed (if any) to accommodate for longer operating procedures and additional risks associated with facilities that have risers. The first priority is having the changes reflected in the document. Claims that arise out of these changes will provide further guidance with respect to risk management.

...
This is an on-going project for me as well so there will be further information to come, I just don't have anything ready for today. There isn't much out there with respect to specific special event risk management for municipalities... - Shannon Devane, Director of Risk

FINANCIAL IMPACT:

1. There is not a direct financial impact related to the review of the Municipal Alcohol Policy and the amendments to the LLA. However, future financial impact with regards to risk management and the impact that changes in the alcohol policy may have on municipal risk, should to be considered.
2. Moving forward, there may be a financial impact related to any cost recovery for staff time/supervision/or clean up that may be charged back to user groups. This will need to be reviewed as part of the Tariffs of Fees schedule.

CONCLUSION:

Upon review of the Municipal Alcohol Policy and in consideration of the amendments to the Liquor Licence Act of Ontario, it is recommended that the existing Municipal Alcohol Policy remain status-quo for 2011 and that a review be conducted, with input from user groups and the Ontario Provincial Police - Leamington Detachment for 2012.

The Municipality of Leamington must ensure that there are effective management practices in place for events at municipally-owned facilities where alcohol is permitted. By reviewing the new regulations with user groups and the Ontario Provincial Police - Leamington Detachment, it is anticipated that amendments to the Municipal Alcohol Policy will ensure that responsible alcohol sale and consumption can continue on municipally-operated facilities.

RECOMMENDATION:

THAT Council confirms the Municipality will continue to adhere to the current Municipal Alcohol Risk Management Policy (P09-Alcohol) and supports the review of the Municipal Alcohol Risk Management Policy as it relates to the revisions to the Liquor Licence Act as outlined in REC 15/11.

Respectfully submitted,

Signed: _____
Amanda Smith
Manager of Culture and Recreation

Signed: _____
Robert Sharon
Director of Community Services

Backgrounder as provided to the Municipality:



BACKGROUND

Ministry of the Attorney General

Ontario Modernizes Liquor Laws

May 27, 2011

Ontario is modernizing its alcohol laws to better serve Ontarians. The changes eliminate unnecessary barriers for special events, festivals and licensed establishments, while maintaining the highest standards of social responsibility. This will provide Ontarians with a more enjoyable experience, and improve tourism and local economies.

The changes below come into effect on the following dates:

June 1, 2011:

- Holders of Special Occasion Permits (SOP) for special events such as weddings and charity fundraisers can serve alcohol for an extra hour until 2 a.m. They will also be able to start serving as early as 11 a.m. on Sunday.
- All-inclusive vacation packages, that include the price of alcohol, can now be sold in Ontario.
- Restaurant and bar servers can carry drinks on public sidewalks to licensed areas such as patios.
- Street festivals can allow people to leave their bar or restaurant with a drink in hand, providing specified conditions are met to ensure public safety.
- Festivals and events can define an area larger than beer tents where people can walk around freely with drinks. Local communities are free to customize the events to their needs.
- Boat tours can begin serving alcohol before the boat leaves the dock.
- Businesses, such as spas and art galleries, that are not mainly in the food and alcohol business will be able to apply for an SOP to serve alcohol during a special event.
- First Nations status card, Ministry of Transportation (MTO) photo cards and permanent resident cards can be used as proof of age.
- Venues with tiered seating such as stadiums and theatres can now apply for SOPs.
- The Alcohol and Gaming Commission of Ontario (AGCO) will now be allowed to impose risk-based conditions on event holders and levy fines for offences at these events.

August 2, 2011:

- Public events will be required to give more advance notice to municipalities and local officials such as police — up from 21 to 30 days for events under 5,000 people, and 60 days for events with 5,000 or more people.
- Businesses, such as galleries and spas, that are not mainly in the food and alcohol business will become eligible to apply for ongoing liquor sales licences, as opposed to an SOP for a one-time event, and the restrictions on the use of tiered seating in licensed establishments will be eliminated.

