



THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MEETING OF MUNICIPAL COUNCIL MONDAY, NOVEMBER 14, 2011 COMMENCING AT 7:00 P.M. IN LEAMINGTON COUNCIL CHAMBERS

(A) **CALL TO ORDER:**

(B) **PRAYER:**

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

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

1. Minutes of the Council Meeting (including Court of Revision - New Maintenance Schedule - Almanson Hillman Drain) held November 7, 2011
Pages 3-14

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

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

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

1. Leamington Rotary Club Cheque Presentation - Replenishment of Trees from Tornado Damage
 - Bruce Peacock, President
 - Lorri Renaud, Branch Manager of Bank of Montreal, Leamington
2. Report PLA 61/11 dated November 1, 2011 re: Draft Plan of Subdivision N/S Robson Road - Residential Development (Santos Construction Ltd.)
Pages 15-20
 - Suzanne Balzer, Agent for the Developer
3. Report REC 23/11 dated October 28, 2011 re: Concession Services Agreement - Leamington Kinsmen Recreation
Pages 21-23
 - Tyler Hicks, Kinsmen Club of Leamington
 - Harry Garbarino, Kinsmen Club of Leamington
4. Report REC 24/11 dated November 2, 2011 re: Sport Shop Agreement - Five Year Renewal
Pages 24-25
 - Shawn Bodle, Leamington Source for Sports

(H) **MATTERS FOR APPROVAL:**

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

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

By-law 175-11, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held November 14, 2011.

(K) **NOTICES OF MOTION:**

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

(M) **NEW BUSINESS:**

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

TUESDAY, NOVEMBER 15, 2011

Economic Development Meeting - 6:00 p.m. - Room #112

WEDNESDAY, NOVEMBER 16, 2011

Leamington Municipal Heritage Advisory Committee - 1:00 p.m. - Ante Room
Erie Quest Meeting - 5:00 p.m. - Leamington Kinsmen Recreation Complex
Essex County Council Meeting - 7:00 p.m. - County Council Chambers

FRIDAY, NOVEMBER 18, 2011

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

MONDAY, NOVEMBER 21, 2011

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

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

(P) **ADJOURNMENT:**

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - COUNCIL MEETING

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

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

STAFF PRESENT: Bill Marck, Chief Administrative Officer
Brian Sweet, Director of Corporate Services
Cheryl Horrobin, Director of Finance & Business Services
Tracey Pillon-Abbs, Director of Development Services
Robert Sharon, Director of Community Services
Allan Botham, Manager of Engineering Services
Bechara Daher, Manager of Building Services
Amanda Smith, Manager of Recreation and Culture
Lu-Ann Barreto, Drainage Superintendent
Shelly Quick, Corporate Assistant

DISCLOSURES OF PECUNIARY INTEREST:

Councillor Jacobs declared an interest in By-law 164-11, the municipal fees by-law, The councillor did not participate in the discussion or vote on the matter.

ADOPTION OF COUNCIL MINUTES:

No. C-439 -11

Moved by: Deputy Mayor Wright Seconded by: Councillor Jacobs

That the Minutes of the Council Meeting (including Public Meeting for the Kent Road 1 - New Petition Drain) held October 24, 2011 be adopted.

“CARRIED”

BUSINESS ARISING OUT OF THE MINUTES: None

PUBLIC MEETINGS/COURT OF REVISION:

COURT OF REVISION - Almanson Hillman Drain - New Maintenance Schedule - see minutes attached.

No. C-440-11

Moved by: Councillor Chopchik Seconded by: Councillor MacDonald

That the Court of Revision, to establish a new maintenance schedule for the Almanson Hillman Drain in accordance with By-law 163-11, in the Municipality of Leamington, in the County of Essex, be confirmed.

“CARRIED”

REPORTS OF STAFF & DELEGATIONS:

DRAINAGE - Report DR 48/11 dated September 28, 2011 re: 10th Concession Road Drain East - Request for Access Culvert - William Brewer - 969 Kent Road 1, Lots 23 & 24, Concession 9

Lu-Ann Barreto, Drainage Superintendent, reviewed her report for a request for an access culvert from William Brewer at 969 Kent Road 1.

No. C-441-11

Moved by: Councillor Verbeke Seconded by: Councillor Deputy Wright

That Leamington Council appoint Bruce D. Crozier Engineering, to prepare an Engineer’s Report pursuant to Section 78 of the Drainage Act, to provide for the new access culvert for William Brewer of Lots 23 & 24, Concession 9;

And further that the Lower Thames Valley Conservation Authority be advised of the request;

And that all costs associated with this project will be charged to Account #2-680-8870-7630, as described in report DR 48-11.

“CARRIED”

ENGINEERING SERVICES - Report ENG 20/11 dated October 26, 2011 re: Transit Bus Request for Quotation - Quantity Amendment

Allan Botham, Manager of Engineering Services, reviewed his report to obtain Council's approval to request a quotation for two (2) transit buses as opposed to one (1) in 2011, and place the cost of the additional bus as a first charge to the 2012 budget.

