



**TOWN OF AMHERSTBURG
COUNCIL MEETING
AGENDA**

Monday, January 27, 2020

6:00 PM

Council Chambers

271 Sandwich Street South, Amherstburg, ON, N9V 2A5

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Pages

- 1. CALL TO ORDER**
- 2. NATIONAL ANTHEM**
- 3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**
(Public Council Meeting Agenda Items)
- 4. REPORT OUT FROM IN-CAMERA SESSION - January 13, 2020**

5. MINUTES OF PREVIOUS MEETING

That the minutes **BE ADOPTED** and that those confidential minutes of the closed sessions of Council remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act:

5.1	Special In-Camera Council Meeting Minutes - October 15, 2019	
5.2	Regular Council Meeting Minutes - October 15, 2019	12
5.3	Special Council Meeting Minutes - Planning - October 28, 2019	28
5.4	Regular Council Meeting Minutes - October 28, 2019	31
5.5	Special Council Meeting Minutes - November 4, 2019	42

6. RECOGNITIONS

6.1 Long Service Award Recognition

That the recognition **BE RECEIVED**.

7. DELEGATIONS

7.1	Active Transportation within the Town of Amherstburg - The Cozmic Queenz	44
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That the delegation **BE RECEIVED**.

8. REPORTS – CORPORATE SERVICES

There are no reports.

9. REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

There are no reports.

10. REPORTS – ENGINEERING AND PUBLIC WORKS

There are no reports.

11. REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

11.1 Refreshment Vehicle By-law Amendments and Operation on Town-owned Parkland

48

It is recommended that:

1. The annual business licence fee for Refreshment Vehicles (All Classes) **BE APPROVED** at \$204 plus applicable taxes effective January 28, 2020 and that an amendment to By-law 2019-082 for 2020 User Fees and Charges be brought to a future Council meeting to reflect this change;
2. Refreshment Vehicles **BE PERMITTED** to operate on Town-owned land in accordance with the Park Permit regulations and that Administration **BE AUTHORIZED** to implement process to allow for refreshment vehicles on Town-owned property. as described in the report from the Manager of Licencing and Enforcement dated January 10, 2020;
3. An annual Park Permit fee for Refreshment Vehicles (All Classes) on Town-owned lands **BE APPROVED** at \$200 plus applicable taxes effective January 28, 2020 and an amendment to By-law 2019-082 for 2020 User Fees and Charges be brought to a future Council meeting to reflect this change; and,
4. **By-law 2020-006** being a by-law to amend Business Licence By-law 2009-44 be taken as having been read 3 times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

11.2 Zoning By-Law Amendment- ES Creek Road (Conc 3 Pt Lot 32)

58

It is recommended that:

1. **By-law 2020-009** being a by-law to amend Zoning By-law No. 1999-52, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

**11.3 Kingsbridge Subdivision Phase 5G - Subdivision Agreement
File No. 37-T-13003**

75

It is recommended that:

1. The Corporation of the Town of Amherstburg **ENTER INTO** a Subdivision Agreement with 1027579 Ontario Limited for Kingsbridge Subdivision Phase 5G;
2. **By-law 2020-010** being a by-law to authorize the signing of a Subdivision Agreement for Kingsbridge Subdivision Phase 5G be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same; and,
3. **By-law 2020-011** being a by-law to authorize the execution of a Drainage Agreement with 1078217 Ontario Ltd. and 1027579 Ontario Ltd. be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

11.4 Road Dedication of Reserves for lots on Plan 12M-534 (easterly extension of Whelan Avenue, Hilton Court, and Lambert Street) as Public Highway

127

It is recommended that:

1. The dedication of Blocks 85, 86, 87, and 88 on Plan 12M-534 (easterly extension of Whelan Avenue, Hilton Court and Lambert Court) as a Public Highway **BE APPROVED**; and,
2. **By-law 2020-012** being a by-law to dedicate Block 85, 86, 87, and 88 on Plan 12M-534 as a Public Highway be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

It is recommended that:

1. The amended method of meeting parkland dedication requirements for the full Kingsbridge Subdivision development as outlined in the report from the Manager of Planning dated January 22, 2020 **BE APPROVED**;
2. The conveyance of Parts 5 and 12 on the draft 12R plan (2.67 hectares) to 1078217 Ontario Limited in exchange for cash in lieu of parkland in the amount of \$66,170 **BE APPROVED** and the funds be deposited into the Parkland Dedication Reserve Fund; and,
3. Part 6 on the draft 12R Plan (2.02 hectares) **BE DESIGNATED** as conservation lands and Administration **BE DIRECTED** to bring related amendment to the Zoning By-law (1999-52 as amended).

12. REPORTS - CAO's OFFICE

There are no reports.

13. INFORMATION REPORTS

That the following information reports **BE RECEIVED**:

13.1	Building Activity Report for the Months of October, November and December 2019	145
13.2	MMAH Financial Indicator Review (based on 2018 Financial Information Return)	151
13.3	Monthly Fire Department Activity Report – November & December 2019	161
13.4	Street Sweeper Operations	168

14. CONSENT CORRESPONDENCE

That the following consent correspondence **BE RECEIVED**:

14.1	911 Misdials - Town of Tecumseh Resolution	176
14.2	Steak in the Snow/Auction BBQ Fundraiser - Windsor Downtown Lions Club	184
14.3	Request to Activate the Disaster Recovery Assistance for Ontarians Program (DRAO) - Township of Wainfleet Resolution	185
14.4	Request to Develop Nuclear Reactor Technology - Town of Deep River Resolution	186

15. CONSENT OTHER MINUTES

That the following minutes **BE RECEIVED**:

15.1	Mayor's Youth Advisory Committee Meeting Minutes - November 28, 2019	188
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16. OTHER MINUTES

16.1	Economic Development Advisory Committee Meeting Minutes - December 5, 2019	192
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It is recommended that:

1. The Economic Development Advisory Committee Meeting Minutes of December 5, 2019 **BE RECEIVED**; and,
2. The 2020 work plan of the Economic Development Advisory Committee **BE RECEIVED**.

It is recommended that:

1. The Amherstburg Accessibility Advisory Committee Meeting Minutes of December 10, 2019 **BE RECEIVED**; and,
2. The statement on page 15 of the 2017 Revised Amherstburg Accessibility Plan which reads, "The Town of Amherstburg will put procedures in place to prevent severe disruptions to the accessible parts of our public spaces," **BE AMENDED** to read, "The Town of Amherstburg provides preventative maintenance of accessible elements through routine maintenance and inspections. Emergency maintenance is provided, as needed, to address significant disruptions to accessible services. The Town notifies members of the public of temporary disruptions through the use of signage, the Town website, social media and/or the local newspaper."

It is recommended that:

1. The Heritage Committee Meeting Minutes of December 12, 2019 **BE RECEIVED**;
2. The following properties **BE REMOVED** from the Heritage Registry as Properties of Interest in accordance with the report, Town of Amherstburg Heritage Registry Assessment Update, from Meg Reiner, Heritage Preservation Services, dated December 12, 2019:
 - 73 Rankin Avenue
 - 217 Ramsay Street
 - 298 Ramsay Street
 - 316 Ramsay Street
 - 262 George Street
 - 82 Gore Street
 - 108 Gore Street
 - 91 Seymour Street
 - 63 Richmond Street

3. The statement of cultural significance for 287 Dalhousie Street as a Property of Interest on the Heritage Registry **INCLUDE** that, "287 Dalhousie Street is significant due to the potential for archaeological excavations of the property. The existing structure is not significant.";
4. The following properties **BE ADDED** to the Heritage Registry as Properties of Interest:
 - 257-265 Dalhousie Street
 - 248 Ramsay Street
 - 254 Ramsay Street
 - 277 Ramsay Street
 - 301 Ramsay Street
 - 299 Bathurst Street
 - 310 Bathurst Street
 - 316 Bathurst Street
 - 61 Murray Street
 - 94 Gore Street
5. 6790 Essex County Road 50, 7143 Essex County Road 50 and 51 North Street **BE PRESENTED** with a heritage plaque by Council denoting the subject properties as designated heritage properties in the Town of Amherstburg; and,
6. The 2018 Heritage Tax Rebates for 443 Dalhousie Street and 273 Ramsay Street as endorsed by the Heritage Committee and outlined in the report from the Chief Building Official entitled, *Heritage Rebate Applications for the 2018 Calendar Year* **BE APPROVED**.

16.4 Parks and Recreation Advisory Committee Meeting Minutes - December 4, 2019

235

It is recommended that:

1. The Park and Recreation Advisory Committee Meeting Minutes of December 4, 2019 **BE RECEIVED**; and,
2. Schedule A2 of the County Official Plan **BE INCORPORATED** into the Parks Master Plan to distinguish the urban areas of the Town of Amherstburg in place of the map on page 8.

16.5 Parks and Recreation Advisory Committee Meeting Minutes - January 8, 2020 239

It is recommended that:

1. The Parks and Recreation Advisory Committee Meeting Minutes of January 8, 2020 **BE RECEIVED**; and,
2. Administration **BE DIRECTED** to provide a short list of potential projects to utilize the \$75,000 placed in the 2020 Budget for the Parks Reserve.

16.6 Drainage Board Meeting Minutes - January 16, 2020 243

It is recommended that:

1. The Drainage Board Meeting Minutes of January 16, 2020 **BE RECEIVED**;
2. The request from Doug Beaudoin for the replacement of the access culvert over the 6th Concession Drain per Section 78 of the Drainage Act **BE ACCEPTED**; as recommended by the Drainage Board;
3. The appointment of the firm of N.J. Peralta Engineering Ltd. for the repair and improvement to the 6th Concession Drain **BE APPROVED**, as recommended by the Drainage Board;
4. The drainage apportionment for land parcel severance Consent B/14/19 **BE APPROVED**, as recommended by the Drainage Board;
5. The drainage apportionment for land parcel severance Consent B/21/19 **BE APPROVED**, as recommended by the Drainage Board; and,
6. The drainage apportionment for land parcel severance and land merger and Consent B/23/19 **BE APPROVED**, as recommended by the Drainage Board.

17. UNFINISHED BUSINESS

17.1 Unfinished Business List as at January 27, 2020 298

18. NEW BUSINESS

19. NOTICE OF MOTION

There were no Notices of Motion.

20. BY-LAWS

20.1 By-law 2019-093 - New Access Culvert on the Dupuis Drain for Bastien - 3rd & Final Reading 301

That **By-law 2019-093** being a by-law to provide for the New Access Culvert on the Dupuis Drain for Bastien, be taken as having been read a 3rd & Final time and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

20.2 By-law 2020-014 - Confirmatory By-law 303

That **By-law 2020-014** being a by-law to Confirm all Resolutions of the Municipal Council Meeting held January 27th, 2020, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

21. SPECIAL IN-CAMERA COUNCIL MEETING

That Council move into an In-Camera Meeting of Council directly following Regular session pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:

Item A - Acquisition and Disposition of Property - Section 239(2)(c) - A proposed or pending acquisition or disposition of land by the municipality or local board; and, **Section 239(2)(i)** - A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position, or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

22. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

(In-Camera Meeting Agenda Items)

23. ADJOURNMENT OF SPECIAL IN-CAMERA COUNCIL MEETING

24. RESUMPTION OF REGULAR COUNCIL MEETING

That Council resume Regular session at p.m.

25. ADJOURNMENT

That Council rise and adjourn at p.m.



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

**Tuesday, October 15, 2019
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Leo Meloche
Councillor Peter Courtney
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Giovanni (John) Miceli, CAO
Paula Parker, Clerk
Tammy Fowkes, Deputy Clerk

CALL TO ORDER

The Mayor called the meeting to order at 3:34 p.m.

SPECIAL IN-CAMERA COUNCIL MEETING

Resolution # 20191015-476

Moved By Deputy Mayor Meloche

Seconded By Councillor Prue

That Council move into an In-Camera Meeting of Council at 3:35 pm pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:

Item A - Section 239(2)(d) - Labour relations or employee negotiations.

Item B - Section 239(2)(e) - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, Section 239(2)(f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Item C - Section 239(2)(e) - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, Section 239(2)(f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Item D - Section 239(2)(i) - A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position, or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and, Section 239(2)(k) - A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Item E - Section 239(2)(f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The Mayor put the Motion.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF
(In-Camera Meeting Agenda Items A-F)

There were no disclosures of pecuniary interest noted.

ADJOURNMENT OF SPECIAL IN-CAMERA COUNCIL MEETING @ 5:40 P.M.

RESUMPTION OF REGULAR COUNCIL MEETING

Moved By Deputy Mayor Meloche

Seconded By Councillor Renaud

That Council resume Regular session at 6:04 p.m.

The Mayor put the Motion.

Motion Carried

NATIONAL ANTHEM

MAYOR'S OFFICE - WELCOME & ADDRESS

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

(Public Council Meeting Agenda Items)

There were no disclosures of pecuniary interest noted.

REPORT OUT FROM IN-CAMERA SESSIONS - September 23 & October 15, 2019

Council met on September 23rd, 2019, for a Special In-Camera Meeting at 8:21 pm and discussed (1) item as provided for under Section 239 of the Municipal Act:

Item A - heard under Section 239(2)(b) of the Act. There is nothing further to report.

Council met on October 15th, 2019, for a Special In-Camera Meeting at 3:35 pm and discussed (5) items as provided for under Section 239 of the Municipal Act:

Item A – heard under Section 239(2)(d) of the Act. There is nothing further to report.

Item B – heard under Sections 239(2)(e)&(f) of the Act. There is nothing further to report.

Item C – heard under Sections 239(2)(e)&(f) of the Act. There is nothing further to report.

Item D – heard under Sections 239(2)(i)&(k) of the Act. There is nothing further to report.

Item E – heard under Section 239(2)(f) of the Act. There is nothing further to report.

MINUTES OF PREVIOUS MEETING

Resolution # 20191015-481

Moved By Councillor Simone
Seconded By Deputy Mayor Meloche

That the minutes BE ADOPTED and that those confidential minutes of the closed sessions of Council remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act:

- 10.1 Special In-Camera Meeting Minutes - July 25, 2019**
- 10.2 Special In-Camera Meeting Minutes - July 29, 2019**
- 10.3 Special Council Meeting Minutes - July 29, 2019**

The Mayor put the Motion.

Motion Carried

DELEGATIONS

- 11.1 Request for Exemption to Open Air Fire By-law - Peter Thyrring, Headmaster, St. Peter's ACHS College School**

Resolution # 20191015-482

Moved By Councillor Prue
Seconded By Councillor Renaud

That Administration BE DIRECTED to bring back a report outlining the impact to all types of sensitive receptors listed within the Open Air Fire By-law if exemptions were to be granted.

The Mayor put the Motion.

Motion Carried

Moved By Councillor Simone
Seconded By Councillor McArthur

That the Rules of Order BE WAIVED to allow Bob Rozankovic to address Council regarding H. Murray Park.

The Mayor put the Motion.

Motion Carried

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That Mr. Rozankovic's delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

REPORTS – CORPORATE SERVICES

There were no reports.

REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

There were no reports.

REPORTS – ENGINEERING AND PUBLIC WORKS

There were no reports.

REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

15.1 Zoning By-Amendment - ES Howard Ave

Resolution # 20191015-483

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That By-law 2019-076 being a by-law to amend Zoning By-law No. 1999-52 ES Howard Ave (Anderdon Con 7 Pt Lot 14 12R27356 Parts 2 to 4) (470-02400), be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Mayor put the Motion.

Motion Carried

15.2 Housekeeping Zoning By-Law Amendment - Cannabis Production Facilities and Cultivation

Resolution # 20191015-484

Moved By Councillor Prue
Seconded By Councillor McArthur

That By-law 2019-075 being a by-law to amend Zoning By-law No. 1999-52, as amended for Cannabis Cultivation and Production Facilities within the Town of Amherstburg, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

16.1 Committee Vacancies

Resolution # 20191015-485

Moved By Councillor Renaud
Seconded By Deputy Mayor Meloche

That:

1. The vacant position on the Co-An Park Committee BE ADVERTISED;

2. **The Accessibility Advisory Committee composition BE REDUCED to seven (7) lay members; and,**
3. **The Seniors Advisory Committee composition BE REDUCED to six (6) lay members and one (1) stakeholder member.**

The Mayor put the Motion.

Motion Carried

INFORMATION REPORTS

Resolution # 20191015-486

Moved By Councillor Simone

Seconded By Deputy Mayor Meloche

That the following information reports BE RECEIVED:

- 17.1 **Accounts Receivable – Amherstburg Festival Corporation**
- 17.2 **Cheque Listing for the Month of September 2019**
- 17.3 **Manhole Covers**

The Mayor put the Motion.

Motion Carried

Moved By Councillor Prue

Seconded By Councillor Simone

That the Rules of Order BE WAIVED to allow the gallery to address Council regarding Item # 17.1 – Accounts Receivable – Amherstburg Festival Corporation.

The Mayor put the Motion.

Motion Carried

The following were heard:

- Bob Rozankovic
- Diane Pouget

CONSENT CORRESPONDENCE

Resolution # 20191015-487

Moved By Councillor Simone

Seconded By Deputy Mayor Meloche

That the following consent correspondence BE RECEIVED:

- 18.1 Royal Canadian Legion 2019 Annual Poppy Campaign**
- 18.2 Guide to a Better Life - Frontline Publications Canada Ltd.**
- 18.3 Integrity Commissioner Matters - Town of The Blue Mountains Resolution**
- 18.4 Future of Animal Welfare - Ontario SPCA and Humane Society**
- 18.5 Pupil Accommodation Review Guidelines (PARG) - Township of North Glengarry Resolution**
- 18.6 Bill 108 Proposed Regulations, More Homes, More Choice Act, 2019 - Town of Newmarket Resolution**
- 18.7 Joint and Several Liability Consultation - Township of Springwater Resolution**
- 18.8 Request for Child Care Program During Conferences - Municipality of East Ferris Resolution**

The Mayor put the Motion.

Motion Carried

Resolution # 20191015-488

Moved By Councillor Prue

Seconded By Councillor McArthur

(Item # 18.7) – **That the correspondence from the Township of Springwater regarding Joint and Several Liability Consultation BE SUPPORTED with the exception of Section 2(e) - Law Society of Ontario Charges.**

The Mayor put the Motion.

Motion Carried

Resolution # 20191015-489

Moved By Councillor McArthur
Seconded By Deputy Mayor Meloche

(Item # 18.1) – **That a wreath BE PURCHASED in the amount of \$75.00 to be placed at the Cenotaph for the Remembrance Day parade.**

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

19.1 2019 Remembrance Day

Resolution # 20191015-490

Moved By Councillor Prue
Seconded By Councillor Simone

That:

- 1. The correspondence from the Royal Canadian Legion, Fort Malden Branch 157, regarding 2019 Remembrance Day Proclamation BE RECEIVED;**
- 2. November 1 - 11, 2019 BE PROCLAIMED as Veteran's Week in the Town of Amherstburg;**
- 3. The distribution of Poppies throughout the Town BE GRANTED commencing October 25, 2019, through to and including November 11, 2019; and,**
- 4. Permission BE GRANTED to the firing party to fire muskets (blank ammunition) during the ceremony at the Cenotaph in the King's Navy Yard Park on November 11, 2019.**

The Mayor put the Motion.

Motion Carried

19.2 Source Water Protection Committee - Municipal Representation

Resolution # 20191015-491

Moved By Deputy Mayor Meloche
Seconded By Councillor McArthur

That:

1. **The correspondence from the Essex Region Conservation Authority (ERCA) dated September 18, 2019, regarding Source Protection Committee - Municipal Representation BE RECEIVED; and,**
2. **Antonietta Giofu, Director of Engineering and Public Works, BE RE-APPOINTED as the Town's Source Water Committee Representative for a 5 year term set to expire on December 12, 2024.**

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Resolution # 20191015-492

Moved By Councillor Simone
Seconded By Councillor McArthur

That the following minutes BE RECEIVED:

- 20.1 **Economic Development Advisory Committee Minutes - September 5, 2019**
- 20.2 **Co-An Park Committee Minutes - September 11, 2019**
- 20.3 **Mayor's Youth Advisory Committee Minutes - September 17, 2019**

The Mayor put the Motion.

Motion Carried

OTHER MINUTES

21.1 Amherstburg Accessibility Advisory Committee Minutes - September 19, 2019

Councillor Renaud moved Item # 21.1 and # 21.2 together.

Resolution # 20190115-493

Moved By Councillor Renaud

Seconded By Deputy Mayor Meloche

That the following recommendation from the September 19, 2019, Amherstburg Accessibility Advisory Committee Meeting BE APPROVED:

- **Accessibility improvements to the trail network in the amount of \$40,000 at Beaudoin Park BE FUNDED from the AODA Compliance Fund.**

21.2 Heritage Committee Minutes - September 12, 2019

Resolution # 20190115-494

That the following recommendation from the September 12, 2019, Heritage Committee Meeting BE APPROVED:

- **Corrections to the Heritage Registry BE ADOPTED as noted in the Committee report dated September 12, 2019, by the Chief Building Official, regarding Corrections to the Heritage Registry Properties of Interest List.**

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Councillor Courtney asked for an update with respect to the Libro Master Plan.

The Chief Administrative Officer advised that the report is currently being drafted with the goal to have it first before the Parks and Recreation Advisory Committee and stakeholders, and then to Council in the first quarter of 2020. The CAO further advised that he is also working on another report regarding grant funding opportunities which will address current parks requests and that report will come before the Libro Master Plan report.

2. Councillor Prue as for an update with respect to granny flats.

The Manager of Planning Services advised that a notice has been placed in the River Town Times regarding the upcoming meeting for the proposed amendment to the Official Plan with respect to Secondary Dwelling Units.

NEW BUSINESS

1. Resolution # 20191015-495

Moved By Councillor Courtney
Seconded By Councillor Prue

That Administration BE DIRECTED to amend the Accounts Receivable Collections Policy by removing # 6.7.4.1 (a) & (b) and revising (c) to read any write offs that proceed past the collection fees BE PRESENTED to Council on how to proceed and that the amended policy be brought back to Council for consideration.

The Mayor put the Motion.

Motion Carried

2. Councillor McArthur asked why the public restrooms haven't been open in Toddy Jones. The Director of Parks, Facilities, and Recreation & Culture advised Council that the washrooms have been closed due to vandalism that has been significant enough to incur costs.

Resolution # 20191015-496

Moved By Councillor McArthur
Seconded By Councillor Meloche

That a porta-potty BE PLACED at Toddy Jones Park for the remainder of the season; and further, that Administration BE DIRECTED to seek long term solutions to deter vandalism in Town park washrooms.

The Mayor put the Motion.

Motion Carried

3. Councillor Prue asked about the current job postings in the River Town Times.

The Chief Administrative Officer advised that there are 2 current job postings; one posting is to fill an approved position in which an employee has vacated and the other is a posting to a fill maternity leave.

4. Resolution # 20191015-497

Moved By Councillor Prue
Seconded By Councillor Simone

That Administration BE DIRECTED to bring back a report regarding the finalization of the development of the north end of Boblo Island with the intent to enforce the by-law and development agreement relating to roads, sidewalks, curbs, and lighting, and to outline all municipal costs, if any.

The Mayor put the Motion.

Motion Carried

5. Councillor Prue asked if the Town is receiving its portion of revenue from ticket being issued by the Police.

The Treasurer confirmed that revenue from tickets written under the Provincial Offences Act is being received by the Town.

6. Deputy Mayor Meloche advised that the shoulders on Concession 5 North are eroding and caving in some areas.

The Director of Engineering and Public Works advised that the Town's Engineer, the consultant, and the contractor visit the project area and mark any deficiencies that are required to be repaired by the contractor prior to accepting the project. The Director further stated that she will follow up with this project.

NOTICE OF MOTION

There are no Notices of Motion.

BY-LAWS

25.1 By-law 2019-089 - Appoint Provincial Offences Officers

Councillor Renaud moved Item # 25.1 and # 25.2 together.

Resolution # 20190115-498

Moved By Councillor Renaud

Seconded By Deputy Mayor Meloche

That By-law 2019-089 being a by-law to Appoint Provincial Offences Officers in the Town of Amherstburg be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

25.2 By-law 2019-090 - Confirmatory By-law

Resolution # 20190115-499

That By-law 2019-090 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on September 30th & October 15th, 2019, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Mayor put the Motion.

Motion Carried

Moved By Councillor McArthur

Seconded By Councillor Simone

That the Rules of Order BE WAIVED to allow Frank DiPasquale to address Council regarding Councillor Prue's comments with respect to the Boblo Development motion and pecuniary interest.

The Mayor put the Motion.

Motion Carried

SPECIAL IN-CAMERA COUNCIL MEETING

Resolution # 20191015-500

Moved By Councillor Prue

Seconded By Deputy Mayor Meloche

That Council move back into an In-Camera Meeting of Council at 7:50 p.m. pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:

Item F - Section 239(2)(b) - Personal matters about an identifiable individual, including municipal or local board employees; and, Section 239(2)(d) - Labour relations or employee negotiations.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT OF SPECIAL IN-CAMERA MEETING @ 8:20 P.M.

RESUMPTION OF REGULAR COUNCIL MEETING

Moved By Councillor Simone
Seconded By Deputy Mayor Meloche

That Council resume Regular session at 8:21 p.m.

The Mayor put the Motion.

Motion Carried

REPORT OUT FROM IN-CAMERA SESSION - October 15, 2019

Council met on October 15th, 2019, for a Special In-Camera Meeting at 8:21 pm and discussed (1) item as provided for under Section 239 of the Municipal Act:

Item F – heard under Sections 239(2)(b)&(d). As a result of that discussion, the following is before Council for consideration:

Resolution # 20191015-501

Moved By Councillor Simone
Seconded By Deputy Mayor Meloche

That Kercz International Ltd. BE ENGAGED for a CAO Performance Appraisal at a cost of \$9,375.00 plus HST to be funded from the CAO budget centre professional fees expense account.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Moved By Councillor Courtney

Seconded By Deputy Mayor Meloche

That Council rise and adjourn at 8:22 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER



TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING - PLANNING

Monday, October 28, 2019
5:00 PM

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Leo Meloche
Councillor Peter Courtney
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Giovanni (John) Miceli, CAO
Paula Parker, Clerk
Tammy Fowkes, Deputy Clerk
Frank Garardo, Manager of Planning Services
Mark Galvin, Director, Planning Development and
Legislative Services

CALL TO ORDER

The Mayor called the meeting to order at 5:01 p.m.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

SPECIAL PLANNING REPORTS

3.1 Housekeeping Official Plan Amendment and Zoning By-Law Amendment for Secondary Dwelling Units

The Manager of Planning Services provided an overview of the Housekeeping Official Plan Amendment and Zoning By-law Amendment for Secondary Dwelling Units and answered Council questions.

The Mayor invited the public to comment. The following was heard:

- Joseph Pare

Resolution # 20191028-503

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That:

- 1. Pending Council consideration of written and oral comments received at this public meeting, that Official Plan Amendment No. 11, By-law 2019-088, BE CONSIDERED at a future Regular Council meeting; and,**
- 2. Pending Council consideration of written and oral comments received at this public meeting, that Zoning By-law Amendment No. 18-19, By-law 2019-084, BE CONSIDERED at a future Regular Council meeting.**

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Moved By Councillor McArthur
Seconded By Councillor Courtney

That Council rise and adjourn at 5:31 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

**Monday, October 28, 2019
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Leo Meloche
Councillor Peter Courtney
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Giovanni (John) Miceli, CAO
Paula Parker, Clerk
Tammy Fowkes, Deputy Clerk

CALL TO ORDER

The Mayor called the meeting to order at 3:03 pm

SPECIAL IN-CAMERA COUNCIL MEETING

Resolution # 20191028-502

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That Council move into an In-Camera Meeting of Council at 3:05 p.m. pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:

Item A – Section 239(2)(b) - Personal matters about an identifiable individual, including municipal or local board employees; and, Section 239(2)(d) – Labour relations or employee negotiations.

The Mayor put the Motion.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF
(In-Camera Council Meeting Agenda Items)

ADJOURNMENT OF SPECIAL IN-CAMERA MEETING @ 3:50 P.M.

RESUMPTION OF REGULAR COUNCIL MEETING

Moved By Councillor Courtney
Seconded By Councillor Simone

That Council resume Regular session at 6:01 p.m.

The Mayor put the Motion.

Motion Carried

NATIONAL ANTHEM

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF
(Public Council Meeting Agenda Items)

There were no disclosures of pecuniary interest noted.

MINUTES OF PREVIOUS MEETING

Resolution # 20191028-504

Moved By Councillor Renaud
Seconded By Deputy Mayor Meloche

That the minutes BE ADOPTED and that those confidential minutes of the closed sessions of Council remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act:

- 4.1 Special In-Camera Meeting Minutes - August 12, 2019**
- 4.2 Regular Council Meeting Minutes - August 12, 2019**

The Mayor put the Motion.

Motion Carried

DELEGATIONS

- 5.1 Request to Allow Backyard Chickens for Therapeutic Purposes - Miranda Ronholm**

Resolution # 20191028-505

Moved By Councillor Prue
Seconded By Deputy Mayor Meloche

That:

- 1. The delegation BE RECEIVED; and,**
- 2. The therapy chicken BE ALLOWED until the animal control by-law is before Council for consideration.**

The Mayor put the Motion.

Motion Carried

- 5.2 Request for Tiny House By-law - The Raybots Robotics Team, Stella Maris Catholic Elementary School**

Resolution # 20191028-506

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That:

1. The delegation **BE RECEIVED**; and,
2. A letter of support for tiny homes **BE SENT** to all Ontario municipalities and the Association of Municipalities of Ontario (AMO).

The Mayor put the Motion.

Motion Carried

5.3 Request for the Town of Amherstburg to Take Part in 'Green' Initiatives - Paul Hertel

Resolution # 20191028-507

Moved By Councillor Prue
Seconded By Councillor Courtney

That:

1. The delegation **BE RECEIVED** and Mr. Hertel's report **BE SENT** to the Manager of Planning Services for inclusion at the November 12, 2019 Official Plan meeting;
2. A green review **BE DEVELOPED** on Town fleet;
3. Green festivals **BE INVESTIGATED**;
4. Green builds **BE INVESTIGATED** on all new housing and building developments, and existing commercial, industrial and residential assessed property; and,
5. Administration **BE DIRECTED** to bring back a report on the feasibility of a Committee on the Environment inclusive of Terms of Reference for Council's consideration.

The Mayor put the Motion.

Motion Carried

5.4 Parking on Windermere Place - Mark & Heidi Olivito and Lisa Carnelos, Windermere Place Residents

Resolution # 20191028-508

Moved By Councillor Prue
Seconded By Councillor Simone

That:

1. **The delegation BE RECEIVED;**
2. **The neighbours be encouraged to work with Administration on a Local Improvement Plan; and,**
3. **A report BE BROUGHT back if the issue cannot be resolved.**

The Mayor put the Motion.

Motion Carried

Moved By Councillor Prue
Seconded By Councillor Simone

That the Rules of Order BE WAIVED to allow residents of Windermere Place to address Council.

The Mayor put the Motion.

Motion Carried

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

That Council recess for a break at 7:19 p.m.

The Mayor put the Motion.

Motion Carried

Moved By Councillor Simone
Seconded By Councillor Renaud

That Council resume Regular session at 7:29 p.m.

The Mayor put the Motion.

Motion Carried

REPORTS – CORPORATE SERVICES

6.1 By-law 2019-086 Capital Works Borrowing – OILC Debenture Application

Resolution # 20191028-509

Moved By Deputy Mayor Meloche
Seconded By Councillor McArthur

That:

1. The Treasurer BE AUTHORIZED to transfer \$476,682.18 from the Wastewater Reserve to fund the wastewater project for cleaning of McGregor Lagoon – Cell 1; and,
2. By-law 2019-086, being a by-law to authorize the submission of an Application to Ontario Infrastructure and Lands Corporation (OILC) for long-term financing of certain capital works and to authorize the entering into of a rate offer letter agreement pursuant to which the Municipality will issue debentures to OILC, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Mayor put the Motion.

Motion Carried

REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

There were no reports.

REPORTS – ENGINEERING AND PUBLIC WORKS

8.1 Kingsbridge Subdivision Phase 8A - Acceptance of Infrastructure

Resolution # 20191028-510

Moved By Councillor Simone
Seconded By Deputy Mayor Meloche

That the underground infrastructure in Kingsbridge Subdivision – Phase 8A along Lavers Crescent from Brown Street northerly, Mullen Crescent, Patten Crescent and Davis Street BE ACCEPTED and ASSUMED as recommended by Baird AE consulting engineer.

The Mayor put the Motion.

Motion Carried

REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

9.1 Dangerous Dog Appeal Committee Appointments

Resolution # 20191028-511

Moved By Councillor Prue
Seconded By Councillor Simone

That:

- 1. Section 3.4 of the Town's Boards and Committees Appointment Policy BE WAIVED to allow Chris Drew to be appointed to more than two (2) Boards or Committees in a Term of Council; and,**
- 2. Chris Drew, David Fox and Cassandra Malcolm BE APPOINTED to the Dangerous Dog Appeal Committee.**

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

10.1 As Deferred on Sept. 9, 2019 - Establishing a Lobbyist Registry and Appointing a Lobbyist Registrar

Resolution # 20191028-512

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

That the report by the Municipal Clerk dated October 1, 2019, regarding Establishing a Lobbyist Registry and Appointing a Lobbyist Registrar BE RECEIVED.

The Mayor put the Motion.

Motion Carried

10.2 Investing in Canada Infrastructure Program (ICIP) - Amherstburg Great Spaces, Great Places Project

The Chief Administrative Officer provided Council with a presentation regarding the grant application proposal and answered Council questions.

Moved By Councillor Prue
Seconded By Councillor Simone

That the rules of order BE WAIVED to allow public comment on the presentation.

The Mayor put the Motion.

Motion Carried

The following were heard:

- Frank DiPasquale
- Jeff Hebert

Resolution # 20191038-513

Moved By Councillor Prue
Seconded By Councillor McArthur

That:

1. **Administration BE DIRECTED to submit a funding application to the Investing in Canada Infrastructure Program (ICIP) for funding toward the individual project cap of \$50 million in total eligible project cost for the Amherstburg Great Spaces, Great Places Project as described in the report from Chief Administrative Officer dated October 15, 2019; and,**
2. **Administration BE DIRECTED to make the necessary municipal contribution provisions in the 2020 Budget for the Investing in Canada Infrastructure Program as identified in the report from the Chief Administrative Officer.**

The Mayor put the Motion.

Motion Carried

INFORMATION REPORTS

Resolution # 20191038-514

Moved By Councillor Simone
Seconded By Deputy Mayor Meloche

That the following information reports BE RECEIVED:

11.1 Building Activity Report for the Months of July, August and September 2019

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20191028-515

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That the following consent correspondence BE RECEIVED:

12.1 Amherstburg Policing Activities - September 2019

12.2 Conservation Authority Levies - Township of Springwater Resolution

12.3 Nottawasaga Valley Conservation Authority Levy - Township of Springwater Resolution

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

There was no Unfinished Business brought forward.

NEW BUSINESS

1. Councillor Prue advised that some residents on Boblo Island are being affected by the high intensity street lighting that is shining into their homes. He asked if some type of cone can be placed around the lights to deter this.

The Director of Engineering and Public Works advised they have purchased lower wattage drivers for those particular lights and they have been turned down to lowest a residential light can be turned down. The Director further explained that these particular lights are designed to ensure that the surrounding roadway is lit up and placing a shield on those lights would hinder the lighting that is required for those roadways. The Director advised that she would take another look at the lighting concern.

2. Councillor Prue asked that the Accounts Payable listing from January to May provided on the next Council agenda.

The Treasurer advised that he will place it on the next Regular Council Meeting Agenda.

NOTICE OF MOTION

Councillor McArthur introduced a Notice of Motion to be considered at the November 12th, 2019, Regular Council Meeting with respect to a request for Council discussion regarding the recommendations of the Windsor-Essex Environment Committee and declaring a climate emergency in Amherstburg.

BY-LAWS

16.1 By-law 2019-096 - Confirmatory By-law

Resolution # 20191028-516

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That By-law 2019-096 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held October 28th, 2019, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Moved By Councillor Courtney

Seconded By Councillor Renaud

That Council rise and adjourn at 8:27 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER



TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING

Monday, November 4, 2019

6:00 PM

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Leo Meloche
Councillor Peter Courtney
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Giovanni (John) Miceli, CAO
Paula Parker, Clerk

CALL TO ORDER

The Mayor called the meeting to order at 6:02 p.m.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

PRESENTATIONS

3.1 2020 Operating and Capital Budget

Resolution # 20191104-517

Moved By Deputy Mayor Meloche

Seconded By Councillor Simone

That the 2020 Operating and Capital Budgets BE TABLED for final consideration after budget deliberations are complete.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Moved By Councillor Simone

Seconded By Councillor Renaud

That Council rise and adjourn at 6:37 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER



Delegation Request Form

I wish to appear before *

Council

Advisory Committee of Council

Date of Meeting *

1/27/2020



Name of Delegate(s) *

The Cozmic Queenz

Address *

[Redacted]

Phone *

[Redacted]

Email *

[Redacted]

Capacity in which you will be attending *

Attending as an Individual

Representing a Group / Organization

Name of Group / Organization / Business *

The Cozmic Queenz First Lego League Team

Have you contacted Administration regarding this matter? *

Yes

No

Who from Town Administration have you contacted? *

Tammy Fowkes

Reason(s) for Delegation Request (subject matter to be discussed). If the request is in response to an item on the agenda, please specify the item's agenda # *

Active Transportation with in the Town of Amherstbrug

If your request is in response to an agenda item, are you in favour of the recommendation? If not, please provide your reasoning below

Will a powerpoint presentation be made? *

Yes

No

Note: An electronic copy of the PowerPoint presentation is required to be submitted to delegations@amherstburg.ca no later than 12:00 noon on the Friday before the meeting.

Please upload speaking notes and presentation materials - 4 Attachments Max (10MB Each) (pdf, doc, docx, xls, xlsx, jpg, jpeg, gif, png, tif)

File Name	
 The Cozmic Queenz Bike-o-rama 5000.pdf 281.1 KB	Attached below (link not active)
 The Cozmic Queenz First Lego League Team 4389.pdf 181.6 KB	Attached below (link not active)

Personal information contained on this form is authorized under Section 5 of the Town of Amherstburg's Procedure By-law, for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before Council or an Advisory Committee of Council. The Delegation Request Form may be published in its entirety with the public agenda which is also posted on the Town's website. The Procedure By-law is a requirement of Section 238(2) of the Municipal Act, 2001.

Please note that all meetings are open to the public except where permitted to be closed to the public under legislated authority. Questions regarding collection of the information on this form or additional accessibility requirements may be directed to the Municipal Clerk, 271 Sandwich Street South, Amherstburg, ON N9V 2A5, 519.736.0012.

Bike-O-Rama 5000!

Developed by:

Cozmic Queenz

Team 4389



The Cozmic Queenz First Lego League Team 4389 (Ages 9-13)

Members: Ava and Lily Argoselo, Morgan Humber, Addison & Molly Reaume and Lily Van Grinsven

The Cozmic Queenz is a First Lego League Robotics Amherstburg Community Team. Every year we are tasked with a new real world project. This Year's theme is City Shaper and we are to find a way to make our community better.

We explored our community and discovered that active transportation infrastructure is lacking in the Town of Amherstburg. Mainly we noticed the lack of bicycle parking at both businesses and Town facilities.

We would like to assist the Town of Amherstburg with strategic locations for Bicycle Parking. We would also like to discuss the type of structures used for Bicycle parking and how they are located.

We have designed and manufactured a unique bike parking system for our FLL competition. Our bike parking system will accept a wide range of bike sizes and offers a locker to store personal belongings as well as your bike helmet. It also has a locking system for the bike that is incorporated into the locker and locks both the bike and belongings at the same time. We would like the town to consider these features when purchasing bike systems for the town.

We competed regionally in December and have been chosen to compete provincially in Waterloo on February 1st to represent Amherstburg.



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Phone, E-mail and Report Date, Date to Council, Resolution #.

To: Mayor and Members of Town Council

Subject: Refreshment Vehicle By-law Amendments and Operation on Town-owned Parkland

1. RECOMMENDATION:

It is recommended that:

- 1. The annual business licence fee for Refreshment Vehicles (All Classes) BE APPROVED at \$204 plus applicable taxes effective January 28, 2020...
2. Refreshment Vehicles BE PERMITTED to operate on Town-owned land in accordance with the Park Permit regulations...
3. An annual Park Permit fee for Refreshment Vehicles (All Classes) on Town-owned lands BE APPROVED at \$200 plus applicable taxes...
4. By-law 2020-006 being a By-law to amend Business Licence By-law 2009-44 be taken as having been read 3 times and finally passed...

2. BACKGROUND:

At the April 8, 2019 Council meeting Mr. Camille Jabbour delegated before Council to request to operate a refreshment vehicle on Town property. As a result of the delegation the following motion was passed:

“Administration BE DIRECTED to provide a report to Council outlining discussions with local restaurants and/or interested food purveyors, and to establish suitable locations within the Town to accommodate qualified food purveyors.”

At the August 12, 2019 Council meeting Mr. Bill Deslippe delegated before Council to request an exemption to the 200 metre setback regulation to operate a refreshment vehicle at 229 Dalhousie Street. As a result of the delegation the following motions were passed:

“The Perch Pit Inc., BE EXEMPT from the 200 metre setback from licensed restaurants in By-law 2009-44; and,

The Perch Pit Inc., BE CLASSIFIED as a refreshment vehicle.”

The Town’s Business Licence By-law defines four classifications of refreshment vehicles:

Class 1: A motorized vehicle, other than a motor assisted bicycle or motorcycle, which sells food that is prepared and cooked on-site, e.g. a chip wagon;

Class 2: A motorized vehicle, other than a motor assisted bicycle or motorcycle, which sells food that is prepared and cooked off-site, e.g. a catering truck;

Class 3: A vehicle propelled by muscular power, motor assisted bicycle or motorcycle which sells food that is prepared and cooked on site, e.g. hot dog cart;

Class 4: A vehicle propelled by muscular power, motor assisted bicycle or motorcycle which sells food that is prepared and cooked off-site, e.g. ice cream bicycle cart.

Currently all refreshment vehicle operators must apply for a business licence annually and provide approval from the Windsor Essex County Health Unit (WECHU), the annual business licence fee is currently \$80 (eighty dollars, tax exempt). In addition, no refreshment vehicle may operate within 200 metres of a licensed restaurant or snack bar or within 400 metres of another refreshment vehicle.

3. DISCUSSION:

The recent popularity of gourmet “food trucks” and residents’ desire to experience a greater diversity of food options has increased the number of requests from refreshment vehicle owners to operate in Town. The current distance setbacks regulated in the Town’s Business Licence By-law restrict the locations in which one may operate a refreshment vehicle.

Two public consultation meetings were held on August 22, 2019 at 9am and 6pm. The meetings were advertised in the River Town Times, the Town's website and social media platforms; additionally, letters were sent to the licenced restaurants, snack shops and refreshment vehicle owners. A public comment period was also open from August 14th to September 6th, 2019.

Representatives from four restaurants/refreshment vehicles attended the meetings. One letter was also received from a local restaurant owner. Feedback received from the businesses were mixed, half being in favour of a reduction in the distant setback and a little over half being opposed to reducing the current 200 metre setback. Restaurant operators feel they should not have to compete with refreshment vehicle operators as they have higher operating costs.

Administration reviewed other local municipal regulations as it pertains to refreshment vehicles. Of the seven municipalities polled, Leamington has a 91 metre setback from an eating establishment and Windsor has a 30 metre setback from a restaurant/concession facility; the remaining five municipalities either had no designated setback or do not currently regulate refreshment vehicles.

In the seven municipalities, business licence fees for refreshment vehicles range from \$80 to \$330 annually.

Proposed By-law Amendments

As a result of the public and industry consultation process and a review of other municipal practices, Administration is proposing amendments that would introduce the following key changes to regulations surrounding refreshment vehicles under the attached proposed By-law amendments:

- No distance setback requirement to operate from restaurants, snack bars or other refreshment vehicles, except in the event that applicable setbacks are required pursuant to the Ontario Building Code and Fire Protection and Prevention Act.
- Approval is required from (WECHU), Fire Services and from the Technical Standards and Safety Authority (TSSA).
- A distance setback of 100 meters from a Public Event is required unless the event organizer has approved the Refreshment Vehicle as a vendor at the Public Event.
- Refreshment vehicles will not be permitted to operate in a residential zone.
- Setback requirements from intersections and driveways to manage traffic concerns.
- May operate between 7am-11pm.

- May only operate a Refreshment Vehicle on property owned or managed by the Town, if the Refreshment Vehicle has been awarded the rights to operate at that location by the Town.

In addition, amendment to the annual fee is recommended as follows:

- Annual licence fee increase to \$204.

The fee change is recommended to be effective immediately and if approved, will be included in a further report for amendment to the Town's User Fee and Charges By-law 2019-082, along with other, unrelated amendments affecting that By-law.

The two key changes proposed for the regulation of refreshment vehicles are the fee increase from \$80 to \$204 per year and the elimination of distance setbacks.

The fee increase aligns the fee for a refreshment vehicle licence with the fees for a restaurant business licence, which is consistent with the approach applied by comparator municipalities.

Eliminating the 200 metre setback from restaurants and snack bars provides more opportunity for operators to operate from private property locations providing their service in areas like the downtown core. A letter from the property owner authorizing the operator to operate from the private property will be required as part of the business licence application.

Administration reviewed reports regarding promoting fair competition in the restaurant and mobile food industry from the Competition Bureau of Canada. A part of the investigation by the Bureau looked into arguments presented by restaurant associations and owners that refreshment vehicles represent 'unfair competition' to restaurants that have high operating costs such as start-up costs, rent and property taxes. The restaurant industry feels that strict regulations should be placed on refreshment vehicles to avoid competition between the two industries. The Competition Act does not define "unfair competition" and the Bureau does not view competition from low cost business models as unfair.

The report indicates:

"The Bureau found no clear evidence that shows detrimental impacts of mobile food services on restaurants. Rather than being "unfair competition", mobile food services and restaurants largely reflect two different business models with different levels of investments and services."¹

The Bureau also recommended that municipalities consider reducing or repealing setback requirements to promote competition between food service providers and provide consumers with more choices. It also suggests municipalities may limit operating hours. Administration's proposed by-law amendments are in line with the Bureau's recommendations. "Some evidence suggests that mobile food services may

¹ "Promoting Fair Competition in the Restaurant and Mobile Food Industry." Competition Bureau Canada. 14 Feb. 2018, <http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/04260.html>.

be stimulating demand in the food service market by attracting new customers that would not have purchased food at all were it not for the food trucks.”²

Lottery for Use of Town- Owned Spaces for Refreshment Vehicles

Administration has reviewed and recommends suitable locations within the Town to accommodate licensed refreshment vehicles as outlined below. Administration has identified the following parks that would allow a refreshment vehicle to operate from, this list will be subject to a yearly review and update by Administration:

- Toddy Jones Park on Laird in designated Refreshment Vehicle location;
- Malden Centre Park;
- Ranta Marina Park;
- Wigle Park on North Street in designated Refreshment Vehicle location;
- Centennial Park in designated Refreshment Vehicle location;
- Beaudoin Park
- Jack Purdie Park

Administration recommends that an annual lottery process be available to those wishing to locate refreshment vehicles on Town-owned property. Administration has developed a park permit procedure outlining the lottery, how Town-owned spaces would be allocated and when the lottery would be conducted. If use of Town-owned spaces and implementation of a lottery system for refreshment vehicles is approved by Council, the process would be communicated to refreshment vehicle operators and identified on the Town’s website and River Town Times.

Administration has also identified rules and regulations that must be adhered to when operating from Town-owned lands including leaving the area in a clean, litter free, damage free condition. The Licensing and Enforcement Division would administer the program for refreshment vehicle operators. The permitted hours of operation, insurance requirements and utility requirements would also be prescribed.

An annual Refreshment Vehicle Park Permit fee of \$200 is recommended to be imposed, in addition to the annual business licence fee, for refreshment vehicles to operate on Town-owned lands. The new fee is recommended to be effective immediately and, if approved, would be included in a further report for amendment to the Town’s User Fee and Charges By-law 2019-082, along with other, unrelated amendments affecting that By-law.

The proposed changes to the refreshment vehicle regulations are similarly aligned with various objectives in the Town’s policy documents including the Strategic Plan and Park’s Master Plan. Moreover, the proposed changes will support the vibrancy of the Town’s downtown core, parks and public events. In addition, the Competition Bureau’s report and recommendations are met with the proposed business licence amendments surrounding refreshment vehicles.

² “Promoting Fair Competition in the Restaurant and Mobile Food Industry.” Competition Bureau Canada. 14 Feb. 2018, <http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/04260.html>.

The proposed amendments will streamline the licensing process for refreshment vehicles in a way that addresses consumer protection, public health and safety, and ensure that equitable standards are established for industry participants.

4. RISK ANALYSIS:

The elimination of the 200 metre setback from refreshment vehicles and restaurants may bring criticism from the restaurant industry. Administration could not find any research suggesting refreshment vehicles present a negative impact on local restaurants. In addition, business consultation was performed and Administration received feedback from only two businesses opposing the elimination of the distance setback.

Refreshment vehicle operators obtaining a Refreshment Vehicle Park Permit would be required to provide a Certificate of Insurance confirming they have insurance coverage of at least \$2,000,000 in General Liability Coverage naming the Town of Amherstburg as an additional insured. Operators who violate the rules and regulations of the Park Permit would have the permit revoked.

5. FINANCIAL MATTERS:

Administration reviewed licensing fees associated with refreshment vehicles and determined that a fee of \$204 (tax exempt) is appropriate and beneficial to harmonize with licensing fees for restaurants and snack bars as the Licensing Division is performing the same levels of licensing administration for each class of business.

As noted above, a new Park Permit fee for refreshment vehicles use of Town-owned lands, per a new lottery system, is recommended to be established at \$200 per annum plus applicable taxes. This fee would be in addition to the annual licensing fee.

The user fees and charges amendments outlined in this report are recommended to be effective January 28, 2020. These amendments would then be included in a future report to amend User Fee By-law 2019-082 along with other unrelated amendments proposed for that By-law.

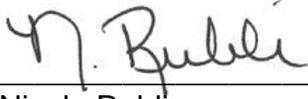
6. CONSULTATIONS:

The Director of Parks, Facilities, Recreation and Culture, Manager of Parks and Naturalized Areas, Tourism Division, Treasurer and Director of Corporate Services were consulted on this report.

Two public consultation meetings were held in August 2019. Four local businesses were represented at the meeting and one written comment was received.

7. CONCLUSION:

Administration conducted a review and public consultation of municipal standards required for refreshment vehicles. Based on the findings Administration is proposing changes which would permit refreshment vehicles to operate in more areas of the Town and on Town-owned land. The proposed amendments align with objectives and priorities identified in the Town's Strategic Plan and Parks Master Plan. Should Council approve the recommendations of this report, Administration will ensure the changes are communicated and properly implemented. Administration will also monitor the operation of refreshment vehicles and report back with amendments if necessary.