July 1, 2012:

- The categories for SOPs will be streamlined. Private events and industry promotional events categories will replace the current reception, trade show, consumer show and market-research event categories.
- Permits will be able to be issued for multiple day events, and the carryover of liquor will be allowed between occurrences.
- Applications for SOPs can now be made at any Liquor Control Board of Ontario (LCBO) store. Applicants are no longer limited to the LCBO location where the event will occur.

Nauman Khan, Minister's Office, 416-326-1785
Brendan Crawley, Communications Branch, 416-326-2210

ontario.ca/attorneygeneral-news
Disponible en français

For more information, you can also visit: http://www.agco.on.ca/en/topics/govt_initiatives.aspx

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: BRIAN SWEET, DIRECTOR OF CORPORATE SERVICES

DATE: AUGUST 10TH, 2011

RE: DISPOSAL OF MUNICIPAL LAND AND A REQUEST TO PURCHASE
MUNICIPAL LAND AND TO PURCHASE AN EASEMENT OVER MUNICIPAL
LAND - 448 COUNTY ROAD 31

AIM:

To report upon the possible disposal of a parcel of municipal land and a request from the owner of 448 County Road 34 (herein, the "Gas Bar Owner") to purchase municipal land and a storm water sewer easement over municipal lands.

BACKGROUND:

The former Mersea Township became owners of a parcel of land, shown on the sketch attached, that we understand was at one time part of a rail line. Parts of this rail line were sold but there is a landlocked remnant that is now owned by the Municipality of Leamington. The subject land is vacant and not being used by the Municipality. The parcel is approximately 1500 feet long and at both ends is approximately 21 feet wide. For approximately 950 feet the land is 80 feet wide.

The Gas Bar Owner owns and operates a gas bar and variety store at 448 County Road 34. He wants to further develop the property by adding a car wash to the existing business.

The Municipality cannot permit further development on this site until the property owner can establish a legal outlet for storm water into the Judson Morse Drain. The property has been assessed into the Judson Morse Drain for a long period of time but there is no legal outlet for the property into that drain. The Gas Bar Owner could secure a legal outlet to the Judson Morse drain by installing a storm sewer along the subject municipal lands.

PROPOSAL:

The Gas Bar Owner has requested that the Municipality sell to him the part of the municipal lands immediately behind his property and sell him a storm sewer easement over the municipal lands between his lands and the Judson Morse Drain so he can establish a legal outlet.

It is the opinion of administration that the subject municipal lands are not needed by the Municipality and can be declared surplus and sold. Selling these types of parcels is normally done by contacting abutting owners and asking them if they would be interested in obtaining the property. The property owners will have to pay all costs associated with the transfer. Administration also supports the proposal to sell part of the land and to sell an easement to the Gas Bar Owner provided that the he enter into an easement agreement which will be registered on title. The agreement will provide, among other things, that the owner will have to construct

the storm sewer according to plans approved by the Municipality and post appropriate securities.

Administration also recommends that other property owners who abut the subject municipal lands be contacted to determine if they are interested in obtaining those lands that abut their property.

FINANCIAL IMPACT:

All owners who wish to obtain property from the Municipality will be responsible for all related legal costs including preparation and registration of all documents, including reference plans if necessary.

RECOMMENDATION:

That the municipal lands referred to in Report CL/24/11 be declared surplus;

And that administration be directed to take all necessary steps to begin the process of disposing of the surplus municipal lands to abutting property owners;

And that administration attempt to negotiate an agreement with the Owner of 448 County Road 34 to provide for the sale of part of the municipal lands and an easement across municipal lands as described in Report CL 24/11, provided that the Owner be responsible to pay for all related legal costs. (Report CL/24/11)

Respectfully submitted,

BRS/lj

Enc.