Administration confirmed there is sufficient funds in the applicable "gas tax" account to purchase two (2) buses.

No. C-442-11

Moved by: Deputy Mayor Wright

Seconded by: Councillor Chopchik

That Council authorize Administration to request a quotation for two (2) transit buses;

And That the \$250,000 for the additional bus be a first charge to the 2012 budget.

(ENG 20-11).

"CARRIED"

DEVELOPMENT SERVICES - Report Dev 04/11 dated October 26, 2011 re: Greenhouse Structures - Costing of Building Permit Fees and Inspections under the Ontario Building Code

Bechara Daher, Manager of Building Services, reviewed his report to provide Council with information on the greenhouse building permit fees and the estimated cost incurred by staff to carry out the required inspections associated with greenhouse structures.

In response to a Council question, administration confirmed there are standard inspection requirements contained in the Ontario Building Code that applied across the province. Council also questioned why the fees for building inspections varied so much among municipalities.

No. C-443-11

Moved by: Councillor Verbeke

Seconded by: Deputy Mayor Wright

That Council receive the report DEV 04 11 on greenhouse structures and the costing of building permit fees and inspections under the Ontario Building Code for information.

"CARRIED"

PLANNING SERVICES - Report PLA 57/11 dated October 25, 2011 re: Zoning By-law Amendment Request - Proposed Residential Zoning - 439 Seacliff Drive West/County Road 20 (1814375 Ontario Inc.) - ZBA #49

Tracey Pillon-Abbs, Director of Development Services, reviewed her report which recommended scheduling the required public meeting to consider a proposed zoning by-law amendment for property located on 439 Seacliff Drive West.

No. C-446-11

Moved by: Councillor MacDonald Seconded by: Councillor Jacobs

That Council declare the application was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act* to consider zoning by-law amendment #49 for property located at Concession 1, Parts Lot 2, Parts 2 to 5 on 12R-15362 and locally known as 439 Seacliff Drive West (also known as County Road 20) as part of a condition for B/26/11 to change the zone from (A3) Zone to Residential (R1) Zone, and to decrease the frontage of the retained lot from the required 196.85 feet to 66 feet and to decrease the minimum side yard set back for an existing greenhouse structure to the east of the surplus dwelling from the required 49 feet to 27 feet;

And that Administration be directed to schedule the required public meeting for Monday, December 5, 2011 at 7:00 pm;

And that if no concerns are raised at the public meeting the Clerk be directed to forward the amending by-law to Council for its consideration (PLA 57/11).

“CARRIED”

PLANNING SERVICES - Report 58/11 dated November 2, 2011 re: County of Essex Official Plan - Update on the Comprehensive Five Year Overview

Tracey Pillon-Abbs, Director of Development Services, updated Council on the County of Essex Official Plan Comprehensive five year review.

No. C-447-11

Moved by: Deputy Mayor Wright Seconded by: Councillor MacDonald

That Council receive the information pertaining to the County of Essex Official Plan Comprehensive five (5) year review (PLA 58/11).

“CARRIED”

CORPORATE SERVICES - Report CL/27/11 dated November 1, 2011 re: Life Insurance, LongTerm Disability Coverage and Health Benefits - Renewal of Contract

Brian Sweet, Director of Corporate Services, updated Council on municipal health benefit costs and to recommend the renewal of the contracts with two benefit providers.

No. C-450-11

Moved by: Councillor Jacobs Seconded by: Councillor Chopchik

That the existing life insurance and long term disability contract with Sun Life be extended for a period of twenty-four (24) months upon terms described in Report CL/27/11;

And that the existing health benefit and dental coverage contract with Green Shield be extended for a period of thirty-nine (39) months upon terms described in Report CL/27/11.

“CARRIED”

CORPORATE SERVICES - Report CL/28/11 dated November 2, 2011 re: Application for Variance to the Municipality’s Sign By-law - 18 Mill Street West

Brian Sweet, Director of Corporate Services, reviewed his report regarding an application for a variance to the Municipality’s sign by-law from the owner of the subject property, 18 Mill Street West, requesting a roof sign be permitted.

No. C-451-11

Moved by: Councillor MacDonald Seconded by: Deputy Mayor Wright

That a variance be granted to By-law 110-11, the Municipality’s sign by-law, to permit a roof sign to be installed at 18 Mill Street West according to plans submitted to the Municipality by the owner and in accordance with Report CL/28/11;

And that the permit fee for this roof sign shall be established at \$75.00.

“DEFEATED”

No. C-452-11

Moved by: Councillor Verbeke Seconded by: Deputy Mayor Wright

That the report regarding the Application for Variance to the Municipality’s Sign By-law for 18 Mill Street West be received (CL/28/11).

“CARRIED”

Mayor Paterson reviewed correspondence from Town of Pelham dated October 27, 2011 regarding support for the Association of Municipalities of Ontario (AMO) in its efforts to seek joint and several liability reform in Ontario and calls on the Provincial Government to pursue much needed changes to the Negligence Act from the Association of the Municipalities of Ontario's (AMO) 2011 Municipal Insurance Survey Results.