Nicole Rubli

Manager of Licensing and Enforcement

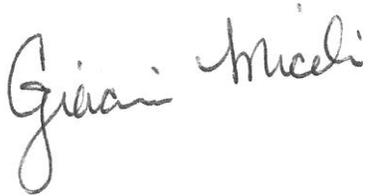
Report Approval Details

Document Title:	Refreshment Vehicle Bylaw.docx
Attachments:	- 2019 09 16 Amended 2009-44 Business Licensing By-Law 74.pdf
Final Approval Date:	Jan 22, 2020

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NUMBER 2020-006

By-law to amend By-law 2009-44

**Being a By-law for licensing, regulating and governing businesses in the
Town of Amherstburg**

WHEREAS the Council of the Corporation of the Town of Amherstburg hereby deems it expedient to amend By-law 2009-44, being a By-law for licensing, regulating and governing businesses in the Town of Amherstburg.

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. By-law 2009-44 is hereby amended as attached.

Read a first, second and third time and finally passed this 27th day of January, 2020.

MAYOR – Aldo DiCarlo

CLERK – Paula Parker

SCHEDULE A-46: REFRESHMENT VEHICLE

Applicable to:	Every vehicle from which food intended for immediate consumption is sold. For purposes of this by-law, refreshment vehicles are divided into the following classes: Class 1: A motorized vehicle, other than a motor assisted bicycle or motorcycle, which sells food that is prepared and cooked on-site, e.g. a chip wagon; Class 2: A motorized vehicle, other than a motor assisted bicycle or motorcycle, which sells food that is prepared and cooked off-site, e.g. a catering truck; Class 3: A vehicle propelled by muscular power, motor assisted bicycle or motorcycle which sells food that is prepared and cooked on site, e.g. hot dog cart; Class 4: A vehicle propelled by muscular power, motor assisted bicycle or motorcycle which sells food that is prepared and cooked off-site, e.g. ice cream cart.
Exemptions:	None
Reason for Licensing:	Health and safety
Special Conditions:	<p align="center">No Refreshment Vehicle may operate within 200 metres of a licensed Restaurant or Snack Bar or within 400 metres of another refreshment vehicle.</p> <ol style="list-style-type: none"> 1. Every application shall be accompanied by: <ol style="list-style-type: none"> (a) Certification of health inspection compliance, as issued by the Medical Officer of Health; (b) Certification of Ontario Fire Code compliance, as issued by the Fire Chief of the Town; (c) Field Approval issued by Technical Standards and Safety Authority (TSSA) where required; 2. All Refreshment Vehicles shall be operated in a clean and sanitary condition, and in compliance with all the requirements of the Windsor Essex County Health Unit; 3. The Refreshment Vehicle and immediate surrounding location shall be kept in a clean and sanitary condition at all times; 4. No Person shall operate a Refreshment Vehicle on property owned or managed by the Town, unless the Refreshment Vehicle has been awarded the rights to operate at that location by the Town. 5. No Person shall operate a Refreshment Vehicle between the hours of 11:00 p.m. and 7:00 a.m. 6. No Person shall operate a Refreshment Vehicle in a Residential Zone; 7. No Person shall operate a Refreshment Vehicle from a location unless the Licensee has obtained the land owner or property manager's permission; 8. No Person shall operate a Refreshment Vehicle at a Public Event or within 100 meters of the Public Event unless the event organizer has approved the Refreshment Vehicle as a vendor at the Public Event; 9. All Refreshment Vehicles must adhere to applicable setbacks pursuant to the Ontario Building Code and Fire Protection and Prevention Act as approved by the Fire Chief and Chief Building Official; 10. No Person shall operate a Refreshment Vehicle on a Highway, unless the Town or other applicable authority has authorized a portion of the Highway for that purpose; 11. No Person shall operate a Refreshment Vehicle within 10 metres of an intersection; 12. No Person shall operate within 3 metres of the vehicular entrance to the property or in any location which would obstruct the flow of vehicle traffic; 13. No Person shall operate a Refreshment Vehicle that uses any amplification of sound that is contrary to the Town's Noise Control By-law as may be amended from time to time; 14. In the event of a disagreement, the Issuer of Licences will determine the applicable "class" of a refreshment vehicle. <p>Section 1-14 of Schedule -46 (Added By-law 2020-006, January 27, 2020)</p>

(Amended By-law 2020-006, January 27, 2020)



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Zoning By-Law Amendment- ES Creek Road (Conc 3 Pt Lot 32)

1. RECOMMENDATION:

It is recommended that:

- 1. By-law 2020-009 being a by-law to amend Zoning By-law No. 1999-52, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

2. BACKGROUND:

The Statutory Public Meeting was held at 5:00 p.m., December 9, 2019 to hear public comments on an application for a Zoning By-law Amendment for the ES Creek Road (Conc 3 Pt Lot 32), Amherstburg. The Zoning By-law Amendment (ZBA) will change the zoning for the subject lands from the "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone".

3. DISCUSSION:

The subject lands affected by the proposed ZBA are described as Conc 3 Pt Lot 32.

As noted above, the applicant severed a parcel of land being 65.44 m (214.7 ft) ± frontage by an irregular depth with an area of 37,026 sq m (0.85 acres) ± which included a single detached dwelling, which was surplus to the needs of the farming operation.

remaining farm parcel subject of the recommended ZBA will have a total area of 92.16 acres ±.

The subject parcel is zoned Agriculture in the Zoning By-Law and Agriculture in the Town's Official Plan.

The effect of the ZBA will allow for general agricultural uses on the subject property and prohibit any new dwelling units on the land.

The application is consistent with the Provincial Policy Statement, specifically Section 2.3.4.1(c) which provides for lot creation for a residence surplus to a farming operation as a result of farm consolidation provided that new residential dwellings are prohibited on any vacant remnant parcel created by the severance. The application is also in conformity with the Town's Official Plan specifically Section 3.2.2(14) which provides for surplus dwelling severances subject to the remnant parcel being rezoned to ensure no new dwelling units will be permitted. The proposed lot size as well as the intended land use for the subject parcel complies with the zone requirements for the Special Provision Agricultural Zone.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality. Should Council not approve the proposed application for ZBA, the consent which has been approved by the Committee of Adjustment could not be finalized. The home which is surplus to the needs of the farming operation could then not be severed and transferred.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant. Support of agricultural operations promotes stability in agricultural assessment base.

6. CONSULTATIONS:

No further consultations are required on this application. All statutory notice requirements and consultations were met through the planning process.

7. CONCLUSION:

Administration recommends that Zoning By-law 2020-009 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.



Frank Garardo
Manager of Planning Services

KD

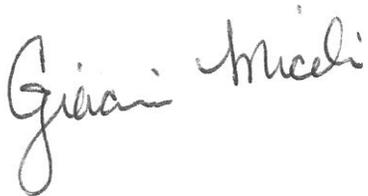
Report Approval Details

Document Title:	Zoning By-Law Amendment for 3671 Creek Road (Conc. 3 Pt Lot 32).docx
Attachments:	- Report to Council-January 27-ZBA ES Creek A-36-ATTACHMENTS.pdf
Final Approval Date:	Jan 21, 2020

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2020-009**

**By-law to amend Zoning By-law No. 1999-52
ES Creek Road (Conc 3 Pt Lot 32), Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 48 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to A-36" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone".
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

Read a first, second and third time and finally passed this 27th day of January, 2020.

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2020-009
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
 Map 57

ZONING BY-LAW NO. 1999-52

A to A-36 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

CORPORATION OF THE TOWN OF AMHERSTBURG
NOTICE OF PUBLIC MEETING

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting on **Monday, December 9th, 2019 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario, to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52 under Section 34 of the Planning Act, RSO 1990 cP.13.

THE SUBJECT LAND affected by the proposed amendment is described as Conc 3 Pt Lot 32, municipally known as 3671 Creek Road. The property has an area of 37.29 hectares (92.16 ac) with a frontage of 545.25 metres (1788.89 ft). (see key map below).

THE PURPOSE OF THE AMENDMENT is to change the zoning of the subject lands noted above from the “**Agricultural (A) Zone**” to “**Special Provision Agricultural (A-36) Zone**”. The parcel is designated Agricultural in the Town’s Official Plan. The lands described above are subject to an application for consent (File B/28/19) to sever a dwelling which is surplus to the needs of a farming operation.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT will be to allow for general agricultural use on the subject property and prohibit any new dwelling unit on the land. The “Special Provision Agricultural (A-36) Zone” is established as a site specific zone for the retained agricultural parcel created through consent, to prohibit new residential uses on these lands.

ANY PERSON may attend the public meeting and/or make written or verbal representation in support of or in opposition to the proposed Zoning By-law Amendment.

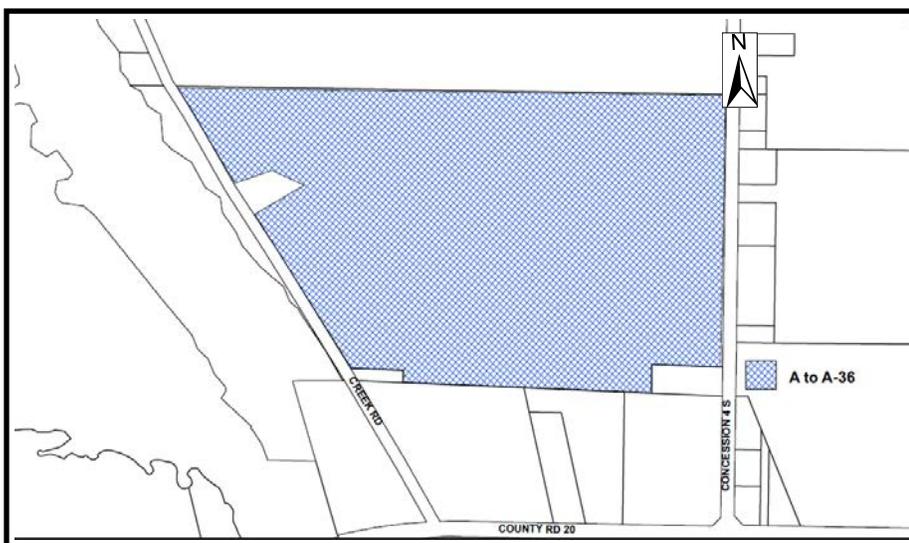
IF A PERSON OR PUBLIC BODY would otherwise have an ability to appeal the decision of the Council for the Corporation of the Town of Amherstburg to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the Town of Amherstburg before the by-law is passed, the person or public body is not entitled to appeal the decision.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Corporation of the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

ADDITIONAL INFORMATION relating to the proposed Zoning By-law Amendment (File No. ZBA/19/19) is available for inspection at the Town of Amherstburg Planning Offices at the Libro Centre, 3295 Meloche Road, during normal office hours, 8:30 a.m. to 4:30 p.m. or at the Town website www.amherstburg.ca. If you wish to be notified of the passage of the proposed by-law you must make a written request to the Town at the address below.

DATED at the Town of Amherstburg this 6th day of November, 2019.

KEY MAP



Frank Garardo, MCIP, RPP
Manager of Planning Services
Town of Amherstburg
Libro Centre
3295 Meloche Road
Amherstburg, Ontario N9V 2Y8
Telephone: (519) 736-5408
Fax No. (519) 736-9859
Website: www.amherstburg.ca

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk’s Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

Application No. ~~ZBA-21-19~~
ZBA-19-19

FORM 1
PLANNING ACT
APPLICATION FOR ZONING BY-LAW AMENDMENT
TOWN OF AMHERSTBURG

- 1. Name of approval authority Town of Amherstburg
- 2. Date application received by municipality _____
- 3. Date application deemed complete by municipality _____
- 4. Name of registered owner George H VandenBrink / Ruth A. VandenBrink
Telephone number 519-736-6977
Address 302 Knapps Island Rd., Amherstburg, ON N9V 2Y8
Email ruth@gushueone.com
Name of registered owner's solicitor or authorized agent (if any) _____
Telephone number _____
Address _____
Email _____

Please specify to whom all communications should be sent:

registered owner solicitor agent

- 5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:
Libro Credit Union, 147 Talbot St. N. Essex, ON N8M 2C6
- 6. Location and description of subject land:
Concession No. 3 (Malden) Lot(s) No. 32
Registered Plan No. R355736/ R575462 Lot(s) No. _____
Reference Plan No. 12R14151 Part(s) No. MLB 11991, MLB 11396
Street Address 3071 Creek Rd, Amherstburg, ON E of Creek Rd, Except PT 1
Assessment Roll No. 372959000000800
- 7. Size of subject parcel:
Frontage 1788.89 Ft Depth 3031.52 Ft Area 92.16 A
2082.94 Ft
- 8. Access to subject parcel:
 Municipal Road County Road Provincial Highway
 Private Road Water

If access to the subject land is by water only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

- 9. (a) Current Official Plan Land Use designation of subject land Agricultural
- (b) Explanation of how application conforms to the Official Plan From section 26(3)(9) allowing an undersized agricultural lot of 36.95 ha. Relief of 3.05ha.

(c) Does the application implement an alteration to the boundary of an area of settlement or implement a new area of settlement?

Yes No

If yes, provide details of the official plan or official plan amendment that deals with this matter:

10. Current Zoning of subject land Agriculture (A)

11. Nature and extent of rezoning requested Agriculture A-36
for undersized Ag lot after consent

12. Reasons why rezoning is requested -Severed Surplus
dwelling to farming operation, no future development

13. Current use of subject land Agriculture

14. Length of time current use of subject land has continued 100 years +

15. Is the subject land within an area where the municipality has pre-determined:

(a) minimum and maximum density requirements

Yes No

(b) minimum and maximum height requirements

Yes No

If yes, state the requirements _____

16. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

Pole Barn (to be retained) 48' x 96' = 4608 sq ft
Distance from existing lot lines: Back - 2,385 ft,
Front - 135 ft, Northside - 647 ft, South side - 874 ft.

17. Date of construction of existing buildings and structures on the subject land:

1932

18. Date subject land acquired by current registered owner 2013

19. Proposed use of subject land Agricultural

20. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

N/A

21. Type of water supply:

- municipally owned and operated piped water supply
- well
- Other (specify) _____

22. Type of sanitary sewage disposal:

- municipally owned and operated sanitary sewers
- septic system
- Other (specify) N/A - Agricultural

If the requested amendment permits development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent will be produced per day as a result of the development being completed the applicant is required to submit a:

- (i) servicing options report, and
- (ii) a hydrogeological report

23. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) _____

24. If known, indicate whether the subject land is the subject of an application under the Planning Act for:

- consent to sever
- approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

A/15/19 - Processing.

25. If known, indicate if the subject land has ever been the subject of an application for rezoning under Section 34 of the Planning Act:

N/A

If known, indicate whether the subject land has ever been the subject of a Minister's Zoning Order and, if known, the Ontario Regulation number of that order.

N/A

26. Does the requested amendment remove the subject land from an area of employment in the official plan?

- Yes
- No

If yes, state the current official plan policies, if any, dealing with the removal of land from an area of employment.

27. Is the subject land within an area where zoning with conditions may apply?

- Yes
- No

If yes, how does this application conform to the official plan policies relating to zoning with conditions?

28. Is the requested amendment consistent with policy statements issued under subsection 3(1) of the Planning Act (i.e. 2005 Provincial Policy Statement)?

Yes No

Comments _____

29. Is the subject land within an area of land designated under any provincial plan or plans?

Yes No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

30. Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?

Yes No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

31. Will the proposed project include the addition of permanent above ground fuel storage?

Yes No

Dated at the Town of Amherstburg this 30th day of October, 2019.

[Signature]
(signature of applicant, solicitor or authorized agent)

I, George VandenBrink of the Town of Amherstburg in the County/District/Regional Municipality of Essex solemnly declare that all the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County of Essex this 30th day of October, 2019.

[Signature]
Applicant, Solicitor or Authorized Agent

[Signature]
A Commissioner, etc.

Katrina Marie DiGiovanni, a Commissioner, etc.
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires April 3, 2022.

NOTES:

Each copy of the application must be accompanied by a sketch, drawn to scale, showing:

- a) the boundaries and dimensions of the subject land;
- b) the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines;
- c) the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks/tile fields;
- d) the current uses on land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- f) if access to the subject land is by water only, the location of the parking and docking facilities to be used;
- g) the location and nature of any easement affecting the subject land.

NOTE: A deposit of \$2,000.00, along with an ERCA development review fee of \$300.00 for major ZBA applications or \$200.00 for minor ZBA applications, must accompany your completed application for a zoning by-law amendment.

A deposit of \$1000.00, along with an ERCA development review fee of \$200.00, must accompany your completed application for a Holding (h) Removal zone change.

A deposit of \$1000.00 must accompany your completed application for a zone change from A to A-36.

AUTHORIZATION

(Please see note below)

To: Clerk
Town of Amherstburg

Description and Location of Subject Land:

Concession: Con 3 Pt Lot 32, Amherstburg

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize _____ of the _____ of _____ to:

- (1) make an application on my/our behalf to the Council for the Town of Amherstburg;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by Town Council relevant to the application.

Dated at the _____ of _____ in the _____ of _____, this _____ day of _____, 20__.

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

Signature of Witness

Signature of Owner

* Note: This form is only to be used for applications which are to be signed by someone other than the owner.

Moved by: Sherry Ducedre
Seconded by: Don Shaw

-carried-

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, are satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law. The approved variances to the by-law represent the existing configuration of the dwelling on the subject lands.

5.3 Application B/28/19 and A/15/19-George & Ruth VandenBrink-3671 Creek Road (3729-590-000-00800-0000)

Public in Attendance: George & Ruth VandenBrink

The applicant is proposing to sever a parcel of land being 65.44 m (214.7 ft.) ± frontage by an irregular depth with an area of 37,026 sq. m (0.85 acres) ± which includes a single detached dwelling which is surplus to the needs of the farming operation. The remaining parcel being 479.81 m (1,574.19 ft.) ± frontage by an irregular depth with an area of 36.95 hectares (91.31 acres) ± is vacant agricultural land with one accessory building to be used for farm storage. The subject parcel is zoned Agriculture in the Zoning By-Law and Agriculture in the Town's Official Plan.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated October 21, 2019 from the Essex Region Conservation Authority:
The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.
- ii) Email dated October 15, 2019 from the Public Works Department indicating:
 - A new access driveway/bridge may be required to access the retained (farm) parcel if one does not exist already.
 - A Right-of-Way permit from EPW will be required if this is the case.
- iii) Planning Report dated October 16, 2019 from Frank Garardo, Secretary Treasurer.

Committee Discussion:

B/28/19

Chair Cozens introduced the application. Mr. VandenBrink stated that they would like to sever a house that is surplus to their farming operation. He stated that they had rented the house for a short period of time but would like for someone to be able to use the house full-time. He stated that the lot shape was irregular but it was the most logical to accommodate for the well and the placement of the barn for farm storage.

Mr. Buchanan asked about adding a condition for the inspection, certification and/or removal of the propane tank. Mr. Shaw moved to accept the application with the added condition. Mr. Garardo reviewed the conditions with the Committee and applicant.

The following resolution was put forth:

That application B/27/19 be approved, subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
6. That the applicants obtain a confirmation that the current well is in working order and that its operation will not be affected by the severance.
7. That the applicants obtain a report from a certified designer/installer that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance. Further the Chief Building Official or his designate is to be onsite for inspection purposes when the field investigation is conducted by the designer/installer.
8. That the applicant obtain a report from a certified installer that the existing propane tank is in good working order and in operation or have the propane tank removed at the applicant's expense.
9. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel.
10. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Don Shaw

Seconded by: Josh Mailloux

-carried-

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, are satisfied that the request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The approval allows for responsible development of land with appropriate drainage.

A-15-19

Public in Attendance: George and Ruth VandenBrink

The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 ha in an Agricultural (A) Zone. Subsequent to a severance from an existing 37.29 hectares (92.16 acres) parcel the retained farm parcel will have an area of 36.95 hectares (91.31 acres). Therefore the amount of relief requested is 3.05 hectares (7.53 acres).

The following correspondence was received from the various agencies and residents circulated:



Town of Amherstburg
B-28-19
3671 Creek Road

A-12

Legend

-  Zoning
-  Agricultural
-  Natural Environment
-  Provincially Significant Wetlands



CONCESSION 3 S

EP

W

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A

A-36

EP

A

EP



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

November 08, 2019

Mr. Frank Garardo
Manager of Planning Services
3925 Meloche Road
Amherstburg, ON N9V 2Y8

Dear Mr. Garardo:

RE: Zoning By-Law Amendment ZBA-19-19 3671 CREEK RD
ARN 372959000000800; PIN: 015395765
Applicant: VANDENBRINK GEORGE

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-19-19. The purpose of the application is to change the zoning of the subject parcel to prohibit future new dwelling units on the land. This application is a condition of the approval for the consent application that allowed for the creation of a lot that includes a dwelling surplus to the needs of the farming operation.

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Atkinson Drain and Big Creek. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

It is the opinion of ERCA that this application to re-zone the subject lands is consistent with the natural hazards policies of the PPS and with Section 28 of the Conservation Authorities Act.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Mr. Garardo
November 08, 2019

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

It is the opinion of ERCA that this application for res-zoning is consistent with the natural heritage policies of the PPS.

FINAL RECOMMENDATION

ERCA has no objection to this application for re-zoning.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Sincerely,
[insertsig]

Michael Nelson, BSc, MSc (Planning)
Watershed Planner
/mn





THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Kingsbridge Subdivision Phase 5G - Subdivision Agreement
File No. 37-T-13003

1. RECOMMENDATION:

It is recommended that:

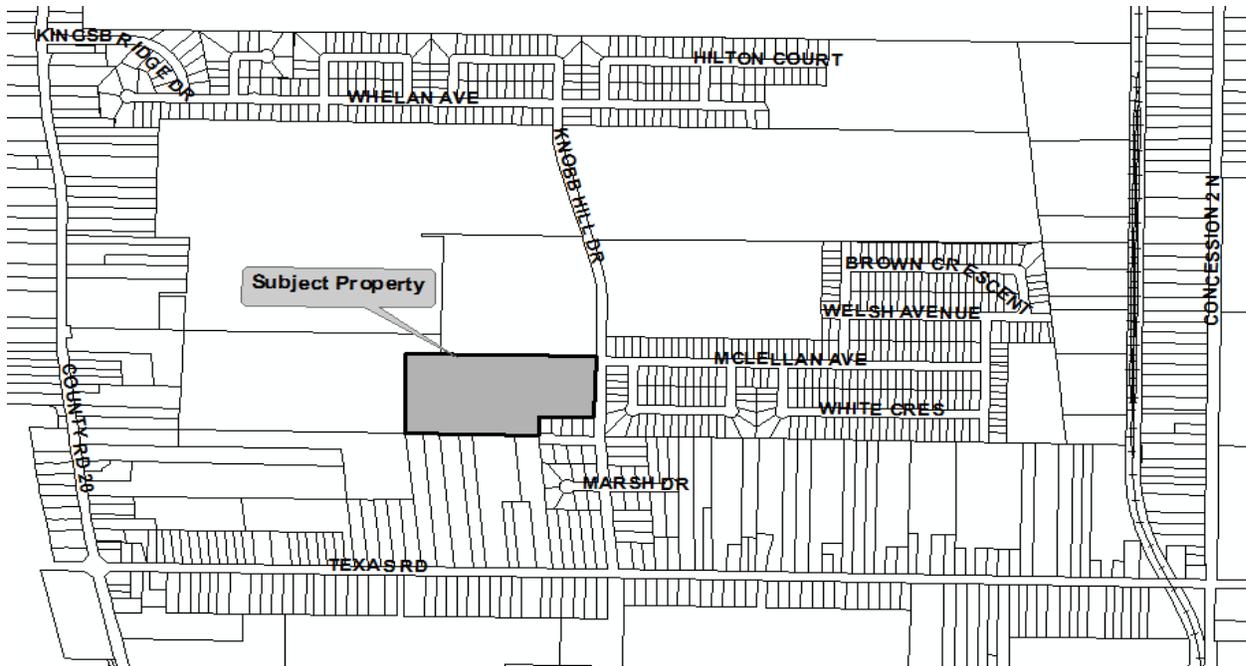
- 1. The Corporation of the Town of Amherstburg ENTER INTO a Subdivision Agreement with 1027579 Ontario Limited for Kingsbridge Subdivision Phase 5G;
2. By-law 2020-010 being a By-law to authorize the signing of a Subdivision Agreement for Kingsbridge Subdivision Phase 5G be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same; and
3. By-law 2020-011 being a By-law to authorize the execution of a Drainage Agreement with 1078217 Ontario Ltd. and 1027579 Ontario Ltd. be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

2. BACKGROUND:

The Town is in receipt of a request from Mr. Michael Dunn on behalf of 1027579 Ontario Limited to execute a subdivision agreement for Kingsbridge Subdivision Phase 5G. During the Plan of Subdivision approval process, the developer undertook the necessary background studies and work to obtain the appropriate zoning to permit the proposed residential development.

The Subdivision (Phase 5G) Agreement applies to a 7.14 hectare vacant parcel of land generally located south of Pat Thrasher Park and east of Knobb Hill Drive, within

Kingsbridge Subdivision. A key map has been attached below. The approval of Phase 5G of Kingsbridge Subdivision would require the westerly extension of McLellan Ave. The draft plan of subdivision consists of lots for sixteen (16) single detached dwellings and ninety (90) townhomes.



In December 2013, Council resolved that Administration be directed to advise the approval authority (County of Essex) that Council supports draft plan approval, subject to satisfactory conditions for Kingsbridge Subdivision Phase 5G. At the same meeting Council approved a Zoning By-Law Amendment to Holding Residential H-R2) Zone and holding Residential Multiple First Density (h-RM-1) Zone.

The County of Essex granted draft plan approval September 17, 2014, subject to a number of conditions including a provision that the applicant enter into a Subdivision Agreement to satisfy all of the requirements, financial and otherwise, of the Town concerning the installation of roads, services, drainage, the dedication and naming of streets, the granting of easements and parkland and other matters.

In July 2017, the proponent received a three-year extension of the draft plan approval for Kingsbridge Subdivision Phase 5G (File #37-T-13003). The extension was required and warranted due to a lengthy approval process with the Ministry of Natural Resources and Forestry (MNR), which impacts the Kingsbridge Subdivision Development as a whole as opposed to only this phase. And further to allow for approval of the Stormwater Management (SWM) Facility required from the MNR, which this phase is reliant on for outlet and detention. The SWM Facility has recently been finalized.

The County of Essex is the approval authority for Plans of Subdivisions. As part of the conditions of approval the proponent is required to enter into the necessary agreement(s) with the Town registered against the said lands. A holding symbol is

placed on the subject lands and will only be removed after completion and confirmation of satisfactory installation of municipal servicing.

3. DISCUSSION:

Provincial Policy Statement (PPS)

The application is consistent with the PPS in that the development promotes the efficient use of existing designated land and promotes cost-effective development patterns and standards to minimize land consumption and servicing costs.

County Official Plan (COP)

The application conforms to the policies of the COP.

Town of Amherstburg Official Plan (OP)

The subject lands are designated Low Density Residential in the OP which allows for residential development. Therefore the proposal conforms to the basic land use policies of the OP. The developer has obtained an Endangered Species Act authorization from the Ministry of Natural Resources and Forestry to allow for the construction of the subdivision.

Zoning By-law

The subject lands are designated to Holding Residential H-R2) Zone and holding Residential Multiple First Density (h-RM-1) Zone. The zoning permits single detached dwellings and townhomes.

The subject development conforms to Zoning By-law 1999-52, as amended.

Plan of Subdivision

A Plan of Subdivision is a legal survey (M-Plan) that divides a parcel of land into smaller lots or blocks and secures the developer's obligations through a Subdivision Agreement with the Town.

The developer/owner is required to sign a Subdivision Agreement with the Town prior to registration of the plan. Also, prior to registration of the plan, the owner must also fulfill all conditions provided in the County's Notice of Decision.

The recommended Subdivision Agreement for Phase 5G under By-law 2020-010 (attached as Schedule A) contains the standard provisions utilized by the Town to address servicing, collection of development charges and community benefit charges, timing for the issuance of building permits, as well as special requirements unique to phase 5G of the Kingsbridge Subdivision development. The attached Subdivision Agreement clearly states the developer's obligations to the Municipality including:

- Provision of appropriate securities to guarantee the developer's obligations under the Subdivision Agreement;

- Provision of a security to ensure the planting of trees by the developer to enhance the streetscape;
- Provision of public liability and property insurance during the period of construction;
- Installation of all stormwater management measures to the satisfaction the Town and the Essex Region Conservation Authority;
- Compliance with the Town's current Development Manual for the construction of roads, sewers, watermains, stormwater, sidewalks, lighting, fencing and other services in the subdivision;
- Requirement for the conveyance of easements as may be necessary for drainage and utilities;
- Developers responsibilities regarding damages;
- Provision for grass and weed maintenance until the transfer of the lots;

The developer's obligation relating to the dedication of parkland was has been fulfilled through initial phases of the Kingsbridge development. The entire requirement for the 5% parkland dedication was conveyed to the Town in one Block.

Specific considerations under the recommended Subdivision Agreement for Phase 5G are highlighted as follows:

Article 21 – Stormwater Management and recommended Drainage Agreement

Under Article 21 of the Agreement, the developer is required to take special measures to address stormwater management. As part of the installation of services the Town and Developers acknowledge and agree that the installation of temporary (initial stage) and permanent phased stormwater management facilities will be required. The approved stormwater management plan(s) for such development(s) require the construction of temporary drainage ditches to link the fully serviced lands with the permanent stormwater management pond located on the Subject Lands, which temporary drainage ditches run or will run through the Subject Lands. As subsequent phases of the overall subdivision are developed, the temporary drainage ditches will be replaced by permanent storm sewers and road surfaces.

A Drainage Agreement is required to ensure that the developer(s) covenants and agrees to construct and maintain temporary drainage ditches and the SWM pond in accordance with the approved storm water management plan and ensure that the temporary drainage ditches and SWM pond perform their intended functions, all at the developer's expense. The Drainage Agreement also provides securities to the Town to secure obligations of the Developers to maintain such temporary drainage ditches until the ditches have been entirely replaced by permanent storm sewers. The recommended Drainage Agreement under By-Law 2020-011 is attached as Schedule B.

Article 36 - Naturalized Area Conveyance

As part of draft Plan of Subdivision approval for the complete Kingsbridge Subdivision the proponent was required to complete an Environmental Impact Assessment. As a result the proponent was required to apply for an overall benefit permit from the Ministry of Natural Resources and Forestry (MNRF).

As part of the MNRF permit, the proponent is required to complete a naturalized corridor throughout the Kingsbridge subdivision. The Developer is required to designate the lands as protected conservation lands and to transfer the lands to the Town after completing the requirements of the MNRF permit. The conveyed protected lands will become an asset of the Town and be added to the Town's tangible capital asset (TCA) inventory. These lands are restricted use.

Article 43 - Parkland Dedication

Under the Agreements for previous phases of the development records indicate that developer (1078217 Ontario Limited) made a cash deposit for payment in lieu of parkland dedication prior to creation of the amalgamated Town of Amherstburg (circa 1999). The draft Subdivision Agreement for phase 5G (section 43) includes language similar to that in the Subdivision Agreement for Phase 6 such that lands have been transferred to the Town from the developer for Kingsbridge Subdivision to satisfy parkland dedication requirements of **the entire subdivision**. And further that 'the Town agrees to reimburse the developer (1078217 Ontario Limited) the amount of \$20,150' at such time that 'the parkland where the drainage canal is located is usable by the Town'.

The developer has provided an 8.39 hectare parcel of land to represent the 5% of parkland dedication for the entire Kingsbridge Subdivision. As the Subdivision evolved the developer was also required to provide lands for Conservation under the MNRF permit and to provide lands to the Town for a stormwater management facility with amenity trails.

4. RISK ANALYSIS:

Approval of the Subdivision Agreement for Phase 5G will form one component of the completion of requirements for final approval of the subdivision approval process under the *Planning Act*. The Subdivision Agreement must be registered against the lands to which it applies prior to the final registration of the Plan of Subdivision.

The Developer is obligated to complete the MNRF requirements for protected, naturalized lands to be improved as a protected habitat and then conveyed to the Town. The Developer is required to designate the lands as protected conservation lands and to transfer the lands to the Town after completing the requirements of the MNRF permit. Under the MNRF requirement for the transfer of these protected lands, the Town will be required to protect and maintain the lands going forward, which will have future operational and financial impacts for the Town.

5. FINANCIAL MATTERS:

The draft Subdivision Agreement for Phase 5G outlines responsibilities and obligations of the parties, including financial obligations of the Developer to design, construct and install services, etc. at its own expense, to provide securities, and all pay fees and charges related to the development.

The costs associated with the applications and planning processes are the responsibility of the developer. Once developed, residential taxes will be assessed by the Town for each residential dwelling unit built in the subdivision.

TCAs that will be transferred to the Town related to the Kingsbridge Subdivision and all related Agreements (including the subject Agreement for this report) will be added to the Town's asset inventory. The Town will be obligated to maintain and renew those assets based on service level and legislated requirements.

The operational and financial impacts and demands related to accepting protected, naturalized area lands, which MNR requires be transferred, are under review and will affect future budgets.

As noted above, the Town holds funds paid as cash in lieu of Parkland Dedication in the obligatory Parkland Dedication Reserve Fund in the amount of \$20,150. As the requirements of the Planning Act have been satisfied through a transfer of lands, these funds are excess to the statutory requirement for parkland dedication and will be paid out in accordance with the terms of the Subdivision Agreement – Phase 5G (and any preceding agreements with this requirement) to reimburse the applicable developer at such time that the parkland where the drainage canal is located is usable by the Town.

6. CONSULTATIONS:

Todd Hewitt, Manager of Engineering
Justin Rousseau, Treasurer
Cheryl Horrobin, Director of Corporate Services

7. CONCLUSION:

Administration is recommending approval of both the Subdivision Agreement with 1027579 Ontario Ltd and the Drainage Agreement with 1027579 Ontario Ltd and 1078217 Ontario Ltd (c/o Mike Dunn) for Kingsbridge Subdivision Phase 5G. The proposed Subdivision Agreement complies with the Town's planning documents, incorporates the conditions of draft plan approval and addresses site servicing details and other issues in accordance with the requirements of the Planning Act.



Frank Garardo
Manager of Planning Services

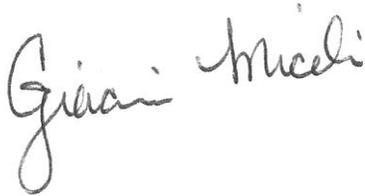
Report Approval Details

Document Title:	Kingsbridge Subdivision Agreement-Phase 5G.docx
Attachments:	- Report to Council-January 27-Kingsbridge Phase 5 Sub Agreement-ATTACHMENTSfinal.pdf
Final Approval Date:	Jan 22, 2020

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker

SCHEDULE A

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO 2020-010**

**By-law to authorize the execution of a
Subdivision Agreement between 1027579 Ontario Limited and
the Council of the Corporation of the Town of Amherstburg
Kingsbridge Subdivision Phase 5G**

WHEREAS 1027579 Ontario Limited has proposed the subdivision and servicing of lands owned by it within Part of Lots 11 and 12, Concession 1 (formerly Township of Anderdon) now Town of Amherstburg;

AND WHEREAS the Corporation of the Town of Amherstburg has settled with 1027579 Ontario Limited, the requirements for the provisions of Municipal Services within the area to be subdivided, which requirements are set out in the agreement hereto annexed, and which agreement is ratified and adopted by 1027579 Ontario Limited;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. THAT the Corporation of the Town of Amherstburg enter into a Subdivision Agreement with 1027579 Ontario Limited in the form annexed hereto, and the Mayor and Clerk be and they are hereby authorized to sign the original and copies thereof and affix the Corporate Seal thereto.
2. THAT this By-law shall come into force and effect on the date of final passage hereof.

Read a first, second and third time and finally passed this 27th day of January, 2020

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER

1027579 ONTARIO LIMITED
SUBDIVISION AGREEMENT
(KINGSBRIDGE SUBDIVISION PHASE 5G)

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SUBDIVISION AGREEMENT

THIS AGREEMENT made in quadruplicate this _____ day of _____, 2020 .

BETWEEN: 1027579 ONTARIO LIMITED

(hereinafter called the "**Developer**")

OF THE FIRST PART;

-and-

THE CORPORATION OF THE TOWN OF AMHERSTBURG

(hereinafter called the "**Town**")

OF THE SECOND PART;

WHEREAS the Developer proposes the subdivision, development, servicing and sale of lands within Part of Lots 11 and 12, Concession 1 (formerly Township of Anderdon), now Town of Amherstburg, County of Essex which lands are more particularly described in Schedule "A" annexed hereto;

AND WHEREAS the County of Essex granted draft plan approval for subdivision of the lands on September 17, 2014, subject to conditions imposed including a provision that the owner agrees in writing to satisfy all of the requirements, financial and otherwise, of the Town concerning the installation of roads, services, drainage, the dedication and naming of streets, the granting of easements and parkland and other matters;

AND WHEREAS the Developer represents and warrants to the Town that it is now the registered owner of all of the lands described in Schedule "A" annexed hereto and that all of the right, title and interest of its predecessors in title and all the right and authority to complete the subdivision and to develop the lands is vested in it.

NOW THEREFORE IN CONSIDERATION of the premises and of the Town certifying to the County of Essex that the requirements of the Town have been met, the parties hereto agree as follows:

1. **Recitals**

The foregoing Recitals are true in substance and in fact and are hereby incorporated herein by reference.

2. **Interpretation**

The meanings of various terms used within the Agreement are as indicated in the definitions contained with the attached Schedule "B".

3. **Installation of Services**

The Developer will design, construct and install Services at its own expense on the Lands in accordance with such design criteria, detailed plans and work schedules to be filed in the office of the Clerk of the Town, with good materials, in a good, workmanlike and timely manner, in accordance with good and accepted engineering practices, and to the satisfaction of the Town, and in all cases the Town engineer, acting reasonably.

4. **Certificate of Liability Insurance**

The Developer will provide to the Town, on or before the commencement of any construction and installation of any of the Services called for herein, a certificate of liability insurance satisfactory to the Town, naming the Town as an additional insured party. The insurance shall protect the Developer and the Town against any liability that might arise out of the construction or installation of any of the Services herein referred to, and the said Developer shall continue such insurance in full force and effect so long as any Services are to be constructed or installed, and for a period of two (2) years after completion and Final Acceptance of the last of such Services. The limits of liability for public liability and property damage coverage under such insurance shall not be less than \$5,000,000.00. Before commencement of the installation of the Services, the Developer's consulting engineer shall provide satisfactory evidence to the Town that the said consulting engineer maintains a policy of public liability insurance and errors and omissions insurance satisfactory to the Town, which policy is to be maintained in full force and effect until the Services are completed and formally accepted (final acceptance) by the Town.

5. **Save and Hold Harmless**

The Developer covenants and agrees to save the Town harmless from any and all claims, demands, loss, costs, or damages, including legal costs on a substantial indemnity basis in any way arising from or related to the subdivision and the proposed development thereof, arising or accruing to anyone up to two years after the completion and Final acceptance of the last of the Services in the subdivision.

6. **Drawings and Tenders**

The Developer shall submit, in both electronic and hard copy form, all plans, design drawings, grading plans and specification lists, all of which shall carry the seal of the professional engineer who is responsible for such design and be signed by him, to the Town for examination by them and the Town engineer. In the case of any Services to be constructed by contract, the Developer shall also submit to the Town a copy of each set of "information for tenders" documents and each proposed contract together with the names of the proposed contractors and sub-contractors to be engaged. The Developer shall file with the Town work schedules for the construction and installation of all Services, whether by the Developer, the contractors, sub-contractors or others. The Developer shall obtain the approval in writing of the Town to all of the foregoing, except the selection of contractors or sub-contractors before granting any contract or commencing any work. The design criteria contained in Schedule "C" hereto shall constitute the minimum conditions upon which tenders are made, contracts let, or work done. The Developer's consulting engineer, or successor thereto, shall continue to be retained by the Developer until the works are complete and formally accepted by the Town.

7. **Construction of Services by Contractors**

In case of construction of Services by contractors, the Developer shall comply with all of the holdback provisions of the Construction Lien Act. In the construction of all Services the Developer shall indemnify and save the Town harmless from any and all claims, actions and demands resulting from the construction and installation of Services.

8. **Inspection**

The Town, and its authorized agents, including the Town engineer, shall have the right at any time and from time to time to inspect all Services during and after construction and to inspect and test all materials proposed to be used in the construction of any of the Services. The reasonable costs of such inspections and tests shall be paid by the Developer within 30 days of written demand by the Town. If at any time, the construction of any service or material is, in the opinion of the Town engineer, acting reasonably, not in accordance with the plans and specifications or not in accordance with good engineering practices or any of the provisions of this Agreement, the Town engineer may order the materials to be replaced or the work to be placed in satisfactory condition within such time as he may specify, and in the event of the Developer failing to comply or obtain compliance with such order, the Town engineer may stop work upon such services, or in his sole discretion upon all services. The Developer shall at all times provide all information requested by the Town, its authorized agents and the Town engineer in relation to the various materials and services and shall at any time at his expense expose any municipal service for inspection by the Town engineer. Notwithstanding the generality of the foregoing, the rights of the Town and its authorized agents including the Town engineer hereunder shall be limited to a period of one year after the initial acceptance of the last of the services within or required to facilitate the servicing of lots where such inspection, testing or other action is proposed.

9. **Approval for Commencement of Work**

No work shall commence without the approval of the Town and any work requiring the approval or consent of any other governmental authority shall not commence until such approval or consent has also been obtained. No watermain, sanitary sewer, storm sewer or hydro line shall be connected to any existing municipal services without the written approval of whichever of the Town or the approval of the Authority which has jurisdiction over such municipal system.

10. **Work Schedule/Quality of Work**

The Developer will prepare and submit to the Town, plans for the installation of Services for each phase of the development and will request a pre-construction meeting with the Town and its consultants in order to establish a work schedule acceptable to the Town and shall proceed with reasonable development procedures and in accordance with such work schedule. Subject to Force Majeure, if the Developer fails to proceed with reasonable development procedures and in accordance with the accepted work schedule or if in the opinion of the Town Engineer the Services are not being installed in accordance with the drawings, or specifications approved therefore, or in accordance with good engineering practices in a good, workmanlike manner, using good materials, then the Town shall give the Developer thirty (30) days to Cure any default following which and in addition to any other remedy the Town may have, the Town may, without further notice, enter upon the lands of the Developer and proceed to supply all materials and do all necessary work in connection with the installation of the Services, including the repair or reconstruction of faulty work, and replacement of materials not in accordance with the drawings or specifications and the Town shall charge the cost thereof, including all engineering and other fees to the Developer, who shall forthwith pay the same within thirty (30) days of a written demand therefor by the Town. In the event that the payment is not received within thirty (30) days of the written demand by the Town, the amount expended shall constitute and

be a lien and charge upon the lands of the developer and may be collected as real property taxes in accordance with the Municipal Act as amended from time to time.

11. **Developer's Responsibilities Until Final Acceptance**

Until such time as the Town has finally accepted each of the Services, including roadways herein referred to, the Developer shall be responsible therefor. The responsibility of the Developer prior to Final Acceptance by the Town shall include liability for all types of maintenance in connection therewith. If the Developer should in the opinion of the Town or of its agents or employees fail to maintain any Service including roadways, prior to the Final Acceptance by the Town, the Town may without notice in case of emergency, or in any other case on 30 days notice, if such default is not Cured by the Developer during the 30 day notice, maintain the same, but in so doing, the Town shall for all purposes be deemed to have acted as agent for the Developer, without in any way being deemed to have finally accepted such Service, or to have incurred any liability for future maintenance, and the Town shall be entitled to reimbursement for the cost of any such maintenance, within thirty (30) days of written demand therefor, and the Town shall further be relieved of liability for damages caused unintentionally, in the course of such maintenance. Snow removal, salting or sanding by the Town shall not constitute acceptance of the roads by maintenance thereof. The Developer shall also be responsible for the cleaning and flushing of sewers throughout the development until such time as the maintenance period for the construction of the Services has expired. The Town shall have the right to inspect the said sewers from time to time and, if deemed necessary, may require the Developer to clean and flush same immediately, and the Developer hereby agrees to perform such cleaning and flushing on demand to the entire satisfaction of the Town.

12. (a) **Building Permits**

The Developer covenants and agrees on behalf of itself and its successors in title to any lot, not to apply for any building permit for the construction of any building on any lots covered by this agreement until:

- (i) **Initial Acceptance of Services**
All of the services relating to all of the lots therein have been installed and initially accepted by the Town with the exception of the final asphalt surface course of the roadway.
- (ii) **Model Homes**
The Developer may apply to the Chief Building Official for model home permits prior to the completion of all services provided the dwelling unit is connected to water, storm, and sanitary services and that the base coat of asphalt and concrete curbs and gutter have been installed, to the satisfaction of the Town Engineer. Issued building permits shall not exceed four dwelling units or ten percent of the total dwelling units in any particular phase and shall adhere to all of the requirements in the Town's development manual.

For additional phases within the subdivision, the application(s) for model home permits by the developer shall adhere to the town's development manual.

13. **Tree Provisions/Mailbox Requirements**

The Developer shall:

- i) **Tree Provision**
The Developer will provide to the Town, before the commencement of any construction or installation of any service, an irrevocable letter of credit (self-renewing and without burden of proof), or a certified cheque, satisfactory to the Town, the value of the trees to be planted (i.e. \$500 x 60 trees). One tree per single family lot and two trees per townhome block. The trees will be installed by the developer on the lots where homes have been constructed and the front and side yards have been seeded and sodded, once per year annually in the fall. The Town will review the number of trees planted annually and refund the tree deposits for those trees planted on a pro rata basis. The trees will be planted in accordance with the Town's Tree By-law on the municipal ROW, and at a minimum of 60 mm in caliper based on the Tree By-law.

- (ii) **Super Mailboxes**
Contact Canada Post to determine the location of super mailboxes throughout the subdivision and shall notify all purchasers of the exact location thereof and that mail delivery will be provided via community mailboxes. The location of super mailboxes also to be satisfactory to the Town.

14. **Landscaping Requirements**

- (i) **Front and Side Yards**
The front lawn and exterior side yard of each lot shall be sodded, seeded or otherwise landscaped within six months of the construction of a house thereon, and such sodding, seeding or landscaping shall be continued over the unpaved portion of the road allowance, including any lands between a sidewalk and the road, to the back of the curb and gutter in front of such lot. Such sodding, seeding or landscaping shall be maintained in perpetuity. The Developer shall impose a covenant to this effect in the transfer of each lot conveyed by it.

15. **Registration Requirements**

The Developer covenants and agrees to cause the local Land Registrar to register, immediately after registration of the proposed plan of subdivision, as annexed to each lot in the proposed plan of subdivision, a condition of restriction running with the lands, that such lot is not to be built upon unless the provisions of paragraph 12 of this agreement, limiting entitlement to building permits has been complied with.

16. **Financial Security**

The Developer will provide to the Town, before the commencement of any construction or installation of any service, an irrevocable letter of credit (self-renewing and without burden of proof), or a certified cheque, satisfactory to the Town, in an amount equal to 50% of the value set by the Town for all Services to guarantee satisfactory installation of all Services. This value will be established based on the prices in the tender. The Developer must provide the completed tender form from the contractor to the Town. If work is not tendered the Consulting Engineer must provide a tender form that provides the final cost to establish the value of securities. If the provision of Services to the lots requires the construction or installation of any services outside the subdivision, the foregoing provisions as to the security equal to 100% of

the value for Services shall extend to and be required in connection with any Service extending outside.

17. **Maintenance Security**

The Developer shall provide to the Town an irrevocable letter of credit, (self renewing and without burden of proof), or a certified cheque, satisfactory to the Town, in an amount equal to 25% of the value set by the Town upon initial acceptance thereof, for all servicing of lots within the subdivision, until final acceptance of services after completion and initial acceptance by the Town of the last service provided. If the Municipality agrees and/or requests that some of the work be delayed, Performance Securities for 100% of the outstanding works would be required in addition to the Maintenance Security.

18. **Iron Bars**

The Developer will file with the Town a surveyor's certificate dated within 30 days before the application for initial acceptance by the Town of asphalt surfacing on roadways, to the effect that all Standard Iron Bars shown upon the plan of subdivision have been located or replaced.

19. **Staking of Bars Prior to Construction**

Before the sale of any lot or the issue of any building permit within the subdivision, the Developer shall stake to the satisfaction of the Town, the locations of all Standard Iron Bars, and shall maintain such staking to the satisfaction of the Town, its respective servants and agents and the Town engineer, in relation to each lot until the home foundation is installed and all services to the proposed home have been provided. The Developer will provide to the Town on request, and to any proposed builder, all usual information as to grades and levels for each lot within the subdivision.

20. **Developers Responsibilities in Regard to Damages**

The Developer undertakes and agrees to pay for any damage caused to any existing road, road allowance, structure or plant and any costs involved in the relocation of or repair or connection to any existing services arising in any way from or in connection with this agreement or the provision of services called for herein including the changing of grades of existing adjacent roads, and also any taxes or other charges levied or to be levied upon the lands to be subdivided, until such time as the lands have been assessed and entered on the collector's roll according to the proposed and presently registered plans.

21. **Stormwater Management**

The development of the subdivision requires special measures to deal with stormwater management. The Owner agrees;

- (i) This phase is included in the stormwater report titled Kingsbridge Residential Community, Revised Stormwater Management Report-Southwest Pond, Amendment No. 2 February 23, 2017. The owner is to install all the stormwater management measures identified in the final report as part of the development of the site, included overland flow routes.
- (ii) The Consulting Engineer will be required to provide written confirmation to the Town that the design of all components of the stormwater system are in accordance with the provisions outlined in the Kingsbridge Residential Community, Revised Stormwater

Management Report- Southwest Pond, Amendment No. 2 February 23, 2017.

- (iii) to continue to conduct regular inspections once every two weeks and after each sizeable storm event of all sediment and erosion control measures recommended in the approved stormwater management plan during the construction phase; Results of these inspections must be sent to the Municipality on a monthly basis.
- (iv) to maintain an inspection log which shall be made available for review by the Ministry of the Environment, Conservation and Parks and Essex Region Conservation Authority, upon request. These inspection logs must be sent to the Municipality on a monthly basis. The log shall state the name of the inspector, date of inspections and the rectification or replacement measures which were taken to maintain the sediment and erosion control measures. Inspections shall continue until the assumption of services by the municipality or until site construction conditions warrant cessation of the visits;
- (v) it is the intent that any lands required for the permanent stormwater management pond are to be conveyed to the municipality in future phases of this development; and
- (vi) a separate Drainage Agreement is required to be registered concurrently with this agreement. Its purpose is to ensure municipal access to the existing stormwater management pond and ditches servicing this development as well as maintenance of the related ditches.

22. **Stormwater Management Issues – Catchbasin and Road Maintenance**

All catchbasins will have filter fabric placed under the lid to catch sediment. It will be the Developer's responsibility to ensure the filter fabric is changed periodically as required to allow drainage through the catchbasins. The developer will also be responsible for ensuring the roads are kept in a clean manner during house construction.

23. **Design Drawings**

For all the works outlined therein and referred to in this section, the Developer shall provide design drawings, specification lists, and tender documents to the Town, in both electronic and hard copy format, in the same manner as for services in the subdivision, as detailed in paragraphs 3 through 11 and 13 and 14 hereof, and shall obtain approval of the works as detailed in paragraph 32 hereof.

24. **Additional Work**

If at any time prior to final acceptance of the last of the services by the Town it is of the reasonable opinion that additional works are proven necessary to provide adequately any of the public services specified in the schedules hereto, which were not reasonably foreseeable at the date of this Agreement then the Developer shall construct, install or perform such additional work at the request of the Town provided that, if the Developer disagrees that such additional works are necessary, the question shall be resolved by a single arbitrator if the parties can agree on one, otherwise by a panel of three arbitrators proceeding under the Arbitrations Act.