FILE: T:\Corporate\A00-Administration\A00-Council Reports\2011 Corporate Services Reports\Word\CL2411 Storm Water Easement -448 Talbot W..docx



Legend

- Judson Morse Drain
- Subject Land
- Municipal Owned Land

Scale is correct if original paper size of letter is still intact and has not changed in any way. The Municipality of Leamington will not be held responsible for any damages due to scale errors from paper size changes.

| | |
|---|---|
| Title: Figure 1 | |
| | Scale: 1:4,000 |
| <p><small>This document is not a Legal Plan of Survey and the user of this map assumes all risks associated with it. All efforts have been made to ensure completeness and accuracy, however no guarantee can be made.</small></p> | Prepared For: Corporate Services Prepared By: GIS Services |
| | Date: August 11, 2011 File No: CL-24-11 |
| <p><small>Copyright: This map is the property of the Corporation of the Municipality of Leamington and may not be reproduced without expressed permission and authorization. Provided by the Municipality of Leamington - GIS Services 111 Erie Street North, Leamington, Ontario N8Y 2T9 TEL: (519) 326-6700 FAX: (519) 326-2681</small></p> | |

Leamington Municipal Heritage Advisory Committee

MINUTES

Wednesday, July 20, 2011
Ante Room, 111 Erie Street North, Leamington

MEMBERS PRESENT: Lee-Anne Setterington, Chair, Tony Duncan, Judy Lear-Zylstra, Deputy Mayor Charlie Wright

MEMBERS ABSENT: Ted Wigfield

STAFF PRESENT: Brian Sweet, Director of Corporate Services, Kim Siddall, Manager of Corporate Services, Bechara Daher, Manager of Building Services, Tracey Pillon-Abbs, Manager of Planning

CALL TO ORDER:

Lee-Anne Setterington, Chair called the meeting to order at 3:00 p.m.

Administration will forward a list of the members and their contact information to the committee members for future reference.

MINUTES:

Moved by: Judy Lear-Zylstra **Seconded by:** Tony Duncan

That the minutes of the June 9, 2011 meeting of the Leamington Municipal Heritage Advisory Committee be adopted.

CARRIED

BUSINESS ARISING FROM MINUTES:

An updated list of the current LMHAC members, including the administration support will be forwarded to the members and staff.

NEW BUSINESS:

Review of the Committee's Responsibilities

The Committee reviewed their mandate according to Section 5 of By-law 115-11 being a by-law to establish a Municipal Heritage Committee pursuant to the Ontario Heritage Act.

The Committee agreed their Mission Statement and Vision Statement will be prepared at a future meeting of the Committee.

Initiate Leamington's List of "Properties of Interest"

After a discussion, the Committee concurred their priority is to prepare a list of "Properties of Interest" in five (5) areas from the old Town of Leamington. Each Committee member was assigned an area to review and prepare a list, along with a picture (if possible), of interesting and unique buildings for the Committee's review at their next meeting.

The Committee was provided a copy the brochure "Leamington - A Walk Through History" prepared by the Local Architectural Conservation Advisory Committee (LACAC) and the Leamington Mersea Historical Society for reference.

The Manager of Planning Services requested the Committee to concentrate on the Uptown Leamington Area which the Community Improvement Plan (CIP) is focused on. The Committee decided it would not be their only focus but would include this area in their review of the buildings.

Identification name tags will be provided for the Committee members to wear while visiting their areas to review.

The Manager of Corporate Services will contact the Leamington Mersea Historical Society and request their list of past winners for various historical home awards.

Deputy Mayor Wright requested the Committee consider a future heritage designation for Union Water's red water tower situated in Leamington. The Committee concurred this structure is unique to Leamington but it does not face an immediate threat of demolition. This structure will be added to the Committee's list of properties of interest.

Membership: Community Heritage Ontario

The Committee agreed to apply for membership to Community Heritage Ontario which is an advocate for heritage in Ontario. This group promotes municipal heritage committees and conducts workshops for them. With the membership the Committee will be provided the quarterly publication of the CHO*news*.

Future Meetings:

The Committee agreed to invite guest speakers to future Committee Meetings from local Heritage Committees.

Next Meeting Date:

The Committee's next meeting date is Wednesday, August 17, 2011.

ADJOURNMENT:

There being no further business, the meeting adjourned at 4:00 p.m.