No. C-457-11

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

That Council support the Association of Municipalities of Ontario in its efforts to seek joint and several liability reform in Ontario and calls on the Provincial Government to pursue much needed changes to the Negligence Act;

“CARRIED”

SPECIAL MEETING:

Brian Sweet, Director of Corporate Services, informed those in attendance a Special Confidential Council Meeting was held at 6:45 p.m. prior to the regular Council meeting. He advised the notice of the meeting had been properly advertised. Mr. Sweet explained Council entered into closed session pursuant to section 239 (2) of the Municipal Act to consider Report CL/29/11 dated November 1, 2011 re: Legal Opinion on Certain Contracted Services. At the meeting Council provided direct to administration.

CONSIDERATION OF BY-LAWS:

No. C-457-11

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

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

By-law 164-11, being a by-law to provide for a tariff of fees to be charged in 2012 by the Municipality of Leamington.

“CARRIED”

No. C-458-11

Moved by: Councillor Atkin Seconded by: Councillor Jacobs

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

By-law 171-11, being a by-law of The Corporation of the Municipality of Leamington to authorize the borrowing upon amortizing debentures in the principal amount of \$600,000.00 towards the cost of the Seacliff Park Improvements;

By-law 172-11, being a by-law of The Corporation of the Municipality of Leamington to authorize the borrowing upon amortizing debentures in the principal amount of \$18,665,000.00 towards the cost of the municipal building and renewal - various - By-law 298-01;

By-law 173-11, being a by-law of The Corporation of the Municipality of Leamington to authorize the borrowing upon amortizing debentures in the principal amount of \$5,500,000.00 toward the cost of the pollution control centre expansion/upgrades; and

By-law 174-11, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held November 7, 2011.

“CARRIED”

NOTICES OF MOTION: None

OPEN SESSION - COUNCIL - ADMINISTRATION:

Deputy Mayor Wright questioned the need for two barrier free parking spots in the new town hall parking lot. Administration advised the zoning by-law requires barrier free parking spaces to be available for those who will use the walkway and trail.

Deputy Mayor Wright requested administration review 1 Henry Court and Melrose Avenue areas for parking issues on the street. There are concerns from residents that the snow plows will have a difficult time to maneuver on the streets during inclement weather.

Councillor Verbeke asked about the status of a report requested in March, 2011 for the municipal property on the east side of the Leamington Art Centre. Administration informed Council that they have been in dialogue with the art association and will be preparing a report.

Mayor Paterson attended a recent meeting regarding the request for the need of a Leamington secondary hydro transmission line and transformer station with representatives of Ontario Vegetable Growers Association, Hydro One and Union Gas. Mayor Paterson has met with the newly elected Member of Provincial Parliament Rick Nicholls for Chatham-Kent-Essex regarding this issue for support and would like to schedule a future meeting with elected Member of Provincial Parliament for Essex, Taras Natyshak.

Mayor Paterson had a recent meeting with the Ministry of Transportation (MTO), Canadian Coast Guard and Transport Canada regarding the designs and lighting for Leamington's breakwall in Lake Erie by the dock. The lighting will be reviewed by the end of this year. Mayor Paterson has also discussed this issue with local MPP Rick Nicholls.

Mayor Paterson reported he enjoyed his visit to Queen of Peace Catholic Elementary School during reading week and had the opportunity to read "Thomas' Snowsuit" by Robert Munsch.

Mayor Paterson reminded Council there will be an Essex Power general meeting on November 9, 2011 at the Ciociaro Club in Windsor.

NEW BUSINESS: None

STATEMENT OF MEMBERS:

Mayor Paterson encouraged residents to go to www.avivacommunityfund.org online and register to vote the Sun Parlour Players Community Theatre "The Bank" who are competing in the million dollar Aviva Community Fund Competition. The Bank Theatre and Meeting Place inside a 100 year old bank building is in downtown Leamington on Erie Street South. The 205 seat venue will be for theatre, music and dance, both amateur and professional and want to support the young talent in our municipality.

Mayor Paterson encouraged residents when they send letters to Council regarding any issues to please include their name and address for a response.

ADJOURNMENT:

No. C-459-11

Moved by: Councillor Jacobs Seconded by: Councillor Verbeke

That the meeting adjourn at 10:01 p.m.

"CARRIED"

John Paterson, Mayor

Brian Sweet, Clerk

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THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - DRAINAGE COURT OF REVISION

ALMANSON HILLMAN DRAIN - NEW MAINTENANCE SCHEDULE

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

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

ALSO PRESENT: Mayor Paterson, Councillor Jacobs

STAFF PRESENT: Bill Marck, Chief Administrative Officer
Brian Sweet, Director of Corporate Services
Cheryl Horrobin, Director of Finance & Business Services
Tracey Pillon-Abbs, Director of Development Services
Robert Sharon, Director of Community Services
Allan Botham, Manager of Engineering Services
Bechara Daher, Manager of Building Services
Lu-Ann Barreto, Drainage Superintendent
Amanda Smith, Manager of Culture and Recreation
Shelly Quick, Corporate Assistant

DISCLOSURES OF PECUNIARY INTEREST: None

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

That the Almanson Hillman Drain - New Maintenance Schedule in accordance with By-law 163-11, be opened.