25. **Grading of Topsoil**

The Developer covenants and agrees that topsoil excavated for roadways shall be left and leveled within the subdivision, except as provided in paragraph 26 hereof. Any topsoil that is stockpiled shall be neat and sloped in such a manner that weed cutting can be carried out with mechanical equipment by the Developer to the entire satisfaction of the Town.

26. **Grading/Dumping/Removal of Material**

The Developer shall carry out all grading of all lands, in accordance with the grading plans to be filed in the office of the Chief Building Official of Town of Amherstburg, and shall forthwith carry out temporary or permanent drainage work that the Town engineer may certify to be necessary to eliminate ponding erosion, channeling of underground water or other drainage problems. The Developer shall neither dump nor permit to be dumped any fill or debris, or remove or permit the removal of any soil or fill from any of the lands to be subdivided without the written consent of the Town engineer. In seeking consent of the Town engineer to the removal of topsoil the Developer shall establish that when final grades are established for all of the lots and blocks within the subdivision there will be topsoil to a depth of at least four inches (4") over the entire area not covered by buildings, roadways and driveways.

27. **Grass and Weeds Maintenance**

The Developer shall be responsible for the proper maintenance of grass and weeds throughout the subdivision under the direction of the Town until such time as a building permit is issued on a lot or the lot is transferred to a new owner. The Developer is required to place notice on title of this requirement on each lot conveyed by it.

28. **Rear Yard Drainage**

Rear lot drainage shall be installed on each lot, in connection with the construction of a house thereon, and shall be connected to the storm sewer system. The specifications, design and installation of such rear yard drainage shall be acceptable to, and subject to the approval of the Town engineer. On an application for a building permit on any lot within the lands to be subdivided, the builder shall produce a plan or sketch satisfactory to the Chief Building Official of the proposed rear yard drainage, which shall be in accordance with the Building Code. The installation of such rear yard drainage shall be subject to the same inspections as foundation drains and the Chief Building Official may issue work orders or stop work orders in relation thereto.

Farm field drainage tiles extending to the subject lands are to be severed and permanently blocked so as to prevent the flow of storm water into the subdivision.

29. **Sump Pump Overflow**

All homes must be designed to include a sump pump overflow provided as part of the overall detailed design.

30. **Municipal Numbers**

The Developer shall ascertain from the Town the appropriate municipal numbers for each lot, and shall provide such numbers to prospective purchasers, builders and lenders.

31. **Interim Acceptance of Services**

The Developer shall apply for initial acceptance of the municipal Services by filing with the Town a certificate under the hand and seal of its project engineer that the construction and/or installation of such Services has been completed in accordance with the design criteria and the plans and specifications therefor approved and filed by the Town before construction, and by filing as-built drawings of such Service. The Town and its authorized agents, including the Town engineer, shall carry out such inspections as they deem necessary, and such Service shall then be deemed to have received Interim Acceptance after the Town engineer certifying that such Service has been completed in accordance with this Agreement, providing that all the covenants of this Agreement have been complied with to the date of such certificate.

32. **Final Acceptance of Services**

The Town shall have granted Final Acceptance of the Services in each phase upon the Town engineer and the Town being satisfied that all covenants under this Agreement have been fully complied with and all repairs and replacement required during the maintenance period have been carried out within such phase, and then authorizing release of the maintenance securities or bonds. Immediately prior to requesting Final Acceptance of the Services, the Developer shall flush clean and camera inspect the sanitary and storm sewer system -including all services. The Developer's consulting engineer shall certify that the Services have been inspected and the camera inspection has been reviewed, and that there are no slumps, cracks, blockages or other deficiencies within the system to the entire satisfaction of the Town. A copy of all sewer videos will be provided to the Town for their review.

33. **Town's Fees**

The Developer undertakes, covenants and agrees to pay any planning, engineering, legal, auditing or other fees or disbursements incurred by the Town relating in any way to the proposed subdivision, or the servicing thereof, or to this agreement, including negotiations and preparations prior to its execution and including the entire fees and disbursements of the Town engineer when acting pursuant to the terms of this agreement, and any clerical or administrative expense of the Town relating in any way to or arising from this agreement, forthwith upon being invoiced therefor. The Developer agrees to deposit with the Town on or before the execution of this agreement, the sum of \$2,000.00 to be applied against such fees as may be incurred from time to time, with such deposit to be renewed from time to time as used up, when requested by the Town, any unused balance to be returned to the Developer without interest, on the expiry of the maintenance period.

34. **Easements**

The Developer agrees to provide easements as may be required for services, utility or drainage purposes in a form satisfactory to the Town or utility.

35. **Conveyances**

a) All terminating streets, side yards abutting road allowances and the rear yards of Lots 1 through 7 abutting Knobb Hill Drive will contain a 0.3 metre reserve, to be illustrated on the final plan of subdivision and be conveyed to the Town.

- b) The conveyance of a daylight corner on Lot 1, at McLellan and Knobb Hill shall be completed to the satisfaction of the Town.
- c) Block 45 shall be conveyed to the Town of Amherstburg along with the frontage located on future Street 'B'. The Developer shall place a restrictive covenant on the title of lots 33 through 38 inclusive (those lots located directly adjacent to Block 45), that no gates be installed in any fence separating Blocks 33 through 38 from Block 45. Further the covenant shall state that there shall be no direct access from Blocks 33 through 38 to Block 45.

36. **Ministry of Natural Resources Authorization**

Prior to site alteration of any kind, and final approval by the County of Essex, the Owner shall undertake to ensure that any site alteration be completed in accordance with the Endangered Species Act, 2007, and more specifically in compliance with Letter to Proponent (AYL-L-023-16) issued by the Ministry of Natural Resources and Forestry, and a certified biologist shall confirm in writing that any site alteration has been completed in accordance with the requirements of Letter to Proponent (AYL-L-023-16), and any subsequent letters/authorizations/decisions issued under the Endangered Species Act, 2007.

37. **Register Notice of Agreement**

The Developer covenants and agrees to cause the Local Land Registrar to register notice of this agreement against all of the lands affected hereby, immediately after registration of the proposed subdivision, and to obtain acknowledgement, consent and postponement agreements, from any and all encumbrances registered prior to registration of such notice.

38. **Development Charges**

The Developer acknowledges that the lands subdivided by this agreement are subject to Development Charges as established by the Town in its Development Charges By-law which may include community benefit charges. Once established, the said development charge shall be paid prior to the issuance of a building permit for each lot. The Developer undertakes and agrees to provide that all Offers of Purchase and Sale include information that satisfies Subsection 59(4) of the Development Charges Act including development charges for school purposes relating to any such lot pursuant to 59(4) of the Development Charges Act, 1997.

39. **Town Engineer**

Throughout this agreement the term "Town Engineer" shall mean the professional engineer or firm of professional engineers retained by the Town to carry out the duties referred to in this agreement. Notwithstanding the above, the Town may agree to the use of a single engineering firm. However, should any dispute arise as a result of this agreement, the selected engineering firm shall be responsible to the Town, and the Developer shall be required to retain its own professional engineer.

40. **Use of General Terms**

Throughout this agreement the singular shall be deemed to include the plural, and the masculine, feminine and neuter genders shall be interchangeable as the context and applicable situations may require.

41. **Enforcement of Agreement**

The Developer will not call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative or other tribunal the right of the Town to enter into this agreement and to enforce each and every term, covenant and condition thereof and this provision may be pleaded by the Town in any such action or proceeding as a complete and conclusive estoppel of any denial of such right. If any provision of this agreement shall be found to be or deemed illegal or invalid, the remainder of the agreement shall not be affected thereby.

42. **No Waiver of Rights**

No indulgence or forbearance by the Town shall be deemed to constitute a waiver by the Town of its rights to insist on performance in a full and timely manner of all the covenants contained herein, and any such waiver, in order to be binding, must be in writing and duly authorized by the Town Council. No such waiver of any provisions, conditions or covenants shall be deemed to be a waiver of the right to later require full and timely compliance with the same terms, conditions or covenants, or with any other terms, covenants or conditions of this agreement at any time.

43. **Parkland Dedication**

In satisfaction of the requirement for parkland dedication for the entire Kingsbridge development the Developer has conveyed to the Town in fee simple and without encumbrances, lands for park purposes in accordance with the provisions of the Planning Act, R.S.O. 1990 as follows:

- (i) Parts 2, 3, 10 and 11, Reference Plan 12R-22789 8.39 hectares

In consideration of the parkland dedication the Town agrees to reimburse the Developer, 1078217 Ontario Limited, the amount of \$20,150.00 which represents prior payments made by the Developer in lieu of parkland for previous phases. The Town and Developer agree that this reimbursement will not occur until such time as the parkland where the drainage canal is located is useable by the Town.

44. **Schools**

In accordance with the requirements of the Greater Essex County District School Board and the Windsor-Essex Catholic District School Board, the Developer is required to place notice on title for purchasers of the lots to be aware that students may not be able to attend the closest school and could be bused to a distant school with available capacity.

45. **Sidewalks**

Concrete sidewalks are to be installed in accordance with the Kingsbridge Sidewalk Master Plan dated August 26, 2006 and the Town's design standards along internal streets identified within the proposed plan and pursuant to municipal requirements to facilitate pedestrian movement, bus routing and stops, and safety of school children. The minimum width of sidewalk is 1.5m and must meet all AODA requirements, including the installation of tactile plates at intersections. The timing of the installation of the required sidewalks will be determined by the Town's Engineering and Public Works Department in conjunction with the Developer. The

Developer will install a sidewalk as required on McClellan with the sidewalk master plan.

46. **Streetlights**

The Developer shall install streetlights in accordance with the present design standards, all to be approved by the Town of Amherstburg. The Town requires LED fixtures.

47. **Street Signs**

The Developer shall request that the Town install all required signage, including street signs at each intersection and where necessary, all to be done in accordance with present standards at the cost of the Developer. If the Town undertakes the work and/or the signs, the Town will invoice the Developer accordingly.

48. **Sewage Allocation**

The Developer acknowledges that the development requires the construction of a trunk sanitary sewer linking the McLellan Avenue Pump Station with the Kingsbridge Drive Pump Station satisfactory to the Town, at the cost of the Developer.

49. **Sewage Ejector Pumps**

All homes must be designated to include a sewage ejector pump. Gravity flow from the home will not be accepted.

50. **Essex Terminal Railway**

The Developer shall include in all agreements of purchase and sale and a notice on title advising purchasers of lots of the presence of an operating railway with its attendant noise, vibration and safety concerns.

51. **Cure Period**

Throughout this Agreement, where reference is made to the Town undertaking works on behalf of the Developer because of default or some other reason, it is agreed that the Developer will be given thirty (30) days to Cure any such deficiency, default or other problem or commence to Cure default and proceed diligently to remedy same prior to the Town undertaking the required works unless such deficiency, default or other problem is deemed to be an emergency.

52. **Notice**

- (a) Any notice, direction or other instrument required or permitted to be given by any party under this Agreement shall be in writing and shall be sufficiently given if delivered personally, sent by prepaid first-class mail or transmitted by telecopier or other form of electronic communication during transmission of which no indication of failure or receipt is communicated to the sender:

In the case of notice to the Developer:

c/o Michael Dunn
1027579 Ontario Limited
948 Albert Lane,
R.R. #1
Belle River, ON NOR 1A0

In the case of notice to the Town:

271 Sandwich Street South
AMHERSTBURG, ON N9V 2A5

Attention: The Clerk
Fax: (519) 736-5403

Manager of Planning Services
Fax: (519) 736-9859

Manager of Engineering
Fax: (519) 736-7080

- (b) Any such notice, direction or other instrument if delivered personally, shall be deemed to have been given and received on the date on which it was received at such address, or, if sent by mail, shall be deemed to have been given and received on the date which is five (5) days after which it was mailed, provided that if either such day is not a Business Day, then the notice shall be deemed to have been given and received on the Business Day next following such day. Any notice transmitted by telecopier or other form of electronic communication shall be deemed to have been given and received on the date of its transmission provided that if such day is not a Business Day or it is received after the end of normal business hours on the date of its transmission at the place of receipt, then it shall be deemed to have been given and received at the opening of business in the office of the recipient on the first Business Day next following the transmission thereof. If normal mail service, telex, telecopier or other form of electronic communication is interrupted by strike, slowdown, Force Majeure, or other cause, a notice, direction or other instrument sent by the impaired means of communication will not be deemed to be received until actually received, and the party sending the notice shall utilize any other such service which has not been so interrupted to deliver such notice.

53. **Agreement Binding on Parties**

This agreement shall enure to the benefit of, and be binding upon the parties hereto, and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Town has hereunto affixed their seals attested by the signatures of their proper signing officers and the Developer has hereunto affixed its seal attested by the signature of its proper signing officer in that regard.

1027579 ONTARIO LIMITED

Per _____
Michael R. Dunn - President

I have authority to bind the Corporation

**THE CORPORATION OF THE
TOWN OF AMHERSTBURG**

Per _____
Aldo DiCarlo, Mayor

Per _____
Paula Parker, Clerk

We have authority to bind the Corporation

SCHEDULE "A"

LEGAL DESCRIPTION

Concession 1, Part of Lots 11 and 12
being Part 5, Plan 12R-18129,
save and except Part 2, Plan 12R-22789
Geographic Township of Anderdon,
now in the Town of Amherstburg,
County of Essex,
Province of Ontario

SCHEDULE "B"

DEFINITION OF TERMS

The following definitions shall apply in the interpretation of this Agreement:

"Cure" means that the Developer has commenced the works required to address the Event of Default that has been identified and for which notice in accordance with this Agreement has been provided and is proceeding diligently to remedy any deficiency or default.

"Event of Default" means if the Developer fails in the performance of an obligation under this Agreement, and the Town issues a notice of such failure or default and a demand for performance, observance or compliance has been given. In such cases, the Town must allow the Developer a minimum of thirty (30) days to Cure the default (Cure as defined herein) unless such default is determined to be an emergency by the Town in which case a minimum less than thirty (30) days can be established for the Developer to Cure the default.

"Final Acceptance" means the date, commencing no sooner than the expiry of the maintenance period wherein the Developer's Consulting Engineer has provided a declaration to the Town confirming that the works and Services have been completed in accordance with the terms of this Agreement and the Town engineer formally accepts the Services in writing.

"Force Majeure" means and includes acts of God, terrorist attacks, weather conditions, labour disputes, shortage of labour and materials and any happening, condition or thing beyond the control of a person which could not reasonably have been anticipated and avoided by such person which delays or prevents such person from performing any of its obligations hereunder, financial inability excepted.

"Improvements" means modifications to the Town-owned infrastructure that may be reasonably required from time to time.

"Indemnifiers" means jointly and severally.

"Interim Acceptance" means when Services are placed on maintenance by the Town. **"Lands"** means those lands as described in Schedule "A" attached hereto.

"Plan of Subdivision" means a registered plan of the lands where new, separate parcels of land have been created and can be legally used for the sale of lots.

"Services" means the storm sewers, sanitary sewers, waterlines, roads, curbs and hydro services, including those components of infrastructure described in Schedule "C".

"Substantial Performance" means the date that the Developer's Consulting Engineer has provided a declaration to the Town confirming that the works are ready for use or are being used for the purposes intended.

“Town’s Infrastructure Work” means the infrastructure work being undertaken by or on behalf of the Town to the portions of the Lands not designated for private development.

SCHEDULE "C"
DESIGN CRITERIA

**FOR SERVICES TO BE PROVIDED IN THE
KINGSBRIDGE SUBDIVISION- Phase 5G**

TOWN OF AMHERSTBURG

GENERAL

Sanitary and storm sewers, watermains, curbs and gutters, sidewalks, street lighting and electric service connections shall be constructed in accordance with plans and specifications prepared by a professional engineer, registered to practice in the Province of Ontario, and acceptable to the Town of Amherstburg. Criteria upon which these services are to be designed, are as described in this schedule.

STORM DRAINAGE

Storm sewers, together with catch waterbasins shall be installed in all streets in the development in accordance with the approved engineering drawings and as approved by the Ministry of the Environment, Conservation and Parks, E.R.C.A. and the Corporation. A copy of the design calculations shall be submitted to the Corporation and included on the design drawings.

Private service connections (including cleanouts) from the storm sewers to the front property line of each building lot shall be provided and the developer shall install one private service connection for each unit. The minimum size of service connections shall be 150mm diameter. Private storm service connections and clean-outs shall not be constructed under future driveways.

All homes must include a sump pump overflow

Sewers shall be designed in accordance with the following criteria:

Design Method	-	rational method
Design Frequency	-	2 year storm
Runoff Coefficient	-	per design charts
Minimum Pipe Size	-	300 mm.
Manning Coefficient	-	0.013
Minimum Velocity	-	0.75 m/s
Private Drain Connection	-	150 mm.
Minimum Cover	-	1.05 m.
Maximum Manhole Spacing	-	150 m.
Pipe Material	-	PVC DR35, reinforced concrete or HDPE

Restrictions imposed on the storm sewer outlet by the Town or by the Essex Region Conservation Authority shall be incorporated in the design of the storm sewer system. A stormwater management study shall be completed to the satisfaction of the Town and the Essex Region Conservation Authority. The study shall determine the effect of increased runoff due to development of the site and identify stormwater management measures to control any increases in flows in downstream watercourses up to and including the 100 year design storm. The Developer shall obtain a certificate of approval from the Ministry of the Environment, Conservation and Parks, Design Approval Branch.

SANITARY SEWERS

Sanitary sewers together with all necessary appurtenances and service connections from the appropriate sewer to the front property line of each building lot shall be constructed to the approved design of the Ministry of the Environment and Climate Change and the Corporation. Each building lot shall be provided with access to an individual sanitary sewer service connection for each unit. The minimum sanitary service connection size shall be 125mm in diameter. Each sanitary service shall be provided with a clean out situated at the property line as per clean out detail on the approved engineering drawings. The Developer shall be responsible for all costs associated with the construction of the Ontario Ministry of the Environment and Climate Change and the Provincial sewage works program across the Developer's property.

Sewers shall be designed in accordance with the following minimum design criteria:

Average Daily Flow	-	450 L/cap/day
Peaking Factor	-	harmon formula
Population Density	-	3.5 ppl/lot
Minimum Pipe Size	-	200 mm.
Manning Coefficient	-	0.013
Minimum Cover	-	1.5 m.
Maximum Manhole Spacing	-	130 m.
Private Drain Connection	-	125 mm.
Pipe Material	-	PVC35 or reinforced concrete

The Developer shall obtain a certificate of approval from the Ministry of the Environment and Climate Change, Design Approval Branch.

All homes must be designed to include a sewage ejector pump. Gravity flow from home will not be accepted.

WATERMAINS

The Developer shall construct and install sufficient watermains including hydrants and valves to service the entire subdivision with connections to all lots in accordance with the approved engineering drawings. Each lot shall be serviced by a single water service connected to the mainline.

Minimum Cover	-	1.5 m.
Maximum Hydrant Spacing	-	150 m.
Maximum Valve Spacing	-	150m. and at intersections
Minimum Pipe Size	-	150 mm.
Lot Connection	-	20 mm.
Pipe Material	-	PVCDR18 (CL150) Services copper

Design and installation shall be to the satisfaction of the Town of Amherstburg.

ROADS

The Developer shall construct and install roadways and curbs and gutters upon all allowances for roads within the draft plan and upon the detail plans of services, in accordance with the following minimum design criteria:

- (a) Roads within the Subdivision
 - Width (face to face of curb) - 7.3m or 8.5m
 - Curb and Gutter – Barrier type of concrete curbs and gutters

Barrier type concrete curbs and gutters shall be constructed on both sides of all roadways including all turning radii. Design and type of curb is shown on the approved engineering drawings. All catch basin grates are to open at the property line and not to the street.

Alignment:

- Minimum Turning Radius - 9 m.
- Minimum Road Grade - 0.30%
- Cross Fall Grade - 2.0% min. and design parameters recommended by the Ministry of Transportation

In general, any trenches crossing under pavement shall be backfilled with granular material acceptable to the Town engineer and such trenches shall be mechanically compacted as required by the Town engineer. Boulevards and other unpaved portions of the allowances for roads (except where forming part of the front lawn of residential lots) must be graded and sodded or seeded by the Developer.

SIDEWALKS

The Developer shall install sidewalks on one side of the road in accordance with the approved design drawings, the approved Kingsbridge sidewalk plan, the Town's design standards and Development Manual. Sidewalks must be a minimum of 1.5m wide as per the AODA standard. The timing and installation of the required sidewalks will be determined by the Town's Department of Engineering and Public Works. Construction of the sidewalks will not be required until the majority of the dwellings are constructed.

The Developer shall further provide a project sign indicating that sidewalks will be constructed along the southerly part of the roadway. The Developer agrees to register a covenant on title for property advising property owners of this requirement for each property.

STREETLIGHTS

The Developer shall install streetlights in accordance with the Town's Development Manual, all to be approved by the Town of Amherstburg. All new lights shall be LED fixtures. The Town will provide details on the fixtures to be used.

STREET SIGNS

The Developer shall request that the Town install all required signage, including street signs at each intersection and where necessary, all to be done in accordance with present standards at the cost of the developer.

HYDRO SERVICE

The Developer shall construct and install a sufficient hydro distribution system to service the entire subdivision with connections to all lots therein and connect the same to the existing hydro distribution system. Individual lot services, where possible, shall be provided on common lot lines so that residential hydro meters face each other. The hydro distribution system within the subdivision shall be grounded to the water distribution system. All hydro service within the subdivision shall be underground and designed and installed in accordance with the requirements and criteria of the Town of Amherstburg and Hydro One.

TELEPHONE, WIRE-LINE COMMUNICATION/TELECOMMUNICATION

The Developer shall arrange to provide underground telephone service to all of the lots within the subdivision. The Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that the infrastructure is not available, the developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

The Developer will be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed subdivision to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services, i.e., 911 Emergency Services.

GAS

The Developer shall arrange for Union Gas Company to provide underground gas service to all of the lots within the subdivision.

CABLE/FIBRE T.V. SERVICE

The Developer shall, at its' own expense, make satisfactory provisions to accommodate the servicing for future cable and/or Fibre T.V service for this development. The Developer shall provide to the Corporation, upon demand, confirmation from the appropriate company that such arrangements have been made.

ADJUSTMENTS

The grade of any and all water service boxes, valve chambers, hydrants, manholes, drains and transformer boxes shall be adjusted by the Developer when and as may be required by the Department of Engineering and Public Works.

TEMPORARY SERVICES

Upon a connection of any type being made to the hydro or water services, a temporary meter or meters of a type and in a location or locations satisfactory to the Town shall be installed and continuously maintained until all hydro and/or water used within the subdivision, once the same is accepted by the Town, is metered through approved private connections. The Developer shall be responsible for, and will promptly pay or cause to be paid all charges for hydro and water supplied to the subdivision.

DRIVEWAY APPROACHES

Residential driveways and their approaches shall be constructed to a width that complies with the provisions of the Corporation's Zoning By-Law and the Town Bylaw 2017-81, Regulate Activity on Town Highways, Road Allowances and Right of Ways, as amended from time to time. Residential approaches shall consist of 250 mm. (10") Granular "A" stone base with interlocking paving stone, concrete or asphalt paving from the back of the curb to the property line.

It is understood and agreed that under no circumstances will the Developer herein be permitted to install a new residential driveway approach within the corner radii of a curb constructed along any street in this development.

It is further understood and agreed that under no circumstances will the Developer or any other persons be permitted to install a new residential driveway approach over any private service connections from the storm or sanitary sewers or water system except where such connections cross driveways laterally (over the shortest possible distance) to enter the dwelling.

This provision is to be specifically brought to the attention of purchasers of lots at the time of purchase.

COMMUNITY MAILBOXES

The Developer will be responsible for negotiating specific locations within the subdivision with Canada Post for the location of community mailboxes. These locations must be the satisfaction of the Engineering and Public Works Department.

It will be a requirement for notice on title for purchasers of lots to be aware of the locations of any community mailboxes within or serving the plan and that mail delivery will be provided via community mailboxes.

EASEMENTS

The Developer agrees that such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.

ROAD ALLOWANCES

All road allowances shown on the draft plan shall be dedicated as public highways and shall be not less than 20.00 m. (66') wide and shall be shown on the approved engineering drawings.

REAR YARD DRAINAGE

- (a) Rear yard drainage shall be provided for each building lot in the locations and according to the specifications prescribed by the approved engineering drawings and as approved by the Corporation. Rear yard drainage shall be installed contemporaneously with the construction of dwellings on each building lot. A separate rear yard drainage system, with 300 mm. diameter pre-fabricated polyethylene catch basins in accordance to the rear yard drainage detail shown on the approved engineering drawings, shall be provided for each building lot.

The Developer shall, at its' own expense, prepare a lot grading and rear yard drainage plan for each individual building lot within this development and shall file same with the Corporation. The final elevations of all dwellings and other buildings, minimum opening elevations, where applicable and the final lot grades relating thereto and the rear yard drainage shall conform to the proposed lot grading and rear yard drainage plan filed for that unit. The consulting engineer, or a certified Ontario Land Surveyor, shall certify upon completion of the construction of the dwelling and building on each lot that the said lot grading and rear yard drainage plan has been complied with, in accordance with the approved engineering drawings, and until such time as the said certification has been received by the Corporation, occupancy of the dwelling on the subject building lot shall not be permitted.

SPECIAL SERVICING REQUIREMENTS

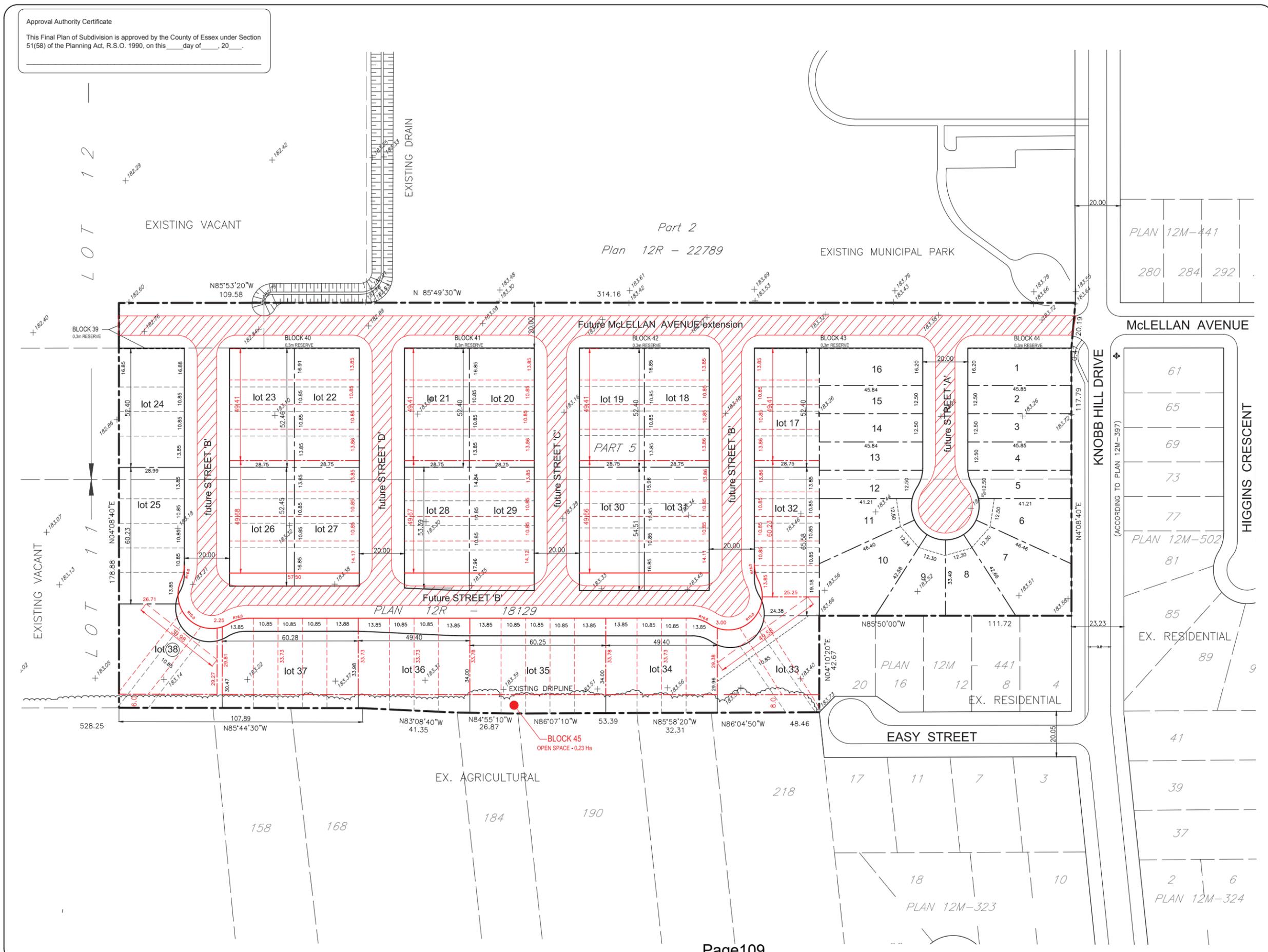
The construction of structures shall conform to the following requirements:

- (a) Roof or rain water leaders shall **NOT** be connected to the storm sewer. They are to be discharged to ground on splashpads. Weeping tile drains

from each respective building must be discharged to a storm sewer. A sump pump connected to the storm sewer must be provided for each building.

- (b) Weeping tile drains shall not be connected to the sanitary sewers.
- (c) Basement floor drains shall be connected to the sanitary sewers provided for each dwelling.
- (d) Sump pump overflow piping must be installed.
- (e) Sewage ejector pumps must be installed in all homes – Gravity drains will not be accepted.
- (f) Rear yard drainage, including 300 mm. diameter pre-fabricated polyethylene catch basins, shall be provided for each building lot in the locations and according to the design and specifications as shown on the approved engineering drawings.
- (g) A lot grading plan shall be included in the final set of plans approved for construction of the works. The consulting engineer or a certified land surveyor shall certify, upon completion of the works, that the lot grades and catch basin elevation are in accordance with the design and that the lands abutting the subdivision are draining adequately. The Developer acknowledges that, until such time as the provisions of this paragraph have been complied with, no occupancy of any building shall be permitted and any and all securities delivered to the Corporation by the Developer herein shall be held to ensure the provisions of this paragraph are complied with.

Approval Authority Certificate
 This Final Plan of Subdivision is approved by the County of Essex under Section 51(58) of the Planning Act, R.S.O. 1990, on this _____ day of _____, 20____.



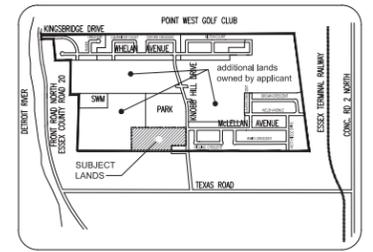
Monteith•Brown
 planning consultants
 510 PRINCESS AVENUE, LONDON, ONTARIO N6B 2B9
 Tel: (519) 886-1300 E-mail: mbpc@mbpc.ca

REDLINED DEC 2014
DRAFT PLAN
OF SUBDIVISION
 PART OF LOTS 11 & 12
 CONCESSION 1,
 GEOGRAPHIC TOWNSHIP OF ANDERSON,
 NOW IN THE
TOWN OF AMHERSTBURG
 COUNTY OF ESSEX, ONTARIO

OWNER'S CERTIFICATE
 I, Jay McGuffin of Monteith Brown Planning Consultants, am authorized to submit this Draft Plan of Subdivision on behalf of the owner, 1027579 Ontario Ltd. / Flynn Development Limited

J. McGuffin, BA, MCP, RPP Date _____
 SURVEYOR'S CERTIFICATE
 I hereby certify that the boundary of the lands to be subdivided as shown on this plan and their relationship to the adjacent lands are correctly shown.
 Andrew S. Maritz Ontario Land Surveyor Date _____

KEY PLAN N.T.S.



LAND USE SCHEDULE:	AREA (Ha)	%
SINGLE DETACHED RESIDENTIAL LOTS - 1 to 16	1.13 Ha	15.9%
TOWNHOUSE RESIDENTIAL LOTS - 17 to 38	9.60 Ha	58.4% 47.9%
STREET A, B, McLENNAN extension and BLOCKS 39 to 44	2.44 Ha	33.7% 32.9%
OPEN SPACE BLOCK 45	0.23 Ha	3.3%
TOTAL AREA	7.14 Ha	100%

PLANNING ACT:
 REQUIREMENTS UNDER SECTION 51 (17) OF THE PLANNING ACT, 1990 (as amended)
 a) as shown on plan g) as shown on plan
 b) as shown on plan h) municipal water
 c) as shown on key plan i) city storm
 d) as shown on land use schedule j) as shown on plan
 e) as shown on plan k) municipal sewers & water
 f) as shown on plan l) as shown on plan

SURVEYOR
 WINDSOR VERBESON HARTLEY LEAMINGTON
 475 Deerpark Road, Suite 205 187 Lake Street East
 N9P 2S5 WEX 1S4
 PH: (519) 254-1712 BREWER BEAUREgard
 Fax: (519) 254-0791 Fax: (519) 252-2825
 ONTARIO LAND SURVEYORS www.vshbbsurvey.com

CLIENT:
1027579 Ontario Ltd. /
Flynn Development Limited
 Amherstburg, Ontario

NOTES:
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
 SCALE 1 : 750

DRAFT PLAN REVISIONS:

No.	Revision	Date	By
1	ADD SINGLE DETACHED LOTS AND TOWNHOMES	Nov. 14, 2013	BS
2	MAINTAIN HEDGE ROW ALONG SOUTH LIMIT	Dec. 2, 2014	BS

PROJECT TITLE:
Kingsbridge Subdivision
PHASE 5G
 AMHERSTBURG, ONTARIO

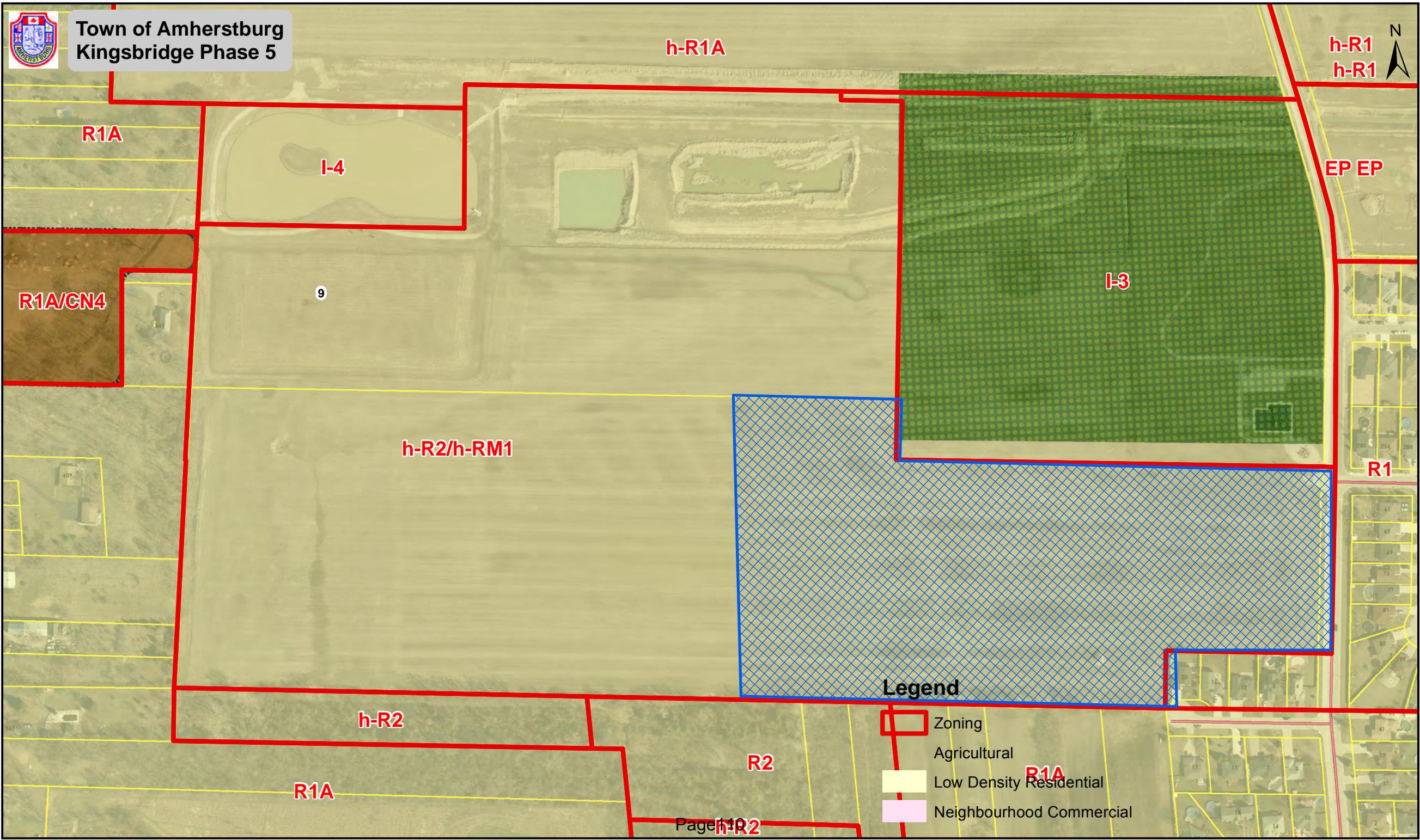
Prepared by: bs Drawn by: bs
 Checked by: jmc Surveyed by: VSHBB
 Scale: 1:750 Date: Dec 19, 2014
 (CIP/307)

Drawing No. DP County File No. - File No. 13-300

Dep. File: H113-300 Dunn Kingsbridge13-300 MBPC Draft Plan13-300 DEC 201413-300 Ph. 5G Draft Plan Dec 19 2014.dwg
 PlotDate: Dec 19, 2014 - 1:43pm



Town of Amherstburg
Kingsbridge Phase 5



Legend

-  Zoning
-  Agricultural
-  Low Density Residential
-  Neighbourhood Commercial

Applicant: 1027579 Ontario Ltd./Flynn Development
File No.: 37-T-13003
Municipality: Town of Amherstburg
Location: Part of Lots 11 and 12, Concession 1

Date of Decision: September 17, 2014
Date of Notice: September 17, 2014
Last Date of Appeal: October 7, 2014
Lapsing Date: September 17, 2017

NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision Subsection 51(37) of the Planning Act

Approval of Draft Plan of Subdivision to the application in respect of the subject lands noted above, is proposed to be given by the County of Essex. A copy of the decision is attached.

When and How to File An Appeal

Notice to appeal the decision to the Ontario Municipal Board must be filed with the County of Essex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager, Planning Services at the address shown below and it must,

- (1) set out the reasons for the request for the appeal (a helpful form is available from the OMB website at www.omb.gov.on.ca), and
- (2) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00 payable by certified cheque or money order to the Minister of Finance, Province of Ontario.

Who Can File An Appeal

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal to the decision of the County, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the County, made oral submission at a public meeting or written submissions to the Council or, in the Ontario Municipal Board's opinion, there is reasonable grounds to add the person or public body as a party.

Right of Applicant or Public Body to Appeal Conditions

The applicant, the Minister, the Municipality, or any public body that, before the County made its decision,

made oral submissions at a public meeting or written submissions to the County, may at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the County to the Ontario Municipal Board by filing with the County a notice of appeal.

How to receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given. You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes to the conditions.

No person or public body shall be added as a party to the hearing of an appeal regarding any changes to the conditions of approval unless the person or public body, before the County made its decision, made oral submissions at a public meeting or written submissions to the County, or made a written request to be notified of the changes to the conditions.

Other Related Applications

None.

Getting Additional Information

Additional information about the application is available for public inspection during regular office hours at the County of Essex at the address noted below or from the Town of Amherstburg.

Mailing Address for Filing a Notice of Appeal:

County of Essex
Attention: William King, Manager, Planning Services
360 Fairview Avenue West
Essex, ON N8M 1Y6
Tel: (519) 776-6441, Ext. 1329
Fax: (519) 776-4455

Applicant: 1027579 Ontario Ltd./Flynn Development **Date of Decision:** September 17, 2014
File No.: 37-T-13003 **Date of Notice:** September 17, 2014
Municipality: Town of Amherstburg **Last Date of Appeal:** October 7, 2014
Location: Part of Lots 11 and 12, Concession 1 **Lapsing Date:** September 17, 2017

The County of Essex conditions and amendments to final plan of approval for registration of this Subdivision are as follows:

No. Conditions

1. That this approval applies to the draft plan of subdivision prepared by Monteith Brown Planning Consultants and certified by Andrew Mantha, O.L.S., dated November 20, 2013 that shows:
 - Sixteen (16) lots for single detached residential units;
 - Twenty two (22) lots for ninety (90) street rowhouse dwelling units;
 - Six (6) blocks for 0.3 metre reserves.

The lands comprising the draft plan of subdivision are legally described as Part of Lots 11 and 12, Concession 1 (Anderdon Township), Town of Amherstburg, County of Essex.

2. That the Owner enters into a subdivision agreement with the Municipality wherein the Owner agrees to satisfy all the requirements, financial and otherwise, of the Municipality concerning the payment of development charges, provisions of roads, installation and capacity of services, sanitary sewerage collection system, water distribution system, utilities and stormwater management facilities for the development of the lands within the plan.
3. That the subdivision agreement between the Owner and the Municipality contain a provision requiring the owner to notify in writing each person who first offers to purchase any subdivided lot within the plan of subdivision of all approved development charges, including development charges for school purposes, relating to any such lot pursuant to Section 59(4) of the Development Charges Act, 1997.
4. That the subdivision agreement between the Owner and the Municipality, where required, contain a provision prepared to the satisfaction of the Municipality, regarding the phasing and timing of the development.
5. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Municipality and the Essex Region Conservation Authority, that restrict the first phase of the development to Lots 17, 18, 31, 32 and

Applicant: 1027579 Ontario Ltd./Flynn Development **Date of Decision:** September 17, 2014
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33, as shown on the draft plan dated November 20, 2013 prepared by Andrew Mantha, O.L.S., for a maximum of 20 townhome units, until:

- a) the Owner has completed the Environmental Impact Assessment (EIA) as required in Condition 15, and that amendments, if any, to the draft plan lotting for the balance of the lands resulting from the recommendations of the study, have been approved through the red-line process;
 - b) the existing stormwater management pond is expanded in accordance with the reports and letters outlined in Condition 14.
 - c) additional sewage treatment capacity is found from either inflow and infiltration testing in the area of Texas Road or the installation of a new forcemain and pump stations to County Road 20;
6. That the subdivision agreement between the Owner and the Municipality be registered against the lands to which it applies prior to the registration of the plan of subdivision.
 7. That the road allowances included in this draft plan shall be shown and dedicated as public highways.
 8. That the streets shall be named to the satisfaction of the Municipality.
 9. That all terminating streets, sideyards abutting road allowances, and the rear yards of Lots 1 through 7 inclusive abutting Knobb Hill Drive, shall contain a 0.3 metre reserve, to be illustrated on the final plan and be conveyed to the Municipality.
 10. That the Owner convey to the Municipality for park or other recreational purposes up to 5% of the land included in the plan. Alternatively, the Municipality may require cash-in-lieu of all or a portion of the conveyance, or advise the Approval Authority that parkland dedication requirements of the Planning Act have been satisfied through previous phases of the development.
 11. That prior to final approval by the County of Essex, the County is to be advised by the Municipality that the proposed subdivision conforms to the Zoning By-law in effect.
 12. That the Owner shall provide easements as may be required for services, utility or drainage purposes in a form satisfactory to the Municipality or utility, and where required by the Municipality, daylight corners and road reserves shall be shown on the final plan and conveyed in a form satisfactory to the Municipality.

Applicant: 1027579 Ontario Ltd./Flynn Development **Date of Decision:** September 17, 2014
File No.: 37-T-13003 **Date of Notice:** September 17, 2014
Municipality: Town of Amherstburg **Last Date of Appeal:** October 7, 2014
Location: Part of Lots 11 and 12, Concession 1 **Lapsing Date:** September 17, 2017

13. That prior to final approval, the Municipality shall confirm that sewage treatment conveyance capacity and water supply capacity is available for all lots in the proposed development, or phase of development.
14. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Municipality and the Essex Region Conservation Authority, that stipulate that the Owner will carry out all of the recommendations of the Stantec Engineering Ltd. January 2005 report entitled "Stormwater Management Report for Kingsbridge Residential Community" as further updated by the R. C. Spencer Associates Inc. letter of November 18, 2013 addressed to the Essex Region Conservation Authority, and further that provision be made for the construction of a drainage swale and temporary drain to convey all stormwater from the first phase of the development to the stormwater management pond, and that the Owner accommodate access for maintenance of the temporary drain through a drainage easement, and provide securities for maintenance of the drain.
15. That prior to final approval the Essex Region Conservation Authority shall require a copy of the fully executed subdivision agreement between the Owner and the Municipality, in wording acceptable to the Essex Region Conservation Authority, containing provisions to carry out the recommendations of the plans/reports and requirements noted above in Condition 14.
16. That prior to undertaking construction or site alteration activities, any necessary permits or clearances be received from the Essex Region Conservation Authority.
17. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Municipality and the Essex Region Conservation Authority, that require the Owner to complete and implement recommendations of an Environmental Impact Assessment (EIA) to evaluate and mitigate the potential impacts on the natural features or their ecological functions of the adjacent lands that contain a natural heritage feature that may meet the criteria for significant woodland and/or significant wildlife habitat, and address any concerns regarding Threatened and Endangered Species and/or habitats under the Provincial Policy Statement and the Endangered Species Act.
18. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School Board and the Municipality, requiring a sidewalk be provided along the internal streets within the

Applicant:	1027579 Ontario Ltd./Flynn Development	Date of Decision:	September 17, 2014
File No.:	37-T-13003	Date of Notice:	September 17, 2014
Municipality:	Town of Amherstburg	Last Date of Appeal:	October 7, 2014
Location:	Part of Lots 11 and 12, Concession 1	Lapsing Date:	September 17, 2017

proposed plan pursuant to standard municipal requirements to facilitate pedestrian movement, bus routing and stops, and safety of school children.

19. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School Board and the Windsor-Essex Catholic District School Board, requiring notice on title for purchasers of lots to be aware that students may not be able to attend the closest neighbourhood school and could be bused to a distant school with available capacity.
20. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of Canada Post Corporation and the Municipality, requiring notice on the title for purchasers of lots to be aware of the locations of any community mailboxes within or serving the plan and that mail delivery will be provided via community mailboxes.
21. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Municipality and the County, requiring that the Owner conduct an archaeological assessment in order to evaluate the archaeological potential for the subject property, and that the assessment be submitted to the Ministry of Tourism and Culture for review and receive approval with the recommendations, prior to conducting any grading or servicing work on the site.
22. That prior to final approval by the County of Essex, the Owner shall submit for review and approval by the Municipality and the County, a draft of the final 12M plan.
23. That prior to final approval by the County of Essex, the County is advised in writing by the Municipality how Conditions 1 to 14 inclusive, and 17 to 22 inclusive have been satisfied.
24. That prior to final approval by the County of Essex, the County is advised in writing by the Essex Region Conservation Authority how Conditions 5, and 14 to 17 inclusive, have been satisfied.
25. That prior to final approval by the County of Essex, the County is advised in writing by the Greater Essex County District School Board how Conditions 18 and 19 have been satisfied.

Applicant: 1027579 Ontario Ltd./Flynn Development Date of Decision: September 17, 2014
File No.: 37-T-13003 Date of Notice: September 17, 2014
Municipality: Town of Amherstburg Last Date of Appeal: October 7, 2014
Location: Part of Lots 11 and 12, Concession 1 Lapsing Date: September 17, 2017

26. That prior to final approval by the County of Essex, the County is advised in writing by the Windsor-Essex Catholic District School Board how Condition 19 has been satisfied.
27. That prior to final approval by the County of Essex, the County is advised in writing by the Canada Post Corporation how Condition 20 has been satisfied.

NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Essex, quoting the file number "**37-T-13003**".
2. It is suggested that you make yourself aware of section 144 of the Land Titles Act and subsection 78(10) of the Registry Act.

Subsection 144(1) of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the Land Titles Act. Exceptions to this provision are set out in subsection 144(2).

Subsection 78(10) of the Registry Act requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the Registry Act unless that title of the owner of the land has been certified under the Certification of Titles Act. Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

3. Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of Environment under Section 23 and Section 24 of the Ontario Water Resources Act, R.S.O. 1980.
4. The Ministry of the Environment did not review this subdivision with respect to any groundwater, soil or soil atmosphere testing to fully discount the possibility that waste materials and/or other contaminants are present within or in close proximity to this subdivision. If either the Municipality or the Owner requires this assurance before proceeding any further with this plan of subdivision, a consultant(s) should be engaged to conduct the necessary investigations.

Applicant: 1027579 Ontario Ltd./Flynn Development **Date of Decision:** September 17, 2014
File No.: 37-T-13003 **Date of Notice:** September 17, 2014
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5. The Ministry of the Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision. If waste materials or contaminants are discovered, a further approval under Section 46 of the Environmental Protection Act may be required from that Ministry.
6. The costs of any relocations or revisions to Hydro One Networks Inc. (HONI) facilities or any other local electrical utility that are necessary to accommodate the subdivision will be borne by the developer.
7. Any easement rights of Hydro One Networks Inc. (HONI) or any other local electrical utility are to be respected.
8. The developer should contact the local Hydro One Networks Inc. Services office or any other local electrical utility to verify if any low voltage distribution lines may be affected by this proposal.
9. The developer is hereby advised that prior to commencing any work within the plan, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services, i.e., 911 Emergency Services.
10. It is suggested that the Municipality register the subdivision agreement as provided by subsection 51(26) of the Planning Act, R.S.O. 1990 against the land to which it applies, as notice to prospective purchasers.

Applicant: 1027579 Ontario Ltd./Flynn Development **Date of Decision:** September 17, 2014
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Municipality: Town of Amherstburg **Last Date of Appeal:** October 7, 2014
Location: Part of Lots 11 and 12, Concession 1 **Lapsing Date:** September 17, 2017

11. Clearances are required from the following agencies:

Ms. Rebecca Belanger
Town of Amherstburg
271 Sandwich Street South
Amherstburg, ON N9V 2Z3

Mr. Mike Nelson
Essex Region Conservation Authority
360 Fairview Avenue West
Essex, ON N8M 1Y6

Greater Essex District School Board
451 Park Street West
P.O. Box 210
Windsor, ON N9A 6K1

Mr. Mario Iatonna
Windsor-Essex Catholic District School Board
1325 California Avenue
Windsor, ON N9B 3Y6

Mr. Tom Zadorsky
Canada Post Corporation
955 Highbury Avenue North
London, ON N5Y 1A3

If the agency's clearance concerns a condition in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan. The County of Essex does not require a copy of the agreement.

12. All measurements in subdivision and condominium final plans must be presented in metric units.

Applicant: 1027579 Ontario Ltd./Flynn Development **Date of Decision:** September 17, 2014
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13. The approval of the draft plan will lapse on **September 17, 2017**. It is the responsibility of the applicant to request an extension of the draft approval if one is needed.

A request for extension should be made at least 60 days before the approval lapses because no extension can be given after the lapsing date. The request should include the reasons why an extension is needed and a resolution in support of the extension from the Town of Amherstburg.

**Ministry of Natural
Resources and Forestry**

615 John Street North
Aylmer, ON N5H 2S8
Tel: 519-773-9241
Fax: 519-773-9014

**Ministère des Richesses
naturelles et des Forêts**

615, rue John Nord
Aylmer ON N5H 2S8
Tél: 519-773-9241
Télé: 519-773-9014



February 2, 2018

Bill King
Manager, Planning Services
County of Essex
360 Fairview Ave. W. Suite 302
Essex, ON N8M 1Y6

Dear Bill King:

I am pleased to provide an update on the overall benefit permit under the *Endangered Species Act* (ESA) for the proposed Kingsbridge residential development between Front Road and 2nd Concession Road in the Town of Amherstburg.

The ESA submission standards require an opinion from Ministry of Natural Resources and Forestry (MNR) staff on whether a permit is likely to meet the legislative requirements of the ESA. MNR staff are of the opinion the drafted permit will meet the legislative requirements and be recommended for issuance to the Minister. This letter is based on MNR's understanding that the attached project design is final.

Recognizing, the Provincial Policy Statement (PPS), section 2.1.7, that came into effect April 30, 2014 states:

"Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements."

It is MNR's opinion that the municipality can and should proceed with *Planning Act* decisions in a timely manner and need not hold *Planning Act* applications in abeyance if there are means to confirm or ensure that the development will not contravene the ESA. This is on the basis that the MNR has sole responsibility to administer the ESA and it is the proponent's responsibility to ensure that any development occurs in accordance with the ESA. Dunn Group of Companies is continuing to work with MNR to ensure ESA requirements are met.

I trust this information will assist you in considering the *Planning Act* application for the proposed Kingsbridge residential development. Should you have any questions please call me at 519-773-4757.

Sincerely,

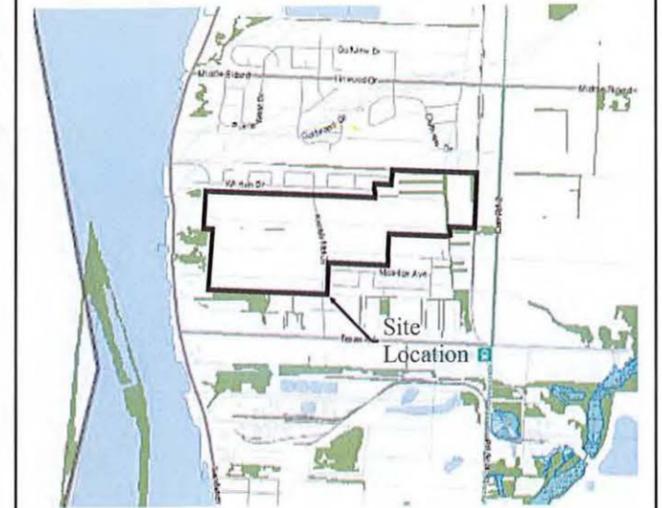
A handwritten signature in black ink, appearing to read "Karina Cerniavskaja", with a long horizontal flourish extending to the right.

Karina Cerniavskaja
District Planner
Aylmer District, Ministry of Natural Resources and Forestry

cc: Michael Dunn
Dave Hayman, Biologic
Melody Cairns, A/Resources Operations Supervisor, MNRF Aylmer District
Emilee Hines, Fish and Wildlife Technical Specialist, MNRF Aylmer District
Marion-Frances Cabral, Planner, Ministry of Municipal Affairs/Ministry of Housing
Rebecca Belanger, Manager of Planning Services, Town of Amherstburg



Figure 2: Development Overlay
(ERCA 2015 Ortho Image)



0 1,000
Scale 1:50,000
Key Plan

Legend

- Habitat Creation/Protection Areas
- Signed Wildlife Crossing, Speed Humps, etc
- Grated Sub-surface Wildlife Crossing

Print on 11X17, Landscape Orientation

0 200
Scale 1:10000
April 2017



SCHEDULE B

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2020-011**

**By-law to authorize the execution of a
Drainage Agreement between 1078217 Ontario Limited & 1027579 Ontario Limited
and the Corporation of the Town of Amherstburg**

WHEREAS 1078217 Ontario Limited & 1027579 is the registered owner of the lands described as part of Lots 12 and 13, Concession 1 Anderdon designated as Parts 4 and 7, Plan 12R-22789; and 1027579 Ontario Limited is the registered owner of the lands described as part of Lots 11 and 12, Concession 1 Amherstburg (formerly Anderdon) designated as Part 5, Plan 12R-18129, save and except Parts 2, Plan 12R-22789; all in the Town of Amherstburg, in the County of Essex and Province of Ontario (hereinafter referred to as the "Subject Lands");

AND WHEREAS the Corporation of the Town of Amherstburg have settled with 1078217 Ontario Limited and 1027579 Ontario Limited the requirements for the provisions of drainage works within the area, which requirements are set out in the agreement hereto annexed;

NOW THEREFORE the Corporation of the Town of Amherstburg enacts as follows:

1. That the Corporation of the Town of Amherstburg enter into a Drainage Agreement with 1078217 Ontario Limited and 1027579 Ontario Limited in the form annexed hereto, and the Mayor and Clerk be and they are hereby authorized to sign the original and copies thereof and affix the Corporate Seal thereto.

2. This By-law shall come into force and effect on the date of final passage hereof.

Read a first, second and third time and finally passed this 27th day of January, 2020.

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER

AGREEMENT

THIS AGREEMENT made in quadruplicate this _____ day of _____, 2020.

**BETWEEN: 1078217 ONTARIO LIMITED and
1027579 ONTARIO LIMITED**

(hereinafter collectively called the "**Developers**")

OF THE FIRST PART;

-and-

THE CORPORATION OF THE TOWN OF AMHERSTBURG

(hereinafter called the "**Town**")

OF THE SECOND PART;

WHEREAS 1078217 Ontario Limited and 1027579 Ontario Limited are the registered owner of the lands described as part of Lots 12 and 13, Concession 1 Anderdon designated as Parts 4 and 7, Plan 12R-22789; and 1027579 Ontario Limited is the registered owner of the lands described as part of Lots 11 and 12, Concession 1 Amherstburg (formerly Anderdon) designated as Part 5, Plan 12R-18129, save and except Parts 2, Plan 12R-22789; all in the Town of Amherstburg, in the County of Essex and Province of Ontario (hereinafter referred to as the "Subject Lands");

AND WHEREAS the Town of Amherstburg is the municipality within which the Subject Lands lie, and has jurisdiction and authority pursuant to the provisions of the Planning Act and the Municipal Act, 2001 to regulate various aspects of land use and development, including both temporary and permanent drainage works;

NOW THEREFORE this Agreement witnesseth that in consideration of the mutual covenants herein contained and the sum of \$5.00 now paid by the Developers to the Town, the parties hereto hereby agree as follows:

1. The Town and Developers acknowledge and agree that development agreements relating to the development of lands adjacent to the Subject Lands, both presently in effect and in future, require and/or will require the installation of temporary and permanent phased stormwater management facilities. The stormwater management plan(s) for such development(s) require the construction of temporary drainage ditches to link the fully serviced lands with the permanent stormwater management pond (hereinafter referred to as the "SWM Pond") located on the Subject Lands, which temporary drainage ditches run or will run through the Subject Lands. As subsequent phases of the overall development are developed, the temporary drainage ditches will be replaced by permanent storm sewers and road surfaces.
2. The Developers covenant and agree to construct and maintain such temporary drainage ditches and the SWM Pond in accordance with the approved storm water management plan(s) for such development(s), and shall ensure that such temporary drainage ditches and SWM Pond perform their intended functions, all at their own expense.
3. The Town shall have the right and licence to enter upon the Subject Lands to the extent necessary to inspect such temporary drainage ditches and the SWM Pond from time to time.

4. Should the Developers fail to maintain such temporary drainage ditches and the SWM Pond to the extent necessary to ensure the proper functioning of the same in accordance with the requirements of the approved stormwater management plan(s), the Town shall further have the right and licence to enter upon the Subject Lands to the extent necessary to perform such maintenance as agent of the Developers, all at the expense of the Developers and without liability for damage and without being deemed to have assumed such obligations.
5. The Developers will provide to the Town upon execution of this Agreement security in the sum of \$30,000.00 in the form of a cash deposit, or in the form of an irrevocable letter of credit drawn on a Canadian chartered bank in a form acceptable to the Town, to secure the obligations of the Developers to maintain such temporary drainage ditches until such time as the said temporary drainage ditches have been entirely replaced by permanent storm sewers, whereupon such security shall be released or returned to the Developers, as the case may be, without interest.
6. This Agreement shall be binding upon and enure to the benefit of the parties hereto, their successors and assigns, and shall be specifically binding upon the successors in title to those portions of the Subject Lands upon which the temporary drainage ditches and SWM Pond lie.

DATED this 27th day of January, 2020

1078217 ONTARIO LIMITED

Per Michael R. Dunn - Secretary
I have authority to bind the Corporation

1027579 ONTARIO LIMITED

Per Michael R. Dunn - President
I have authority to bind the Corporation

DATED this 27th day of January, 2020

THE CORPORATION OF THE TOWN OF AMHERSTBURG

Per Aldo DiCarlo, Mayor

Per Paula Parker, Clerk

We have authority to bind the Corporation



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Road Dedication of Reserves for lots on Plan 12M-534 (easterly extension of Whelan Avenue, Hilton Court, and Lambert Street) as Public Highway

1. RECOMMENDATION:

It is recommended that:

- 1. The dedication of Blocks 85, 86, 87, and 88 on Plan 12M-534 (easterly extension of Whelan Avenue, Hilton Court and Lambert Court) as a Public Highway BE APPROVED; and,
2. By-law 2020-012 being a by-law to dedicate Block 85, 86, 87, and 88 on Plan 12M-534 as a Public Highway be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

2. BACKGROUND:

There are 0.3m reserves at the previous ends of Whelan Avenue and Hilton Court on Plan 12M-534, described as Blocks 87 and 88, Plan 12M-534, and there are also Blocks 85 and 86 lying south of Whelan Avenue, which must be crossed to reach the new Lambert Street. These can all be seen on the attached copy of Plan 12M-534. These blocks were reserved pending completion of development plans in the area. The Developer has completed the obligations of the development and the Town has accepted the infrastructure. Dedicating the reserves as a public highway will provide access for the installation of infrastructure for the next phase of the development.

3. DISCUSSION:

All of the foregoing Blocks are still registered to 1078217 Ontario Limited (the Developer). The Developer has requested to arrange for transfer of those Blocks to the Town, which requires the passage and registration of a By-law designating them as public highways.

A By-law dedicating Block 85, 86, 87, and 88 on Plan 12M-534 as a Public Highway is being presented for Council's consideration. The Municipal Act, R.S.O. 2001, c.25 Sections 24-68 authorizes the Council of every municipality to pass a By-law for establishing, laying out, acquiring, assuming, or naming a highway.

Administration is recommending the transfer of those Blocks to the Town, and then the passage and registration of a By-law designating them as public highways. It is appropriate at this point to dedicate this reserve as a public highway to continue to facilitate the subdivision development.

4. RISK ANALYSIS:

The recommendations in this report represent a typical level of risk associated with municipal liability for public services. Maintenance and repair of municipal infrastructure will continue to be the responsibility of the Town of Amherstburg.

5. FINANCIAL MATTERS:

The Developer is responsible for costs related to the land transfer and registration.

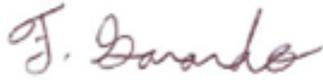
Land assets transferred to the Town will be added to the Town's tangible capital asset inventory.

6. CONSULTATIONS:

The Engineering and Public Works Department was consulted and confirmed no concerns with the road dedication. The Engineering and Public Works Department confirmed that it is appropriate to dedicate this portion of the right-of-way as a public highway in keeping with the road layout and abutting parcels.

7. **CONCLUSION:**

The Municipal Act, R.S.O. 2001, c 25 Sections 24-68 provides specific municipal powers regarding highways. It is appropriate to dedicate this Part as a public highway at this time.



Frank Garardo
Manager of Planning Services

KD

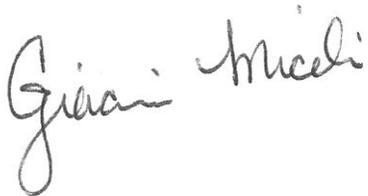
Report Approval Details

Document Title:	Road Dedication of Reserves for lots on Plan 12M-534 (Kingsbridge).docx
Attachments:	- Report to Council-Road Dedication Kingsbridge 12M-534-ATTACHMENTS.pdf
Final Approval Date:	Jan 22, 2020

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker

**THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2020-012**

**By-law to dedicate certain lands in the
Town of Amherstburg as a Public Highway
(easterly extension of Whelan Avenue,
Hilton Court, and Lambert Street)**

WHEREAS the Municipal Act, R.S.O. 2001, c.25 Sections 24-68 authorizes the Council of every municipality to pass a by-law for establishing, laying out, acquiring, assuming, or naming a highway;

AND WHEREAS land has been transferred to the Town as a reserve to be dedicated as a public highway to provide legal access from Lambert Street onto an extension to Whelan Avenue and it is now appropriate to dedicate Block 85, 12M534 as follows

12M534, Block 85 804.79 square meters

AND WHEREAS land has been transferred to the Town as a reserve to be dedicated as a public highway to provide legal access from Lambert Street onto an extension of Lambert Street and it is now appropriate to dedicate Block 86, 12M534 as follows:

12M534, Block 86 0.30 m

AND WHEREAS land has been transferred to the Town as a reserve to be dedicated as a public highway to provide legal access from Whelan Avenue onto an extension of Whelan Avenue and it is now appropriate to dedicate Block 87, 12M534 as follows:

12M534, Block 87 0.30 m

AND WHEREAS land has been transferred to the Town as a reserve to be dedicated as a public highway to provide legal access from Hilton Court onto an extension of Hilton Court and it is now appropriate to dedicate Block 88 12M543 as follows:

12M534, Block 88 0.30 m

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. THAT the lands described as Block 85, 12M534, PIN 01545-1641, with a size of area 804.79 square metres in the Town of Amherstburg, County of Essex, Province of Ontario is hereby dedicated as a public highway, and forms part of Lambert Street.
2. THAT the lands described as Block 86, 12M534, PIN 01545-1642, with a size of 0.30 metres in the Town of Amherstburg, County of Essex, Province of Ontario is hereby dedicated as a public highway, and forms part of Lambert Street.
3. THAT the lands described as Block 87, 12M534, PIN 01545-1643, with an area of 0.3 square metres in the Town of Amherstburg, County of Essex, Province of Ontario is hereby dedicated as a public highway, and forms part of Whelan Avenue.
4. THAT the lands described as Block 88, 12M534, PIN 01545-1644, with an area of 0.3 square metres in the Town of Amherstburg, County of Essex,

Province of Ontario is hereby dedicated as a public highway, and forms part of Hilton Court.

5. THAT this By-law shall come into force and take effect immediately upon the final passing thereof at which time all by-laws that are inconsistent with the provisions of this by-law and the same are hereby amended insofar as it is necessary to give effect to the provisions of this by-law.

Read a first, second and third time and finally passed this 27th day of January, 2020.

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER



BEARING REFERENCE
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERN LIMIT OF PLAN 12M-397 AND HAVING A BEARING OF N 02° 41' 10" E.

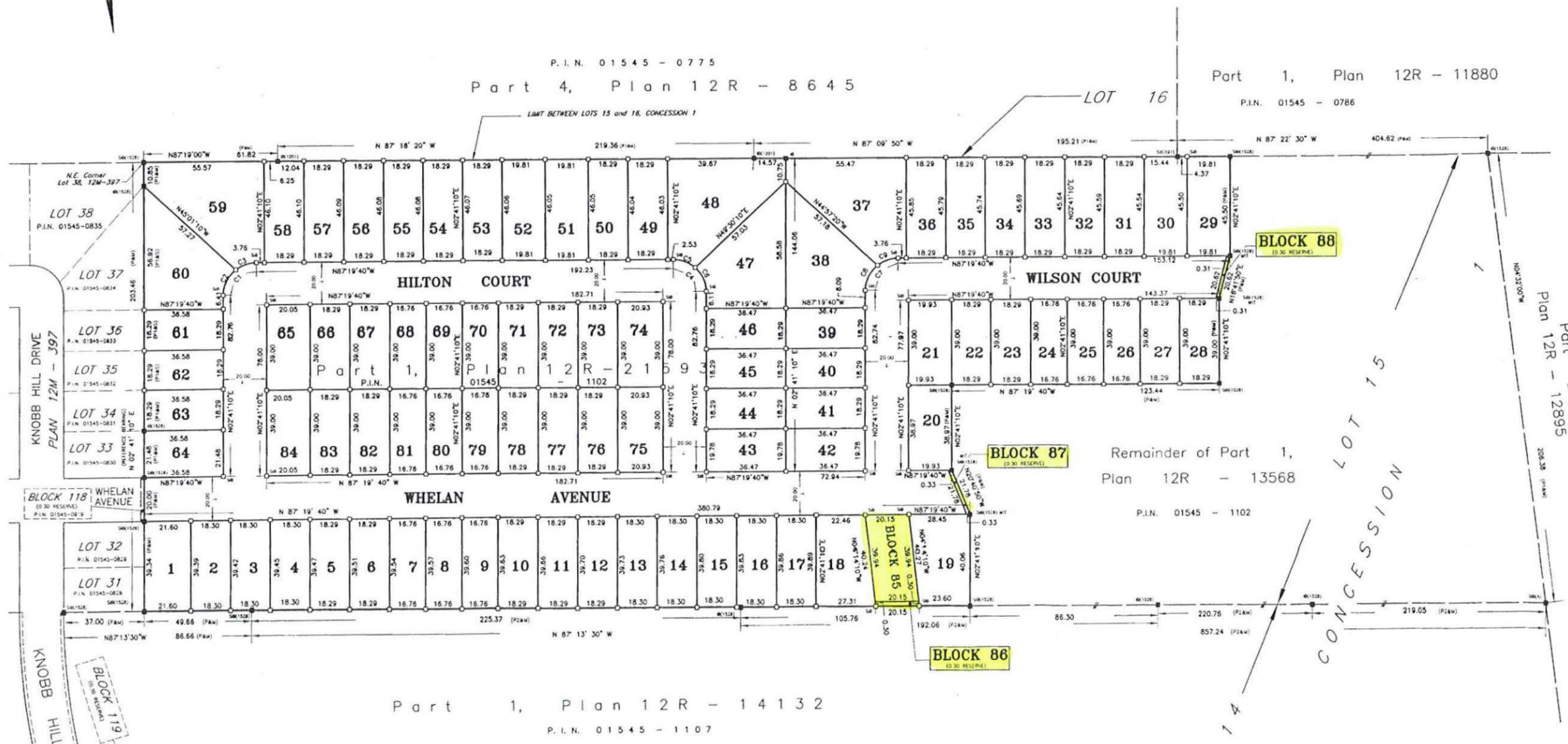
CURVE SCHEDULE			
CURVE	RADIUS	ARC	CHORD BEARING
C1	15.24	23.94	21.55 N47°40'50"E
C2	15.24	13.74	N28°31'00"E
C3	15.24	10.19	N73°30'40"E
C4	15.24	23.94	N42°19'20"W
C5	15.24	11.03	N68°35'10"W
C6	15.24	12.91	N21°34'40"W
C7	15.24	23.94	N47°40'50"E
C8	15.24	13.74	N28°31'00"E
C9	15.24	10.19	N73°30'40"E

PLAN OF SUBDIVISION
 OF
PART OF LOT 15,
CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF ANDERDON
 NOW IN THE
TOWN OF AMHERSTBURG
 COUNTY OF ESSEX, ONTARIO
 VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZARE INC.

PLAN 12M-534
 I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF ESSEX (12) AT 1:43:2 O'CLOCK ON THE 16TH DAY OF FEBRUARY 2006 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER 01545-1557 TO 01545-1647 AND REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT NO. CE 199100
Pat Quill
 ASSISTANT DEPUTY LAND REGISTRAR

SCALE = 1:1000

THIS PLAN COMPRISES PART OF THE LAND IDENTIFIED BY P.I.N. 01545-1102



- LEGEND**
- SB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
 - SMB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
 - # DENOTES 18mm X 18mm X 0.61m IRON BAR
 - # DENOTES 19mm diameter X 0.61m ROUND IRON BAR
 - CC DENOTES CUT-CROSS
 - SM DENOTES SURVEY MONUMENT FOUND
 - SD DENOTES SURVEY MONUMENT SET AND MARKED 1528
 - WT DENOTES WITNESS
 - PP DENOTES PERPENDICULAR
 - MS DENOTES SET MEASURED
 - DD DENOTES DEED
 - SP DENOTES SET PROPORTIONALLY
 - OV DENOTES ORIGIN UNKNOWN
 - P DENOTES PLAN 12R-21593
 - P13 DENOTES PLAN 12M-397
 - (1528) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZARE INC., O.L.S.
 - (4) DENOTES C.G.R. ARMSTRONG, O.L.S.
 - (84) DENOTES HOWARD B. HEAD, O.L.S.
 - (102) DENOTES CLARKE SURVEYORS INC., O.L.S.
 - (1184) DENOTES JOHN B. SIMEON INC., O.L.S.
 - (144) DENOTES VERHAEGEN AND BEZARE LIMITED, O.L.S.
 - (143) DENOTES STUBBERFIELD, HARTLEY LIMITED, O.L.S.

NOTE:
 ALL MONUMENTS SHOWN THUSLEY □ ARE IRON BARS (B) UNLESS OTHERWISE NOTED

OWNERS CERTIFICATE
 THIS IS TO CERTIFY THAT:
 1. LOTS 1 TO 84 (inclusive), BLOCK 85 and BLOCKS 86, 87 and 88, (being 0.30 metre Reserve) and the STREETS NAMELY HILTON COURT, WILSON COURT and WHELAN AVENUE HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
 2. THE STREETS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS TO THE CORPORATION OF THE TOWN OF AMHERSTBURG.
 DATED THE 6TH DAY OF OCTOBER, 2005.

1078217 ONTARIO LIMITED
Michael R. Dunn PRESIDENT
William G. Dochert SECRETARY
 "WE HAVE THE AUTHORITY TO BIND THE CORPORATION"

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THIS SURVEY WAS COMPLETED ON THE 5TH DAY OF OCTOBER, 2004.

DATE SEPTEMBER 27, 2005
Andrew S. Mantha
 ANDREW S. MANTHA
 ONTARIO LAND SURVEYOR
 for VERHAEGEN • STUBBERFIELD • HARTLEY
 BREWER • BEZARE INC.

This final plan of subdivision is approved under SS 51 (58) of the Planning Act on the 16th day of FEBRUARY, 2006
William King
 WILLIAM KING, MPP RPP
 Manager, Planning Services
 County of Essex

"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

WINDSOR 475 Devonshire Road, Suite 200 N8Y 2L5 Ph: (519) 258-1772 Fax: (519) 258-1751
 VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZARE INC.
 LEAMINGTON 187 Talbot Street East Ash 1L8 Ph: (519) 322-2315 Fax: (519) 322-2675
 ONTARIO LAND SURVEYORS www.vshbc-surveys.com
 DRAWN BY: L.M.P. CAD DATE: OCT/14/2005 2:22PM
 CHECKED BY: A.S.M. CAD FILE NO.: P:\42151\42130604.DWG
 WORK ORDER: 4-21309 FILE NO.: 5-136(WIND) PLAN FILE NO.: C-2827A

37T-04002



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Kingsbridge Subdivision Parkland Conveyance

1. RECOMMENDATION:

It is recommended that:

- 1. The amended method of meeting parkland dedication requirements for the full Kingsbridge Subdivision development as outlined in the report from the Manager of Planning dated January 22, 2020 BE APPROVED;
2. The conveyance of Parts 5 and 12 on the draft 12R plan (2.67 hectares) to 1078217 Ontario Limited in exchange for cash in lieu of parkland in the amount of \$66,170 BE APPROVED and the funds be deposited into the Parkland Dedication Reserve Fund; and
3. Part 6 on the draft 12R Plan (2.02 hectares) BE DESIGNATED as conservation lands and Administration BE DIRECTED to bring related amendment to the Zoning By-law (1999-52 as amended).

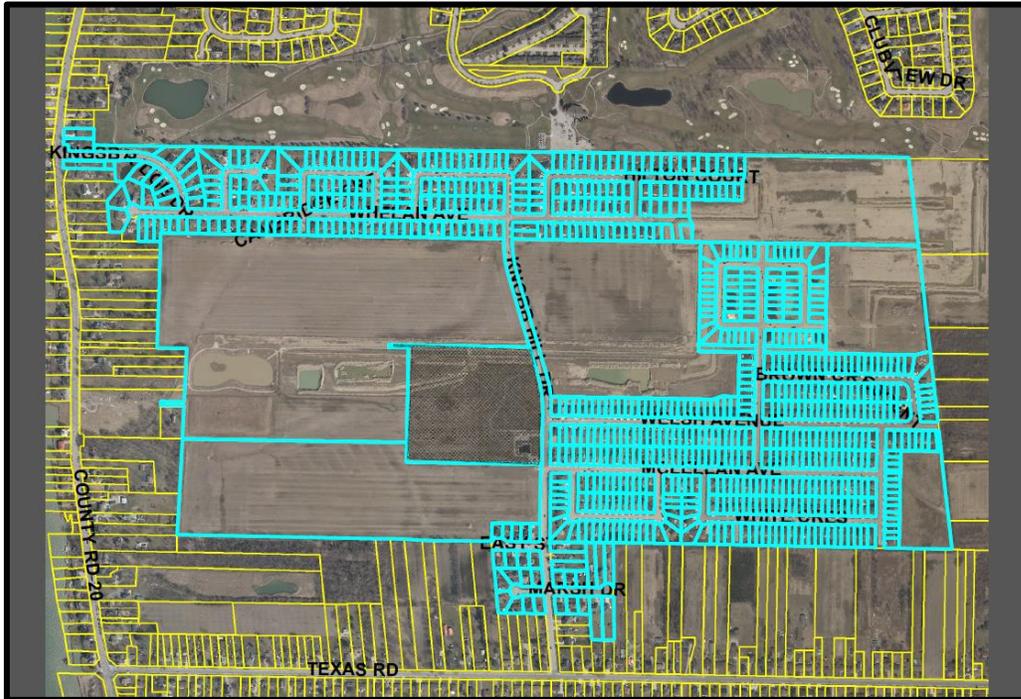
2. BACKGROUND:

The Kingsbridge Subdivision is a multi-phase development in the Town of Amherstburg consisting of 167.8 hectares for residential development. Several phases of the development have undertaken subdivision agreements with the Town (or its predecessor municipalities) dating as far back as 1996. As part of the draft Plan of Subdivision approval for the complete Kingsbridge Subdivision the developer was required to convey 5% parkland dedication as required in the Planning Act.

In the early phases of development, the developer of those phases (1078217 Ontario Ltd) remitted cash in lieu of parkland dedication to the Town in the amount of \$20,150, as a deposit until such time as the lands were conveyed.

Subsequently, the developer's obligation relating to the dedication of parkland was fulfilled through initial phases of the Kingsbridge development when the entire requirement for the 5% parkland dedication was conveyed to the Town in one Block totalling 8.39 hectares. In the Subdivision Agreement for the phase being considered at that time, the developer agreed that the cash in lieu of parkland dedication would not be refunded until such time as the conveyed lands became available for their intended use. As such, the funds remain on account with the Town and the obligations of the developer related to the lands and the deposited funds are outlined in Subdivision Agreement language for the ensuing phases.

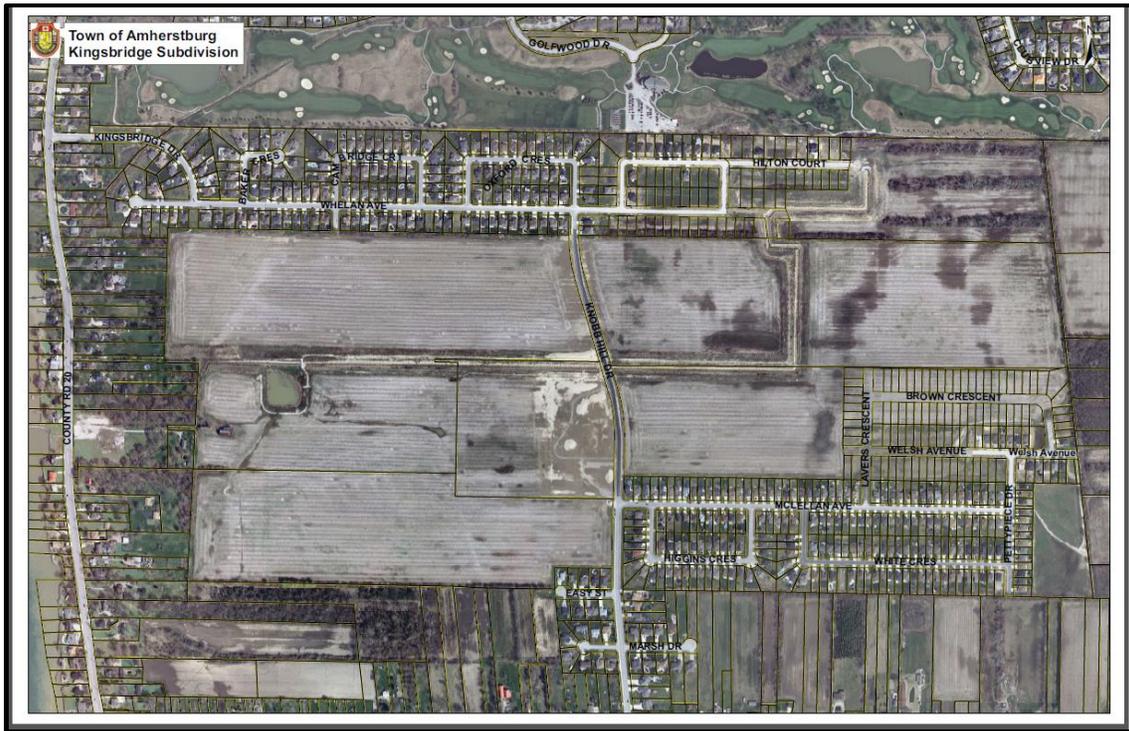
Aerial view of Kingsbridge Development lands



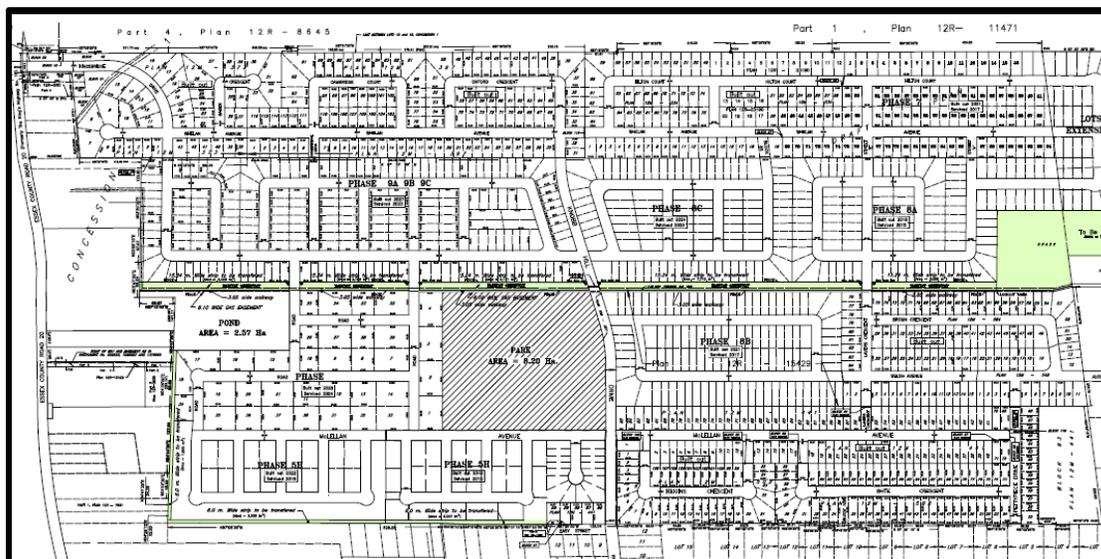
Kingsbridge map with parkland area

- 8.39 hectare block is located in centre of Kingsbridge Development including 3.7 hectares developed (Pat Thrasher Park).

This space is intentionally left blank



Original Parkland Dedication:



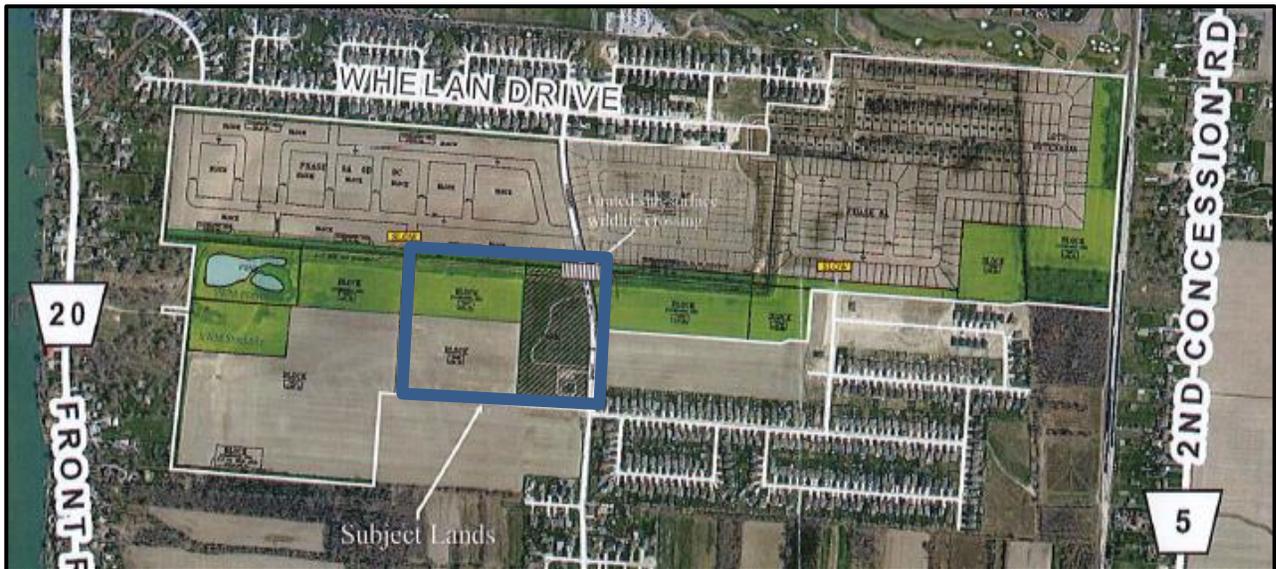
As the Subdivision evolved the proponent was required under Ontario law to complete an Environmental Impact Assessment. As a result the proponent was required to apply for an overall benefit permit from the Ministry of Natural Resources and Forestry (MNR).

As part of the MNR permit, the Developer's original subdivision layout was reconfigured to accommodate for a naturalized corridor, throughout the Kingsbridge Subdivision, totaling more than 21 hectares. The Developer is required to designate the lands as protected conservation lands and to transfer the lands to either the Town or the

Conservation Authority after completing the requirements of the MNRF permit. As the Essex Region Conservation Authority (ERCA) has advised they will not agree to receive the lands, the protected lands will need to be conveyed to the Town in order for the Developer to meet the MNRF requirements. Upon transfer the lands will become an asset of the Town and be added to the Town's tangible capital asset (TCA) inventory. Furthermore the Developer is required to provide a storm water management pond with amenity trail totaling an area of 2.44 hectares.

Current MNRF requirements and Parkland Dedication:

The image below shows the 8.39 hectares for parkland dedication (blue outline) is comprised of the improved park lands (Pat Thrasher Park), conservation lands required by MNRF (green shading) and currently vacant lands (grey).



The image below shows the proposed changes to the above lands, whereby the improved park lands (green outline) would be retained by the Town, the conservation lands (blue outline) are for future acceptance by the Town on full completion of the Kingsbridge Subdivision development and the excess lands (red outline) are requested to be conveyed/sold back to the Developer and replaced by cash in lieu of parkland dedication.

This space is intentionally left blank



3. DISCUSSION:

The Development has evolved and legislative requirements have changed since the initial phases in the mid-1990's. As noted above and shown below, the developer has currently met the parkland dedication requirements for the full Kingsbridge Subdivision. However, as the requirements for conservation lands have significantly impacted the lands available for development, the developer has requested that adjustments be made to the way in which their requirement to satisfy Planning Act requirements for parkland dedication are met. The proposed changes are outlined below.

Kingsbridge Green Space Dedication:

Development	Area	Percentage
Kingsbridge Subdivision - Total Development Area	167.8 hectares	100.00%
Required Parkland Dedication – Currently Met:		
Parkland Dedication Required – 5% (currently owned by the Town)	8.39 hectares	5.00%
Required Parkland Dedication – Proposed Changes:		
Parkland Dedication (Park lands retained by Town – Pat Thrasher Park)	3.7 hectares	2.20%

Parkland Dedication - Storm water pond with incorporated amenity space/walking trail	2.44 hectares	1.45%
Parkland Dedication – Cash in Lieu (Portion of parkland to be conveyed (returned) to Developer in exchange for cash in lieu contribution)	2.67 hectares	1.59%
Total Parkland Dedication – Proposed	8.81 hectares	5.24%

In addition to the requirements for Parkland Dedication, to be realigned as shown above, the developer is obliged by MNRF to set apart **21 hectares of conservation lands**. These lands are restricted in use and are not considered in meeting the test of parkland dedication under the Planning Act.

The amount of green space that, if conservation lands are conveyed to the Town, will be dedicated and removed from the lands for residential development is over fifteen percent of the development lands since the original concept for the Kingsbridge Subdivision was brought forward. The original subdivision included an 8.39 hectare dedicated portion of lands for parkland purposes. The proponent’s original subdivision layout was reconfigured to accommodate for a 21 hectare naturalized corridor. The revised subdivision layout now includes a 3.7 hectare park, 21 hectares of conservation lands, and 2.4 hectares for storm water management pond with trail amenity space. As part of the MNRF permit a portion of the original 8.39 hectare dedicated parklands is being dissected and included with the naturalized area. The remaining portion of the dissected parkland is currently vacant.

Administration is recommending that the vacant 2.67 hectares (6.617 acres), originally conveyed to the Town as parkland dedication, be conveyed back to the Developer (1078217 Ontario Limited, which originally conveyed these lands to the Town), in exchange for cash in lieu of parkland. These lands are described as Parts 5 and 12 on the draft 12R- Plan shown in the attachment to this report.

The lands shown in Part 6 (see attached) will remain in ownership of the Town, but are required to be designated as conservation land for purposes of fulfilment of the requirements of the MNRF permit.

The Town of Amherstburg Parks Master Plan outlines a surplus of park lands. The conveyance of (2.67 hectares) 6.617 acres back to the Developer is consistent with the Town’s strategy to seek cash in lieu of parkland dedication rather than transfer of lands for parks development. The proceeds from the developer for cash in lieu of parkland dedication will be held in the obligatory Parkland Dedication Reserve Fund for allowable use under the Planning Act as directed by Council in the future.

In addition to the conservation lands now set apart from the original conveyance to the Town, the Developer must to complete improvements to and conveyance of additional conservation lands as required for the MNRF permit. A Draft Reference Plan of the Parkland Conveyance is attached to this report.

4. RISK ANALYSIS:

The Developer is obligated to complete the MNRF requirements for protected, naturalized lands to be improved as a protected habitat. As noted above, the MNRF requires that conservation lands be conveyed to ERCA or to the Town. Where ERCA opts not to accept conveyance of the lands, the Town would need to accept the lands to facilitate completion of the Kingsbridge Subdivision development through enabling the developer to meet the requirements of MNRF.

The Town's acceptance of the lands attracts ongoing obligations that will have operational and financial impacts to the Town for maintaining and protecting the lands; however, if the Town did not accept the lands the developer would be unable to meet the MNRF requirements and therefore unable to complete the planned development.

5. FINANCIAL MATTERS:

Administration recommends that the lands described as Part 5 and Part 12 (see attached) comprising 6.617 acres (2.67 hectares) be conveyed to the Developer (1078217 Ontario Limited) at the cash in lieu rate of \$10,000 (ten thousand dollars) per acre. Should this conveyance be approved by Council, total funds of \$66,170 would be transferred to the obligatory Parkland Dedication Reserve Fund on receipt until their authorized use in accordance with legislation and as approved by Council in future.

The costs associated with the applications and planning processes are the responsibility of the developer. Once developed, residential taxes will be assessed by the Town for each residential dwelling unit built in the subdivision.

TCAs that will be transferred to the Town related to the Kingsbridge Subdivision and all related Agreements (including the subject Agreement for this report) will be reflected in the Town's TCA inventory. The Town will be obligated to maintain and renew those assets to maintain their service level. The operational and financial impacts and demands related to accepting protected, naturalized area lands, which MNRF requires be transferred, are under review and will affect future budgets.

6. CONSULTATIONS:

Todd Hewitt, Manager of Engineering
Justin Rousseau, Treasurer
Cheryl Horrobin, Director of Corporate Services

7. **CONCLUSION:**

Administration recommends approval of the conveyance of Parts 5 and 12 (2.67 hectares) on the draft 12R plan to 1078217 Ontario Ltd at the cash in lieu rate of ten thousand dollars per acre.



Frank Garardo
Manager of Planning Services

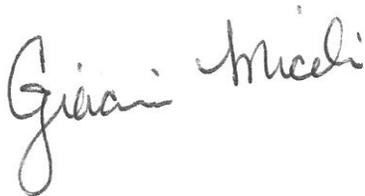
Report Approval Details

Document Title:	Kingsbridge Subdivision Parkland Conveyance.docx
Attachments:	- Report to Council-January 27-KB Parkland Conveyance-ATTACHMENT.pdf
Final Approval Date:	Jan 22, 2020

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



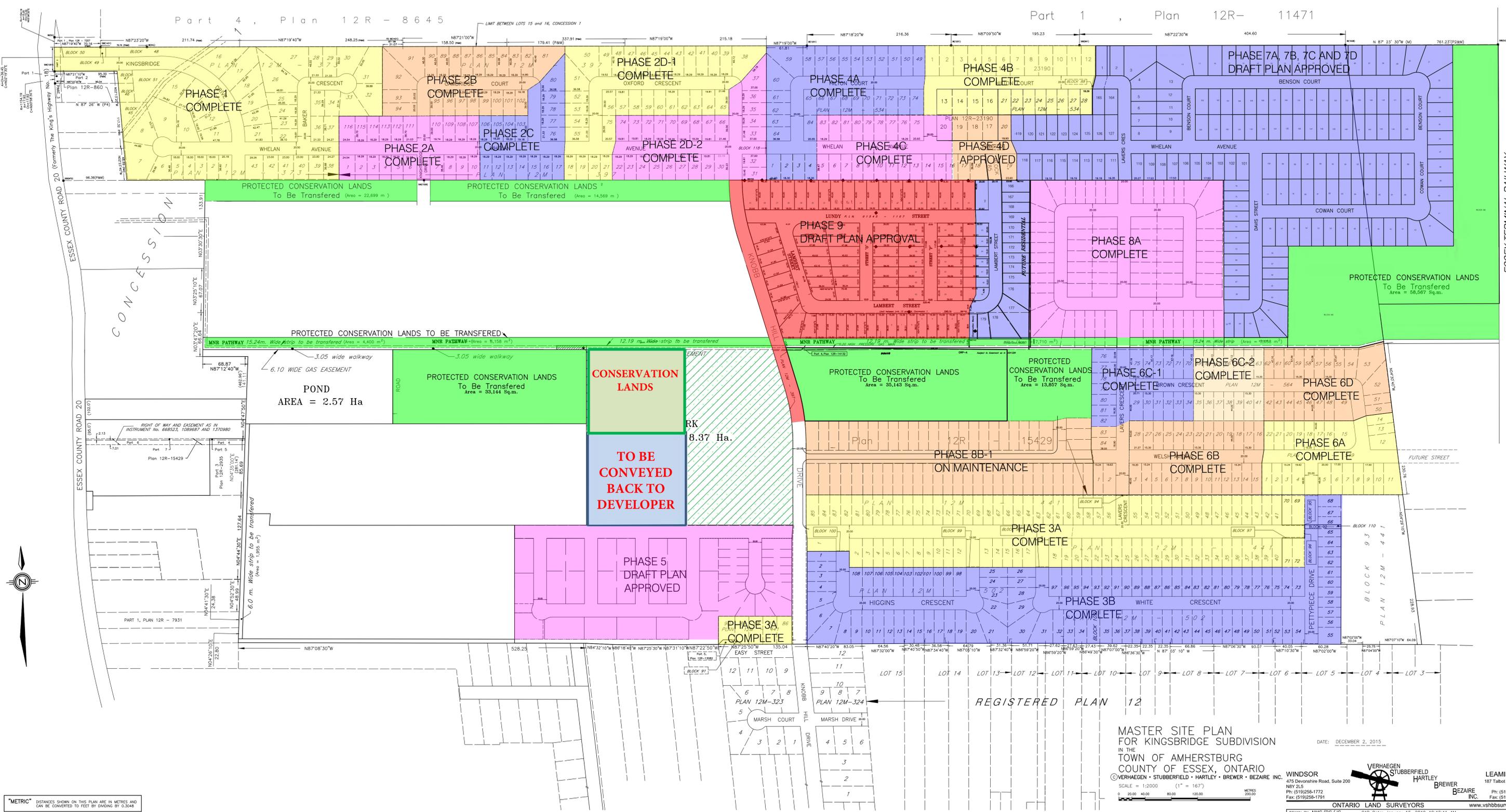
John Miceli



Paula Parker

Part 4, Plan 12R - 8645

Part 1, Plan 12R - 11471



"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



MASTER SITE PLAN
FOR KINGSBRIDGE SUBDIVISION
IN THE
TOWN OF AMHERSTBURG
COUNTY OF ESSEX, ONTARIO
© VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZAIRE INC. WINDSOR
475 Devonshire Road, Suite 200
N9Y 2L5
Ph: (519)258-1772
Fax: (519)258-1791

DATE: DECEMBER 2, 2015



LEAMINGTON
187 Talbot Street East
N8H 1L8
Ph: (519)322-2375
Fax: (519)322-2675

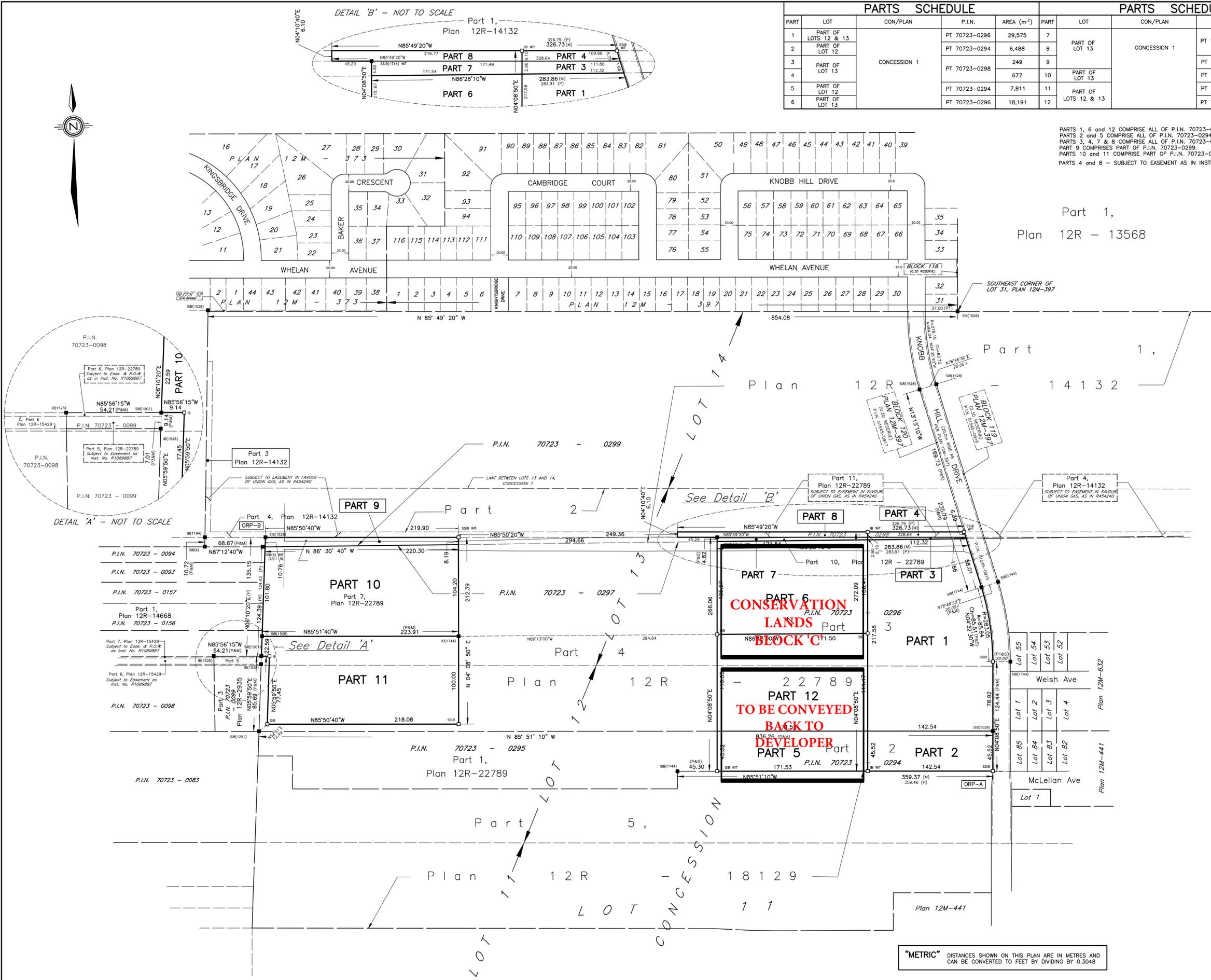
ONTARIO LAND SURVEYORS
www.vshbysurveyors.com
DRAWN BY: NMG/DC/AC CAD Date: January 16, 2019 10:42:41 AM
CHECKED BY: A.S.M. CAD File: 190116 - Kingsbridge Master Plan phasing (4).dwg
WORK ORDER: 4-26774 FILE NO.: S-156(WIND) PLAN FILE NO: 73R-1MASTER

PARKLAND CONVEYANCE

PARTS SCHEDULE					PARTS SCHEDULE				
PART	LOT	CON/PLAN	P.I.N.	AREA (m ²)	PART	LOT	CON/PLAN	P.I.N.	AREA (m ²)
1	PART OF LOTS 12 & 13	CONCESSION 1	PT 70723-0296	29,575	7	PART OF LOT 13	CONCESSION 1	PT 70723-0298	662
2	PART OF LOT 12		PT 70723-0294	6,488	8			PT 70723-0299	2,084
3	PART OF LOT 13		PT 70723-0298	249	9			PT 70723-0297	22,867
4	PART OF LOT 13		PT 70723-0294	677	10			PT 70723-0297	21,850
5	PART OF LOT 12		PT 70723-0294	7,811	11			PT 70723-0296	18,967
6	PART OF LOT 13		PT 70723-0296	18,191	12				

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		PLAN 12R- RECEIVED AND DEPOSITED	
DATE		DATE	
ANDREW S. MANTHA ONTARIO LAND SURVEYOR		AN ASSISTANT DEPUTY LAND REGISTRAR FOR THE LAND TITLES DIVISION OF ESSEX (12)	

PARTS 1, 6 and 12 COMPRISE ALL OF P.I.N. 70723-0296.
 PARTS 2 and 5 COMPRISE ALL OF P.I.N. 70723-0294.
 PARTS 3, 4, 7 & 8 COMPRISE ALL OF P.I.N. 70723-0298.
 PART 9 COMPRISES PART OF P.I.N. 70723-0299.
 PARTS 10 and 11 COMPRISE PART OF P.I.N. 70723-0297.
 PARTS 4 and 8 - SUBJECT TO EASEMENT AS IN INSTRUMENT No. R454240.