“CARRIED”

Deputy Mayor Wright confirmed there were no residents in attendance regarding the Court of Revision for the Almanson Hillman Drain - New Maintenance Schedule.

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

That the Court of Revision, to establish a new maintenance schedule - Almanson Hillman Drain, in accordance with By-law 163-11, 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 maintenance schedule - Almanson Hillman Drain, in accordance with By-law 163-11, be closed.

“CARRIED”

Meeting adjourned at 7:11 p.m.

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL
 FROM: TRACEY PILLON-ABBS, DIRECTOR OF DEVELOPMENT SERVICES
 DATE: NOVEMBER 8, 2011
 SUBJECT: DRAFT PLAN OF SUBDIVISION
 N/S ROBSON ROAD
 RESIDENTIAL DEVELOPMENT (SANTOS CONSTRUCTION LTD)

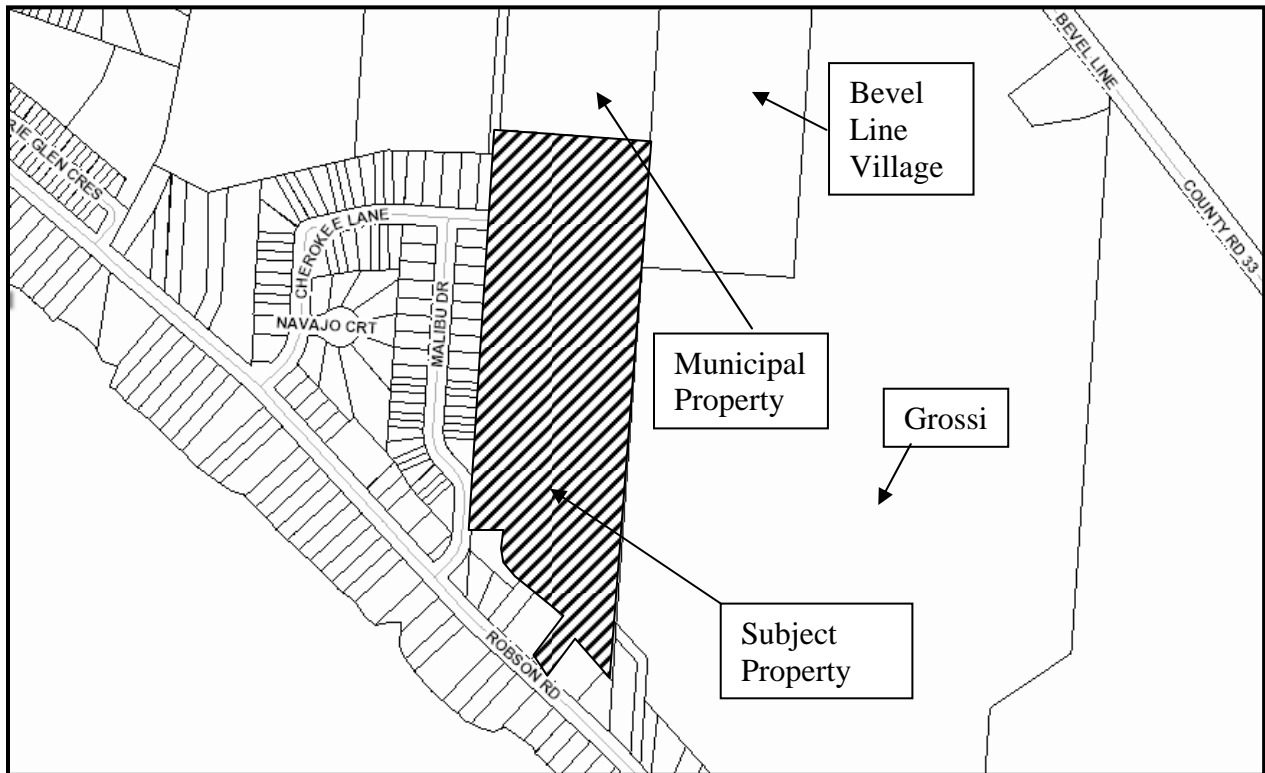
AIM:

To report upon scheduling a public meeting to consider a draft plan of subdivision for property located at N/S Robson Road, being the County of Essex File No. 37-T-11002.

BACKGROUND:

Property Location:

The property is located on Concession BF, Part Lot 9 and locally known as N/S Robson Road in the former Township of Mersea, now the Municipality of Leamington (see key map).



The property currently is vacant and fronts on Robson Road. To the west is an existing residential development, to the north are vacant lands, to the east is the Leamington Golf and County Club and to the south is residential shoreline development.

Previous lots along Robson Road and Malibu Drive have been severed from this holding by the Leamington Committee of Adjustment.

The previous owner applied for an application for plan of subdivision in 2002 under the Ministry of Municipal Affairs and Housing (MMAH) file number 37-T-02008. The concept plan was very similar and public meetings were held. However, the owner withdrew their application due to economic reasons.

Proposal:

The concept plan proposes to develop 37 single detached dwelling units, 21 single attached dwelling units within 7.120 hectares (17.593 acres) all fronting onto proposed internal streets (see concept plan). This is a total density of 10.52 residential units per hectare.

The proposed development offers a range of prices and types of homes.

The developer will be required to fully construct the extension of Street A through the Municipal property to the north from the north stub of Street A easterly to the Bevel Line Village Subdivision lands (area to the northeast) as they are eliminating the road that was to have been built at the extension of Cherokee Lane to the lands.

A one foot reserve will be required at the east end of Street B, and at the east end of the street extension through the Municipal property (to the Bevel Line Village). The reserve will be removed when the two abutting subdivisions are connected.

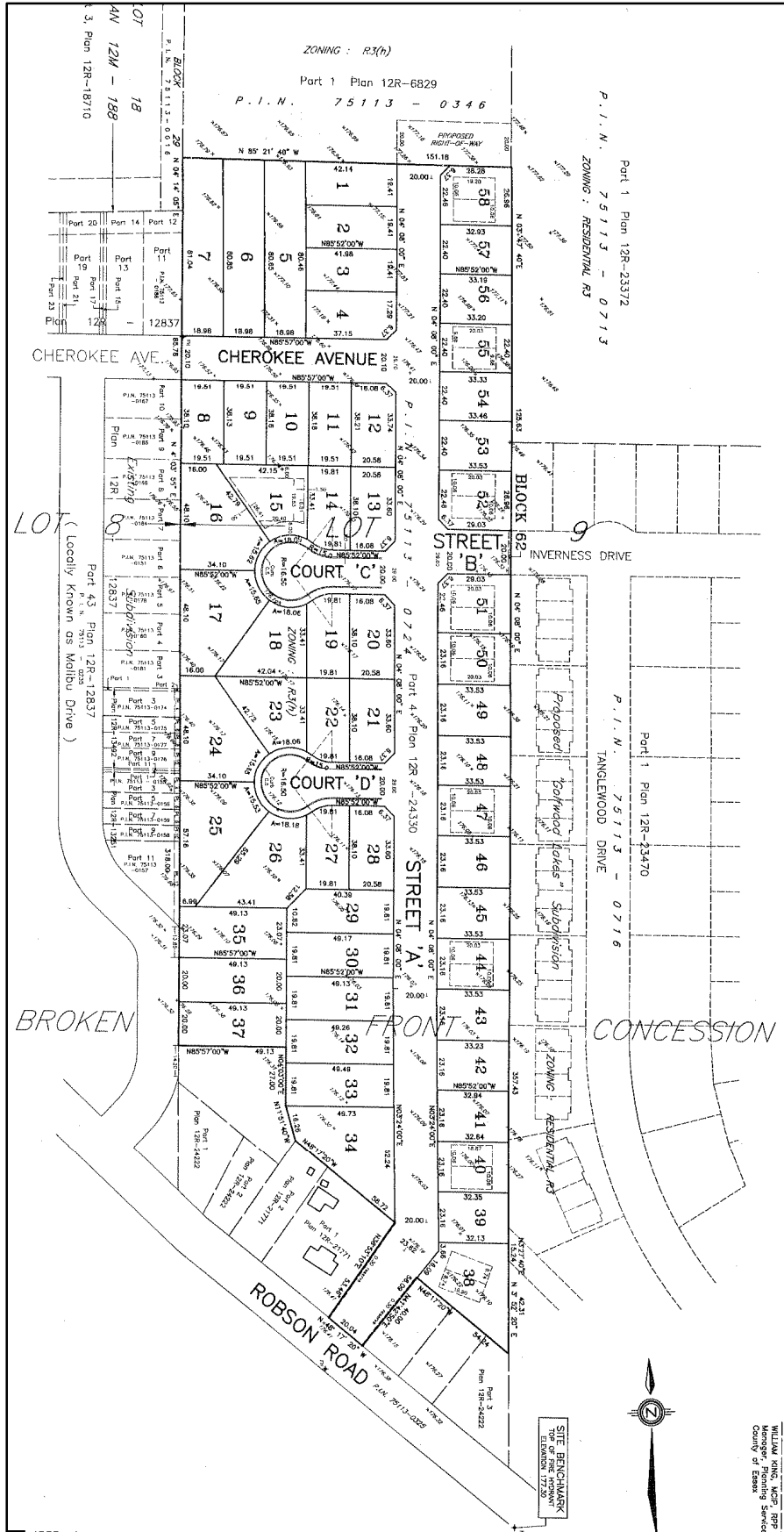
Servicing and grading plans and specifications will need to be submitted to be approved by Engineering Services and commenting agencies as a condition of the subdividers agreement.