Part 1,
Plan 12R - 13568

PLAN OF SURVEY
 OF
 PART OF LOTS 12 and 13,
 CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF ANDERDON
 NOW IN THE
 TOWN OF AMHERSTBURG
 COUNTY OF ESSEX, ONTARIO
 VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEAIRE INC.

SCALE = 1:2000
 0 20.00 40.00 80.00 120.00 METRES 200.00

LEGEND AND NOTES
 BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS.
 DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99994582
 ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (B) UNLESS OTHERWISE NOTED.
 SIB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
 SSB DENOTES 25mm X 25mm X 0.51m SHORT STANDARD IRON BAR
 IB DENOTES 16mm X 16mm X 0.51m IRON BAR
 IB# DENOTES 19mm diameter X 0.51m ROUND IRON BAR
 CC DENOTES CUT-CROSS
 SFP DENOTES 5mm X 50mm STEEL PIN
 S denotes SURVEY MONUMENT FOUND
 □ DENOTES SURVEY MONUMENT SET AND MARKED 1744
 WIT. DENOTES WITNESS I DENOTES PERPENDICULAR
 (S) DENOTES SET (M) DENOTES MEASURED
 ORP DENOTES OBSERVED REFERENCE POINT
 SSB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SIB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.
 (S/P) DENOTES SET PROPORTIONALLY (O) DENOTES ORIGIN UNKNOWN
 (P) DENOTES PLAN 12R-22789 (P1) DENOTES 12M-397
 (1744) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEAIRE INC., O.L.S.
 (A) DENOTES C.G.R. ARMSTRONG, O.L.S.
 (1194) DENOTES JOHN B. SMETON INC., O.L.S.

INTEGRATION DATA

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0)
 COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	N4666537.01	E326255.35
ORP-B	N4666862.38	E325448.24

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THIS SURVEY WAS COMPLETED ON THE DAY OF JANUARY, 2020.

DATE JANUARY 12, 2020
 ANDREW S. MANTHA
 ONTARIO LAND SURVEYOR
 FOR VERHAEGEN • STUBBERFIELD • HARTLEY
 BREWER • BEAIRE INC.

VERHAEGEN
 LAND SURVEYORS
 A DIVISION OF J.D. BARNES LTD.
 944 OTTAWA STREET, WINDSOR, ON, N8X 2E1
 T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

**SURVEYING
 MAPPING
 GIS**

DRAWN BY: A.J.M.	CHECKED BY: A.S.M.	REFERENCE NO.: 19-47-356-00
FILE: 19-47-356-00.dwg	E-AND-1-12	CAD Date: January 12, 2020 3:08 PM CAD File: 19-47-356-00.dwg

"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Angelo Avolio	Report Date: January 6, 2020
Author's Phone: 519 736-5408 ext. 2136	Date to Council: January 27, 2020
Author's E-mail: aavolio@amherstburg.ca	Resolution #: 20160411-145

To: Mayor and Members of Town Council

Subject: Building Activity Report for the Months of October, November and December 2019

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Chief Building Official dated January 6, 2020 regarding the Building Activity Report for the months of October, November, and December 2019 **BE RECEIVED for information.**

2. **BACKGROUND:**

At the regular Council meeting of April 11, 2016 Council passed the following resolution (Resolution # 2016411-145)

“The Administration **BE DIRECTED** to provide monthly activity reports from the Building Department, Fire Department and Police Services.”

3. **DISCUSSION:**

Building activity for the referenced period is shown in the tables below. A total of 75 building permits were issued over the three month period. This includes 21 single family dwelling units and 14 semi-detached units, 4 permits issued for residential building additions, 4 permits for commercial work and 5 permits eligible for assistance under the backflow subsidy program.

The new phase on Kingsbridge subdivision development has been approved and steady stream of building permit applications have been submitted.

4. **RISK ANALYSIS:**

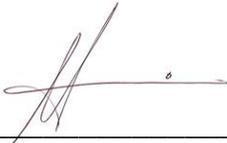
N/A

5. **FINANCIAL MATTERS:**

The construction value for the three months was slightly over \$13,300,000, resulting in a corresponding permit revenue of approximately \$106,000.

6. **CONCLUSION:**

This report is provided for information.



Angelo Avolio
Chief Building Official

Report Approval Details

Document Title:	Building Activity Report for Month of October, November and December 2019.docx
Attachments:	- October 2019.pdf - November 2019.pdf - December 2019.pdf
Final Approval Date:	Jan 7, 2020

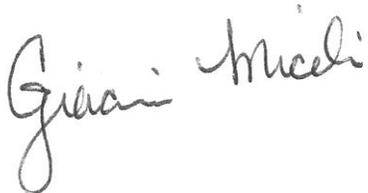
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin



Cheryl Horrobin



John Miceli



Paula Parker

Monthly Building Activity for October 2019

	October	Construction Value
Single Detached Dwelling	12	\$ 4,175,000.00
Semi Detached Dwelling	10	\$ 2,650,000.00
Three Unit Townhouse		
Apartment Building		
Attached Garage		
Detached Garage		
Barns & Pole Barns	1	\$ 54,000.00
Renovations	1	\$ 40,000.00
Addition to Residence		
Front Porch	1	\$ 6,000.00
Shed	1	\$ 15,000.00
Sun Room		
Gazebo		
Covered Porch		
Wood Decks		
Signs	1	\$ 10,000.00
Moved Residences		
Demolition of Residence		
Demolition of Other		
Commercial		
Industrial		
Institutional		
Back Water Valve-Subsidy	2	\$ 6,000.00
Plumbing Permit		
Heating Permit		
Pool House		
Pool Permit	1	\$ 40,000.00
Septic Sytem	1	\$ 25,000.00
Solar Panels		
Tent	1	\$ 1,000.00
Others	1	\$ 30,000.00
Totals	33	\$ 7,052,000.00

Monthly Building Activity for November 2019

	November	Construction Value
Single Detached Dwelling	5	\$ 1,494,000.00
Semi Detached Dwelling	4	\$ 958,000.00
Three Unit Townhouse		
Apartment Building		
Attached Garage	1	\$ 75,000.00
Detached Garage	2	\$ 74,000.00
Barns & Pole Barns	1	\$ 77,000.00
Renovations	1	\$ 140,000.00
Addition to Residence	3	\$ 279,000.00
Front Porch		
Shed		
Sun Room		
Gazebo		
Covered Porch	1	\$ 13,000.00
Wood Decks	1	\$ 5,000.00
Signs	1	\$ 10,000.00
Moved Residences		
Demolition of Residence	1	\$ 5,000.00
Demolition of Other		
Commercial	2	\$ 421,000.00
Industrial		
Institutional	1	\$ 440,000.00
Back Water Valve-Subsidy	1	\$ 1,000.00
Plumbing Permit		
Heating Permit		
Pool House		
Pool Permit		
Septic Sytem	2	\$ 50,000.00
Solar Panels		
Tent		
Others		
Totals	27	\$ 4,042,000.00

Monthly Building Activity for December 2019

	December	Construction Value
Single Detached Dwelling	4	\$ 1,189,000.00
Semi Detached Dwelling		
Three Unit Townhouse		
Apartment Building		
Attached Garage		
Detached Garage		
Barns & Pole Barns	2	\$ 96,000.00
Renovations	4	\$ 677,000.00
Addition to Residence		
Front Porch		
Shed		
Sun Room		
Gazebo		
Covered Porch		
Wood Decks		
Signs		
Moved Residences		
Demolition of Residence		
Demolition of Other		
Commercial	2	\$ 262,000.00
Industrial		
Institutional		
Back Water Valve-Subsidy	2	\$ 6,000.00
Plumbing Permit		
Heating Permit		
Pool House		
Pool Permit		
Septic Sytem	1	\$ 28,000.00
Solar Panels		
Tent		
Others		
Totals	15	\$ 2,258,000.00



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF CORPORATE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author information and Report/Resolution details.

To: Mayor and Members of Town Council

Subject: MMAH Financial Indicator Review (based on 2018 Financial Information Return)

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Treasurer dated January 2, 2020, regarding MMAH Financial Indicator Review (based on 2018 Financial Information Return) BE RECEIVED for information.

2. BACKGROUND:

Each year the Ministry of Municipal Affairs and Housing (Ministry) distributes a Financial Indicator Review report, based on the results reported in the Town's Financial Information Return (FIR) and Financial Statements. It also includes the comparative median and average results of other non-rural, lower-tier municipalities in Southern Ontario.

The Ministry has divided the indicators into sustainability and flexibility categories:

- 1. The sustainability indicators measure the degree to which a government can maintain its existing financial obligations both with respect to its service commitments to the public and financial commitments to creditors, employees and others without increasing the debt or tax burden. It also describes the impact that the level of debt could have on service provision. For example, if a government's net debt is eroding at a faster pace than own purpose taxation and user fees are increasing then this increases the risk that service levels cannot be maintained.

2. The **flexibility indicators** measure the degree to which a government can change its debt or tax burden to meet its existing financial obligations both with respect to its service commitments to the public and financial commitments to creditors, employees and others. Flexibility provides insight into how a government manages its finances. Increasing current borrowing reduces future flexibility to respond to developing adverse economic circumstances. Similarly, increases in taxation and user fees may a municipality's flexibility to respond when adverse circumstances develop if the municipality approaches the limit that citizens and businesses are willing to bear.

3. **DISCUSSION:**

The Financial Indicator Review (based on 2018 FIR) is attached as Appendix A. Page 1 of Appendix A lists the results of the seven (7) indicators that the Ministry is measuring. The 2018 review also includes the results of the previous four years (2014 through 2017) for purposes of comparison. Pages 2 and 3 of Appendix A provide notes on how each of the indicators is calculated.

The Ministry assigns a 'Level of Risk' to each of the indicators. For 2018, the Town falls into the **low** risk category in all but two (2) of the indicators. The "Debt Servicing Cost as a Percentage of Total Operating Revenue" is categorized with a **moderate** risk level and the Net Financial Assets or Net Debt as a % of Own Source Revenues continues to be categorized as **high** risk.

Each of the seven (7) financial indicators is discussed in detail below:

Sustainability Indicators

1. Total Taxes Receivable less Allowance for Uncollectibles as a % of Total Taxes Levied (measure of taxes billed but not collected)

Risk Level: **Low**

The Town has only 3.0 % of taxes that are classed as due and payable as at December 31, 2018, an improving trend over the 5-year period and favourable when compared to the other municipalities. The Ministry classifies this result as a low risk and the low percentage is indicative of taxpayers paying their taxes in a timely manner and demonstrates effectiveness of increased tax collection efforts by the Finance Division.

2. Net Financial Assets or Net Debt as a % of Own Source Revenue (Taxation Plus User Fees) (measure of how much property tax and user fee revenue is servicing debt)

Risk Level - **High**

Net financial assets or net debt is calculated by subtracting the Town's liabilities from its assets. The Town is in a net debt position, as the value of liabilities exceeds assets. When the net debt value is divided by the sum of own purpose taxation and user fees for 2018 the Town's ratio is **-106.6%**, which falls into the High risk category.

The Town has made progress over the past five years in reducing this factor, which has gone from -182.3% to -106.6% (a change of 75.5%), and is approaching the moderate risk ranking level. That said, based on the Town's historical reliance on debt funding and very limited reserve fund accumulation strategies the Town continues to carry risk well above local comparators.

Significant progress in enhancing reserve/reserve fund levels and pay-as-you-go funding are needed to move the Town toward a more comparable position with **local municipalities who average +19.6%** (low risk) for this factor, consistent with the Town's strategic priority of financial sustainability.

3. Total Reserves and Discretionary Reserve Funds as a % of Operating Expenses (measure of how much money is set aside for future needs and contingencies)

Risk Level – **Low***

For 2018, the Town's reserves were at 26.2% of operating expenses, which is significantly higher than 2014 levels and but is a decrease from the past two years.

*Though the Ministry classifies this as low risk the Town's ratio is still **well below** municipal comparators who hold an average ratio of 68.9%. A focused effort to increase the Town's reserves for future needs and contingencies would improve financial sustainability of the Town.

4. Cash Ratio - Total Cash and Cash Equivalents as a % of Current Liabilities (measure of how much cash and liquid investments could be available to cover current obligations)

Risk Level – **Low***

Total cash on hand plus the book value of the short-term investments is the numerator for this ratio. The denominator is the value of current liabilities, such as Accounts Payable.

At the end of 2018, the Town had a cash ratio that could accommodate payment of current liabilities at a rate of **1.43 to 1**. The year-over-year review of this indicator shows a large favourable increase since 2014. This is due to increased planning for cash outlay and movement toward a pay-as-you-go capital funding model to ensure current cash-flow commitments can be upheld.

*Though the Ministry classifies this as a low risk area for the municipality it should be noted the Town's cash ratio is well below the municipal comparator average of **3.54 to 1** and prioritizing reserve building for future obligations and contingencies is recommended to bolster financial sustainability.

Flexibility Indicators

5. Debt Servicing Cost as a % of Total Operating Revenue (measure of how much each dollar raised in revenue is spent on paying down existing debt)

Risk Level - **Moderate**

In 2018 the Town used **8.8%** of its annual operating revenues to cover debt costs. This falls into the moderate risk category. This is a sizable improvement over the previous four years that were assessed in the High risk category, including 2014 at which point the amount debt service cost demanded 12.9% of revenue.

The Town continues to require a higher percentage of revenue toward debt service cost than the **local comparators average of 5.0%**, which has also been trending downward over the past five years. That said, the Town continues to make good progress towards becoming less dependent on long- term debt. The improvement is attributable to the reduction in the Town's legacy debt and a concerted effort to reduce the Town's reliance on long-term debt and to move toward a pay-as-you-go funding model. Capital reserve planning for lifecycle tangible asset replacements and for new capital assets is strongly encouraged to enhance the Town's flexibility in maintaining services, responding to unforeseen circumstances and mitigating the risk of significant rate fluctuations for property taxes and user rates.

6. Asset Consumption Ratio – Closing Amortization Balance as a % of Total cost of Capital Assets (measure of how much of the assets' life expectancy has been consumed)

Risk Level – **Low***

The ratio indicates that based on accounting useful life, 42.70% of the depreciable assets have been used. This is categorized as a low risk. The ratio has increased over the 5-year period from a 2014 level of 37.3%. In comparison the average for local municipalities has moved from 34.9% in 2014 to 38.55 in 2018; which demonstrates that on average, comparator municipalities appear to be investing in asset renewal or new assets at a higher rate than the Town. This could be impacted by new infrastructure built in neighbouring municipalities that are experiencing significant growth.

It is important to consider that this ratio uses **historical** capital asset cost, not current replacement cost. Also, the amortization rates are based on accounting useful life, not actual remaining life based on the current condition of the asset.

The Town's Asset Management Plan recommends funding and a reserve strategy based on estimated asset replacement costs and involves collecting data on the condition of the assets. This, combined with a calculation of an optimal maintenance and replacement program, demonstrates the need for enhancements to the Town's reserves and allows for a more accurate quantification of the financial demands to maintain service levels provided by capital assets.

7. Annual Surplus/(Deficit) as a % of Own Source Revenues (measure of the municipality's ability to cover its operational costs and have funds available for other purposes (e.g. reserves, debt repayment, etc.)

Risk Level – **Low**

In 2018 the Town had an Annual Surplus ratio of 16.1%. This ratio is a significant improvement from the Annual Deficit ratio of -6.8% assessed as moderate risk in 2014. The Town's ratio is now more in line with comparator municipalities, which average 20.1%, though the Town's ratio remains below the average.

Despite the improvement, it is notable that while the Town's Annual Surplus ratio is more in line with comparators, the funds available for other purposes continue to be required for debt service, albeit with diminishing demand, rather than being set aside in reserves toward improving financial sustainability.

4. RISK ANALYSIS:

There is no risk related to the recommendation of this report.

However, continuing to evaluate the Town's financial sustainability and flexibility through financial management and monitoring (including ratio analysis and benchmarking) mitigates financial risk by informing recommendations and progress towards the Town's long-term financial goals.

5. FINANCIAL MATTERS:

In support of the key strategic goal of ensuring financial sustainability through a long-term financial plan and maintenance of adequate reserves, Administration will continue to review opportunities to further reduce the Town's reliance on short-term financing and long-term debt and to bring forward recommendations to increase reserve and reserve fund balances to support asset management and asset investment through a pay-as-you-go model and to provide for contingencies.

6. CONSULTATIONS:

None.

7. CONCLUSION:

The Financial Indicators Review is compiled by the Ministry of Municipal Affairs and Housing. The Financial Indicator Review is an assistive, though not fulsome, picture of municipal financial health. It can be used as a tool to identify potential problem areas associated with the financial status of the Town.

Based on the 2018 report, the Town falls into the low risk category in all but two of the indicators and has achieved positive trends over the five-year period in all but one factor, which is due to the service cost of legacy debt. Continued work to enhance financial sustainability and flexibility through a robust reserve strategy, combined with a pay-as-you-go approach to capital funding will support continued improvement in the Town's financial outlook and ability to respond to unforeseen challenges, while meeting service commitments to the ratepayers.



Justin Rousseau
Treasurer



Cheryl Horrobin
Director of Corporate Services

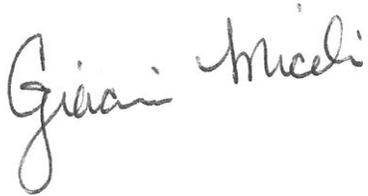
Report Approval Details

Document Title:	MMAH Financial Indicator Review (based on 2018 FIR).docx
Attachments:	- FITC19_Amherstburg T.pdf
Final Approval Date:	Jan 21, 2020

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker

FINANCIAL INDICATOR REVIEW

(Based on 2018 Financial Information Return)

Amherstburg T

Date Prepared:	31-Oct-19
MSO Office:	Western
Prepared By:	TWR
Tier	LT

2018 Households:	9,202
2018 Population	19,205
2019 MFCI Index	2.9

Median Household Income:	83,712
Taxable Residential Assessment as a % of Total Taxable Assessment:	85.8%
Own Purpose Taxation:	23,016,049

SUSTAINABILITY INDICATORS

Indicator	Ranges	Actuals	South - LT - Counties - Non-Rural		Level of Risk	
			Median	Average		
Total Taxes Receivable less Allowance for Uncollectibles as a % of Total Taxes Levied	Low: < 10% Mod: 10% to 15% High: > 15%	2014	7.1%	7.6%	7.5%	LOW
		2015	6.8%	6.6%	7.0%	LOW
		2016	6.4%	6.2%	6.9%	LOW
		2017	5.0%	5.8%	6.3%	LOW
		2018	3.0%	6.0%	6.3%	LOW
Net Financial Assets or Net Debt as % of Own Source Revenues	Low: > -50% Mod: -50% to -100% High: < -100%	2014	-182.3%	-3.9%	-8.7%	HIGH
		2015	-173.0%	-2.7%	-8.8%	HIGH
		2016	-146.7%	-4.8%	3.8%	HIGH
		2017	-145.5%	3.4%	10.1%	HIGH
		2018	-106.6%	22.6%	19.6%	HIGH
Total Reserves and Discretionary Reserve Funds as a % of Municipal Expenses	Low: > 20% Mod: 10% to 20% High: < 10%	2014	16.8%	49.8%	53.4%	MODERATE
		2015	22.2%	55.9%	57.4%	LOW
		2016	29.7%	58.4%	59.7%	LOW
		2017	31.8%	60.2%	63.9%	LOW
		2018	26.2%	64.4%	68.9%	LOW
Cash Ratio (Total Cash and Cash Equivalents as a % of Current Liabilities)	Low: > 0.5:1 Mod: 0.5:1 to 0.25:1 High: < 0.25:1	2014	0.73:1	2.09:1	2.49:1	LOW
		2015	0.96:1	2.41:1	2.64:1	LOW
		2016	1.11:1	2.37:1	3.02:1	LOW
		2017	1.08:1	2.91:1	3.19:1	LOW
		2018	1.43:1	3.33:1	3.54:1	LOW

FLEXIBILITY INDICATORS

Debt Servicing Cost as a % of Total Revenues (Less Donated TCAs)	Low: < 5% Mod: 5% to 10% High: >10%	2014	12.9%	5.7%	6.2%	HIGH
		2015	13.5%	5.1%	6.0%	HIGH
		2016	11.3%	5.2%	5.9%	HIGH
		2017	10.4%	5.2%	6.0%	HIGH
		2018	8.8%	5.2%	5.0%	MODERATE
Closing Amortization Balance as a % of Total Cost of Capital Assets (Asset Consumption Ratio)	Low: < 50% Mod: 50% to 75% High: > 75%	2014	37.3%	35.2%	34.9%	LOW
		2015	39.5%	35.5%	35.3%	LOW
		2016	39.9%	35.4%	35.9%	LOW
		2017	41.3%	36.5%	36.9%	LOW
		2018	42.7%	38.1%	38.5%	LOW
Annual Surplus / (Deficit) as a % of Own Source Revenues	Low: > -1% Mod: -1% to -30% High: < -30%	2014	-6.8%	9.3%	10.2%	MODERATE
		2015	-6.6%	9.0%	11.7%	MODERATE
		2016	10.7%	10.9%	13.5%	LOW
		2017	1.9%	15.2%	16.8%	LOW
		2018	16.1%	17.5%	20.1%	LOW

 The data and information contained in this document is for informational purposes only. It is not an opinion about a municipality and is not intended to be used on its own - it should be used in conjunction with other financial information and resources available. It may be used, for example, to support a variety of strategic and policy discussions.

FINANCIAL INDICATOR REVIEW

(Based on 2018 Financial Information Return)

Amherstburg T

NOTES

Financial Information Returns ("FIRs") are a standard set of year-end reports submitted by municipalities to the Province which capture certain financial information. On an annual basis, Ministry staff prepare certain financial indicators for each municipality, based on the information contained in the FIRs. It is important to remember that these financial indicators provide a snapshot at a particular moment in time and should not be considered in isolation, but supported with other relevant information sources. In keeping with our Financial Information Return review process and follow-up, Ministry staff may routinely contact and discuss this information with municipal officials.

Supplementary Indicators of Sustainability and Flexibility

The following is a summary, adapted from the Chartered Professional Accountants of Canada Statement of Recommended Practice (SORP) 4.

- A government (including a municipality) may choose to report supplementary information on financial condition, to expand on and help explain the government's financial statements.
- Supplementary assessment of a government's financial condition needs to consider the elements of sustainability and flexibility.
- Sustainability in this context may be seen as the degree to which a municipality can maintain its existing financial obligations both in respect of its service commitments to the public and financial commitments to creditors, employees and others without inappropriately increasing the debt or tax burden relative to the economy within which it operates.
- Sustainability is an important element to include in an assessment of financial condition because it may help to describe a government's ability to manage its financial and service commitments and debt burden. It may also help to describe the impact that the level of debt could have on service provision.
- Flexibility is the degree to which a government can change its debt or tax level on the economy within which it operates to meet its existing financial obligations both in respect of its service commitments to the public and financial commitments to creditors, employees and others.
- Flexibility provides insights into how a government manages its finances. Increasing taxation or user fees may reduce a municipality's flexibility to respond when adverse circumstances develop if the municipality approaches the limit that citizens and businesses are willing to bear.
A municipality may temporarily use current borrowing, subject to the requirements set out in the Municipal Act to meet expenses and certain other amounts required in the year, until taxes are collected and other revenues are received. Municipal current borrowing cannot be carried over the long term or converted to long term borrowing except in very limited circumstances.
- For each element of financial condition, the report on indicators of financial condition should include municipality-specific indicators and municipality-related indicators. It may be useful to also include economy-wide information when discussing financial condition.

Additional Notes on what Financial Indicators may indicate:

Total Taxes Receivable less Allowance for Uncollectibles as a % of Total Taxes Levied - Shows how much of the taxes billed are not collected.

Net Financial Assets or Net Debt as % of Own Source Revenues - Indicates how much property tax and user fee revenue is servicing debt.

Reserves and Reserve Funds as a % of Municipal Expenses - Indicates how much money is set aside for future needs and contingencies.

Cash Ratio (Total Cash and Cash Equivalents as a % of Current Liabilities) - Indicates how much cash and liquid investments could be available to cover current obligations.

Debt Servicing Cost as a % of Total Revenues (Less Donated TCAs) - Indicates how much of each dollar raised in revenue is spent on paying down existing debt.

Closing Amortization Balance as a % of Total Cost of Capital Assets (Asset Consumption Ratio) - Indicates how much of the assets' life expectancy has been consumed.

Annual Surplus / (Deficit) (Less Donated TCAs) as a % of Own Source Revenues - Indicates the municipality's ability to cover its operational costs and have funds available for other purposes (e.g. reserves, debt repayment, etc.)

The Northern and Rural Municipal Fiscal Circumstances Index (MFCI) is used by the Ministry of Finance to calculate the "Northern and Rural Fiscal Circumstances Grant" aimed at northern as well as single and lower-tier rural municipalities. The index measures a municipality's fiscal circumstances. The MFCI is determined by six indicators: Weighted Assessment per Household, Median Household Income, Average Annual Change in Assessment (New Construction), Employment Rate, Ratio of Working Age to Dependent Population, and Per Cent of Population Above Low-Income Threshold. A lower MFCI corresponds to relatively positive fiscal circumstances, whereas a higher MFCI corresponds to more challenging fiscal circumstances. (Note: the MFCI index is only available for northern and rural municipalities)

FINANCIAL INDICATOR REVIEW

(Based on 2018 Financial Information Return)

Amherstburg T

CALCULATIONS

Total Taxes Rec. less Allowance for Uncollectibles as % of Total Taxes Levied	$SLC\ 70\ 0699\ 01 / (SLC\ 26\ 9199\ 03 - SLC\ 72\ 2899\ 09)$
Net Financial Assets or Net Debt as % of Own Source Revenues	$SLC\ 70\ 9945\ 01 / (SLC\ 10\ 9910\ 01 - SLC\ 10\ 0699\ 01 - SLC\ 10\ 0899\ 01 - SLC\ 10\ 1098\ 01 - SLC\ 10\ 1099\ 01 - SLC\ 10\ 1811\ 01 - SLC\ 10\ 1812\ 01 - SLC\ 10\ 1813\ 01 - SLC\ 10\ 1814\ 01 - SLC\ 10\ 1830\ 01 - SLC\ 10\ 1831\ 01 - SLC\ 12\ 1850\ 04)$
Total Reserves and Reserve Funds as a % of Municipal Expenses	$(SLC\ 60\ 2099\ 02 + SLC\ 60\ 2099\ 03) / (SLC\ 40\ 9910\ 11 - SLC\ 12\ 9910\ 03 - SLC\ 12\ 9910\ 07)$
Cash Ratio (Total Cash and Cash Equivalents as a % of Current Liabilities)	$SLC\ 70\ 0299\ 01 / (SLC\ 70\ 2099\ 01 + SLC\ 70\ 2299\ 01)$
Debt Servicing Cost as a % of Total Revenues (Less Donated TCAs)	$(SLC\ 74\ 3099\ 01 + SLC\ 74\ 3099\ 02) / (SLC\ 10\ 9910\ 01 - SLC\ 10\ 1831\ 01)$
Closing Amortization Balance as a % of Total Cost of Capital Assets (Asset Consumption Ratio)	$SLC\ 51\ 9910\ 10 / SLC\ 51\ 9910\ 06$
Annual Surplus / (Deficit) (Less Donated TCAs) as a % of Own Source Revenues	$(SLC\ 10\ 2099\ 01 - SLC\ 10\ 1831\ 01) / (SLC\ 10\ 9910\ 01 - SLC\ 10\ 0699\ 01 - SLC\ 10\ 0899\ 01 - SLC\ 10\ 1098\ 01 - SLC\ 10\ 1099\ 01 - SLC\ 10\ 1811\ 01 - SLC\ 10\ 1812\ 01 - SLC\ 10\ 1813\ 01 - SLC\ 10\ 1814\ 01 - SLC\ 10\ 1830\ 01 - SLC\ 10\ 1831\ 01 - SLC\ 12\ 1850\ 04)$



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: B. Montone	Report Date: January 7, 2020
Author's Phone: 519 736-6500 ext. 2241	Date to Council: January 27, 2020
Author's E-mail: bmontone@amherstburg.ca	Resolution #: 20160411-145

To: Mayor and Members of Town Council

Subject: Monthly Fire Department Activity Report – November & December 2019

1. RECOMMENDATION:

It is recommended that:

1. The report from the Fire Chief dated January 7, 2020, regarding the Monthly Fire Department Activity Report – November & December 2019 **BE RECEIVED for information.**

2. BACKGROUND:

On April 11, 2016, Council adopted the following:

“That Administration BE DIRECTED to provide monthly activity reports within the Building department, Fire department, and Police Services.”

3. DISCUSSION:

The goal of the Amherstburg Fire Department is to provide fire protection services through a range of programs designed to protect the lives and property of the inhabitants from the adverse effects of fire, sudden medical emergencies or exposure to dangerous conditions created by man or nature.

To achieve this goal, the Amherstburg Fire Department utilizes fire suppression and rescue activities, fire inspections, fire investigation, public fire safety education and other fire protection programs as defined by the Fire Protection and Prevention Act, R.S.O.1997. and the Town of Amherstburg, Establishing and Regulating

By-Law # 2017 – 67. The attached, represents activities and program information for the months of November and December 2019.

4. **RISK ANALYSIS:**

N/A

5. **FINANCIAL MATTERS:**

N/A

6. **CONSULTATIONS:**

N/A

7. **CONCLUSION:**

As directed by Council, the Amherstburg Fire Department will continue to provide monthly activity reports.



Bruce Montone
Fire Chief

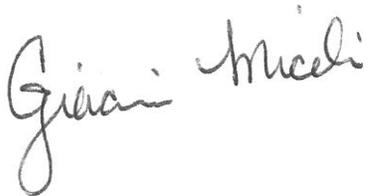
Report Approval Details

Document Title:	Monthly Fire Department Activity Report - November, December 2019.docx
Attachments:	- Monthly Dashboard Report November and December 19.pdf
Final Approval Date:	Jan 21, 2020

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker



FIRE SERVICES

DASHBOARD

1 - SERVICE LEVEL DELIVERY		2018	YTD 2019	Nov-18	Nov-19
INCIDENTS		436	306	26	31
Incident Types	OFM codes				
Fire	01 - 29	56	54	4	6
False Fire Alarms	31 - 39	112	96	6	10
Public Hazard	41 - 59	47	44	6	4
Rescues	601 - 69	72	64	4	7
Medical	701 - 899	72	38	3	4
Others	91 - 99	77	10	3	0

Number of calls by station		2018	YTD 2019	Nov-18	Nov-19
Station # 1		153	94	11	10
Station # 2		90	100	5	9
Station # 3		45	34	4	3
Duty Officer		153	77	6	9

3 - AVERAGE RESPONSE Targets		2018	YTD 2019	NOV-19 AVG	Nov-19
Alarm Processing Time	90th Percentile	0:03:14	0:03:51	0:02:04	0:03:51
Turnout Time	90th Percentile	0:07:11	0:07:18	0:03:45	0:06:58
Travel Time	90th Percentile	0:09:07	0:08:11	0:03:27	0:06:08

3 - OTHER STATISTICS		2018	YTD 2019	Nov-18	Nov-19
Total Training Session		173	193	21	13
Total Training Session (Station 1)		47	44	5	4
Total Training Session (Station 2)		47	42	4	4
Total Training Session (Station 3)		51	42	4	4
Total Training Session (Extra)		36	65	8	1
Total Routine Station Maintenance & Inspection		146	133	13	12
Fire Prevention Inspections		48	61	4	1
Business Licenses Inspections		19	17	1	1
Fire Prevention Program Activities (i.e. Lockbox, Special Event)		106	139	7	5
Fire Safety Plan Reviews (Emergency Plans, Fire Safety Plans)		53	158	13	21
Vulnerable Occupancy Annual Inspections		12	28	3	3
Smoke and CO Alarm Install		14	13	1	0
Fire Permits Issued		347	437	0	5
Fire Permit Inspections		567	247	2	6

4 - COMMUNITY IMPACT		2018	YTD 2019	Nov-18	Nov-19
Total \$ Loss (Estimate)		291,950	523,500	0	0
Total \$ Saved (Estimate)		1,120,000	960,000	0	0
Residential Fire Related Injuries (Entire)		1	0	0	0
Fire Fighter		0	0	0	0
Public		1	0	0	0
Residential Fire Related Fatalities (Entire)		0	1	0	0
Fire Fighter		0	0	0	0
Public		0	1	0	0



FIRE SERVICES

DASHBOARD

5 - CHIEF'S COMMENTS

Participation in the County of Essex Emergency Exercise took place on November 18, 2019. Much of the month was spent preparing for our own Exercise held On November 29 which involved the establishment of our Emergency Worker Centre should an incident occur at the Fermi II nuclear Generating Station. A great turn out of Staff at the Annual Santa Claus Parade on Saturday the 23rd and the kick off of our Firefighters Association Toy Drive began with the Collection of Toys for those less fortunate in the Community at Fire Stations

30-Nov-19



FIRE SERVICES

DASHBOARD

1 - SERVICE LEVEL DELIVERY		2018	YTD 2019	Dec-18	Dec-19
INCIDENTS		436	331	51	25
Incident Types	OFM codes				
Fire	01 - 29	56	60	3	6
False Fire Alarms	31 - 39	112	101	11	5
Public Hazard	41 - 59	47	49	3	5
Rescues	601 - 69	72	70	9	6
Medical	701 - 899	72	41	12	3
Others	91 - 99	77	10	13	0

Number of calls by station		2018	YTD 2019	Dec-18	Dec-19
Station # 1		153	102	20	8
Station # 2		90	107	7	7
Station # 3		45	40	5	6
Duty Officer		153	81	19	4

3 - AVERAGE RESPONSE Targets		2018	YTD 2019	DEC-19 AVG	Dec-19
Alarm Processing Time	90th Percentile	0:03:14	0:03:48	0:01:48	0:02:20
Turnout Time	90th Percentile	0:07:11	0:07:18	0:03:11	0:06:09
Travel Time	90th Percentile	0:09:07	0:09:10	0:05:22	0:09:16

3 - OTHER STATISTICS		2018	YTD 2019	Dec-18	Dec-19
Total Training Session		173	203	17	10
Total Training Session (Station 1)		47	47	3	3
Total Training Session (Station 2)		47	45	3	3
Total Training Session (Station 3)		51	45	3	3
Total Training Session (Extra)		36	66	8	1
Total Routine Station Maintenance & Inspection		146	147	12	14
Fire Prevention Inspections		48	64	4	3
Business Licenses Inspections		19	18	0	1
Fire Prevention Program Activities (i.e. Lockbox, Special Event)		106	146	9	7
Fire Safety Plan Reviews (Emergency Plans, Fire Safety Plans)		53	172	5	14
Vulnerable Occupancy Annual Inspections		12	30	2	2
Smoke and CO Alarm Install		14	13	0	0
Fire Permits Issued		347	442	2	5
Fire Permit Inspections		567	252	2	5

4 - COMMUNITY IMPACT		2018	YTD 2019	Dec-18	Dec-19
Total \$ Loss (Estimate)		291,950	526,000	95,000	2,500
Total \$ Saved (Estimate)		1,120,000	960,000	0	0
Residential Fire Related Injuries (Entire)		1	0	1	0
Fire Fighter		0	0	0	0
Public		1	0	1	0
Residential Fire Related Fatalities (Entire)		0	1	0	0
Fire Fighter		0	0	0	0
Public		0	1	0	0



FIRE SERVICES

DASHBOARD

5 - CHIEF'S COMMENTS

On December 2nd, Chief met with MOL- PTSD Coalition, Planning began for the Winter True Festival with Tourism staff. Dec 6, Conducted a debrief of our EWC Exercise. Dec. 11 Chief Attended retirement function for Chatham-Kent Fire Chief Bob Crawford Retirement. Windsor Fire and Rescue Haz-Mat Team conducted annual Familiarization training for all staff on Dec. 11 & 12. Amherstburg Volunteer Fire fighters Association held their annual Xmas Bar B Q at the Sportsman club facility.

31-Dec-19



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Street Sweeper Operations

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Manager of Roads and Fleet dated January 9, 2020 regarding the Street Sweeper Operations BE RECEIVED for information.

2. BACKGROUND:

On May 8, 2017, Council requested that Administration bring back a report on street sweeper operations. An information report was provided to Council on August 21, 2017. On November 25, 2019, Council requested that another report be brought to Council regarding the street sweeper schedule.

3. DISCUSSION:

The Town's street sweeper is a 2009 Elgin Sweeper with a rear vacuum and high pressure lance.

The sweeper operates on a four-week rotation. Streets in the Town core are completed every week. This includes main streets such as Sandwich Street (from Lowes Side Road to Alma Street), Dalhousie Street (from Pickering Drive to North Street), North Street (from Dalhousie Street to Laird Avenue), Laird Avenue (from North Street to the end of Laird Avenue), Alma Street (from the river to Sandwich Street) and Richmond Street (from Sandwich Street to Dalhousie Street).

Side streets in the main core of Town are also done on a weekly basis. These side streets include Park Street, Gore Street, Murray Street, Ramsay Street, Bathurst Street, Rankin Street, Maple Street, Elm Street, Seymour Street, King Street, George Street, Brock Street, Kempt Street, Wolfe Street, Pickering Drive, Dalhousie Street (from Pickering to Cty Road 20), Simcoe Street (from Sandwich to Bathurst), Fort Street, Balaclava Street, Victoria Street, Alma Street (from Sandwich to Renaud), St. Arnaud Street, Sandwich St N (from Alma to North Sideroad) and the Libro Centre (Access Rd and Round About).

All other subdivision roads are completed once every 4 weeks. Attached to this report are schedules which outline the 4 week rotation of the sweeper operations. The table below highlights the length of road covered by the sweeper each week:

Schedule	Roads	Lane/Curb (km)
Week 1	Main Streets Side Streets Fraserville Crownridge Sub McCurdy Sub Bastien	105.8
Week 2	Main Streets Side Streets Monopoly Sub	107.15
Week 3	Main Streets Side Streets River Canard Sub Edgewater Sub Golfview Sub Pointe West Sub	101.68
Week 4	Main Streets Side Streets Kingsbridge North Kingsbridge South Amherst Point Bar Point McGregor Malden Centre	98.58
Total Lane km		413.21

The lane kilometres are based on the street sweeper completing both sides of the road. This does not include travel time required to dump the debris collected from the sweeper or refilling the sweeper with water throughout the day. The operator loads water at the Public Works yard on Sandwich Street and dumps the debris at the 99 Thomas Road yard. On a typical day, the sweeper requires 2 trips to dump debris and 3 trips to fill up with water. The sweeper requires more trips to be dumped during certain times of the year (i.e. leaves during the fall). There is an increased need for sweeping operations prior to and after Town events in the downtown core and during summer months when fish flies are present.

The Engineering and Public Works department also utilizes the rear vacuum and high pressure lance of the sweeper for the cleaning of catch basins, cutting holes for sign installations, locating utilities, hydro excavations and water valve maintenance.

4. RISK ANALYSIS:

Street sweeping operations is a vital service for a municipality. Without this service the garbage and debris would collect along the roadways and gutters which could not only cause an unsightly aesthetic issue for the Town but could also cause localized flooding concerns as a result of the garbage and debris covering up the catch basins. Localized flooding of the roads could result in traffic delays and potential traffic accidents. In addition, street sweeping increases the curb appeal of a municipality. The presence of garbage and debris in the Town's roadways could result in reduced visitors to the Town and a reduction in commerce for the Town.

5. FINANCIAL MATTERS:

There are no direct financial matters identified in this report. However it should be noted that the 2009 Elgin Sweeper with a rear vacuum and high pressure lance was purchased at a cost of \$216,000 and future replacement of the asset will be required through lifecycle funding recommended in the Asset Management Plan under a future capital budget.

6. CONSULTATIONS:

None.

7. CONCLUSION:

The street sweeper operations schedule is provided for Council's information



Eric Chamberlain
Manager of Roads and Fleet

Report Approval Details

Document Title:	Street Sweeper Operations 2020.docx
Attachments:	- Street Sweeper Operations Schedule - 2020.pdf
Final Approval Date:	Jan 21, 2020

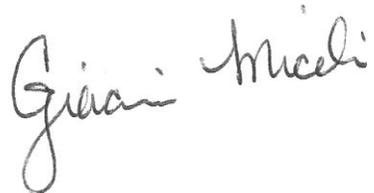
This report and all of its attachments were approved and signed as outlined below:



Antonietta Giofu



Cheryl Horrobin



John Miceli



Paula Parker

STREET SWEEPER ROUTE - WEEK ONE

DRIVER: _____

DATE: _____

Main Streets

	COMPLETED		
Sandwich St (from Lowes Side Road to Alma St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dalhousie St (from Pickering Drive to North St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
North St (from Dalhousie to Sandwich Street)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laird Ave (from North St to the end of Laird Ave N)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alma St (from the river to Sandwich St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Richmond St (from Dalhousie St to Fryer St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Side Streets

Park Street	<input type="checkbox"/>
Gore Street	<input type="checkbox"/>
Murray Street	<input type="checkbox"/>
Ramsay Street	<input type="checkbox"/>
Bathurst Street	<input type="checkbox"/>
Rankin Street	<input type="checkbox"/>
Maple Street	<input type="checkbox"/>
Elm Street	<input type="checkbox"/>
Seymour Street	<input type="checkbox"/>
King Street	<input type="checkbox"/>
George Street	<input type="checkbox"/>
Brock Street	<input type="checkbox"/>
Kempt Street	<input type="checkbox"/>
Wolfe Street	<input type="checkbox"/>
Pickering Drive	<input type="checkbox"/>
Dalhousie Street (from Pickering to Cty Road 20)	<input type="checkbox"/>
Simcoe Street (from Sandwich to Bathurst)	<input type="checkbox"/>
Fort Street	<input type="checkbox"/>
Balaclava Street	<input type="checkbox"/>
Victoria Street	<input type="checkbox"/>
Alma Street (from Sandwich St to Renaud St)	<input type="checkbox"/>
St Arnaud Street	<input type="checkbox"/>
Sandwich St N (from Alma St to Honeywell)	<input type="checkbox"/>
Libro Centre - Access Road and Round About	<input type="checkbox"/>

Fraserville

William Street	<input type="checkbox"/>
Duff Street	<input type="checkbox"/>
Grant Street	<input type="checkbox"/>
Brunner Avenue	<input type="checkbox"/>
Girard Street	<input type="checkbox"/>
Fraser Avenue	<input type="checkbox"/>
Queen Street	<input type="checkbox"/>

Crownridge Subdivision

Pine Ridge Avenue	<input type="checkbox"/>
Stone Ridge Avenue	<input type="checkbox"/>
Royal Ridge Court	<input type="checkbox"/>
Castle Ridge Court	<input type="checkbox"/>
Autumn Ridge Avenue	<input type="checkbox"/>
Summer Ridge Court	<input type="checkbox"/>
Deer Ridge Court	<input type="checkbox"/>
Briar Ridge Avenue	<input type="checkbox"/>
Fern Ridge Court	<input type="checkbox"/>
Cedar Ridge Avenue	<input type="checkbox"/>
Thorn Ridge Crescent	<input type="checkbox"/>
Ridgeview Place N	<input type="checkbox"/>
Ridgeview Place S	<input type="checkbox"/>

Miscellaneous Streets

Bastien Street	<input type="checkbox"/>
Wigle Street	<input type="checkbox"/>
McCurdy Drive	<input type="checkbox"/>
Linden Court	<input type="checkbox"/>
Walnut Street	<input type="checkbox"/>
Poplar Court	<input type="checkbox"/>
Oak Court	<input type="checkbox"/>
Lilac Court	<input type="checkbox"/>
Hawthorn Crescent	<input type="checkbox"/>
Cherrylawn Crescent	<input type="checkbox"/>
Hamilton Drive	<input type="checkbox"/>
Wilkinson Court	<input type="checkbox"/>
Main Street	<input type="checkbox"/>
Military Street	<input type="checkbox"/>
Forhan Street	<input type="checkbox"/>
Fryer Street (Alma to Richmond)	<input type="checkbox"/>
Tofflemire Court	<input type="checkbox"/>

Boblo Island

Boblo Island Boulevard	<input type="checkbox"/>
Crystal Bay Drive	<input type="checkbox"/>
Gold Coast Drive	<input type="checkbox"/>
River Walk Crescent	<input type="checkbox"/>

STREET SWEEPER ROUTE - WEEK TWO

DRIVER: _____

DATE: _____

Main Streets

Sandwich St (from Lowes Side Road to Alma St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dalhousie St (from Pickering Drive to North St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
North St (from Dalhousie to Sandwich Street)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laird Ave (from North St to the end of Laird Ave N)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alma St (from the river to Sandwich St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Richmond St (from Dalhousie St to Fryer St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Side Streets

Park Street	<input type="checkbox"/>
Gore Street	<input type="checkbox"/>
Murray Street	<input type="checkbox"/>
Ramsay Street	<input type="checkbox"/>
Bathurst Street	<input type="checkbox"/>
Rankin Street	<input type="checkbox"/>
Maple Street	<input type="checkbox"/>
Elm Street	<input type="checkbox"/>
Seymour Street	<input type="checkbox"/>
King Street	<input type="checkbox"/>
George Street	<input type="checkbox"/>
Brock Street	<input type="checkbox"/>
Kempt Street	<input type="checkbox"/>
Wolfe Street	<input type="checkbox"/>
Pickering Drive	<input type="checkbox"/>
Dalhousie Street (from Pickering to Cty Road 20)	<input type="checkbox"/>
Simcoe Street (from Sandwich to Bathurst)	<input type="checkbox"/>
Fort Street	<input type="checkbox"/>
Balaclava Street	<input type="checkbox"/>
Victoria Street	<input type="checkbox"/>
Alma Street (from Sandwich St to Renaud St)	<input type="checkbox"/>
St Arnaud Street	<input type="checkbox"/>
Sandwich St N (from Alma St to Honeywell)	<input type="checkbox"/>
Libro Centre - Access Road and Round About	<input type="checkbox"/>

COMPLETED

Monopoly Subdivision

Venetian Drive	<input type="checkbox"/>
Richmond Street (Victoria to Simcoe)	<input type="checkbox"/>
Amlin Street	<input type="checkbox"/>
Spring Court	<input type="checkbox"/>
Holiday Court	<input type="checkbox"/>
Riviera Place	<input type="checkbox"/>
Riviera Drive	<input type="checkbox"/>
Boardwalk Avenue	<input type="checkbox"/>
St James Court	<input type="checkbox"/>
States Avenue	<input type="checkbox"/>
Marvin Gardens	<input type="checkbox"/>
Virginia Avenue	<input type="checkbox"/>
Kentucky Avenue	<input type="checkbox"/>
Illinois Street	<input type="checkbox"/>
Tennessee Crescent	<input type="checkbox"/>
Eggleton Court	<input type="checkbox"/>
Jones Court	<input type="checkbox"/>
Brush Crescent	<input type="checkbox"/>
Allen Court	<input type="checkbox"/>
Reynolds Court	<input type="checkbox"/>
Vermont Drive	<input type="checkbox"/>

Pathways

Simcoe Street (both sides)	<input type="checkbox"/>
Thomas Road - Alma to Texas	<input type="checkbox"/>
Texas Road	<input type="checkbox"/>
South Riverview	<input type="checkbox"/>

Monopoly Subdivision Cont'd

Indiana Place	<input type="checkbox"/>
Mediteranian Avenue	<input type="checkbox"/>
Hainer Court	<input type="checkbox"/>
Bratt Drive	<input type="checkbox"/>
Hart Street	<input type="checkbox"/>
Martin Crescent	<input type="checkbox"/>
Pacific Avenue	<input type="checkbox"/>
Ventnor Avenue	<input type="checkbox"/>
St Charles Place	<input type="checkbox"/>
Baltic Avenue	<input type="checkbox"/>
Gibb Street	<input type="checkbox"/>
Heaton Street	<input type="checkbox"/>
Atlantic Avenue	<input type="checkbox"/>
Atlantic Court	<input type="checkbox"/>
Sullivan Street	<input type="checkbox"/>
Meadowview Ave	<input type="checkbox"/>
Ironside Street	<input type="checkbox"/>
Peason Street	<input type="checkbox"/>
Caldwell Court	<input type="checkbox"/>

STREET SWEEPER ROUTE - WEEK THREE

DRIVER: _____

DATE: _____

Main Streets

	COMPLETED		
Sandwich St (from Lowes Side Road to Alma St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dalhousie St (from Pickering Drive to North St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
North St (from Dalhousie to Sandwich Street)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laird Ave (from North St to the end of Laird Ave N)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alma St (from the river to Sandwich St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Richmond St (from Dalhousie St to Fryer St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Side Streets

Park Street	<input type="checkbox"/>
Gore Street	<input type="checkbox"/>
Murray Street	<input type="checkbox"/>
Ramsay Street	<input type="checkbox"/>
Bathurst Street	<input type="checkbox"/>
Rankin Street	<input type="checkbox"/>
Maple Street	<input type="checkbox"/>
Elm Street	<input type="checkbox"/>
Seymour Street	<input type="checkbox"/>
King Street	<input type="checkbox"/>
George Street	<input type="checkbox"/>
Brock Street	<input type="checkbox"/>
Kempt Street	<input type="checkbox"/>
Wolfe Street	<input type="checkbox"/>
Pickering Drive	<input type="checkbox"/>
Dalhousie Street (from Pickering to Cty Road 20)	<input type="checkbox"/>
Simcoe Street (from Sandwich to Bathurst)	<input type="checkbox"/>
Fort Street	<input type="checkbox"/>
Balaclava Street	<input type="checkbox"/>
Victoria Street	<input type="checkbox"/>
Alma Street (from Sandwich St to Renaud St)	<input type="checkbox"/>
St Arnaud Street	<input type="checkbox"/>
Sandwich St N (from Alma St to Honeywell)	<input type="checkbox"/>
Libro Centre - Access Road and Round About	<input type="checkbox"/>

River Canard Subdivision

Lydia Drive	<input type="checkbox"/>
Beneteau Drive	<input type="checkbox"/>
David Crescent	<input type="checkbox"/>
Lamp Road	<input type="checkbox"/>
Hyde Park	<input type="checkbox"/>
Alta B Crescent	<input type="checkbox"/>
Ryan Street	<input type="checkbox"/>

Edgewater Beach

Emerald Lane	<input type="checkbox"/>
Thrasher Drive	<input type="checkbox"/>

Golfview Estates

Golfview Drive	<input type="checkbox"/>
Park Lane Circle	<input type="checkbox"/>
Cranbrook Court	<input type="checkbox"/>
Forest Hill Crescent	<input type="checkbox"/>
Forest Hill Court	<input type="checkbox"/>
Old Colony Trail	<input type="checkbox"/>
Colony Court	<input type="checkbox"/>
Greenway Court	<input type="checkbox"/>

Pointe West Subdivision

Pointe West Drive	<input type="checkbox"/>
Wyandotte Street	<input type="checkbox"/>
Angstrom Crescent	<input type="checkbox"/>
Golfwood Drive	<input type="checkbox"/>
Wright Avenue	<input type="checkbox"/>
Turner Crescent	<input type="checkbox"/>
Ironwood Drive	<input type="checkbox"/>
Clubview Drive	<input type="checkbox"/>
Links Drive	<input type="checkbox"/>
Fescue Lane	<input type="checkbox"/>

STREET SWEEPER ROUTE - WEEK FOUR

DRIVER: _____

DATE: _____

Main Streets

	COMPLETED		
Sandwich St (from Lowes Side Road to Alma St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dalhousie St (from Pickering Drive to North St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
North St (from Dalhousie to Sandwich Street)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laird Ave (from North St to the end of Laird Ave N	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alma St (from the river to Sandwich St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Richmond St (from Dalhousie St to Fryer St)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Side Streets

Park Street	<input type="checkbox"/>
Gore Street	<input type="checkbox"/>
Murray Street	<input type="checkbox"/>
Ramsay Street	<input type="checkbox"/>
Bathurst Street	<input type="checkbox"/>
Rankin Street	<input type="checkbox"/>
Maple Street	<input type="checkbox"/>
Elm Street	<input type="checkbox"/>
Seymour Street	<input type="checkbox"/>
King Street	<input type="checkbox"/>
George Street	<input type="checkbox"/>
Brock Street	<input type="checkbox"/>
Kempt Street	<input type="checkbox"/>
Wolfe Street	<input type="checkbox"/>
Pickering Drive	<input type="checkbox"/>
Dalhousie Street (from Pickering to Cty Road 20)	<input type="checkbox"/>
Simcoe Street (from Sandwich to Bathurst)	<input type="checkbox"/>
Fort Street	<input type="checkbox"/>
Balaclava Street	<input type="checkbox"/>
Victoria Street	<input type="checkbox"/>
Alma Street (from Sandwich St to Renaud St)	<input type="checkbox"/>
St Arnaud Street	<input type="checkbox"/>
Sandwich St N (from Alma St to Honeywell)	<input type="checkbox"/>
Libro Centre - Access Road and Round About	<input type="checkbox"/>

Kingsbridge North Subdivision

Kingsbridge Drive	<input type="checkbox"/>
Baker Crescent	<input type="checkbox"/>
Whelan Avenue	<input type="checkbox"/>
Cambridge Court	<input type="checkbox"/>
Oxford Crescent	<input type="checkbox"/>
Hilton Crescent	<input type="checkbox"/>
Wilson Avenue	<input type="checkbox"/>

Kingsbridge South Subdivision

McLellan Avenue	<input type="checkbox"/>
Higgins Crescent	<input type="checkbox"/>
White Crescent	<input type="checkbox"/>
Pettypiencie Drive	<input type="checkbox"/>
Brown Crescent	<input type="checkbox"/>
Welsh Avenue	<input type="checkbox"/>
Lavers Avenue	<input type="checkbox"/>
Mullen Crescent	<input type="checkbox"/>
Patten Crescent	<input type="checkbox"/>
Davis Street	<input type="checkbox"/>
Easy Street	<input type="checkbox"/>
Marsh Court	<input type="checkbox"/>
Marsh Drive	<input type="checkbox"/>
Knobb Hill Drive	<input type="checkbox"/>

Amherst Point North & South

Front Road South	<input type="checkbox"/>
Goodview Avenue	<input type="checkbox"/>
Coopers Lane	<input type="checkbox"/>
Lake Beach Road	<input type="checkbox"/>
Woodbridge Drive	<input type="checkbox"/>
Mickle Drive	<input type="checkbox"/>
Scott Drive	<input type="checkbox"/>
Park Avenue	<input type="checkbox"/>
McDonald Avenue	<input type="checkbox"/>
Hunter Avenue	<input type="checkbox"/>
Willow Beach / Bar Point	<input type="checkbox"/>
McBride Road	<input type="checkbox"/>

McGregor

Driver Lane	<input type="checkbox"/>
Eagle Crescent	<input type="checkbox"/>
Birdie Street	<input type="checkbox"/>
Gardiner Crescent	<input type="checkbox"/>
Canard Boulevard	<input type="checkbox"/>
Annie Avenue	<input type="checkbox"/>
Aalbers Crescent	<input type="checkbox"/>

Malden Centre

St. Therese Avenue	<input type="checkbox"/>
Durango Avenue	<input type="checkbox"/>
Woodside Avenue	<input type="checkbox"/>



The Corporation of the Town of Tecumseh

December 20, 2019

Hon. Sylvia Jones
Solicitor General
George Drew Bldg, 18th Flr
25 Grosvenor Street
Toronto, Ontario
M7A 1Y6

Re: Town of Tecumseh Resolution on 911 Misdials

On behalf of Mayor Gary McNamara and Town Council, I am writing to advise that at its meeting on November 12, 2019, Tecumseh Town Council passed the following resolution:

Whereas the calls for service for 911 Misdials have risen dramatically in recent years, correlated with the rise in cell phone use; and

Whereas 911 Misdials must be responded to as if they were legitimate emergency calls; and

Whereas each 911 call is responded to with two OPP officers at an average time per call of 1.2 hours; and

Whereas each 911 call is a billable call to the municipality; and

Whereas in 2019 alone to date, 911 Misdials in Tecumseh number 1,082 calls, which is 28.8% of all billable calls for service to date; and

Whereas 911 Misdials are not unique to Tecumseh and in fact are common across the Province at an estimated cost of millions of dollars;

Now Therefore Be It Resolved That the Municipal, Federal and Provincial governments and relevant associations, including but not limited to, the Ontario Association of Police Services Boards (OAPSB), the Ontario Association of Chiefs of Police (OACP), the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO), be requested to lobby the telecommunications industry and smart phone manufacturers to develop a solution to 911 Misdials.