A subdivision agreement will need to be entered into for the development of the lands. The agreement will cover issues such as oversizing fees etc.

Based on Policy Manual T06 - Sidewalks, a sidewalk will need to be installed on one side of Cherokee Lane, and on one side of Street A north of Street B. The sidewalk on Street A north of Street B needs to be located on the west/north side so that it is on the same side as the parkland. A sidewalk will also need to be installed on both sides of Street B to match to the development to the east, as well as both sides of Street A from Robson Road to Street B. In addition to the policy, it is requested that the developer install a sidewalk on both sides of Street A and Cherokee.

Water Services do not have any comments at this time. They will comment on the servicing plans when they are submitted.

Public Works has indicated that the development should be contributing to the parkland to the north for development and should be installing a chain link fence along the north limits of the subdivision and Street A right of way extension.



COMMENTS:

Provincial Policy Statements (PPS):

Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

1. efficiently use land and resources;
2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and
3. minimize negative impacts to air quality and climate change, and promote energy efficiency.

It is in the opinion of Administration that PPS supports this type of development. It is proposed that the lots will be serviced with municipal water and storm and sanitary sewers.

County Official Plan (OP):

The subject property is designated within the Settlement Area identified on Schedule "A" of the Official Plan for the County of Essex.

A goal which applies to this type of development is to encourage compact, mixed-use development within County settlement areas where a broad range of services and amenities which are available to meet the evolving needs of the broader community in a cost-effective, environmentally sound and efficient manner.

It is in the opinion of Administration that the County OP supports this type of development.

Leamington Official Plan (OP):

The subject property is designated Residential on Schedule "A-6E" of the Official Plan for the Municipality of Leamington (see OP map).

Section 7.8 of the OP sets out that it shall be the policy of the Municipality to recommend for approval, only those plans of subdivision which comply with the provisions of this Plan, which can be supplied with adequate servicing such as road access, fire protection, water supply, drainage and sewage disposal facilities, and which are appropriate in light of the Municipality's financial position.

It is in the opinion of Administration that the Leamington OP supports this type of development.

Leamington Zoning:

The subject property is zoned R3 (H) - Residential Holding Zone on Map 61 in the zoning by-law for the Municipality of Leamington.

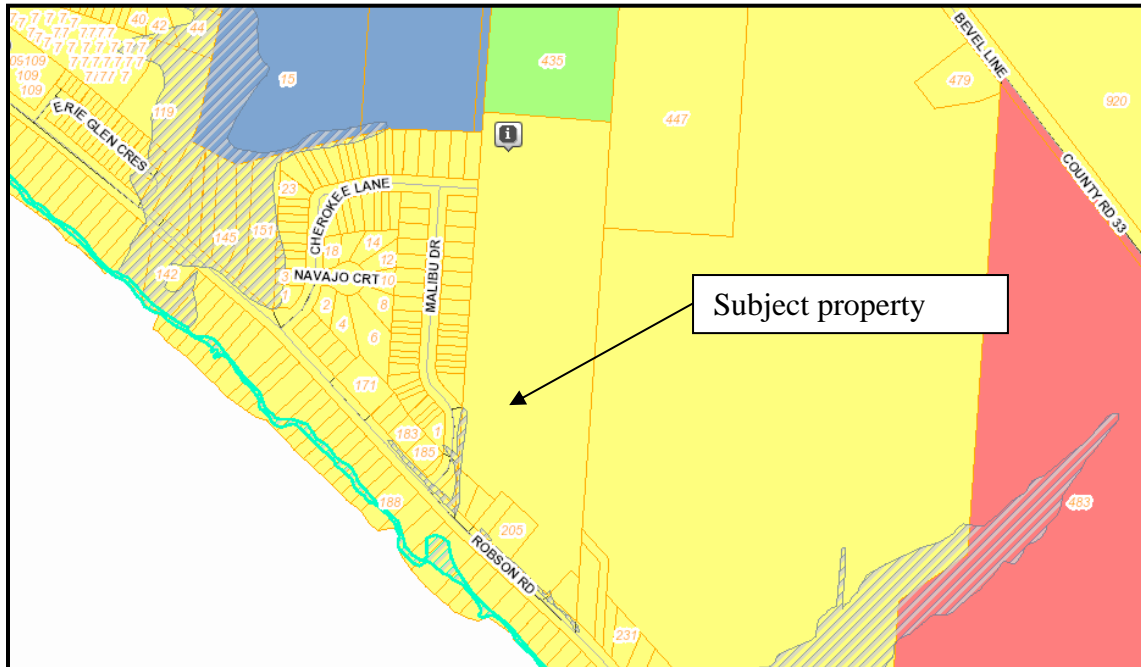
The R3 Zone permits the following uses:

- a) One single unit detached dwelling per lot;
- b) one converted dwelling per lot;
- c) one two unit dwelling per lot;
- d) one semi-detached dwelling per lot;
- e) one single unit attached dwelling per lot;
- f) multi unit dwellings excluding apartment style buildings;
- g) nursing homes; or

- h) buildings and structures accessory to the permitted uses.