A copy of the report to Town Council (CAO-2019-09) on 911 Misdials is attached for your information. Should you require anything further, please contact the undersigned at lmoy@tecumseh.ca or extension 116.



The Corporation of the Town of Tecumseh

Chief Administrative Officer

To: Mayor and Members of Council
From: Margaret Misek-Evans, Chief Administrative Officer
Date to Council: November 12, 2019
Report Number: CAO-2019-09
Subject: 911 Misdials

Recommendations

It is recommended:

Whereas the calls for service for 911 Misdials have risen dramatically in recent years, correlated with the rise in cell phone use; and

Whereas 911 Misdials must be responded to as if they were legitimate emergency calls; and

Whereas each 911 call is responded to with two OPP officers at an average time per call of 1.2 hours; and

Whereas each 911 call is a billable call to the municipality; and

Whereas in 2019 alone to date, 911 Misdials in Tecumseh number 1,082 calls, which is 28.8% of all billable calls for service to date; and

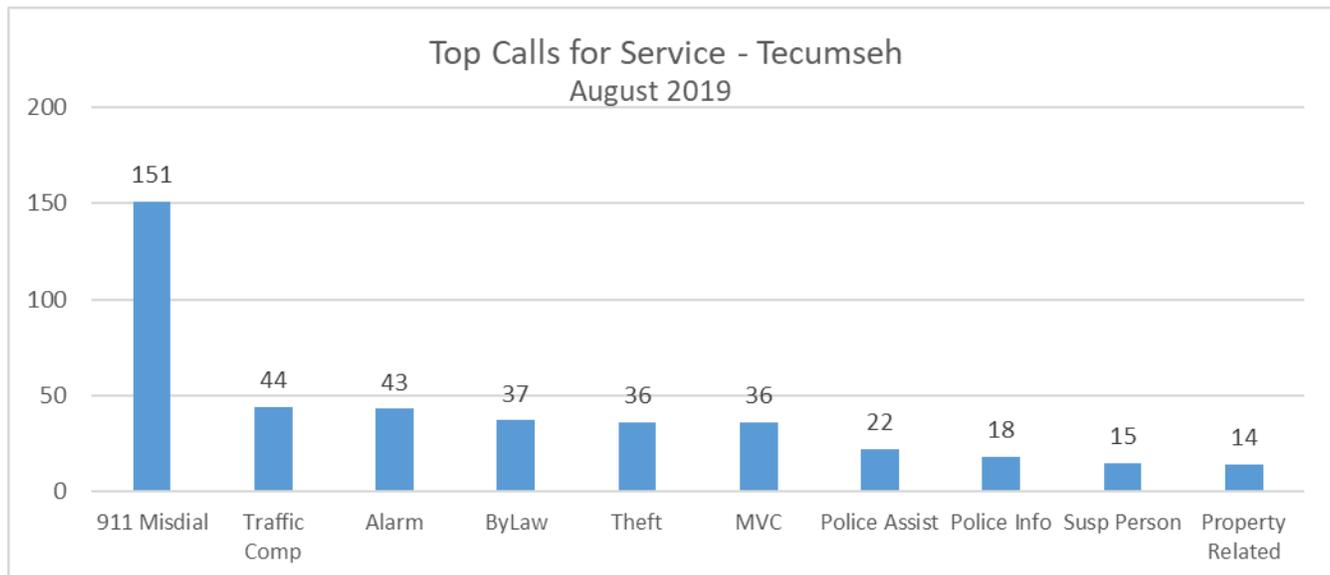
Whereas 911 Misdials are not unique to Tecumseh and in fact are common across the Province at an estimated cost of millions of dollars;

Now Therefore Be It Resolved That the Municipal, Federal and Provincial governments and relevant associations, including but not limited to, the Ontario Association of Police Services Boards (OAPSB), the Ontario Association of Chiefs of Police (OACP), the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO), be requested to lobby the telecommunications industry and smart phone manufacturers to develop a solution to 911 Misdials.

Background

The Tecumseh Police Services Board (Board) receives regular reports from the Essex County OPP (OPP) on statistics related to calls for service. Over the past months, the Board has expressed concern on a number of occasions regarding the trend of increasing calls for service related to 911 Misdials, and the high proportion of total calls these represent.

At their October 10, 2019 meeting, the Board reviewed data contained in the 'Police Services Board Monthly Overview August 2019' produced by the OPP. The chart below shows the OPP's top calls for service in Tecumseh for the month of August 2019:



The report includes comparative information with other Essex County OPP Detachment municipalities and notes the following trends in the detachment area:

- A 65.7% increase in 911 Misdials in August 2019 (898 calls) compared to August 2018 (542 calls)
- An average of 29.9 Misdial calls per day
- 911 Misdials are trending 63.2% higher YTD 2019 (5,867 calls) compared to YTD 2018 (3,596)

Concern about escalating 911 Misdials and the effect of this trend on policing and police budgets was also raised at the recent Joint Essex County Police Services Board meeting held in Leamington on August 29, 2019. This meeting was attended by the boards from all Essex County OPP-policed municipalities, namely the Towns of Essex, Kingsville, Lakeshore, Tecumseh and Municipality of Leamington.

Following discussion of this data, and as a result of concerns expressed by members of the Board on multiple occasions, the Board passed Motion PSB 43/19 at the October 10, 2019 PSB meeting:

Whereas the calls for service for 911 Misdials have risen dramatically in recent years, correlated with the rise in cell phone use; and

Whereas 911 Misdials must be responded to as if they were legitimate emergency calls; and

Whereas each 911 call is responded to with two OPP officers at an average time per call of 1.2 hours; and

Whereas each 911 call is a billable call to the municipality; and

Whereas in 2019 alone to date, 911 Misdials in Tecumseh number 1,082 calls, which is 28.8% of all billable calls for service to date; and

Whereas 911 Misdials are not unique to Tecumseh and in fact are common across the Province at an estimated cost of millions of dollars;

Now Therefore Be It Resolved That the Tecumseh Police Services Board request Town Council to approach the Federal and Provincial governments and associations, including but not limited to, the Ontario Association of Police Services Boards (OAPSB), the Ontario Association of Chiefs of Police (OACP), the Federation of Canadian Municipalities (FCM) and the Association of Municipalities of Ontario (AMO), to lobby the telecommunications industry to develop a solution to 911 Misdials.

Comments

Administration obtained the most recent data available for 911 Misdials from the OPP. As of October 12, 2019, the OPP have responded to 1,082 911-related billable calls in Tecumseh, broken down as follows. This represents 28.8% of all calls for service in 2019 YTD. (Note: the categories correspond to those used in the OPP billing statement.)

Billable Category	Description	Number
911 Call / 911 Hang Up	General 911 misdial / hang up	482
911 Hang Up – Pocket Dial	(subcategory) Accidental 911 call using a cell phone	183
911 Call – Dropped Cell	(subcategory) 911 call using a cell phone, then signal was lost. Contact may have been made, then deemed non-emergency or accidental	417
Total	All Categories	1,082

The table below compares the 2019 statistics to previous years. While some ‘zero data’ is included, the total figures are most relevant. The OPP notes that the Pocket Dial category was introduced in 2013 and the Dropped Cell category was introduced in 2014. As the years went on, officers have become more diligent in classifying 911 misdials into these subcategories as opposed to the more general 911 Hang Up category.

Category	2013	2014	2015	2016	2017	2018	2019 YTD	2019 Est. *
911 Call / 911 Hang Up	640	698	479	449	411	530	482	578
911 Hang Up – Pocket Dial	1	6	21	20	69	70	183	219
911 Call – Dropped Cell	0	1	12	15	70	87	417	500
Total	641	705	512	484	550	687	1,082	1,297

* This is an estimated year-end total based on the YTD amount.

While some fluctuations are apparent, the estimated total number of misdials for 2019 is more than double the total recorded in 2013 and represents an 89% increase over 2018.

As noted earlier, the Board has expressed concerns about this trend both in relation to policing and the police budget. Each 911 call is handled the same way, with at least two officers dispatched to locate the source and respond. It can reasonably be concluded that time and resources spent responding to 911 Misdials divert resources from other community policing activities and initiatives. Efforts have been made by the Town and the OPP to educate the public on 911 misdials to curb frequency of such calls.

The Board’s resolution recognizes that Tecumseh is not alone in dealing with this widespread issue. It also suggests that the solution does not necessarily lie in increased public education and awareness, but rather in the redesign of cell phone technology and the way it interfaces with the 911 system. New, easier-to-use features on smart phone releases are something the public takes comfort in, knowing that in an emergency they can reach 911 dispatch easily and send their coordinates to the dispatcher. However, the issue of 911 Misdials should also be raised with smart phone manufacturers to resolve inadvertent 911 calls, which appear to be on the rise.

Consultations

Information and Communications Services
 Police Services Board
 Ontario Provincial Police

Financial Implications

With respect to the police budget, the impact of one year’s increase in call volume is not proportionately reflected in the billing statement, as the municipality’s “Calls for Service” costs (a weighted portion of the provincial total) are calculated based on a four-year average. The escalating volume of calls will, however, contribute to a higher four-year average over time.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh’s plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town’s leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Ellen Preuschat
Executive Assistant to CAO

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None

Yours very truly,



Laura Moy, Dipl.M.M., CMMIII HR Professional
Director Corporate Services & Clerk

LM/ep

Attachments

1. Report CAO-2019-09 911 Misdials

cc: Hon. Bill Blair, Minister of Public Safety and Emergency Preparedness
Irek Kusmierczyk, MP
Percy Hatfield, MPP
Federation of Canadian Municipalities
Association of Municipalities of Ontario
Ontario Association of Police Services Boards
Ontario Association of Chiefs of Police
Ontario Municipalities
Telus
Bell
Rogers

Windsor Downtown Lions Club

230 STRABANE AVENUE

WINDSOR, ONTARIO N8Y 4V2



We Serve

On Friday, March 6 and Saturday, March 7, 2020 the Windsor Downtown Lions Club will be hosting our 15th Annual "STEAK in the SNOW/AUCTION" BBQ Fundraiser.

The Windsor Downtown Lions Club & District A-1 has set a goal of raising \$100,000.00 over the next 3 years for the purchase of Ophthalmological equipment for use at the Emergency Departments at the Met and Ouellette Campuses.

This equipment is of urgent need, following a serious occurrence with a Pediatric patient. The equipment will ensure timely assessment and treatment of patients who visit either campus and will eliminate the need to transfer patients and/or staff between campuses for eye injuries.

The reason for my letter is simply to ask for an auction prize for our Auction at the "STEAK in the SNOW/AUCTION" BBQ Fundraiser. This is truly a community project and we need your support!!!!

I would like to say THANK YOU for your consideration of this request; I can be reached at the following:

Lion Paul Boyko
296 Pickering
Amherstburg, Ontario
N9V 1R6
519-736-7405

Lion Yvonne Gagnon
3300 N. Malden Rd.
Essex, Ontario
N8M 2X6
519-726-6553

Respectfully submitted,

Lion Paul Boyko
Windsor Downtown Lions Club

Lion Yvonne Gagnon
Windsor Downtown Lions Club



TOWNSHIP OF WAINFLEET

31940 Highway #3, P.O. Box 40, Wainfleet, ON L0S 1V0
Tel: 905-899-3463 Fax: 905-899-2340 www.wainfleet.ca

January 13, 2020

Honourable Steve Clark
Minister of Municipal Affairs and Housing
17th Floor
777 Bay St.
Toronto, ON M5G 2E5

Dear Minister Clark,

We are writing to you on behalf of the citizens of Wainfleet as part of our ongoing disaster recovery efforts arising from the October 31, 2019 wind storm and seiche along the north shore of Lake Erie.

During that event, citizens in the Township experienced considerable damage and loss to property and private infrastructure. These properties will continue to be at risk during recovery efforts, should other extreme weather events occur.

With this in mind, we respectfully request that you activate the Disaster Recovery Assistance for Ontarians program (DRAO) to assist our efforts.

We have every confidence that your support in this matter will allow our residents to recover, rebuild and resume their lives after what has been a very difficult and trying ordeal.

On behalf of the Township of Wainfleet, we thank you for your consideration and will continue to work diligently with Ministry staff going forward.

Respectfully,


Kevin Gibson
Mayor


William Kolasa
Chief Administrative Officer


Morgan Alcock
Fire Chief/CEMC

cc: Fort Erie, Port Colborne, Welland, Haldimand County, Norfolk County, Bayham, Malahide, Central Elgin, Southwold, Dutton Dunwich, West Elgin, Chatham-Kent, Leamington, Kingsville, Essex, Amherstburg, LaSalle

THE CORPORATION OF THE TOWN OF DEEP RIVER



P.O. BOX 400 • 100 DEEP RIVER ROAD • DEEP RIVER, ONTARIO K0J 1P0
Tel: (613) 584-2000 • www.deepriver.ca • Fax: (613) 584-3237

January 8, 2020

Hon. Doug Ford, Premier of Ontario
Queen's Park Legislative Building
1 Queen's Park, Room 281
Toronto Ontario
M7A 1A1

Subject: Premiers to Develop Nuclear Reactor Technology

Dear Honourable Doug Ford,

Please be advised that at the Regular Meeting of Council held October 9th, 2019, Council for the Corporation of the Town of Deep River passed the following resolution:

BE IT RESOLVED THAT the CBC News report entitled "**Group of premiers band together to develop nuclear reactor technology**", be received, and

WHEREAS the Premiers of Ontario, Saskatchewan and New Brunswick have announced their intention to work together on the development of small modular reactors to help their provinces reduce carbon emissions and address the challenges of climate change;

WHEREAS Canada has demonstrated excellence and leadership in the nuclear industry on the world stage for more than 70 years;

WHEREAS the Canadian nuclear industry is one of the safest and most well-regulated energy sectors in the world under the oversight of the Canadian Nuclear Safety Commission;

WHEREAS the citizens of Ontario have enjoyed the benefits of safe, clean, low-carbon energy produced by Ontario's nuclear industry for over 50 years;

WHEREAS small modular reactors have the potential to provide municipalities, especially rural and northern municipalities, with an innovative technology that provides a safe, low-carbon alternative to meet energy demands; therefore,

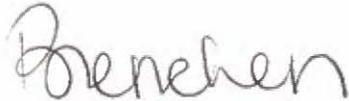
BE IT RESOLVED the Town of Deep River write to the Premiers of Ontario, Saskatchewan and New Brunswick to express support for their decision to work together on the development of small modular reactor technology as a safe, low-carbon energy option;

THAT the Town of Deep River write to the Prime Minister of Canada, Minister of Natural Resources, and the remaining provincial premiers asking that they support investment in the research and development of small modular reactor technology as an innovative, safe, low-carbon energy option; and

THAT this resolution be circulated to all upper and lower-tier municipalities in Ontario, and the Federation of Canadian Municipalities, for their consideration.

CARRIED

Thank you and please contact the writer should you have any additional questions.
Kindest regards,



Bethany McMahon, Administrative Assistant
Town of Deep River

cc: Hon. Scott Moe, Premier of Saskatchewan
Hon. Blaine Higgs, Premier of New Brunswick
Hon. Stephen McNeil, Premier of Nova Scotia
Hon. Brian Pallister, Premier of Manitoba
Hon. John Horgan, British Columbia
Hon. Dennis King, Premier of Prince Edward Island
Hon. Jason Kenney, Premier of Alberta
Hon. Dwight Ball, Premier of Newfoundland and Labrador
Hon. Francois, Premier of Quebec
Hon. Caroline Cochrane, Premier of Northwest Territories
Hon. Sandy Silver, Premier of Yukon
Hon. Joe Savikataaq, Premier of Nunavut
Hon. Justin Trudeau, Premier of Canada
Hon. Seamus O'Regan of Natural Resources
Association of Municipalities of Ontario (AMO)
Federation of Northern Ontario Municipalities (FONOM)
All Upper and Lower Tier- Municipalities



TOWN OF AMHERSTBURG
MAYOR'S YOUTH ADVISORY COMMITTEE MEETING
Thursday, November 28, 2019
5:00 PM

Libro Centre, Community Room A
3295 Meloche Road, Amherstburg, ON, N9V 2Y8

MINUTES

PRESENT

Hannah Rusenstrom, Chair
Adam Tronchin, Vice Chair
Linden Crain
Katie McEvoy
Kyra Glendenning
Alex Glendenning
Bo O'Rourke-Caton
Phoebe Trealout
Jacqueline Pento
Alessia Favrin

Mayor Aldo DiCarlo

Phil Roberts, Staff Representative
Kevin Fox, Recording Secretary
Anne Rota, Manager of Tourism and Culture
Annette Zahaluk, Manager of Parks and Naturalized Areas

ABSENT

Tayten Goddard (Regrets)
Phoebe Trealout (Regrets)
Audrey Erickson (Regrets)
Thomas Catherwood

1.0 CALL TO ORDER

The Chair called the meeting to order at 5:06 p.m.

2.0 DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

3.0 ADOPTION OF PUBLISHED AGENDA

Moved By L. Crain

Seconded By B. O'Rourke-Caton

That the agenda BE ADOPTED as presented.

The Chair put the Motion.

Motion Carried

4.0 ADOPTION OF MINUTES OF PREVIOUS MEETING

Moved By A. Tronchin

Seconded By B. O'Rourke-Caton

That the minutes of the Mayor's Youth Advisory Committee meeting of October 21, 2019 BE ADOPTED as presented.

The Chair put the Motion.

Motion Carried

5.0 ORDER OF BUSINESS

5.1 Town of Amherstburg Tourism Department, Promotion and Communication Strategy – Anne Rota, Manager of Tourism and Culture

5.2 Town of Amherstburg Parks Overview – Annette Zahaluk, Manager of Parks and Naturalized Areas

5.3 Great Spaces, Great Places Grant and Libro Secondary Plan – Phil Roberts, Director of Parks, Facilities, Recreation and Culture

5.4 Discussion of Mayor’s Youth Advisory Committee 2020 Work Plan

Moved By A. Tronchin

Seconded By B. O’Rourke-Caton

That:

- 1. The Mayor’s Youth Advisory Committee CALL a meeting to discuss the content of a youth survey; and,**
- 2. The Mayor’s Youth Advisory Committee SET another date for longer term committee plans, including;**
 - Communication Strategy and Outreach to Youth**
 - Investigation of Unstructured Play/Pick Up Uses of Town Parks**
 - Create a Recreation and Youth Activity Plan**
 - Comment on the Proposed Libro Secondary Plan**

The Chair put the Motion.

Motion Carried

5.5 Mayor’s Youth Advisory Committee 2020 Meeting Schedule – Kevin Fox, Policy and Committee Coordinator

6.0 UNFINISHED BUSINESS

None noted.

7.0 NEW BUSINESS

None noted.

8.0 NEXT MEETING

The next meeting of the Mayor's Youth Advisory Committee is January 7, 2020 at 5:00 p.m.

9.0 ADJOURNMENT

Moved By K. McEvoy
Seconded By B. O'Rourke-Caton

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

The Chair put the Motion.

Motion Carried

Committee Chair
Hannah Rusenstrom

Committee Coordinator
Kevin Fox



**TOWN OF AMHERSTBURG
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE
MEETING**

**Thursday, December 5, 2019
4:00 PM**

Board Room, Town Hall, 271 Sandwich Street South,
Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Councillor Michael Prue, Vice Chair
Councillor Donald McArthur
Jack Edwards
Larry Amlin

Mark Galvin, Staff Representative
Kevin Fox, Recording Secretary

ABSENT

Councillor Patricia Simone (Regrets)
Tom Crosson (Regrets)
Carolyn Davies (Regrets)

1.0 CALL TO ORDER

The Vice Chair called the meeting to order at 4:09 p.m.

2.0 DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

3.0 ADOPTION OF AGENDA

Moved By Councillor McArthur

Seconded By J. Edwards

That the agenda BE ADOPTED as presented.

The Vice Chair put the Motion.

Motion Carried

4.0 ADOPTION OF MINUTES OF PREVIOUS MEETING

Moved By L. Amlin

Seconded By Councillor McArthur

That the minutes of the Economic Development Advisory Committee meeting of November 14, 2019 BE ADOPTED as presented.

The Vice Chair put the Motion.

Motion Carried

5.0 ORDER OF BUSINESS

5.1 Economic Development Advisory Committee Action Report – Mark Galvin, Director of Planning, Development and Legislative Services

5.2 Economic Development Advisory Committee Meeting Frequency

Moved By L. Amlin

Seconded By J. Edwards

That the Economic Development Advisory Committee MEET on a bi-monthly basis.

The Vice Chair put the Motion.

Motion Carried

5.3 Economic Development Advisory Committee 2020 Meeting Schedule

Moved By Councillor McArthur
Seconded By L. Amlin

**That the Economic Development Advisory Committee meetings
COMMENCE at 5 p.m.**

The Vice Chair put the Motion.

Motion Carried

Moved By J. Edwards
Seconded By Councillor McArthur

**That the Economic Development Advisory Committee MEET on the
following dates:**

- **February 6, 2020**
- **April 2, 2020**
- **June 4, 2020**
- **August 6, 2020**
- **October 1, 2020**
- **December 3, 2020**

The Vice Chair put the Motion.

Motion Carried

5.4 Economic Development Advisory Committee 2020 Work Plan

Moved By J. Edwards
Seconded By L. Amlin

**That the the Town of Amherstburg BE ENCOURAGED to adopt a plan
whereby all waterfront properties that are being put up for sale be
considered for purchase.**

The Vice Chair put the Motion.

Motion Carried

Moved By L. Amlin
Seconded By Councillor McArthur

That the Town of Amherstburg CONSIDER connectivity between all waterfront parkland and trails.

The Vice Chair put the Motion.

Motion Carried

Moved By Councillor McArthur
Seconded By L. Amlin

That the Town of Amherstburg REPORT on the public, private, quasi-government ownership of waterfront property in the Town of Amherstburg.

The Vice Chair put the Motion.

Motion Carried

Moved By L. Amlin
Seconded By J. Edwards

That the Economic Development Advisory Committee SUPPORT the establishment of greenhouses in the Town of Amherstburg.

The Vice Chair put the Motion.

Motion Carried

Moved By Councillor McArthur
Seconded By J. Edwards

That the Economic Development Advisory Committee WAIVE the rules to allow Frank DiPasquale to speak about the former Honeywell/Allied Chemical Site.

The Vice Chair put the Motion.

Motion Carried

Moved By Councillor McArthur
Seconded By J. Edwards

That the Town of Amherstburg EXPLORE OPPORTUNITIES with the Federal government to open the trails at Fort Malden year round.

The Vice Chair put the Motion.

Motion Carried

Moved By J. Edwards
Seconded By L. Amlin

That Administration BRING INFORMATION about the property at the corner of Brunner Mon.

The Vice Chair put the Motion.

Motion Carried

Moved By J. Edwards
Seconded By Councillor McArthur

That the Economic Development Advisory Committee ACCEPT the 2020 work plan as drafted.

The Vice Chair put the Motion.

Motion Carried

6.0 UNFINISHED BUSINESS

None noted.

7.0 NEW BUSINESS

The Economic Development Advisory Committee expressed an interest in attending the stakeholder meetings for the Official Plan. The Director of Planning, Development and Legislative Services noted that the Committee would be invited.

8.0 NEXT MEETING

The next meeting of the Economic Development Advisory Committee is February 6, 2020.

9.0 ADJOURNMENT

Moved By L. Amlin
Seconded By J. Edwards

That the meeting adjourn at 6:06 p.m.

The Vice Chair put the Motion.

Motion Carried

**Committee Vice Chair
Councillor Michael Prue**

**Committee Coordinator
Kevin Fox**

Work Plan Pillar	Near Term Goals	Mid Term Goals	Long Term Goals
Tourism and Travel			
	That Administration EXPLORE means by which safe access can be provided to the Belle Vue Grounds, and the timelines associated, to achieve this.	Town of Amherstburg BE ENCOURAGED to adopt a plan whereby all waterfront properties that are being put up for sale be considered for purchase.	
	That Administration IDENTIFY the costs to develop a business case for a Belle Vue Convention Centre		
	That the Economic Development Advisory Committee ENDORSE the creation of a communication plan to explain the economic benefits of the Belle Vue redevelopment, inclusive of a convention centre, as a key driver of economic development in Amherstburg.		
	That the Town of Amherstburg REPORT on the public, private, quasi-government ownership of waterfront property in the Town of Amherstburg.		That the Town of Amherstburg CONSIDER connectivity between all waterfront parkland and trails.
	That the Town of Amherstburg EXPLORE OPPORTUNITIES with the federal government to open the trails at Fort Malden year round.		
	That the Town of Amherstburg EXPLORE a recognition program to promote the successful adaptive reuse of heritage assets.		
	That the Economic Development Advisory Committee ENDORSE the Urban Design Guidelines as a vehicle to encourage and promote economic development.		
	That the Town of Amherstburg PROMOTE a walkable community.		
	That the Town of Amherstburg EXPLORE Murray Street from Dalhousie to Ramsay as a pedestrian mall.		
Agri-Business/Food Processing			
	That the Economic Development Advisory Committee SUPPORTS the establishment of greenhouses in the Town of Amherstburg in accordance with the Official Plan and the Town of Amherstburg policies.		
Life Sciences			
Advanced Manufacturing			
	That the Economic Development Advisory Committee REQUEST a tour of the Honeywell site for the Committee and Council to assist in the ability to promote the site as a focal point for future industry.		
	That the Economic Development Advisory Committee PROPOSE strategies which may assist in the further promotion of the Honeywell site.		



**TOWN OF AMHERSTBURG
AMHERSTBURG ACCESSIBILITY ADVISORY COMMITTEE
MEETING**

**Tuesday, December 10, 2019
5:00 PM**

Board Room, Town Hall 271 Sandwich Street South
Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

William Whittall, Chair
Shirley Curson-Prue, Vice Chair
Councillor Marc Renaud
Tony Pietrangelo
Christine Easterbrook
Chris Drew
Robert MacMillan

Kevin Fox, Staff Liaison/Recording Secretary

ABSENT

Angela Kelly

1.0 CALL TO ORDER

The Chair called the meeting to order at 5:03 p.m.

2.0 DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

3.0 ADOPTION OF PUBLISHED AGENDA

Moved By T. Pietrangelo
Seconded By R. MacMillan

That the agenda BE ADOPTED as presented.

The Chair put the Motion.

Motion Carried

4.0 ADOPTION OF MINUTES OF PREVIOUS MEETING

Moved By R. MacMillan
Seconded By C. Easterbrook

That the minutes of the Amherstburg Accessibility Advisory Committee meeting of November 13, 2019 BE ADOPTED as presented.

The Chair put the Motion.

Motion Carried

5.0 ORDER OF BUSINESS

5.1 Amherstburg Accessibility Advisory Committee 2020 Meeting Schedule

Moved By R. MacMillan
Seconded By T. Pietrangelo

That the Amherstburg Accessibility Advisory Committee MEET on the following dates:

- **January 23, 2020**
- **February 27, 2020**
- **March 25, 2020 (tentative)**
- **April 23, 2020**
- **May 28, 2020 (tentative)**
- **June 25, 2020**

- July 23, 2020 (tentative)
- August 27, 2020
- September 24, 2020 (tentative)
- October 22, 2020
- November 26, 2020 (tentative)
- December 17, 2020

The Chair put the Motion.

Motion Carried

5.2 Building Audit – 116 Sandwich Street North (Visitor Information Centre)

R. MacMillan shared details of an audit performed with A. Kelly of the VIC building which revealed that there were accessibility concerns with regards to the lack of railing on the ramp, the heaving of bricks, the raised lintel of the cement porch and the inaccessible rear door. The committee asked that there be communications from Facilities when actions are taken to address accessibility concerns at any site.

5.3 Amherstburg Accessibility Advisory Committee 2020 Work Plan

Moved By R. MacMillan

Seconded By C. Easterbrook

That the statement on page 15 of the 2017 Revised Amherstburg Accessibility Plan which reads, “The Town of Amherstburg will put procedures in place to prevent severe disruptions to the accessible parts of our public spaces,” BE AMENDED to read, “The Town of Amherstburg provides preventative maintenance of accessible elements through routine maintenance and inspections. Emergency maintenance is provided, as needed, to address significant disruptions to accessible services. The Town notifies members of the public of temporary disruptions through the use of signage, the Town website, social media and/or the local newspaper.”

The Chair put the Motion.

Motion Carried

6.0 UNFINISHED BUSINESS

6.1 Depression at corner of Brock and Richmond

Repairs had been awaiting action by a contractor so emergency repairs will be utilized as an interim solution.

7.0 NEW BUSINESS

None noted.

8.0 NEXT MEETING

The next meeting of the Amherstburg Accessibility Advisory Committee is February 27, 2020 at 5 p.m. in the Board Room of Town Hall.

9.0 ADJOURNMENT

Moved By C. Easterbrook

Seconded By Councillor Renaud

That the meeting adjourn at 6:28 p.m.

The Chair put the Motion.

Motion Carried

Committee Chair
William Whittall

Committee Coordinator
Kevin Fox



TOWN OF AMHERSTBURG

Accessibility Plan

AAAC

**AMHERSTBURG ACCESSIBILITY
ADVISORY COMMITTEE**



Approved by Council: January 2013, Revised 2017



Mayor's Message

I firmly believe that in Amherstburg, our greatest strength is our people. We succeed when everyone in our Municipality can reach their full potential. That's why we're working hard to make sure it is the most accessible it can be.

Our government's passage of the landmark *Accessibility for Ontarians with Disability Act, 2005*, ushered in a new era of accessibility in Ontario. It will help ensure that all Ontarians have the same opportunity to succeed at work, at home and at school.

Council and Administration, along with our Amherstburg Accessibility Advisory Committee are working together to identify, remove and prevent barriers and we are achieving great results. Over the past years, we have added new accessibility features to our website, and we have accomplished great strides with the addition of our new fully accessible United Communities Credit Union Complex and a fully accessible playground at Toddy Jones Park.

We are committed to building on that success by continuing to look for new ways to better meet the needs of people with disabilities, whether they are employees, residents or tourist to this fine Town.

Working together, I'm confident we can make our Municipality even stronger by helping everyone to achieve their best.

Yours truly,

Mayor Aldo DiCarlo



**AMHERSTBURG ACCESSIBILITY ADVISORY COMMITTEE
(AAAC)**

COMMITTEE MEMBERS

William Whittall, Chair

Ken Houston, Vice Chair

Marie Allen

Andrew Bolley

Angela Kelly

Justine Silvaggio

Rick Fryer, Council Liaison

Dawne Homenuik, Staff Liaison

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MESSAGE FROM THE COMMITTEE

The Amherstburg Accessibility Advisory Committee commenced in early 2002, and presently meets on the fourth Thursday of each month. We are an “Advisory” Committee reporting to Town Council for final decision making on various accessibility issues concerning the Town of Amherstburg. Together we have begun to see change in the way accessibility is recognized, not only here in the Town of Amherstburg but throughout the world.

We are extremely proud of our accomplishments over the past few years and will continue to work with local businesses and the Administration of the Town of Amherstburg to provide feedback on accessibility issues. We all feel very privileged to be a part of this Committee and remain dedicated to providing Council with sound advice regarding accessibility in this Town we call home.

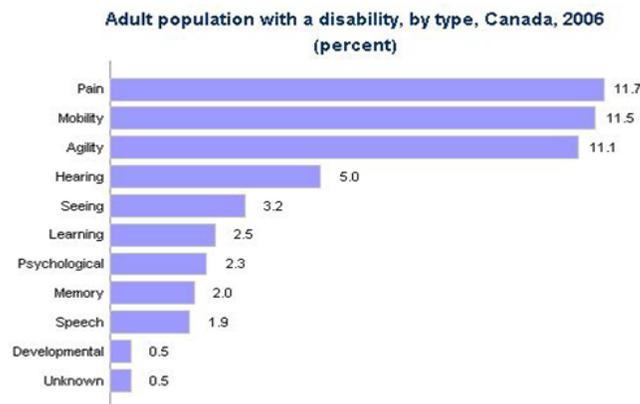
The Amherstburg Accessibility Advisory Committee



EXECUTIVE SUMMARY

The Amherstburg Accessibility Advisory Committee is pleased to present the Multi-year Accessibility Plan, as mandated by the *Ontarians with Disabilities Act, 2001* (ODA).

Persons with disabilities represent a significant part of the population in the Province of Ontario. Statistics Canada reports that approximately 1.9 million Ontarians have disabilities, which represents approximately 16% of the population. The number of persons with a disability tends to increase as the population ages. As the baby boom generation reaches retirement age, it is estimated that approximately 20% of the population will have disabilities within the next 20 years.



The Town of Amherstburg strives to meet the needs of its employees and customers with disabilities and is working hard to remove and prevent barriers to accessibility.

Our organization is committed to fulfilling our requirements under the Accessibility for Ontarians with Disabilities Act. This accessibility plan outlines the steps the Town is taking to meet those requirements and to improve opportunities for people with disabilities.

Our plan shows how the Town of Amherstburg will play its role in making Ontario an accessible province for all Ontarians.

Procuring and Acquiring Goods, Services or Facilities

Town of Amherstburg will use accessibility criteria and features when procuring or acquiring goods, services or facilities. Except where it is not practicable to do so, and if required, an explanation will be provided.

Information is also available on the Town of Amherstburg website at www.amherstburg.ca or by contacting the Town Clerk at 519-736-0012.

Ontarians with Disabilities Act, 2001 (ODA)

On December 14, 2001 the Ontarians with Disabilities Act, 2001 (ODA) received Royal Assent. The purpose of the ODA is to increase the opportunities for persons with disabilities through identification, removal and prevention of barriers, to participate in life throughout the Province. Improving accessibility in communities is a shared responsibility between municipalities, business owners, province and residents. Municipal governments play a significant role at the local level with planning in such areas as streets, parks, libraries, housing, emergency service, public buildings and the administration of elections.

The ODA sets out a number of requirements that all municipalities in Ontario are required to adhere to, to ensure that we move towards removing barriers for persons with disabilities are removed over time and that no new barriers are created.

All municipalities with a population of 10,000 or more residents are required to establish accessibility advisory committees (a majority of which must be persons with disabilities) and prepare an annual accessibility plan which is available to the public.

The ODA requires that annual municipal accessibility plans address barriers in the following manners:

1. Report on the measures that the municipality has taken to identify, remove and prevent barriers to persons with disabilities.
2. Describe the measures in place to ensure that the municipality assesses its proposals for bylaws, policies, programs, practices and services to determine their effect on accessibility for persons with disabilities.
3. The Accessibility Committee will review in a timely manner the site plans and drawings that the Committee selects as described in section 41 of the Planning Act.
4. List the bylaws, policies, programs, practices and services that the municipality will review in the coming year to identify barriers to persons with disabilities.
5. Describe the measures that the municipality intends to take in the coming year to identify, remove and prevent barriers to persons with disabilities.
6. Make the accessibility plan available to the public.

ontarians with
disabilities
act

Accessibility for Ontarians with Disabilities Act, 2005 (AODA)

Following extensive public consultations across the Province in early 2004, the Ministry of Citizenship and Immigration drafted new legislation to benefit all Ontarians by establishing a goal of achieving accessibility for people with disabilities by the year 2025. To achieve this goal, the AODA legislates the development, implementation and enforcement of accessibility standards concerning goods, services, accommodation, facilities, buildings and employment. Improvements will be phased in, in stages of five years or less, moving towards an accessible Ontario in 20 years. The *Accessibility for Ontarians with Disabilities Act, 2005*, was passed by unanimous vote by the Ontario Legislature on May 10, 2005. On June 14th, 2005 it received Royal Assent and came into force. The AODA applies to both the public and private sectors. It also applies to the legislative assembly.

The AODA includes standards that set out the measures, policies, practices and other steps needed to remove and prevent barriers for people with disabilities. The standards address the full range of disabilities – including physical, sensory, hearing, mental health, developmental and learning. That is, both visible and invisible disabilities are included. They are mandatory and include time periods for implementing accessibility requirements in stages of five years or less. Standards cover such areas as: accessible buses, safe pedestrian routes into buildings, automatic doors at entrances, lower counter heights at cash registers, large-print menus, accessible washroom facilities, staff training in serving customers with learning disabilities, and adaptive technology in the workplace.

Accessible Standards Development Committees have been formed, including persons with disabilities, representatives of industries or sectors to whom the standards apply, the Ontario government and others to develop standards. Committees submit proposed standards to the government for approval as regulations. Once standard has been adopted as a regulation, all affected persons and organizations are required to comply within the timelines set out in the standard. The government is taking a modern, transparent approach to enforcement. Organizations covered by standards are obliged to file accessibility reports annually or as required, confirming compliance, and make them public. Spot audits will verify the contents of reports, and there will be tough penalties for non-compliance. To strengthen accountability, the Minister will prepare an annual report on progress in removing and preventing barriers. In addition, the government has appointed a person to undertake a comprehensive review of the Act's effectiveness.

The annual report and the comprehensive review will provide timely information on the measurable results achieved under the Act.



Section One: Past Achievements to Remove and Prevent Barriers

INTEGRATED ACCESSIBILITY STANDARDS REGULATION (IASR)

ONTARIO REGULATION 191/11 (ISAR) was filed under the Accessibility for Ontarians with Disabilities Act, 2005 in June of 2011. This regulation was established to make Ontario fully accessible by 2025.

Customer Service Standard

The first of the accessibility standards developed and to become law was the Customer Service Standards. The Customer Service Standard (Regulation 429/07) required the public sector organizations to comply with the standards by January 1, 2010. Private sector organizations were given until January 1, 2012 to comply.

The Town of Amherstburg completed the following under the Customer Service Standards:

- Council adopted the Town's Accessible Customer Service Standards Policy on November 23, 2009.
- Established policies and procedures for providing services to persons with disabilities, pursuant to the Customer Service Standard.
- Provided Council, Town staff, Committee members and volunteers with Accessible Customer Service training.
- Posted a reminder advertisement in the local paper for Private Businesses.
- Removed architectural and physical barriers at Town Hall to employees, residents and visitors by installing a customer service kiosk on main floor.
- Developed an ongoing sensitivity training program as part of new employee orientation.

The Town has a process in place for receiving and responding to feedback and will ensure that those processes are provided in an accessible format and with communications support, upon request. The Town will notify the public about the availability of accessible formats and communication supports.

Information and Communications Standard

- Advertised in the local paper concerning Customer Service compliance requirements by January 1, 2012.
- Completed accessibility plan for 2011, approved by Council and posted on website.
- Completed a pamphlet on accessibility in the Town of Amherstburg.
- Signage for access to Town Hall—Installed sign at Town Hall front entrance indicating entrance area for persons with disabilities.
- Website—Improvements made to Town website.
- TTY Town Hall—TTY (hearing assistive device) installed at Town Hall and training provided to staff.
- Information on Accessible sites from Tourism—Work with Special Events Committee to compile a list of accessible sites. Provided information on accessible sites to visitors of Amherstburg on the Town's marketing materials. 2009 marketing material completed with Discover Amherstburg Tourism Brochure.

Employment Standard

- Hiring Policy—Review hiring policy for accessibility initiatives. Completed December 2010.

Other Past Initiatives

- Participated in Amherstburg Hero's finale basketball game.
- Committee members attended the Essex County Accessibility Workshop.
- Liaised with school board concerning General Amherst accessibility concerns.
- Visited all local high schools for accessibility tours.
- Addressed accessibility concerns at Amherstburg Farmers Market (ie: accessible port-a-johns and parking lot)
- Completed municipal building audits and provided suggestions for Top 5 Priorities to Administration for inclusion in 2013 Budget Deliberations. Barriers identified and removed as budget permitted.
- Supported ERCA (Essex Region Conservation Authority) in their quest to make the John R. Park Homestead Gift Shop more accessible by adding a ramp for wheelchair access.
- Reviewed and provided feedback on a number of new site plans.
- Reviewed and provided feedback on purchase of new accessible playground equipment for Kingsbridge Park.
- Formatted and adopted a new building audit template.
- Amherstburg Library—elevator installed and lot paved with accessible parking spots.
- Removed architectural barriers at Toddy Jones Park. Completed summer 2008.
- Accessible door installed at Fire Department entrance indicating entrance area for persons with disabilities.
- The old Amherstburg arena was made more accessible through minor modifications—main door repaired and signage for accessible parking spaces.
- By-law for snow removal (2005-04) passed requiring removal of snow from sidewalk abutting their property.
- By-law 2005-22 Disabled Parking—committee consulted on disabled parking by-law.
- Golfview Park—Walkway installed to playground equipment.
- Sidewalk locations identified and corrected to remove barriers and increase accessibility.
- McCurdy Park—Accessibility addressed through the removal of entrance fencing at either end of track complex in 2005.
- Grant received and improvements made to Tourism Booth in 2010.
- Grant Policy—Event group provided information on grant application of “how” they will include barrier free initiatives in their event and have audits performed as deemed necessary by the AAAC. Evaluation of events are ongoing.
- Removed physical barriers by providing accessible trash receptacles, drinking fountains and benches to residents and visitors. Committee completed inventory of trash receptacles, drinking fountains and benches to determine if improvements can be made. Inventory was forwarded to Administration for input and review as to when changes may be made (budget).
- Police Department began an annual accessible parking space blitz in cooperation with the Amherstburg Accessibility Advisory Committee
- By-law Enforcement and Licensing Department performed an audit of the accessible parking spaces of businesses within the Town limits
- Accessibility updates were made to municipal facilities through the building audits completed in 2015 and 2016
- In 2016, Council approved \$50,000 for the Accessibility Committee to promote accessibility in municipal buildings

DEFINITION OF BARRIER

The Ontarians with Disabilities Act defines a barrier as anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an informational or communication barrier, an attitudinal barrier, a technological barrier, a policy or a practice.

BARRIER TYPE	
Physical	A door knob that cannot be operated by a person with limited upper-body mobility and strength
Architectural	A hallway or door that is too narrow for a wheelchair or scooter
Informational	Information printed in font too small to be read by a person with low vision
Communicational	A person who talks too loudly when addressing a person with a hearing impairment
Attitudinal	A receptionist who ignores a customer in a wheelchair
Technological	A paper tray on a computer printer that requires two strong hands to open the paper tray
Policy/Practice	A practice of announcing important messages over an intercom that people with hearing impairments cannot hear clearly.



DEFINITION OF DISABILITY

The Ontarians with Disabilities Act has defined disability as:

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetic mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device.
- (b) A condition of mental impairment or a developmental disability.
- (c) A learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language.
- (d) A mental disorder, or
- (e) An injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.



Section Two: Town Strategies and Actions

Customer Service Standard

The Town of Amherstburg is committed to providing accessible customer service to people with disabilities. This means that we will provide goods and services to people with disabilities with the same high quality and timeliness as others.

Customer Service Initiatives:

- Sensitivity training program as part of employee orientation—ongoing for new employees
- Provide training to all Town staff and Committees on providing Accessible Customer Service—ongoing for new employees
- Provide additional in depth training to employees of the Libro Credit Union Centre—ongoing for new employees

Information and Communications Standard

The Town of Amherstburg will create, provide and receive information and communications in ways that are accessible to people with disabilities, where practicable.

If the Town determines that it is not technically feasible to convert the information/communications, or does not have the technology available to convert the information/communication, the Town will be obligated to provide the person that requires the information with:

1. An explanation as to why the information/communications are unconvertible.
2. A summary of the unconvertible information/communication.

Emergency Information

When the Town prepares emergency procedures, plans or public safety information, Administration will make the information available to the public, as soon as practicable. The Town shall provide information in an accessible format or with the appropriate communication supports, as soon as practicable, upon request.

Feedback

The Town has a process in place for receiving and responding to feedback and will ensure that those processes are provided in an accessible format and with communications support, upon request. The Town will notify the public about the availability of accessible formats and communications supports.

Accessible Formats and Communications Supports

The Town shall be obligated to provide or arrange for accessible formats and communication supports for persons with disabilities:

1. Upon request in a timely manner that takes in to account the person's accessibility needs due to the disability.
2. At a cost that is no more than the regular cost that is charged to others.
3. Consult with the person making the request and determine suitability of an accessible format or communication supports.
4. Notify the public about the availability of accessible formats and communication supports, where available.

Website Accessibility

The Town shall make its internet website and web content conform with WCAG 2.0 initially at Level A and increasing to Level AA. By January 1, 2014, any new web content will conform with WCAG 2.0 Level A. By January 1, 2021 all internet website and web content will conform with WCAG 2.0 Level AA.

Information and Communications Initiatives:

- Continue to educate businesses in the community of accessibility issues through education and educational materials—ongoing.
- Advocate, educate and create awareness with respect to accessibility issues in all areas of Town; best practices information through advertising “do you know” in local papers—ongoing
- Implementation of Transportation and Information & Communication as per AODA released on June 3, 2011—ongoing through to 2025

Employment Standard

The Employment Standard builds upon the existing requirements under the Ontario Human Rights Code in relation to how to accommodate individuals with disabilities throughout the job application process and the employment relationship. It applies to employees and does not apply to volunteers and other non-paid individuals. The requirements of the employee standard shall be met by Town of Amherstburg by January 1, 2014 unless otherwise specified.

Recruitment and Retention

The Town shall notify employees and the public about the availability of accommodations for applicants with disabilities:

- During the recruitment process when job applicants are individually selected to participate in an assessment or selection process;
- If a selected applicant requests an accommodation, the Town shall consult with the applicant and provide or arrange for provisions of a suitable accommodation that takes into account the applicant’s disability;
- Notify successful applicants of the policies for accommodating employees with disabilities.

Employee Notification

The Town shall inform employees of the policies used to support its employees with disabilities, including, but not limited to, policies on the provision of job accommodations that take into account an employee’s accessibility needs due to a disability;

- As required to new employees as soon as practicable after they begin their employment;
- Whenever there is a change in policies on the provision of job accommodations that take into account an employee’s accessibility needs due to a disability.

Accessible Formats

Where an employee with a disability requests an accessible format, the Town will consult with the employee to provide or arrange for the provision of accessible formats and communication supports for:

- Information that is needed in order to perform the employee’s job;
- Information that is generally available to employees in the workplace; and
- Consult with the employee making the request in determining the suitability of an accessible format or communication support.

Individual Accommodation Plan (IAP)

The Town has a written process for the development of a documented individual accommodation plan for employees with a disability. The process shall include:

- The employees participation in the development of the IAP;
- Assessment on an individual basis;
- Identification of accommodations to be provided;
- Timelines for the provision of accommodations;
- The Town may request an evaluation by a medical or other expert at our expense, to assist with determining the required accommodations and how to achieve the accommodation;
- Employee may request the participation of a representative from their bargaining agent where represented, or otherwise a representative from the workplace where the employee is not represented by a bargaining agent;
- Steps taken to protect the privacy of the employee's personal information;
- Frequency with which the IAP will be reviewed and updated and the manner in which it will be done;
- If denied, the reason(s) for denial are to be provided to the employee;
- A format that takes into account the employee's disability;
- If requested, any information regarding accessible formats and communication supports will be provided;
- Identification of any other accommodations that is to be provided.

Return to Work

The Town has in place a return to work process for employees who have been absent from work due to a disability and require disability-related accommodation in order to return to work. Such processes must be documented and must outline steps that the Town will take to facilitate the return to work and include an IAP plan.

Performance Management, Career Development and Advancement, Redeployment

The Town takes into account the accessibility needs and/or individual accommodation plans of employees when:

- Using performance management processes;
- Providing career development and advancement information; and
- Using redeployment procedures.

Workplace Emergency Response Information

The Town provides individualized workplace emergency response information to employees who have a disability;

- If the disability is such that the individualized information is necessary and the employer is aware of needs for accommodations due to the employee's disability;
- If the employee that received individual workplace emergency response information requires assistance, the Town shall provide, with the employees consent, information to a person designated by the Town to provide assistance to the employee;
- As soon as practicable after becoming aware of the need for accommodation due to the employee's disability;
- A review of the individualized workplace emergency response information when the employee moves into a different location in the organization, when overall accommodation needs or plans are reviewed and when the employer reviews its general emergency response policies.

Procuring or Acquiring Goods, Services or Facilities

The Town uses accessibility criteria and features when procuring or acquiring goods, services or facilities, except where it is not practicable to do so. If required, an explanation will be provided.

Training

The Town ensures that training is provided to all employees and regular fee for service staff, on the requirements of accessibility standards referred to in the regulation and on the Human Rights Code, as it pertains to persons with disabilities. Training is provided as soon as practicable; if any changes to these policies occur, training is also provided. Administration maintains a record of training dates and the number of individuals that were in attendance.

Training Initiatives:

- Sensitivity training program as part of employee orientation—ongoing for new employees
- Provide training to all Town staff and Committees on providing Accessible Customer Service—ongoing for new employees
- Provide additional in depth training to employees of the Libro Credit Union Centre—ongoing for new employees

Design of Public Spaces

The Town of Amherstburg will meet accessibility laws when building or making major changes to public spaces.

Public Space Initiatives:

- Sidewalk locations identified and corrected to remove barriers and increase accessibility—ongoing

The Town of Amherstburg provides preventative maintenance of accessible elements through routine maintenance and inspections. Emergency maintenance is provided, as needed, to address significant disruptions to accessible services. The Town notifies members of the public of temporary disruptions through the use of signage, the Town website, social media and/or the local newspaper.

Transportation Standard

The Transportation Standard will make it easier for people to travel in Ontario, including persons with disabilities, older Ontarians and families traveling with children in strollers.

The Town of Amherstburg will:

- Consult with the AAAC, persons with disabilities and the public to determine proportion of accessible taxis required in the community, including steps to meet the need;
- Ensure taxicabs do not charge higher fees or additional fees to persons with disabilities;
- Ensure taxicabs do not charge a fee for storage of assistive devices;
- Ensure taxicabs have appropriate information displayed on the rear bumper and available in an accessible format to passengers.

Other Initiatives

- Events Policy—Event groups provide information on “how” they will include barrier free initiatives in their event and have an audit performed as deemed necessary by the Town’s event committee —evaluations of events are ongoing.

For More Information....

If you would like further information on the
Town of Amherstburg's Accessibility Plan, please contact:

Paula Parker, Municipal Clerk

Phone: 519-736-0012 ext. 238

TTY: 519-736-9860

Email: pparker@amherstburg.ca

www.amherstburg.ca

Standard and accessible formats of this accessibility plan
are provided upon request.





**TOWN OF AMHERSTBURG
HERITAGE COMMITTEE MEETING**

**Thursday, December 12, 2019
5:30 PM**

Town Hall, Council Chambers
271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Simon Chamely, Chair
Robert Honor
Jennie Lajoie
Stephanie Pouget-Papak

Councillor Patricia Simone

Angelo Avolio, Chief Building Official
Kevin Fox, Committee Coordinator

ABSENT

Shirley Curson-Prue, Vice Chair (Regrets)

1.0 CALL TO ORDER

The Chair called the meeting to order at 5:33 p.m.

2.0 DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

3.0 ADOPTION OF AGENDA

Moved By S. Pouget-Papak
Seconded By R. Honor

That the agenda BE ADOPTED as presented.

The Chair put the Motion.

Motion Carried

4.0 ADOPTION OF MINUTES OF PREVIOUS MEETING

Moved By J. Lajoie
Seconded By P. Simone

That the Heritage Committee Minutes of September 12, 2019 BE ADOPTED as presented.

The Chair put the Motion.

Motion Carried

5.0 PRESENTATION

5.1 Heritage Registry Assessment Update – Meg Reiner, Heritage Preservation Services

Moved By S. Pouget-Papak
Seconded By J. Lajoie

That the following properties BE REMOVED from the Heritage Registry as Properties of Interest in accordance with the report, *Town of Amherstburg Heritage Registry Assessment Update*, from Meg Reiner, Heritage Preservation Services, dated December 12, 2019:

- **73 Rankin Avenue**
- **217 Ramsay Street**
- **298 Ramsay Street**
- **316 Ramsay Street**
- **262 George Street**
- **82 Gore Street**
- **108 Gore Street**

- **91 Seymour Street**
- **63 Richmond Street**

The Chair put the Motion.

Motion Carried

Moved By S. Pouget- Papak
Seconded By J. Lajoie

That the statement of cultural significance for 287 Dalhousie Street as a Property of Interest on the Heritage Registry INCLUDE that, “287 Dalhousie Street is significant due to the potential for archaeological excavations of the property. The existing structure is not significant.”

The Chair put the Motion.

Motion Carried

Moved By S. Pouget-Papak
Seconded By J. Lajoie

That the following properties BE ADDED to the Heritage Registry as Properties of Interest:

- 257-265 Dalhousie Street
- 248 Ramsay Street
- 254 Ramsay Street
- 277 Ramsay Street
- 301 Ramsay Street
- 299 Bathurst Street
- 310 Bathurst Street
- 316 Bathurst Street
- 61 Murray Street
- 94 Gore Street

The Chair put the Motion.

Motion Carried

6.0 ORDER OF BUSINESS

6.1 Heritage Committee Meeting Schedule

Moved By J. Lajoie
Seconded By R. Honor

That the Heritage Committee MEET on the following dates in 2020:

- **February 13, 2020**
- **April 9, 2020**
- **June 11, 2020**
- **September 10, 2020**
- **November 12, 2020**

The Chair put the Motion.

Motion Carried

6.2 Heritage Plaques for Designated Properties

Moved By S. Pouget- Papak
Seconded By R. Honor

That 6790 Essex County Road 50, 7143 Essex County Road 50 and 51 North Street BE PRESENTED with a heritage plaque denoting the subject properties as designated heritage properties in the Town of Amherstburg by Council from the available funds in the 2018 Heritage Committee Budget.

The Chair put the Motion.

Motion Carried

6.3 2018 Heritage Rebate Report – Angelo Avolio, Chief Building Official CBCO

Moved By J. Lajoie
Seconded By R. Honor

That the Heritage Committee ENDORSE Council approval of the Heritage Rebates for 443 Dalhousie Street and 273 Ramsay Street as outlined in the report entitled Heritage Rebate Applications for the 2018 Calendar Year dated November 18, 2019 from the Chief Building Official.

The Chair put the Motion.

Motion Carried

Member R. Honor left the meeting.

6.4 Heritage Properties of Interest Best Practices Guidelines – Angelo Avolio, Chief Building Official CBCO

Moved By J. Lajoie

Seconded By S. Pouget-Papak

That the Heritage Committee DEFER discussion of the Heritage Properties of Interest Best Practices Guidelines until the next meeting of the Heritage Committee.

The Chair put the Motion.

Motion Carried

6.5 Heritage Committee 2020 Work Plan – Angelo Avolio, Chief Building Official CBCO

The Committee indicated its desire to create a list of designated properties which have received Heritage Plaques. The Committee also indicated a desire to ensure that all Town owned properties have their designation By-law registered on title.

7.0 UNFINISHED BUSINESS

7.1 Unfinished Business Item List

8.0 NEW BUSINESS

None noted.

9.0 NEXT MEETING

The next meeting is February 13, 2020 at 5:30 p.m.

10.0 ADJOURNMENT

Moved By S. Pouget-Papak

Seconded By J. Lajoie

That the meeting adjourn at 7:30 p.m.

The Chair put the Motion.

Motion Carried

**Committee Chair
Simon Chamely**

**Committee Coordinator
Kevin Fox**

Town of Amherstburg Heritage Registry Assessment Update

Report to: Amherstburg Heritage Committee

Report Date: December 12th, 2019

Report By: Meg Reiner

A secondary review of the Properties of Interest Category of the Municipal Heritage Register was conducted in order to determine which properties require removal. The following ten properties are recommended for removal from the Register:

	Address	Category	Explanation
1	298 Ramsay	Heritage Designation	Designated under the Ontario Heritage Act/ By-law No. 2157
2	73 Rankin	Heritage Designation	Designated under the Ontario Heritage Act/ By-law No. 2010-34
3	217 Ramsay	Error	Address does not exist. Error when adding Doris Gaspar Phase 1 properties to the register in 2013.*
4	316 Ramsay	Error	Vacant land. Error when adding Doris Gaspar Phase 1 properties in 2013.*
5	262 George	Error	Razed by 1982. Replaced by modern structure. The current residence on this property is not the structure identified as significant by Peter Stokes, Consulting Restoration Architect, who conducted research for LACAC in 1976.
6	82 Gore Street 'Berthelot House'	Error	Address does not exist. This was likely an old address for 296 Ramsay Street since the structure was called 'Berthelot Cottage' in the past. 296 Ramsay Street was designated under the Ontario Heritage Act/ By-law No. 2157.
7	108 Gore 'Dr. Hackett House'	Error	Incorrect address/ address does not exist. 107-109 Gore was identified as the 'Dr. Hackett House' by LACAC and was designated under the Ontario Heritage Act/ By-law No. 1511.
8	91 Seymour	Error	Address does not exist. Unclear whether this is an entry error or due to an address change.
9	287 Dalhousie	Lacks Criteria for Listing	This structure lacks the criteria for listing as stipulated by Regulation 9/06 of the Ontario Heritage Act. Erected in the 1980s for Rosa's Restaurant and Pizzeria. This property was added in 2013 along with many other properties from Doris Gaspar's Phase 1 Property Study.
10	63 Richmond	Lacks Criteria for Listing	This structure lacks criteria for listing as stipulated by Regulation 9/06 of the Ontario Heritage Act. Constructed by Vic Nedin post-1957 when the S.W. & A. Waiting Room building, which formerly occupied this site, was relocated to Bathurst Street. This property was added to the Register in 2013 along with many other properties from Doris Gaspar's Phase 1 Property Study.

Town of Amherstburg Heritage Registry Assessment Update

**The following properties were included in Doris Gaspar's Phase 1 Property Study but were not on the list in the report to Council (dated February 8, 2013) which recommended properties from the study for addition to the Register:*

257-265 Dalhousie

248 Ramsay

254 Ramsay

277 Ramsay

301 Ramsay

310 Bathurst

316 Bathurst

299 Bathurst

61 Murray

68 Gore

94 Gore

The Heritage Committee minutes from February 7, 2013, do not indicate that the committee advised that these properties be excluded from the report to Council. They were included in Gaspar's registry that was attached to the report. It is possible that the intention was to add two of these properties (not 217 or 316 Ramsay) to the Register.

Six properties on the register lack a sufficient amount of information in order to perform an accurate Phase 2 Assessment. Research has not been able to confirm details such as date of build, history of ownership, etc. However, these properties have been identified in the past as having merit for inclusion on the Heritage Register. It is recommended that these properties remain on the Register.

274 King Identified in the Amherstburg LACAC Building Inventory dated 1982-83. A note indicates the house was built c.1850. A 1917 Fire Insurance Plan shows that Lot 32 on which 274 King sits is vacant. This corresponds with the Assessment Roll from 1917 which indicates that there is no building value on the property. By 1926 a dwelling is present on the lot. If the house dates to 1850, the structure must have been moved onto the property.

302 George Identified in the Amherstburg LACAC Building Inventory dated 1982-83. A note indicates the house was built c.1860. The structure is identified as an Anchor Building in Peter Stokes' (Consulting Restoration Architect) 1976-77 Study. Research shows that the house is not present on this lot until 1926. However, the house is an example of the 'Gothic Cottage' style, dating to a much earlier period.

145 Murray Identified in Amherstburg LACAC Building Inventory dated 1982-83. A note indicates the house was built c.1880. The structure is identified as an Anchor Building in Peter Stokes' (Consulting Restoration Architect) 1976-77 Study. Research has not determined the date of build or original location of this house. The

Town of Amherstburg Heritage Registry Assessment Update

style and preserved original ornamentation warrant this property's inclusion on the register.

- 274 Bathurst According to Doris Gaspar's property study, the earliest evidence of this house being situated on the lot is in 1908. Research has not determined the date of build or original location of this structure, although it appears to be of a style that could date much earlier.
- 220 Richmond Identified in Amherstburg LACAC Building Inventory dated 1982-83. A note indicates the house was built c.1875. The structure is identified as an Anchor Building in Peter Stokes' (Consulting Restoration Architect) 1976-77 Study. Research has not determined the date of build or original location of this house. The style and preserved original ornamentation warrant this property's inclusion on the register.
- 330 Ramsay Identified as being of architectural importance by Peter Stokes (Consulting Restoration Architect) in his study of 1976-77. The lot on which this structure sits was vacant until at least 1926, but the house appears to be of a style dating to c.1870s. Research has not determined the date of build or original location of this house.

The remaining properties on the Register were assessed using the Phase 2 Evaluation Form provided in the "Evaluation of Heritage Resources for Listing on the Municipal Heritage Register" document. This rating system is advisory and should not be the sole consideration in decision-making. The following property scored lowest on the evaluation, indicating that it demonstrated the least amount of cultural heritage value in comparison to other Properties of Interest on the Register.

245 Bathurst scored 19.8 on the Phase 2 Evaluation, classifying the property as Category D. Properties with this rating are generally excluded from the Heritage Register. The committee is asked to review the attached evaluation and consider 245 Bathurst Street for removal.

Property Research Sheet

Address

245 Bathurst

Legal Description

PART LOT 13, EAST SIDE BATHURST, PLAN 1 (PIN 0125)

Name of Building

N/A

Type of Property

Residential

Date of Construction

Between 1884 and 1889

Original Owner

Annie Archer

Research Summary

- 1863 Following the death of Ann Drake in 1863, her daughter, Annie Archer (Mrs. William Archer) became the owner of lots 12 and 13.
- 1880-1884 Herbert or Annie Archer and usually another Tenant are assessed for the west part of the lands. These assessments could indicate that there was one building occupied by two tenants which would be consistent with the combined milliner's shop and dwelling at 102-106 Murray Street or that there were two separate dwellings occupied by one person each.
- Having sold the easterly two-thirds of her property by 1883, the property retained by Annie Archer measured 120 feet along Bathurst Street by 60 feet along Murray Street, being the most westerly part of Lots 12 and 13. These lands included the property where 102-106 Murray Street (on the north east corner of Murray and Bathurst Streets) is located as well as the site of 245 Bathurst Street. It is known that the building for 102-106 Murray Street had been built in 1879 but it is difficult to determine the date for 245 Bathurst Street.
- 1884-1889 Mrs. Archer placed mortgages totaling \$500 on the westerly one- third of Lots 12 and 13 which she had retained. These mortgages are not blanket mortgages over the whole of the lands owned by Mrs. Archer, but rather they cover specific locations. For instance the 1884 mortgage covers the present location of the house at 245 Bathurst. This mortgage is an indication that there was a building on the lands at this time (or in the process of being built) as it is very unusual to use a specific metes and bounds description actually outlining the location of the building if there is no building there. The 1888 and an 1889 mortgages cover the 60 foot square on the southwest corner where the Frame Dwelling with Milliner's shop was erected in 1879. These mortgages use a metes and bounds description because they know exactly where the building is located. Based on the foregoing information, it is likely that 245 Bathurst Street was constructed between 1884 and 1889.

Property Research Sheet

1890

Annie Archer, Widow sold the westerly one third of Lots 12 and 13 to Ellen Lena Lalonge, wife of Luke Lalonge but retained the northerly 20 feet of the westerly one-third for herself. The Deed conveyed the property in two separate parcels. A south part measuring 60 feet by 60 feet (corresponding to the location of the building at 102-106 Murray Street) and a northern part with 40 feet of frontage along Bathurst by 60 feet in depth (corresponding to the location of 245 Bathurst Street). This would be further evidence that there was already a building at 245 Bathurst Street.

The Amherstburg Echo dated January, 31, 1890 contained the following news item: "Mrs. Luke Gascon (Gascon dit Lalonge used interchangeably) has purchased the property on the northeast corner of Murray and Bathurst Streets from the Archer estate for \$600. Mrs. Gascon will move her grocery there in the spring. Mrs. Archer reserves 30 feet on Bathurst Street."

The report is in error as Annie Archer had retained 20 feet of property not 30 feet. This 20 foot strip was conveyed to Ellen Lena Lalonge by Annie Archer by Deed dated 1895 and not registered until 1899 and now forms the north sideyard of 245 Bathurst Street.

1905

In 1905 Ellen Lena Campeau formerly Lalonge, wife of James Campeau conveyed the property now known as 245 Bathurst Street to Alice Sherrill, Married Woman for a purchase price of \$550. The description differed slightly from the previous Deed. Since twenty more feet had been added to the north side of the property the frontage should have totaled sixty feet, but only 47 feet were conveyed, as Ellen Campeau retained 13 feet to be added to the rear yard of 102-106 Murray Street.

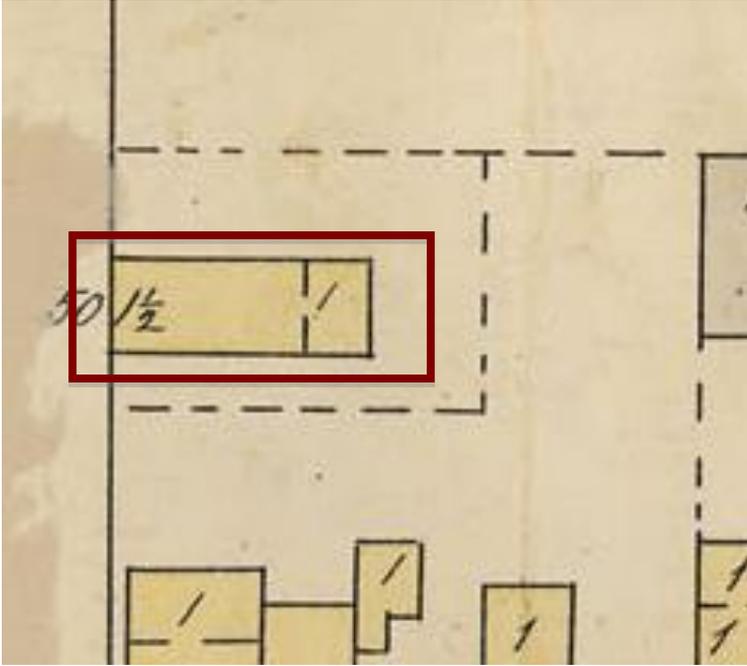
1921

The Sherrill property was purchased by A.S. (Frank) Thomas who overhauled it into a comfortable home.ⁱ

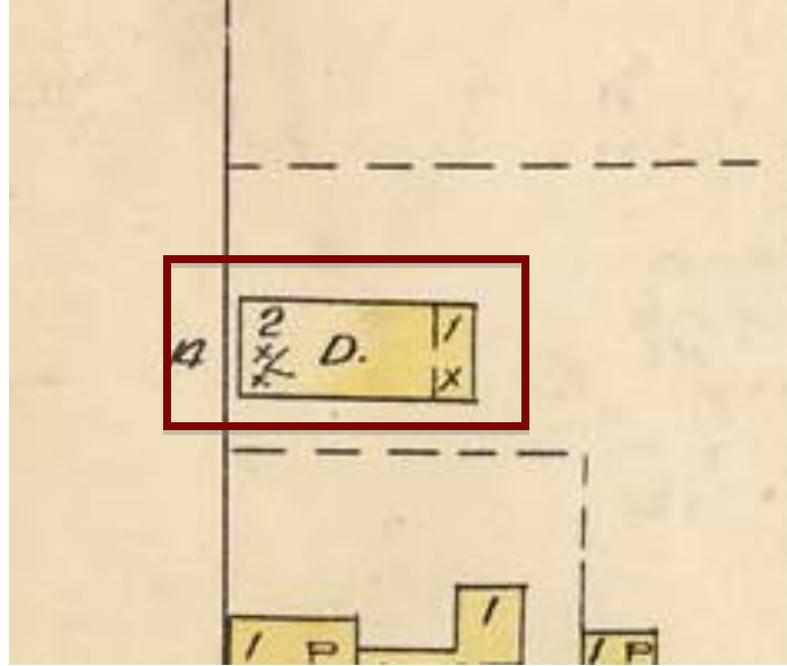
Sources

Unless otherwise noted, this information was retrieved from Doris Gaspar's Phase 1 Property Study, 2014. Further citation available in the Study.

ⁱ The Amherstburg Echo, May 20, 1921



Extract from Fire Insurance Plan of Amherstburg dated May **1906**
Source: Library & Archives Canada



Extract from Fire Insurance Plan of Amherstburg dated **1917**
Source: Library & Archives Canada



Photo by Harvey T. Webster c.1976
Source: Marsh Collection Society

Phase 2 Listed Heritage Property Evaluation Form

Address 245 Bathurst

Architecture	E	G	F	P	
Style	35	20	10	0	10/35
Design	25	17	8	0	8/25
Construction Method	20	10	5	0	0/20
Architectural Integrity	10	7	3	0	7/10
Physical Condition	10	7	3	0	7/10
Notes:					
-gablefront, steeply pitched roof, common vernacular dwelling style -modernized exterior, clapboard likely exists beneath modern siding -lacks significant architectural features due to modernization -rear addition present on 1906 Fire Insurance Plan, addition to north side is later than 1917 -likely frame construction, not particularly notable					32/100
Historical	E	G	F	P	
Trends/Patterns/Theme	35	20	10	0	0/35
Person/Group/Organization	20	10	5	0	0/20
Event	20	10	5	0	0/20
Age	15	10	5	0	10/15
Designer/Builder	10	7	3	0	0/10
Notes:					
-built between 1884 & 1889 -owners/occupants identified in Gaspar's property study do not appear to be of particular significance -unknown builder					10/100
Environmental	E	G	F	P	
Contributes to Character	45	27	14	0	0/45
Setting	45	27	14	0	14/45
Landmark Status	10	7	3	0	0/10
Notes:					
-the residence now sits amongst modern commercial structures. It no longer fits in with surroundings. -not particularly conspicuous or familiar -located on its original site					14/100
Architecture Total 32 x 40%= 12.8 Historical Total 10x 35%=3.5 Environmental Total 14x 25%=3.5					19.8
CATEGORY D					

E= Excellent/ G= Good/ F= Fair/ P=Poor



Report To: Amherstburg Heritage Committee

Date of Meeting:

Submitted By: Angelo Avolio CBCO Chief Building Official

Prepared By: Angelo Avolio, CBCO Chief Building Official

Date of Report: November 18, 2019

Subject: **Heritage Rebate Applications for the 2018 Calendar Year'**

EXECUTIVE SUMMARY:

Applications have been received pursuant to Amherstburg Bylaw 2012-122 being a bylaw to establish a program to provide tax refunds or reductions of eligible heritage property. The applications have been reviewed by the Chief Building Official and it is recommended that the Heritage Committee advise Council of the eligible properties to receive the rebates.

BACKGROUND:

Applications under the Heritage Rebate Program were received between the first business day of February and the last day of February. The bylaw lists eligible work that must be undertaken during the calendar year applied for and requires an inspection by the Chief Building Official to ensure that the properties are in compliance with the Property Standards Bylaws of the Municipality.

REPORT:

All applications received were reviewed by the Treasurer and the Chief Building Official for eligibility and completeness. Eligible properties were inspected by the Chief Building Official.

The following list of properties submitted applications for rebates for the 2018 calendar year:

- 443 Dalhousie Street
- 273 Ramsay Street

Improvements to the eligible properties are as follows:

443 Dalhousie St.

- New roof installed
- Window Restoration
- Front Door
- Garage paint and repair siding
- Shrub and tree trimming
- Repointing of bricks
- Water Drainage on Property
- Trim, plaster, door work
- Heating System

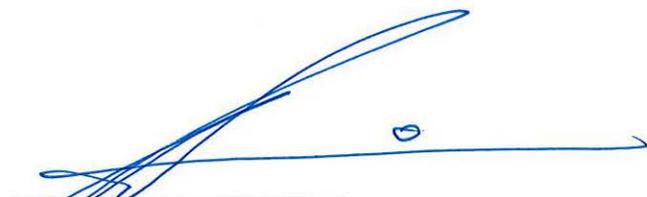
The total rebate amount is calculated at \$1513.76.

273 Ramsey St.

- Replace window sills
- Front Window to be Replaced

The total rebate amount is calculated at \$892.18.

It is recommended that the Heritage Committee advise Council to approve the above listed property to receive the appropriate Heritage Rebate for the 2018 calendar year.



Angelo Avolio, CBCO
Chief Building Official



**TOWN OF AMHERSTBURG
PARKS AND RECREATION ADVISORY COMMITTEE
MEETING**

**Wednesday, December 4, 2019
6:00 PM**

Council Chambers, Town Hall, 271 Sandwich Street South,
Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Pat Catton, Chair
Shirley Curson-Prue, Vice Chair
Councillor Don McArthur
Brinton Sharman
Diane Pouget

Phil Roberts, Director of Parks, Facilities, Recreation and
Culture
Rick Daly, Manager of Recreation Services
Kevin Fox, Recording Secretary

ABSENT

Councillor Courtney (Regrets)
Wes Ewer (Regrets)

1.0 CALL TO ORDER

The Chair called the meeting to order at 6:02 p.m.

2.0 DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

No disclosures of pecuniary interest were noted.

3.0 ADOPTION OF AGENDA

Moved By B. Sharman
Seconded By D. Pouget

That the agenda BE ADOPTED as presented.

The Chair put the Motion.

Motion Carried

4.0 ADOPTION OF MINUTES OF PREVIOUS MEETING

Moved By Councillor McArthur
Seconded By D. Pouget

That the minutes of the Parks and Recreation Advisory Committee Meeting of November 13, 2019 BE ADOPTED as presented.

The Chair put the Motion.

Motion Carried

5.0 ORDER OF BUSINESS

5.1 Review of Tree Canopy and Natural Vegetation Protection and Enhancement Policy – Phil Roberts, Director of Parks, Facilities, Recreation and Culture

The Director of Parks, Facilities, Recreation and Culture explained that a provision of Bill 68, the Modernizing Ontario's Municipal Legislation Act, 2016 required municipalities to adopt a Tree Canopy and Natural Vegetation Protection and Enhancement Policy by March 1, 2019.

Moved By Councillor McArthur
Seconded By D. Pouget

That the discussion of the Tree Canopy and Natural Vegetation Protection and Enhancement Policy BE DEFERRED to the next meeting.

The Chair put the Motion.

Motion Carried

5.2 Amherstburg Great Spaces, Great Places Concepts – Phil Roberts, Director of Parks, Facilities, Recreation and Culture

5.3 Feasibility of Tennis Court Repairs at Malden Centre Park – Phil Roberts, Director of Parks, Facilities, Recreation and Culture

The Director of Parks, Facilities, Recreation and Culture advised that the cost quoted for tennis court repairs at Malden Centre were prohibitively expensive and administration would not be recommending such work be carried out at this time.

6.0 UNFINISHED BUSINESS

6.1 Draft Definition of Urban Amherstburg with Appendix for the Parks Master Plan

Moved By B. Sharman
Seconded By Councillor McArthur

That Schedule A2 of the County Official Plan BE INCORPORATED into the Parks Master Plan to distinguish the urban areas of the Town of Amherstburg in place of the map on page 8.

The Chair put the Motion.

Motion Carried

6.2 Review of Draft Ice Allocation Guidelines and Policy

Moved By D. Pouget
Seconded By S. Curson-Prue

That the Parks and Recreation Advisory Committee SUPPORT the Ice Allocation Policy and Guidelines, as amended.

The Chair put the Motion.

Motion Carried

6.3 Unfinished Business List

7.0 NEW BUSINESS

7.1 2020 Budget Parks Reserve Fund Contribution

The Director of Parks, Facilities, Recreation and Culture explained that Council had directed that the Parks and Recreation Advisory Committee should explore options for the use of \$75,000 allocated to the Parks Reserve in the 2020 Budget to upgrade parkland.

8.0 NEXT MEETING

The next meeting of the Parks and Recreation Advisory Committee is January 8, 2020 at 6:00 p.m.

9.0 ADJOURNMENT

Moved By S. Curson-Prue
Seconded By B. Sharman

That the meeting adjourn at 7:43 p.m.

The Chair put the Motion.

Motion Carried

Committee Chair
Pat Catton

Recording Secretary
Kevin Fox



**TOWN OF AMHERSTBURG
PARKS AND RECREATION ADVISORY COMMITTEE
MEETING**

**Wednesday, January 8, 2020
6:00 PM**

Council Chambers, Town Hall, 271 Sandwich Street South,
Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Pat Catton, Chair
Councillor Don McArthur
Councillor Peter Courtney
Brinton Sharman
Wes Ewer

Phil Roberts, Director of Parks, Facilities, Recreation and
Culture
Kevin Fox, Recording Secretary

ABSENT

Shirley Curson-Prue, Vice Chair

1.0 CALL TO ORDER

The Chair called the meeting to order at 6:03 p.m.

2.0 DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

No disclosures of pecuniary interest were noted.

3.0 ADOPTION OF AGENDA

Moved By W. Ewer

Seconded By B. Sharman

That the agenda BE ADOPTED as presented.

The Chair put the Motion.

Motion Carried

4.0 ADOPTION OF MINUTES OF PREVIOUS MEETING

Moved By B. Sharman

Seconded By Councillor McArthur

That the minutes of the Parks and Recreation Advisory Committee Meeting of December 4, 2019 BE ADOPTED as presented.

The Chair put the Motion.

Motion Carried

5.0 ORDER OF BUSINESS

5.1 \$75,000 Parks Improvement – Phil Roberts, Director of Parks, Facilities, Recreation and Culture

Moved By Councillor McArthur

Seconded By Councillor Courtney

That Council DIRECT administration to provide a short list of potential projects to utilize the \$75,000 placed in the Parks Reserve during the 2020 Budget.

The Chair put the Motion.

Motion Carried

5.2 K.W. Ranta Memorial Park Improvement Fund – Phil Roberts, Director of Parks, Facilities, Recreation and Culture

Moved By Councillor McArthur

Seconded By Councillor Courtney

That the Parks and Recreation Advisory Committee CALL a Special Meeting to discuss potential park re-development options for K.W. Ranta Memorial Park.

The Chair put the Motion.

Motion Carried

6.0 UNFINISHED BUSINESS

6.1 Review of the Tree Canopy and Natural Vegetation Protection and Enhancement Policy

Moved By Councillor McArthur
Seconded By W. Ewer

That the Parks and Recreation Advisory Committee ENDORSE the Tree Canopy and Natural Vegetation Protection and Enhancement Policy.

The Chair put the Motion.

Motion Carried

6.2 Unfinished Business List

Administration advised that they would bring back a document with criteria for those being selected for the Leadership Awards.

7.0 NEW BUSINESS

None noted.

8.0 NEXT MEETING

The next meeting of the Parks and Recreation Advisory Committee is March 11, 2020 at 6:00 p.m.

9.0 ADJOURNMENT

Moved By W. Ewer

Seconded By Councillor Courtney

That the meeting adjourn at 6:58 p.m.

The Chair put the Motion.

Motion Carried

Committee Chair
Pat Catton

Recording Secretary
Kevin Fox



**TOWN OF AMHERSTBURG
DRAINAGE BOARD
Thursday, January 16, 2020
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

MINUTES

PRESENT

Bob Bezaire, Chair
Allan Major, Vice-Chair
Brad Laramie
Bob Pillon
Anthony Campigotto
Shane McVitty, Drainage Superintendent &
Engineering Coordinator
Nicole Humber, Recording Secretary
Kevin Fox, Policy and Committee Coordinator

ABSENT

CALL TO ORDER

Bob Bezaire called the meeting to order at 6:00 p.m.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were none.

3. MINUTES OF PREVIOUS MEETING

Allan Major moved, Brad Laramie seconded;

That:

The minutes of the previous meeting BE ADOPTED:

1. Drainage Board Meeting Minutes – December 2, 2019

Motion Carried

4. OPEN COURT OF REVISION

The Chair opened the Court at 6:01 p.m. and provided an overview of the proceedings of the Court of Revision with regard to the hearing of all appeals.

4.1 Appeals – Repair and Improvement of Part of the Ouellette Drain West

Dennis McCready, P.Eng from R.C. Spencer and Associates Inc., provided a brief overview of the project and advised that five appeals to the Court of Revision were received. Mr. McCready also explained that a watershed issue will be brought before the Court relating to four (4) properties draining to the White Drain.

Mr. McCready provided members of the Court with a hand-out which outlined the Assessment Provisions of the Drainage Act and assessment rationalization for each appeal. Mr. McCready went over the information in the hand-out with the Court and audience members and advised that he would address the information for each appeal over the course of the meeting. The hand-out has been attached to these minutes for reference.

Appeal # 1 – Tracey Foreman

Board Chair Bob Bezaire invited Appellant # 1 – Tracey Foreman to address the Board.

The Board heard from:

- Richard Campbell – 741 Front Road North

Mr. Campbell advised that he would be addressing the appeal to the Court of Revision on behalf of his wife Tracey Foreman as Ms. Foreman was unable to attend the meeting due to medical reasons.

Mr. Campbell addressed the Court and advised that the assessment for 741 Front Road North is too high as his property is downstream of the work. He added that that the work is a “repair” not and “improvement” to the drain. Mr. Campbell stated that the owners of 751 Front Road North were given an option early in the process, describing this as a \$30,000.00 repair under Section 74. He added that now the report calls for a Section 78 improvement and spreads the cost to everyone within the watershed. Mr. Campbell requested that the Court Members focus on “needs” and not the “wants” for this project, and perhaps other alternatives could be implemented. Mr. Campbell further stated that the engineer’s report should show alternative measures of drain repair. Mr. Campbell explained that the proposed work does not increase his property value and that two engineers have advised him that there was no erosion on the banks of his side of the drain. He added that the area of the work is part of the ERCA floodplain and cannot be used for anything else. Mr. Campbell also advised the Court Members that his wife submitted a three page document with their appeal and hoped the members had read it.

Board Chair Bob Bezaire acknowledged the Court of Revision had received the document.

Mr. McCready advised the Court Members that many of the issues presented in Ms. Foreman’s appeal were raised and discussed at the Consideration Meeting. Mr. McCready further explained the difference between a repair and an improvement under the Drainage Act as follows:

Repair –means the restoration of a drainage works back to its original condition.

Improvement – any modification of or addition to the drainage works intended to increase the effectiveness of the system.

Mr. McCready stated that if you were to carry out the work of a repair on a drain, then an engineer’s report would not be required. He added that engineers cannot prepare a report for a repair only on a drain according to OMAFRA.

Mr. McCready explained that the proposed works on the Ouellette Drain is an improvement because they are changing the style of the erosion protection from stacked limestone to a more stable configuration of gabion baskets. Mr.

McCready further explained that when the engineer gets involved in a drainage report, it may be called a repair and improvement because there may be aspects of repair to existing features of the drain. He added that there may be other aspects that would be considered upgrades or improvements to the drain.

Mr. McCready stated that the document submitted by Ms. Foreman suggests that there are no improvements being done at 741 Front Road North. However, the definition of improvement in the Drainage Act refers to the drain as a whole and not a specific property.

Mr. McCready also stated that Ms. Foreman's written appeal infers that the owner on the north side of the drain was influencing the Engineer with regard to the repair. Mr. McCready further stated this is was definitely not the case. Mr. McCready explained that under the Drainage Act, there is a section that says the engineer must use independent judgment when deciding how to proceed with recommendations for a project. Mr. McCready added that this particular section in the Drainage Act states that the engineer must perform his duties without fear of, favour to, or prejudice against any other person. Mr. McCready noted that drainage engineers are well aware they are held to that standard. Mr. McCready explained that there have been Tribunal hearings in the past that have addressed this. In particular, Mr. McCready anecdotally referenced a case that went to Tribunal whereby an engineer was influenced by a municipality on a project. He went on to explain that during the hearing, the Tribunal felt that the engineer should have designed the drain as he wanted, and should not have been guided by others. Mr. McCready advised that engineers always have to be careful to make sure they are using their own independent judgment when making their recommendations and completing their assessments. He added that engineers try very hard not to be biased by any one owner or group of owners. Mr. McCready stated that he has learned from a former employer that as an engineer, he should never have a vested interest in any of the properties within the watershed, so there is no reason not to try to be as fair as possible.

Board Chair Bob Bezaire asked if the members of the Court had any questions.

The Court heard from:

Court of Revision Member Anthony Campigotto asked if the drain itself was shifting and questioned whether it needed to be re-aligned. Mr. Campigotto noted that he had been onsite to look at the drain and noticed quite a bit of erosion on the north side of the drain, however the limestone on the south side seemed to be intact. Mr. Campigotto asked if the limestone on the south side of the drain was going to be removed and replaced with gabion basket.

Mr. McCready advised that the drain will be shifted slightly to the south and away from the house of 751 Front Road N by approximately one meter. Mr. McCready stated that when he prodded the south side of the existing stacked limestone, he determined that it had been undermined, adding that a lot of the limestone had been shifted into the middle of the channel. Based on this, he indicated that the south side of the drain should be replaced with gabion stone baskets.

Mr. Campigotto stated that it seemed that there was a greater benefit to 751 Front Road N.

Board Chair Bob Bezaire asked if there were any further questions.

There were none.

Appeal # 2 – Marc & Lorri Conte

Board Chair Bob Bezaire invited Appellant # 2 – Marc and Lori Conte to address the Court.

There was no one in the audience to speak on behalf of the appellants.

Board Chair Bob Bezaire invited Mr. McCready to address the appeal.

Mr. McCready advised the Court Members that the appellant's property is located west of the railway property. Mr. McCready explained that the property is not being assessed for benefit as it is located away from the work area, however the property is being assessed for outlet. Mr. McCready explained his assessment rationale to the Court and referenced the handout that was provided to the Court at the beginning of the meeting. After the explanation, Mr. McCready stated that it would be the most economical for the appellant to keep the property assessed into the Ouellette Drain, rather than pursuing a subsequent connection of the property into another drain.

Court Member Bob Pillon requested clarification on Mr. McCready's explanation. He questioned if the appellant wished for a re-assessment, they could request it, however it would cost them more than what they are assessed into the Ouellette Drain.

Mr. McCready agreed with Mr. Pillon and further stated that it is hard to justify looking into reassessing the property when the costs of the surveying etc. would cost the landowner more than their current assessment for the Ouellette Drain.

Board Chair Bob Bezaire asked if there were any further questions.

There were none.

Appeal # 3 – Pointe West Golf Club Corporation

Board Chair Bob Bezaire invited Appellant # 3 – Pointe West Golf Club to address the Board.

There was no one in the audience to speak on behalf of the appellants.

Board Chair Bob Bezaire invited Mr. McCready to address the appeal.

Mr. McCready explained his assessment rationale to the Court and referenced the handout that was provided to the Court at the beginning of the meeting.

Board Chair Bob Bezaire asked if there were any questions from the Court.

Court Member Anthony Campigotto asked if there were any municipal roads on the Pointe West Golf Course property.

Mr. McCready advised that any roadways within Pointe West are included in the 1.1 hectares of built up area, as referenced in the assessment hand-out.

Board Chair Bob Bezaire asked if there were any further questions.

There were none.

Appeal # 4 – Ann Marie Slipchuk

Board Chair Bob Bezaire invited Appellant # 4 – Ann Marie Slipchuk to address the Board.

There was no one in the audience to speak on behalf of the appellants.

Board Chair Bob Bezaire invited Mr. McCready to address the appeal.

Mr. McCready explained his assessment rationale to the Court and referenced the handout that was provided to the Court at the beginning of the meeting. Mr. McCready added that if there have been no drainage changes to the area, he could not recommend changes to the assessment.

Board Chair Bob Bezaire asked if there were any questions from the Court.

There were none.

Appeal # 5 – Jose Dupont & Theresa Whelan

Board Chair Bob Bezaire invited Appellant # 5 – Jose Dupont and Theresa Whelan to address the Board.

The Board heard from:

- Jose Dupont – 737 Front Road North

Mr. Dupont from 737 Front Road North addressed his appeal. He noted that the County of Essex is paying for most of the assessment on the north and south side of the bridge, and added that he only owns a small, 36 foot length of property adjacent to the drain that will be repaired. Mr. Dupont expressed concern that this small amount of property is being assessed \$2,500.00. Mr. Dupont questioned why the property that he owns at 730 Front Road North, located on the west side of the road, was not included in the Ouellette Drain report. Mr. Dupont stated that he has recently completed extensive repairs to his property at 730 Front Road North, and had to pay out of pocket for the repairs. He noted that this included the installation of a new, steel sheet pile shore wall. Mr. Dupont further stated that the erosion to the property at 730 Front Road North had been there for years, yet it still was not included in the report.

Mr. Dupont explained that while he was completing the work on his property at 730 Front Road North, he was told that gabion stone was not sufficient for the work and at that time ERCA had agreed. Mr. Dupont stated that a steel wall was installed on the property against the banks of the drain.

Dennis McCready advised that he is recommending only a short length of drain improvements along Mr. Dupont's property. However, he added that the work proposed is adjacent to the existing driveway and protection of the driveway will be a benefit from the drain improvement. Mr. McCready stated that the gabion baskets are a greater structure than the limestone stacked wall. Mr. McCready also noted that the existing limestone stacked wall in the Ouellette Drain has lasted 60 years. Mr. McCready explained that previous bylaws for the west side of Front Road North could have been looked into. He added that property would likely see increased wave and ice action due to its direct connection to the River, which may explain the need for the steel sheet piling. Properties east of Front Road North would not be as exposed to these conditions, making the gabion baskets an acceptable method of protecting the drain banks.

Board Chair Bob Bezaire asked if there were any questions from the Court.

Court Member Bob Pillon asked for clarification if Mr. Dupont's property at 730 Front Road North was part of the Ouellette Drain. Mr. Pillon also inquired if an engineer's report was completed for the work on the Dupont property west of Front Road North.

Mr. Dupont advised that he paid out of pocket for an Engineer's report.

Shane McVitty clarified that the report Mr. Dupont paid for was an engineering study and not an engineer's report through the Drainage Act. He added that the Town has never received a request for improvements from Mr. Dupont, nor has he ever brought up this issue at any of the previous drainage meetings relating to this project.

Mr. Dupont stated that he did not want to have an engineer's report under the Drainage Act because he felt that the work was a benefit solely to his property. Mr. Dupont further stated that the repair work was already underway when Mr. McCready started on the Ouellette Drain project. He added that he expected that the whole drain would have been looked at, and not just the 300 feet addressed under Mr. McCready's report.

Court Member Bob Pillon advised that in hindsight, Mr. Dupont should have put in a request to the Town for drainage works.

Mr. Dupont indicated that he did not put in a request as he did not want to have everyone upstream charged for the work that was benefitting his property. Mr. Dupont expressed his surprise that the section that he repaired was not looked at sooner as it has had a history of eroding.

Mr. McVitty offered that the extents of the lower limits of the Ouellette Drain are unclear. He surmised that some reports suggest that the Ouellette Drain stops at the County road and may not extend through Mr. Dupont's property west of the road. Mr. McVitty indicated that the Town was approached with plans for Mr. Dupont's steel sheet pile installation, but a request for a drainage improvement was never submitted. The plans for the sheet piling were prepared by a qualified engineer and were also reviewed by the ERCA. Mr. McVitty indicated that in order to expedite Mr. Dupont's repairs, and given the uncertainty of the drain limits and Mr. Dupont's willingness to pay for the entire cost of the work, the Town was satisfied that he could move forward with the work.

Mr. Dupont advised he would not have an issue paying for the repair if a steel wall would be used rather than the gabion basket.

Board Chair Bob Bezaire asked Mr. McCready if he had any idea of the cost difference between gabion baskets and a new steel wall.

Mr. McCready advised that despite not having numbers in front of him, he offered that generally steel walls are more expensive than gabion baskets.

Court Member Anthony Campigotto stated that steel walls run approximately \$350.00 to \$400.00 a linear foot.

There was discussion regarding the right-of-way limits of the County road and the location of the existing gas mains and services within the project limits.

Rick Campbell asked about the Town's responsibility under Section 93 of the Drainage Act with respect to inspections and errors. Mr. Campbell advised that he looks at the drain daily and does not see a need for repair as the water is flowing. Mr. Campbell further stated that if the Town had been inspecting the drain periodically, the deficiency could have been found sooner and the cost may not be as high.

Board Chair Bob Bezaire explained that the Board and the residents had already discussed this at the previous meeting and that the purpose of the Court of Revision is to deal with assessments. The landowners were advised that if they were not happy with the decision made at the Court of Revision, they could appeal to the Tribunal.

Board Chair Bob Bezaire asked if there were any questions from the Court regarding appeal # 5.

There were none.

Board Chair Bob Bezaire asked if there was anyone in the audience that would like to verbally appeal to the Court of Revision.

There were none.

Mr. McCready advised the Court of an assessment change with regards to two areas affected by the Ouellette Drain. Mr. McCready explained that a reassessment was completed on the White Drain a couple years ago under an engineering report and as a result, he is recommending adjustments to the assessment schedule within his report for the Ouellette Drain. He added that the adjustments amount to a total of \$2,326.00 of reduced outlet assessments, shared amongst four (4) parcels. Mr. McCready explained the breakdown of the assessment changes to the Court, making frequent references to the hand-out that was provided to the Court at the onset of the meeting.

Mr. McCready advised that the assessment changes are entirely outlet-based, and the reductions could be prorated against all outlet assessments within the Schedule of Assessment. Alternatively, Mr. McCready suggested that the Municipality could elect to absorb the total value of the assessment reduction and add it to a roadway assessment or to a property owned by the Town, such as Parcel 39.

Shane McVitty stated that whichever route the Court wished to follow, a motion would have to be made.

Brad Laramie moved; Allan Major seconded;

That:

The Clerk be instructed to make the following assessment alterations to the Schedule of Assessment and the Provisional Bylaw:

- 1. The assessment on Roll No. 420-67005 be lowered to \$0.00.**
- 2. The assessment on Roll No. 420-67000 be lowered to \$0.00.**
- 3. The assessment on Roll No. 420-32000 be lowered to \$1,087.00.**
- 4. The assessment on Roll No. 420-32600 be lowered to \$742.00.**
- 5. The total of these reductions, equaling \$2,326.00, be added to the assessment on Roll No. 420-72200 owned by the Town of Amherstburg.**

Motion Carried

Roxanne Ouellette from 751 Front Road North asked to address the Board. Ms. Ouellette advised that when they moved into their home several years ago, the drain was in bad condition. She added that over the years, they are unable to walk behind their home because of the condition of the drain. Ms. Ouellette stated that the erosion is affecting their property and she is requesting the drain be repaired for the safety of her family.

There was discussion on how to move forward with the motions on each appeal.

Appeal #1 - Tracey Foreman

Bob Pillon moved; Brad Laramie seconded;

That:

The appeal submitted by Tracey Foreman be dismissed on the grounds that the Court of Revision concurs with the assessment rational presented by the Engineer.

Motion Carried

Appeal # 2 - Marc & Lorri Conte

Brad Laramie moved; Allan Major seconded;

That:

The appeal submitted by Marc & Lorri Conte be dismissed on the grounds that the Court of Revision concurs with the assessment rational presented by the Engineer.

Motion Carried

Appeal # 3 - Pointe West Golf Club Corporation

Anthony Campigotto moved; Bob Pillon seconded;

That:

The appeal submitted by Pointe West Golf Club Corporation be dismissed on the grounds that the Court of Revision concurs with the assessment rational presented by the Engineer.

Motion Carried

Appeal # 4 - Ann Marie Slipchuk

Bob Pillon moved; Anthony Campigotto seconded;

That:

The appeal submitted by Ann Marie Slipchuk be dismissed on the grounds that the Court of Revision concurs with the assessment rational presented by the Engineer.

Motion Carried

Appeal # 5 - Jose Dupont and Theresa Whelan

Allan Major moved; Brad Laramie seconded;

That:

The appeal submitted by Jose Dupont and Theresa Whelan be dismissed on the grounds that the Court of Revision concurs with the assessment rational presented by the Engineer.

Motion Carried

Board Chair Bob Bezaire advised that all five of the appeals had been dismissed and if any of the parties were unhappy with the results they could appeal to the Tribunal.

Shane McVitty clarified the process of appealing to the Tribunal and advised that a Decision of the Court notice would be mailed to landowners which will include the appeal deadline along with an appeal form.

Recording Secretary Nicole Humber clarified that there is a 21 day appeal period from the date of the decision of the Court of Revision and noted the date would be on the notices, and the appeal form to the Tribunal would be included with the notice.

5. CLOSE COURT OF REVISION

The Chair closed the Court of Revision at 7:25 p.m.

6.0 NEW BUSINESS

6.1 Engineering Appointment – 6th Concession Drain

Shane McVitty explained that a request from a landowner was received to improve the 6th Concession Drain, and specifically to address a failing access culvert. Mr. McVitty advised he is recommending the appointment of N.J. Peralta Engineering Ltd. to complete a drainage report. Mr. McVitty added that there is a strong likelihood that the report will also address the other bridges on the drain for future replacement.

Board Chair Bob Bezaire asked the Board Members if there were any questions.

There were none.

Bob Pillon moved; Allan Major seconded;

That:

1. **The report from the Drainage Superintendent and Engineering Coordinator dated December 17, 2019, regarding the 6th Concession Drain– Engineering Appointment BE RECEIVED;**
2. **The Drainage Board recommend that Council ACCEPT the request from Doug Beaudoin for the replacement of the access culvert over the 6th Concession Drain per Section 78 of the Drainage Act; and,**
3. **The Drainage Board recommend that the appointment of the firm of N.J. Peralta Engineering Ltd. for the repair and improvement to the 6th Concession Drain BE APPROVED by Council.**

Motion Carried

6.2 Drainage Apportionments

Mr. McVitty advised the Board members that the subject drainage apportionments are due to land severances or mergers. Mr. McVitty noted that the Town has performed the necessary review and completed the drainage apportionment calculations. He added that all affected property owners involved have signed the agreement letters produced by the Town.

The Chair asked if any of the Board members had any questions.

There were none.