Based on the concept plan, it appears that all the proposed lots will comply to the regulations regarding lot frontage and lot area.

The Holding will be removed after the subdividers agreement has been executed.



CONSULTATION:

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

The Official Plan sets out that prior to the approval of any development or amendments to this Plan and/or the Municipality's Zoning By-law, it shall be established to the satisfaction of Council that:

- a) soil and drainage conditions are suitable to permit the proper location of buildings;
- b) the necessary services are available to adequately accommodate the proposed development;
- c) no traffic hazards will result because of additional traffic;
- d) the land fronts on an open public road which is of a reasonable standard of construction;
- e) adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any proposed or existing adjacent use.

The proposed development will be subject to a Subdividers Agreement, which will require Council approval at a later date.

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.

The County of Essex has requested that the Municipality of Leamington hold a public meeting on their behalf. Administration suggests that this matter should be scheduled for **Monday, December 19, 2011 at 7pm.**

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

A report by Administration will be presented to Council after the public meeting. This report will include recommended conditions to request to be included in the draft subdivision approval, such as street naming requirements, costs, fees, items to be registered on title, reserves, etc).

If the subdivision is adopted by Council, all the necessary information will be forward to the County of Essex for final approval. The County of Essex will make a decision and impose the conditions, as set out in Section 51 (20) of the *Planning Act*. If no appeals to the Ontario Municipal Board, the applicant may commence fulfilling the conditions of draft plan approval, prior to final plan of subdivision being approved.

RECOMMENDATION:

That the information pertaining to a proposed draft plan of subdivision for property located at N/S Robson Road, being the County of Essex File No. 37-T-11002 (Santos Construction Inc), be received (Report PLA 61/11);

And further, that administration be directed to schedule a public meeting for Monday, December 19, 2011 at 7pm.

Respectfully submitted,

Tracey Pillon-Abbs,
Director of Development Services
/tpa

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: AMANDA SMITH, MANAGER OF CULTURE & RECREATION

DATE: OCTOBER 28, 2011

**RE: CONCESSION SERVICES AGREEMENT
LEAMINGTON KINSMEN RECREATION COMPLEX**

AIM:

To recommend to Council that the Municipality of Leamington renew the 5 year agreement with the Leamington Kinsmen Club for the operation of the concessions and Locker Room Lounge located within the Leamington Kinsmen Recreation Complex until June 30th, 2016.

BACKGROUND:

1. The Concession Operations Agreement expired on June 30th, 2011. There is an option to renew the agreement for an additional five (5) year term. The Kinsmen Club of Leamington submitted a letter to the Manager requesting that the 5 year agreement be extended from 2011-2016.
2. For information purposes, the Kinsmen Club of Leamington operates the concessions within the Leamington Kinsmen Recreation Complex which include the Kinsmen Kanteen, Kin Café and the Locker Room Lounge, which is a licensed area. The Club also from time to time assists with organizing special events which benefit the Complex and Marina.
3. The relationship between the Kinsmen Club of Leamington and the Municipality has long been established. In past years, the Club had financially contributed to the purchase of the ice resurfacers. The Kinsmen spearheaded the community fundraising campaign and construction process for the F.T. Sherk Recreation Centre and fundraising for the weightroom equipment in the 1980s. Again, in the late 1990's, the Kinsmen spearheaded the fundraising campaign and construction process for the twins pads which raised \$2.17 million dollars, and have been a wholeheartedly support for recreation and culture in Leamington. Additionally, they coordinate the annual Easter Egg Hunt at Seacliff Park.

COMMENTS:

1. The Kinsmen Club of Leamington have operated the concessions within the Complex for a number of years. The Kinsmen provided concessions services to the Municipality at the old Leamington Arena facility, as well as providing the same services at the Leamington Kinsmen Recreation Complex, upon the expansion of twin ice surfaces in 2000.
2. Administration would remind council that the current agreement calls for the Kinsmen Club of Leamington to remunerate the municipality 40% of NET INCOME from the concession area sales, which is calculated by total concession revenue less total concession expenses.

3. Please find below the revenue generated to the Municipality through the operation of this 5-year agreement:

- 2011 \$ 13,000 - anticipated budget
- 2010 \$ 12,231
- 2009 \$ 12,164
- 2008 \$ 16,175
- 2007 \$ 11,474
- 2006 \$ 9,260

4. Administration would advise council that a meeting was held with representatives of the Kinsmen Club of Leamington on October 5, 2011. The purpose of the meeting was to discuss the current concession agreement and have discussions on a proposal for a renewal of the said agreement.

5. As a result of the recent meetings with the Kinsmen Club of Leamington, the following operational terms were negotiated and are being recommended to Council for their consideration:

a) The length of the operational agreement term is for a five year period, commencing July 1st, 2011 and ending June 30th, 2016.

b) The lease arrangement for the first five year term would be 40% of NET INCOME for concession operations.

c) The Municipality, in conjunction with the Leamington Kinsmen Club, will mutually agree upon hours of operation for each concession area coupled with accepted levels of service.

d) The Kinsmen Club of Leamington will maintain a qualified canteen manager and employees and will ensure that all food handling certifications and equipment licences, including the EatSmart! Ontario recognition program are maintained for the duration of the agreement.

e) The Municipality requires proof of insurance in the amount of \$2 million dollars to be submitted annually and include the Municipality listed as an additional insured.

6. Administration would advise to Council, that there is an option to initiate a "Request for Proposals" process and if they so desire, to provide direction to the Administration to implement said process.

FINANCIAL IMPACT:

This proposed agreement generates approximately \$13,000.00 annual in revenue for the Leamington Kinsmen Recreation Complex and this is posted to account #1-830-3000-3870.

The Municipality pays for the utilities in the canteens and provides staff to clean the tables and floors, etc.; however, the equipment, cleaning fixtures and equipment and licensing is the responsibility of the Kinsmen.

CONCLUSION:

Administration would advise Council that the Kinsmen Club of Leamington have provided quality concessions services to the Leamington Kinsmen Recreation Complex and its visitors over the past number of years. It has proven to be a good partnership and has allowed the Kinsmen Club of Leamington to invest back into the local community.

RECOMMENDATION:

THAT Council authorize the 5 year renewal agreement with the Kinsmen Club of Leamington to operate the municipal concessions as included in the Leamington Kinsmen Recreation Complex commencing on July 1, 2011 and terminating on June 30th, 2016;

AND FURTHER, that the said fees and charges for operating said concession services will be guaranteed to the Municipality as 40% of the net income derived from the operations of the assigned concession areas;

AND FURTHER, if either party has not provided such notice by the end of the term, the agreement shall continue on a month-to-month basis on terms mutually agreed upon.

AND FURTHER, that the Mayor and Director of Corporate Services be authorized to sign an agreement, which outlined the terms and conditions satisfactory in form to the Municipality.

(REC 23/11).

Respectfully signed,

Signed: _____
Amanda Smith
Manager of Culture & Recreation

Signed: _____
Robert Sharon
Director of Community Services

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL
FROM: AMANDA SMITH, MANAGER OF CULTURE & RECREATION
DATE: NOVEMBER 2, 2011
RE: SPORT SHOP AGREEMENT - 5 YEAR RENEWAL

AIM:

To request Council authorize the renewal of the Sport Shop Agreement at the Leamington Kinsmen Recreation Complex commencing July 1, 2011 until June 30, 2016.

BACKGROUND:

1. The Municipality of Leamington entered into a 5 year agreement with Source for Sports to operate the Sport/Skate shop located within the Leamington Kinsmen Recreation Complex commencing June 1st, 2006. The initial agreement was the result of a request for proposals process that was completed in 2006.
2. This has been a mutually beneficial partnership and provides a service to all users in the facility. The Source for Sports retail space offers skate sharpening, hockey equipment, fitness and aquatics equipment and a variety of other sports and recreation items.
3. Administration commenced negotiations prior to the end of the five-year term and the company was reviewing their options.

COMMENTS:

1. On Tuesday October 18, Administration met with Shawn Bodle, Source for Sports to review the agreement which expired on June 30, 2011.
2. Under point 15 of the Agreement, the lessee has the option to negotiate renewal terms for an additional 5 year term. As previously mentioned, the result of this agreement was from a competitive RFP process.
3. Administration recommends that the current agreement be renewed for five years commencing July 1, 2011 until June 30, 2016.
4. Administration recommends that the same terms and conditions apply, including the rental rate for the months of April to August, being \$175.00 per month and September to March being \$300.00 per month.
5. Administration would advise Council that should they so desire, the Request for Proposal process could be implemented.

FINANCIAL IMPACT:

The public-private partnership with Source for Sports provides financial support annually in the amount of \$2,975.00 and provides a service that the Municipality cannot provide in-house.

The rental fee is posted to the Recreation Complex budget, 1-830-3000-3874.

RECOMMENDATION:

THAT, Council authorize Administration to enter into an agreement with Leamington Source for Sports, located at 9 Erie St. North, Leamington, ON N8H 2Z2 for the operation of the Sport Shop at the Leamington Kinsmen Recreation Complex;

AND FURTHER, the length of the agreement would be for five (5) years commencing July 1, 2011 until June 30, 2016;

AND FURTHER, that the rental fee for the use of the assigned Sport Shop reflect \$2975.00 (\$300.00 per month, September to March and \$175.00 per month, April to August), plus HST, per year and be entered into account #1-830-3000-3874 (REC 24/11).

Respectfully submitted,

Signed: _____

Amanda Smith, Manager of Culture & Recreation

Signed: _____

Robert Sharon, Director of Community Services