Anthony Campigotto moved, Allan Major seconded;

That:

1. **The report from the Drainage Superintendent and Engineering Coordinator dated December 19, 2019, regarding Various Drainage Apportionments BE RECEIVED;**
2. **The drainage apportionments BE APPROVED as listed:**
 - **Consent B/14/19 – Drainage Apportionments for the Whelan Drain – Mailloux**
 - **Consent B/21/19 – Drainage Apportionments for the Long Marsh Drain and Ouellette Drain East – Guarnaccia**
 - **Consent B/23/19 – Drainage Apportionments for the Long Marsh Drain – Shaw**
3. **Administration BRING FORWARD the Drainage Board’s recommendation to approve the drainage apportionments at a future Regular Council Meeting.**

Motion Carried

6.3 Drainage Board Discussion

Registration for 2020 Drainage Courses.

Shane McVitty advised that the annual Drainage courses offered by OMAFRA are scheduled to take place in London on April 16th & 17th. He suggested that all members of the Board would benefit from attending the course and encouraged all members to attend if their schedules allowed for it. He indicated that the Town has budgeted funds for the Board to attend, and added that he would also be attending this year. Mr. McVitty requested that the Board Members notify him as soon as possible with their availability as registration for the courses is presently open and will likely fill up quickly.

7. NEXT MEETING DATE

Thursday, February 6, 2020 @ 6:00 p.m.

8. ADJOURNMENT

Bob Pillon moved, Allan Major seconded;

That:

The meeting of the Drainage Board be ADJOURNED;

Motion Carried

The meeting adjourned at 7:30 p.m.

Chair – Bob Bezaire

Staff Liaison – Shane McVitty

Assessment Provisions of the Drainage Act

Section 21 - Engineer to Distinguish Assessments

The engineer in the report shall assess for **Benefit, Outlet Liability and Injuring Liability**, and shall insert in an assessment schedule, in separate columns, the sums assessed for each opposite each parcel of land and road liable therefor.

Section 22 - Assessment for Benefit

Lands, roads, buildings, utilities or other structures that are increased in value or are more easily maintained as a result of the construction, improvement, maintenance or repair of a drainage works may be assessed for benefit.

Section 23 (1) - Assessment for Outlet Liability

Lands and roads that use a drainage works as an outlet, or for which, when the drainage works is constructed or improved, an improved outlet is provided either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek or watercourse, may be assessed for outlet liability.

Section 23 (3) - Basis for assessing Outlet Liability

The assessment for outlet liability and injuring liability provided for in subsections (1) and (2) shall be based upon the **volume and rate of flow of the water artificially caused to flow** upon the injured land or road or into the drainage works from the lands and roads liable for such assessments.

DEFINITIONS

Benefit means any advantages provided to lands, roads, building and other structures by the proposed work. The advantages can be a higher market value or increased crop production or better appearance or better control of water or any other advantages provided to the lands, roads, buildings or other structures.

Outlet Liability means the part of the cost of the proposed work that is required to provide an improved outlet or sufficient outlet.

Sufficient Outlet means a point at which water can be discharged safely so that it will do no damage to lands and roads. Under Section 15, every drainage works must be taken to a Sufficient Outlet.

ASSESSMENT SPLIT

BENEFIT = \$ 24,400 10%

OUTLET = \$ 219,600 90%

TOTAL PROJECT COST = \$244,000

Note: Under the 1952 report, the existing stacked limestone retaining walls were assessed 22% Benefit and 78% Outlet.

OUTLET CALCULATIONS

The watershed has an actual area of **216.81 Hectares**. Roads and residential lands produce more runoff than farmland. To assess the outlet assessments fairly, we determined the equivalent agricultural hectarage for each property. There are **453.72 equivalent agricultural hectares** in the watershed.

<u>Land Use</u>	<u>Factor</u>
Agricultural Land =	1.0
Paved Roads =	5.0
Residential Land =	Varies from 1.0 to 3.0

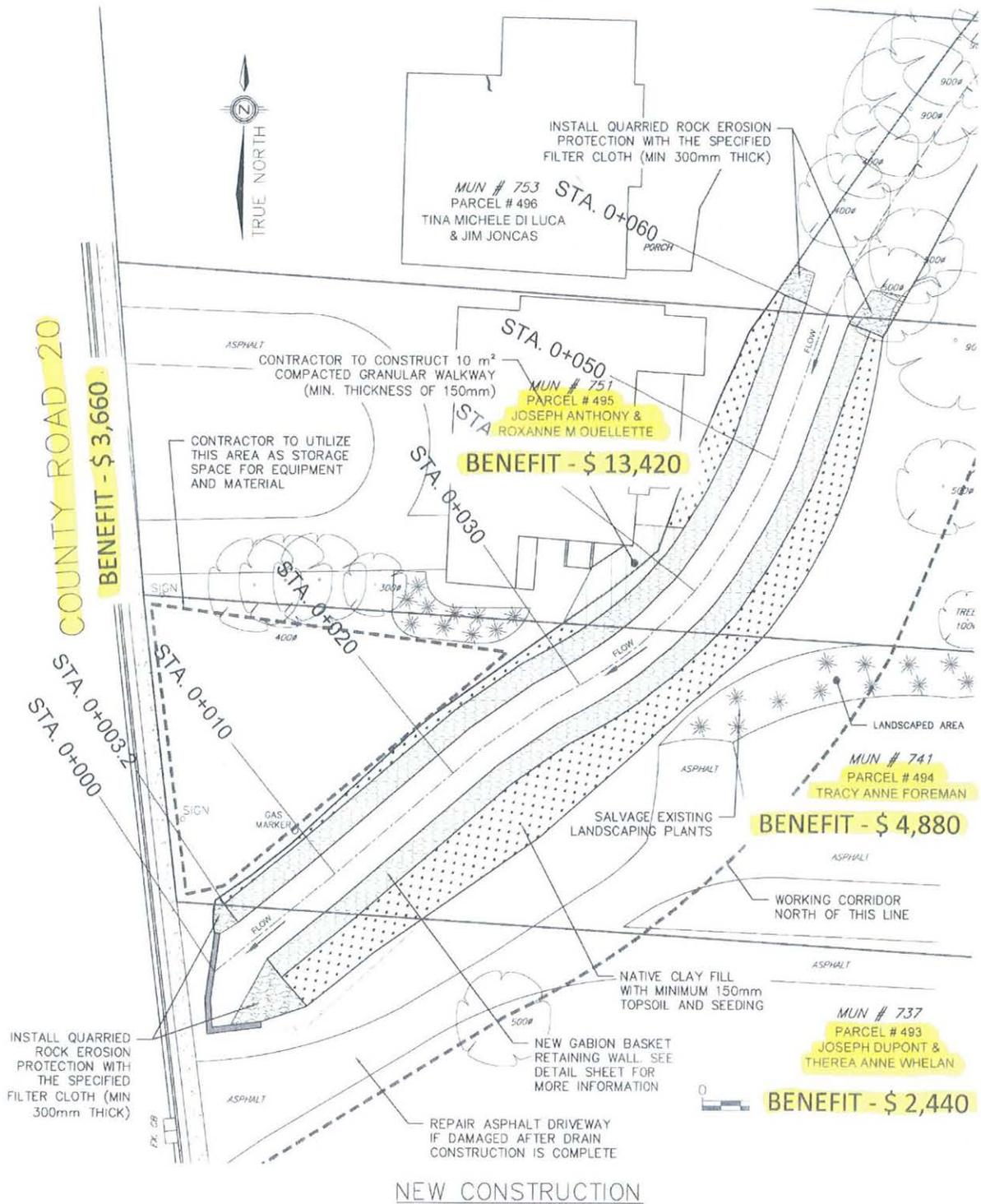
\$ 219,600 ÷ 453.72 Eq. Ag. Ha. = \$ 484.00 per Eq. Ag. Ac.

BENEFIT ASSESSMENTS

\$24,400 is allocated to Benefit Assessments against County Road 20 and the three residential properties adjacent to the proposed work.

The Benefit assessments were apportioned as follows:

Parcel			Benefit	
<u>No.</u>	<u>Roll No.</u>	<u>Owner</u>	<u>Assessed</u>	<u>%</u>
1A		County Rd 20	\$ 3,660	15 %
493		J. Dupont & T. Whelan	\$ 2,440	10 %
494		T. Foreman	\$ 4,880	20%
495		J. & R. Ouellette	\$ 13,420	55%
Total Benefit -			\$ 24,400	100 %



Distribution of Benefit

Total = \$ 24,400

Tracey Foreman Appeal

Parcel No. 494

Roll No. [REDACTED]

0.334 Hectares assessed

ASSESSMENTS

Benefit	\$ 4,880	(20% of Benefit Assessed)
Outlet Liability	<u>\$ 137</u>	
Total	\$ 5,017	

Outlet Liability Assessment Calculation

	<u>Actual Area (Ha.)</u>		<u>Runoff Factor</u>		<u>% Length Used</u>		<u>Equivalent Agricultural Area (in Ha.)</u>
Residential Area	0.334	X	2.358	X	36%	=	0.284

0.284 Equiv. Agricultural Hectares X \$484.00 / Hectare = **\$ 137**

Marc & Lorri Conte

Parcel No. 510

Roll No. [REDACTED]

1.079 Hectares assessed

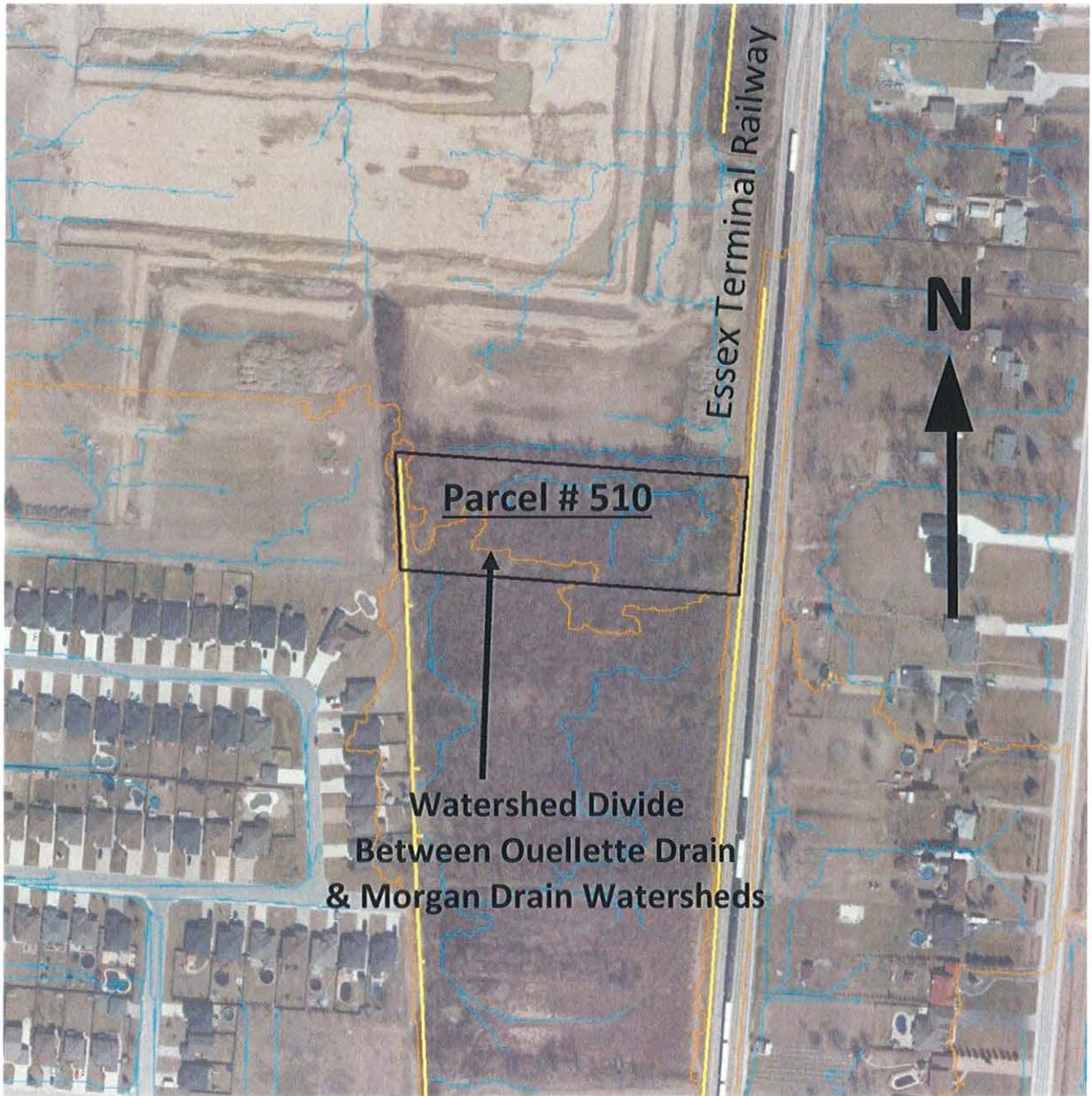
ASSESSMENTS

Benefit	\$	0
Outlet Liability	\$	<u>522</u>
Total	\$	522

Outlet Liability Assessment Calculation

	<u>Actual</u> <u>Area</u> <u>(Ha.)</u>		<u>Runoff</u> <u>Factor</u>		<u>%</u> <u>Length</u> <u>Used</u>	=	<u>Equivalent</u> <u>Agricultural</u> <u>Area (in Ha.)</u>
Built up area	1.079	X	1.00	X	100%	=	1.079

1.079 Equiv. Agricultural Hectares X \$484.00 / Hectare = **\$ 522**



Conte Property

Parcel No. 510

Roll No. [REDACTED]

1.079 Hectares assessed

Pointe West Golf Club Appeal

Parcel No. 463

Roll No. [REDACTED]

63.621 Hectares assessed

ASSESSMENTS

Benefit	\$	0
Outlet Liability	\$	<u>31,857</u>
Total	\$	31,857

Outlet Liability Assessment Calculation

	<u>Actual Area (Ha.)</u>		<u>Runoff Factor</u>		<u>% Length Used</u>		<u>Equivalent Agricultural Area (in Ha.)</u>
Built up area	1.100	X	3.00	X	100%	=	3.300
Grassed areas	<u>62.521</u>	X	1.00	X	100%	=	<u>62.521</u>
Total area (in Ha.)	63.621						65.821

65.821 Equiv. Agricultural Hectares X \$484.00 / Hectare = **\$ 31,857**

Ann Marie Slipchuk Appeal

Parcel No. 379

Roll No. [REDACTED]

0.155 Hectares assessed

ASSESSMENTS

Benefit	\$	0
Outlet Liability	\$	<u>225</u>
Total	\$	225

Outlet Liability Assessment Calculation

	<u>Actual</u> Area (Ha.)		<u>Runoff</u> Factor		<u>%</u> Length Used		<u>Equivalent</u> Agricultural Area (in Ha.)
Built up area	0.155	X	3.00	X	100%	=	0.465

0.465 Equiv. Agricultural Hectares X \$484.00 / Hectare = **\$ 225**

Jose Dupont & Theresa Whelan Appeal

Parcel No. 493

Roll No. [REDACTED]

0.302 Hectares assessed

ASSESSMENTS

Benefit	\$ 2,440	(10% of Benefit Assessed)
Outlet Liability	\$ <u>19</u>	
Total	\$ 2,459	

Outlet Liability Assessment Calculation

	<u>Actual</u> Area (Ha.)		<u>Runoff</u> Factor		<u>%</u> Length Used		<u>Equivalent</u> Agricultural Area (in Ha.)
Residential Area	0.302	X	2.46	X	5.4%	=	0.040

0.040 Equiv. Agricultural Hectares X \$484.00 / Hectare = **\$ 19**

Recommended Assessment Changes & Watershed Revisions

(as a result of White Drain Reassessment Report April 25, 2017
and Phase 9 Subdivision)

The following properties are no longer in the Ouellette Drain West watershed and can be removed from Schedule "A":

<u>Parcel No.</u>	<u>Roll No.</u>	<u>Area (in Ha.)</u>	<u>Owner</u>	<u>Benefit</u>	<u>Outlet Liability</u>	<u>Total</u>
92		0.072	D. & C. Taylor	\$ 0	\$ 105	\$ 105
93		0.072	W. & E. Seagris	\$ 0	\$ 105	\$ 105

The following properties have been partially removed from the Ouellette Drain West watershed and Schedule "A" can be modified as follows:

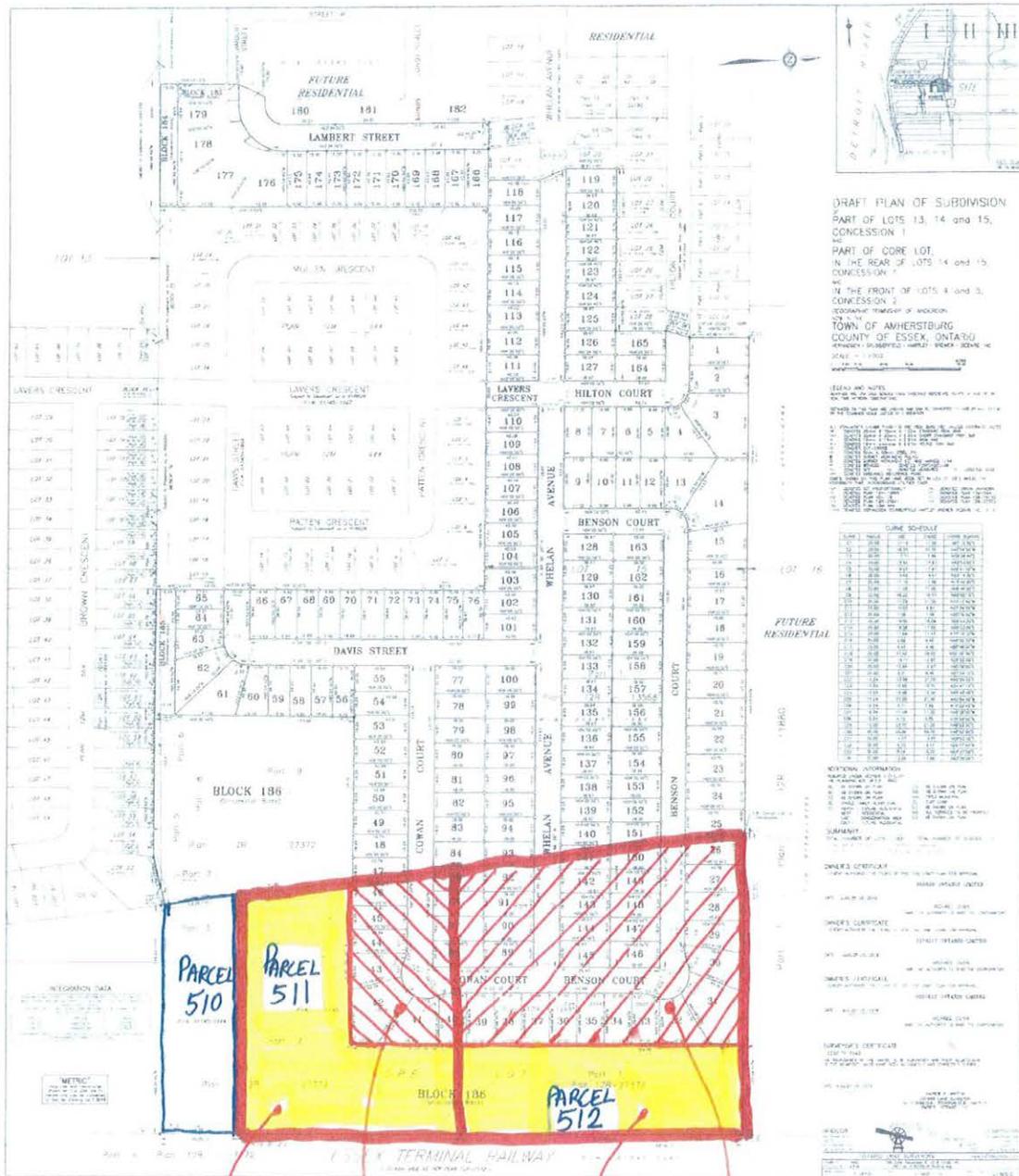
a) Current Assessments

<u>Parcel No.</u>	<u>Roll No.</u>	<u>Area (in Ha.)</u>	<u>Owner</u>	<u>Benefit</u>	<u>Outlet Liability</u>	<u>Total</u>
511		3.302	658620 Ont. Ltd.	\$ 0	\$ 1,598	\$ 1,598
512		4.850	2037832 Ont. Ltd.	\$ 0	\$ 2,347	\$ 2,347

b) Recommended Assessments

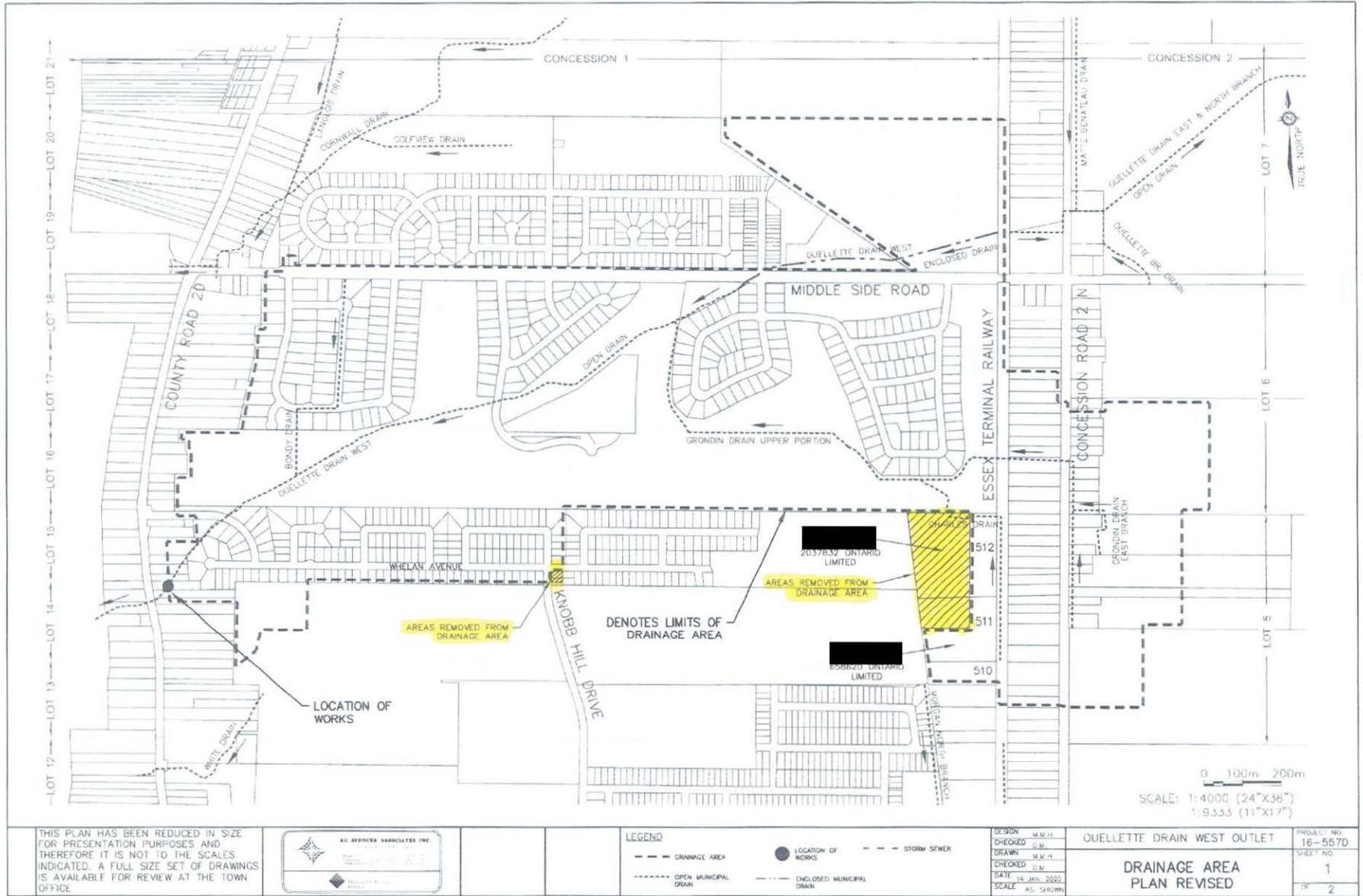
<u>Parcel No.</u>	<u>Roll No.</u>	<u>Area (in Ha.)</u>	<u>Owner</u>	<u>Benefit</u>	<u>Outlet Liability</u>	<u>Total</u>
511		2.246	658620 Ont. Ltd.	\$ 0	\$ 1,087	\$ 1,087
512		1.533	2037832 Ont. Ltd.	\$ 0	\$ 742	\$ 742

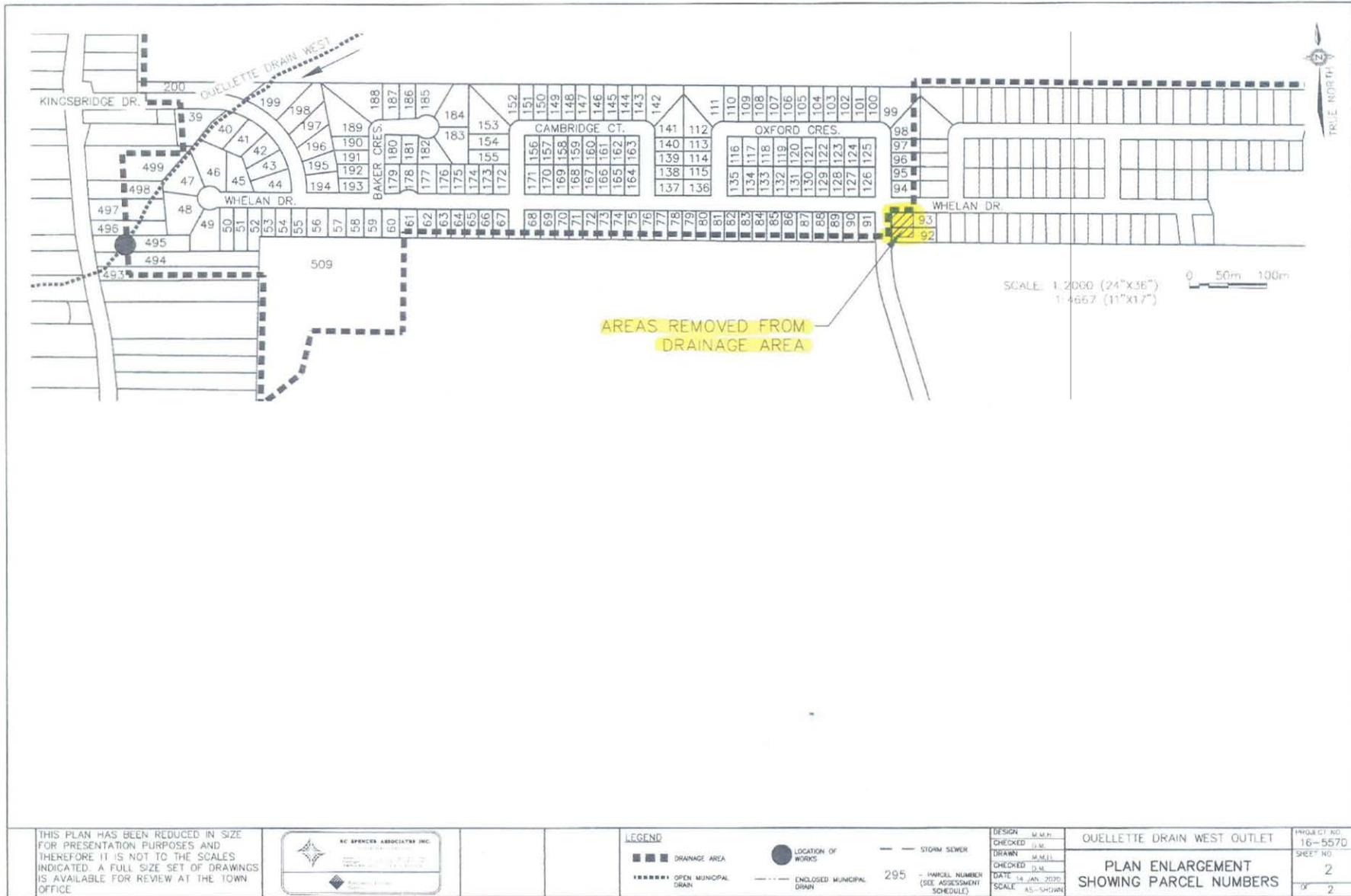
The recommended changes to the four properties would result in a total reduction in Outlet assessments of **\$2,326.00**



2.246 Ha. 1.050 Ha 1.533 Ha. 3.317 Ha.

Parcels # 511 & 512 Areas Removed From Ouellette Drain West Watershed





THIS PLAN HAS BEEN REDUCED IN SIZE FOR PRESENTATION PURPOSES AND THEREFORE IT IS NOT TO THE SCALES INDICATED. A FULL SIZE SET OF DRAWINGS IS AVAILABLE FOR REVIEW AT THE TOWN OFFICE.



LEGEND

- DRAINAGE AREA
- LOCATION OF WORKS
- STORM SEWER
- OPEN MUNICIPAL DRAIN
- ENCLOSED MUNICIPAL DRAIN
- 295 - PARCEL NUMBER (SEE ASSESSMENT SCHEDULE)

DESIGN	M.M.H.
CHECKED	D.M.
DRAWN	M.M.L.
CHECKED	D.M.
DATE	14 JAN. 2020
SCALE	A5-SHOWN

OUELLETTE DRAIN WEST OUTLET
**PLAN ENLARGEMENT
 SHOWING PARCEL NUMBERS**

PROJECT NO.	16-557D
SHEET NO.	2
OF	2



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Shane McVitty	Report Date: December 17, 2019
Author's Phone: 519 736-3664 ext. 2318	Date to Drainage Board: January 16, 2020
Author's E-mail: smcvitty@amherstburg.ca	Resolution #: N/A

To: Members of the Drainage Board

Subject: 6th Concession Drain – Engineering Appointment

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Drainage Superintendent and Engineering Coordinator dated December 17, 2019, regarding the 6th Concession Drain– Engineering Appointment **BE RECEIVED**;
2. The Drainage Board recommend that Council **ACCEPT** the request from Doug Beaudoin for the replacement of the access culvert over the 6th Concession Drain per Section 78 of the Drainage Act; and,
3. The Drainage Board recommend that the appointment of the firm of N.J. Peralta Engineering Ltd. for the repair and improvement to the 6th Concession Drain **BE APPROVED** by Council.

2. **BACKGROUND:**

On November 18th, 2019, Doug Beaudoin submitted a request for the repair and improvement of the 6th Concession Drain.

3. DISCUSSION:

The 6th Concession Drain is a Municipal Drain that was last improved under a report authored by D. Joudrey, P. Eng. August 11, 1997. The 1997 Joudrey report provided for the improvement of the entire length of the drain. The assessment schedule for maintenance was later updated under an engineering report by S.R. McVitty, P.Eng., dated April 16, 2014. Most recently, an engineering report was completed by Tony Peralta, P.Eng. This report provided for a single new access bridge, as well as an extension and new headwalls on a second bridge to accommodate a recent lot severance.

Although the assessment schedule included within the 2014 report provides a means of assessing the cost of future maintenance of the drain itself, the report does not make any distinction between the cost to repair or replace existing access bridges. This makes it difficult for the municipality to accurately assess the costs of bridge repair and replacement in a fair and equitable manner. This will be addressed in a new engineering report, along with the necessary engineering provisions to ensure that all prevalent design criteria are satisfied.

A recent inspection of the Beaudoin culvert in the 6th Concession Drain by the Drainage Superintendent and Engineering Coordinator revealed that the existing C.S.P. pipe was in poor shape and showing signs of deterioration. In fact, a sink hole in the gravel driveway has developed, prompting Public Works staff to temporarily repair the culvert and install steel plates across the surface of the driveway in the area of the failure. Following the inspection of the culvert and discussions with the owner, the Drainage Superintendent and Engineering Coordinator provided Mr. Beaudoin with the process of replacing the access culvert under the Drainage Act. Given the age of many of the existing culverts within the drain, and based on discussions with other landowners, it is likely that the engineering report will be expanded to address improvements or repair of additional culverts. The condition of all culverts will be discussed at the on-site meeting, which will take place shortly following the appointment of the engineer by Council.

A motion was passed at the January 15, 2018 Council Meeting to authorize administration to utilize a roster for drainage services under the Drainage Act. Among others, N.J. Peralta Engineering Ltd. was selected to be included as part of this roster and is thereby eligible to prepare a drainage report pursuant to Section 78 of the Drainage Act for repair and improvement to the 6th Concession Drain.

4. RISK ANALYSIS:

The Beaudoin bridge within the 6th Concession Drain has been identified as needing replacement and is in poor condition. This existing bridge is approximately 58 metres long and provides access to two separate homes. Replacement of this bridge and enclosure has been requested by Mr. Beaudoin. Failing to appoint an engineer to evaluate this bridge and subsequently complete a report under the provisions of the Drainage Act in an expedient manner could place bridge users in jeopardy should the condition of the bridge continue to deteriorate. Also, the deterioration of culvert piping may permit gravel and earthen backfill to migrate into the drain. This can cause flow

blockages, thereby decreasing the ability of the drain to efficiently convey water, resulting in an increased risk of water overtopping driveways and upstream flooding.

Under the Drainage Act, the municipality can be held responsible for damages due to flooding and bridge failures if the improvements are not completed.

5. FINANCIAL MATTERS:

The financial implications will be determined by the appointed engineer and will be provided in the schedule of assessment within the engineer's drainage report for the improvements to the 6th Concession Drain.

6. CONSULTATIONS:

N/A

7. CONCLUSION:

Administration is recommending that the appointment of the firm of N.J. Peralta Engineering Ltd. for the repair and improvement to the 6th Concession Drain be brought to the next Regular Council meeting for Council's consideration pursuant to the provisions of the Drainage Act.



Shane McVitty
**Drainage Superintendent and
Engineering Coordinator**

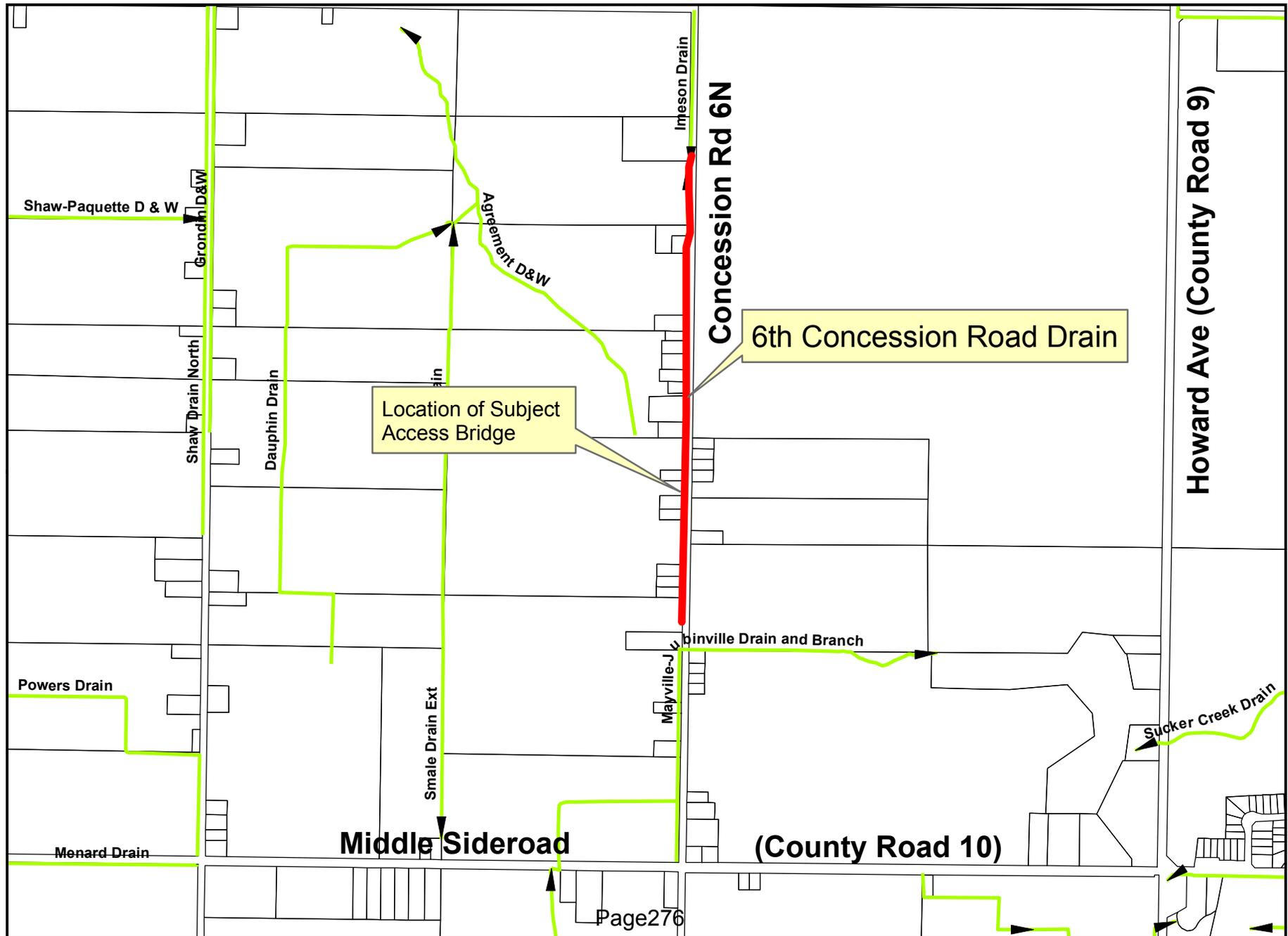
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Attachment(s):

- Request for Improvement submitted by Doug Beaudoin
- Map of 6th Concession Drain



6th Concession Road Drain





The Corporation of The Town of Amherstburg

REPAIR/IMPROVEMENT of a MUNICIPAL DRAIN (Section 65, 76 and 78 Drainage Act)

FROM: Rita Beaudoin Doug Beaudoin

DRAIN: 6 con. Drain

I/We are the owner of the following land(s): Yes

Roll Number(s): [REDACTED]

And I/We request the following work on the above drain:

- a) Subsequent Connections (Section 65(1))
- b) New Schedule of Assessment (Section 76)
- c) Improvements upon Examination and Report of Engineer (Section 78)
- d) New Access Bridge (Section 78)
 - Residential Bridge
 - Agricultural Bridge

I request that if necessary, an Engineer be appointed and that he will determine a time and place at which he will attend an on-site meeting and examine the drainage area with all assessed ratepayers to be invited.

In signing this form, the owner is advised that they may be charged for work performed by the appointed Engineer should the works not proceed as requested.

Dated this 18 day of Nov., 2019.

Doug Beaudoin
Signature of Owner

Signature of Owner

[REDACTED]
Telephone Number

Telephone Number



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Shane McVitty	Report Date: December 19, 2019
Author's Phone: 519 736-3664 ext. 2318	Date to Drainage Board: January 16, 2020
Author's E-mail: smcvitty@amherstburg.ca	Resolution #: N/A

To: Members of the Drainage Board

Subject: Various Drainage Apportionments

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Drainage Superintendent and Engineering Coordinator dated December 19, 2019, regarding Various Drainage Apportionments **BE RECEIVED**;
2. The drainage apportionments **BE APPROVED** as listed:
 - **Consent B/14/19** – Drainage Apportionments for the Whelan Drain – Mailloux
 - **Consent B/21/19** – Drainage Apportionments for the Long Marsh Drain and Ouellette Drain East – Guarnaccia
 - **Consent B/23/19** – Drainage Apportionments for the Long Marsh Drain – Shaw
3. Administration **BRING FORWARD** the Drainage Board's recommendation to approve the drainage apportionments at a future Regular Council Meeting

2. **BACKGROUND:**

Under the provisions of the Drainage Act, when lands that are assessed for drainage are subsequently divided by a change of ownership of any part, the Municipality must take steps to apportion the assessments to reflect the division of the lands. Over the course of a year, the Municipality will receive a number of severance applications that

require apportionments of existing drainage assessments. This report deals with three (3) drainage apportionments, each of which are associated with separate, individual severance consents, that have been completed by the Town Engineering and Public Works Department.

3. DISCUSSION:

Section 65 of the Drainage Act discusses the obligation of a Municipality to apportion existing drainage assessments when lands are subsequently sub-divided. Section 65(2) provides a Municipality with the necessary provisions to complete assessment apportionments when landowners of the subdivided lands agree on the shares of the assessments. Specifically, the procedures by which landowner agreement apportionments are to be administered are outlined under Section 65(2) of the Act, which stipulates that:

Agreement on share of assessment

65. (2) If the owners of the subdivided land mutually agree on the share of the drainage assessment that each should pay, they may enter into a written agreement and file it with the clerk of the local municipality and, if the agreement is approved by the council by resolution, no engineer need be instructed under subsection (1). 2010, c. 16, Sched. 1, s. 2 (26).

Section 65(1) of the Drainage Act provides the Municipality with the option of instructing an engineer to complete the drainage apportionments:

Subsequent subdivision of land

65. (1) If, after the final revision of an engineer's assessment of land for a drainage works, the land is divided by a change in ownership of any part, the clerk of the local municipality in which the land is situate shall instruct an engineer in writing to apportion the assessment among the parts into which the land was divided, taking into account the part of the land affected by the drainage works. 2010, c. 16, Sched. 1, s. 2 (26).

An engineer was not instructed under Section 65(1) of the Act. In the case of the land divisions and severances being considered under this report, apportionments were completed by the Drainage Superintendent. Assessment schedules for drains that were affected by each land severance were analysed by the Drainage Superintendent and an appropriate apportionment of the assessments were completed. Specifically, assessments for the retained parcels and the severed parcels were divided to accurately reflect the change in the land boundaries and ownership. Once completed, all affected landowners were contacted and provided a letter that described the apportionments. If the landowners were in agreement with the apportionments, an "Agreement between Property Owners for Drain Apportionments due to Land Severance or Sale" was signed by the affected property owners in accordance with Section 65(2) of the Act. In the case of the following severances, agreement letters were signed by all affected property owners and are attached:

- **Consent B/14/19** – Drainage Apportionments for the Whelan Drain – Mailloux
- **Consent B/21/19** – Drainage Apportionments for the Long Marsh Drain and Ouellette Drain East – Guarnaccia
- **Consent B/23/19** – Drainage Apportionments for the Long Marsh Drain – Shaw

Apportionment agreements, once accepted by the Drainage Board and approved by Council through resolution, will be reflected in the assessments of all future works of maintenance on any of the affected drains listed in the subject Consents.

4. RISK ANALYSIS:

Under the provisions of the Drainage Act, when lands that are assessed for drainage are subsequently divided by a change of ownership of any part, it is the Municipality's obligation to take steps to apportion the assessments to reflect the division of the lands. Failing to do so could lead to unfair assessments of drain maintenance costs that do not accurately reflect the prevalent ownership and subdivisions of lands within drainage watersheds. This could lead to conflicts between the Municipality and landowners over drainage assessments and the possible denial of agricultural grants from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

5. FINANCIAL MATTERS:

An administration fee of \$500.00 is charged by the Planning Department to an owner of a land that wishes to sever a portion of his or her lands.

6. CONSULTATIONS:

N/A

7. CONCLUSION:

Administration is recommending that the drainage apportionments be approved as listed and that said apportionments be approved by Council resolution:

- **Consent B/14/19** – Drainage Apportionments for the Whelan Drain – Mailloux
- **Consent B/21/19** – Drainage Apportionments for the Long Marsh Drain and Ouellette Drain East – Guarnaccia
- **Consent B/23/19** – Drainage Apportionments for the Long Marsh Drain – Shaw



Shane McVitty
Drainage Superintendent and Engineering Coordinator
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Attachment(s):

- **Consent B/14/19** – Letter and Agreement between Property Owners for Drain Apportionments due to Land Severance or Sale
- **Consent B/21/19** – Letter and Agreement between Property Owners for Drain Apportionments due to Land Severance or Sale
- **Consent B/23/19** – Letter and Agreement between Property Owners for Drain Apportionments due to Land Severance or Sale



The Corporation of The Town of Amherstburg

August 29, 2019

RE: Section 65 Drainage Apportionment – Consent B/14/19

Dear Homeowner:

This letter is to advise you of changes to the drainage assessment for your property for the parcel located at 4380 Concession Road 4 South, Malden Concession 3, Part Lot 28, in the former Geographic Township of Malden. This is in relation to the Application for Consent B/14/19, which proposes to sever a 2.183 acre (0.883 hectare) parcel of land from the existing parcel having Roll No. [REDACTED]; the retained 16.547 acre (6.696 hectare) parcel shall remain as agricultural lands whose Roll No. will be determined at a later time. The attached plan depicts the boundaries of the affected parcels.

The re-apportionment of the drainage assessments for the lands described above proposed under this letter is in accordance with Section 65(2) of the "Drainage Act, R.S.O. 1990, Chapter D.17, as amended in 2010."

Administration for the Town of Amherstburg has performed all of the necessary investigations to complete the re-apportionments of drainage assessments for the subject lands. Said lands are located in the watersheds of the following municipal drains constructed by bylaw under the Drainage Act:

1. **Whelan Drain** – Report by N.J. Peralta, P.Eng., dated May 3rd, 1985, by-law 85-19, and further amended through S.65 drainage apportionment completed by Crozier, dated March 13, 2019.

If you are in agreement with the new breakdown of your property listed in the attached chart(s), please have all registered owners of your property sign the attached form and return to the Public Works Department at 512 Sandwich St South. Under Section 65(2) of the Drainage Act, if the agreement is approved by Council by resolution, no engineer will need to be instructed to complete a re-apportionment.

Should you have any questions or require further clarification, please feel free to contact myself at (519) 736-3664 ext 2318.

Sincerely,

Shane McVitty, P.Eng.
Drainage Superintendent and Engineering Coordinator
Attach.

Administration has created the following new breakdown for the affected properties:

1. Whelan Drain

<u>Whelan Drain</u>							
Existing Assessment – N.J Peralta, P.Eng., May 3, 1985 & Crozier, P.Eng., March 13, 2009							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
3	28	7.579		D & C Mailloux	\$ 112.00	\$ 78.00	\$190.00

<u>Whelan Drain</u>							
Reapportionment – Application for Consent B/14/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
3	28	0.883		D & C Mailloux	\$ 14.00	\$ 10.00	\$ 24.00
3	28	6.696		D & C Mailloux	\$ 98.00	\$ 68.00	\$ 166.00

CORPORATION OF THE TOWN OF AMHERSTBURG

**Agreement between Property Owners for Drain Apportionment
due to Land Severance or Sale**

WHELAN DRAIN

Agreement between _____ and _____ for cost apportionment due to severance or sale of land in the Whelan Drain drainage watershed or system.

I, (we) agree to the drainage apportionment as listed below that the Town of Amherstburg has calculated for our property, and hereby petition the Council of the Town of Amherstburg to fix these new apportionments by resolution.

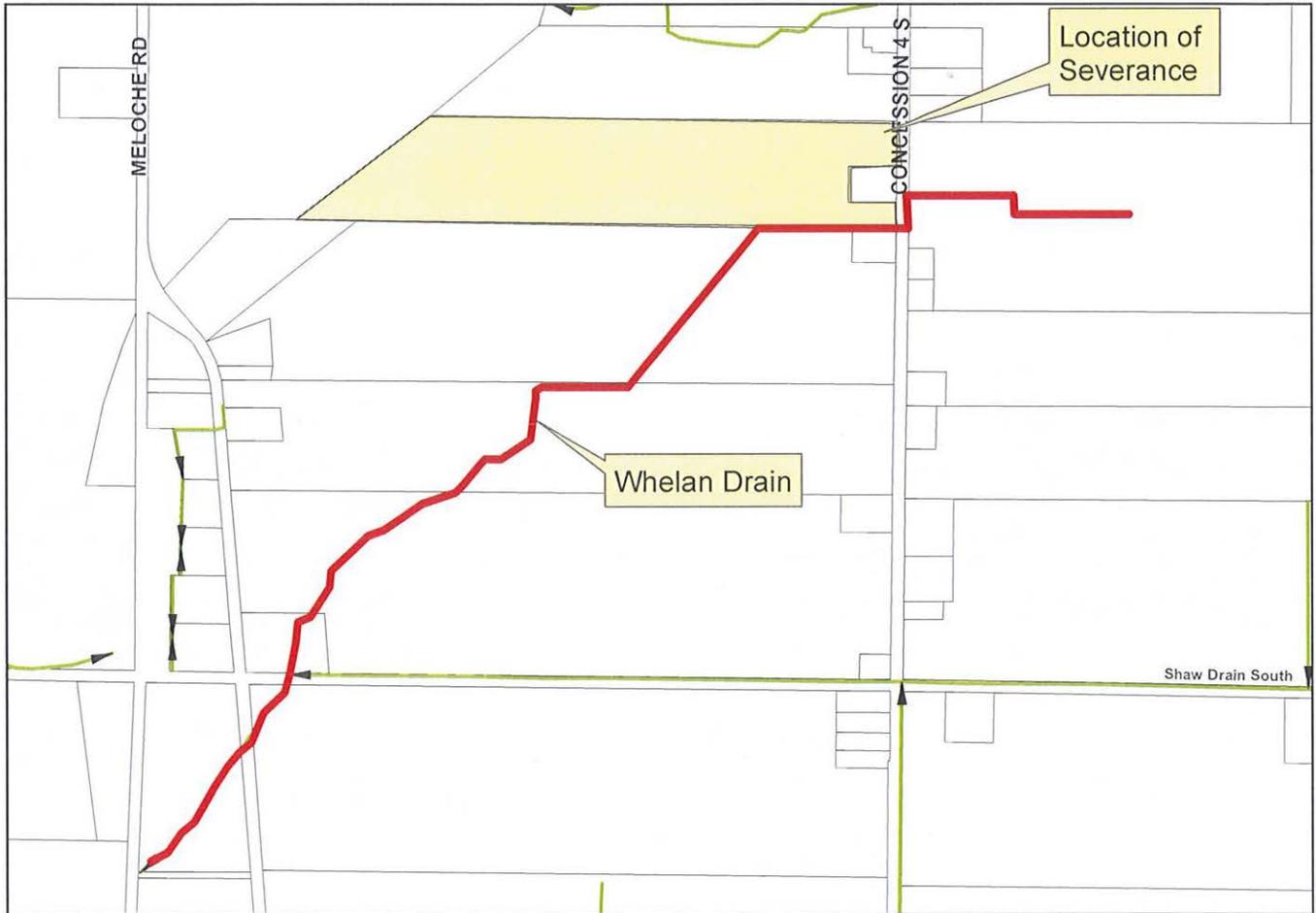
<u>Whelan Drain</u>							
Reapportionment – Application for Consent B/14/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
3	28	0.883	██████████	D & C Mailloux	\$ 14.00	\$ 10.00	\$ 24.00
3	28	6.696	██████████	D & C Mailloux	\$ 98.00	\$ 68.00	\$ 166.00

<u>DAVID MAILLOUX</u> Retained Property Owner 1 (printed)	<u>Dec 10/19</u> Date	<u>David Mailloux</u> Retained Property Owner 1 (signature)
<u>CAROL MAILLOUX</u> Retained Property Owner 2 (printed)	<u>Dec 10/19</u> Date	<u>Carol Mailloux</u> Retained Property Owner 2 (signature)
<u>DAVID MAILLOUX</u> Severed Property Owner 1 (printed)	<u>Dec 10/19</u> Date	<u>David Mailloux</u> Severed Property Owner 1 (signature)
<u>CAROL MAILLOUX</u> Severed Property Owner 2 (printed)	<u>Dec 10/19</u> Date	<u>Carol Mailloux</u> Severed Property Owner 2 (signature)



The Corporation of The
Town of Amherstburg

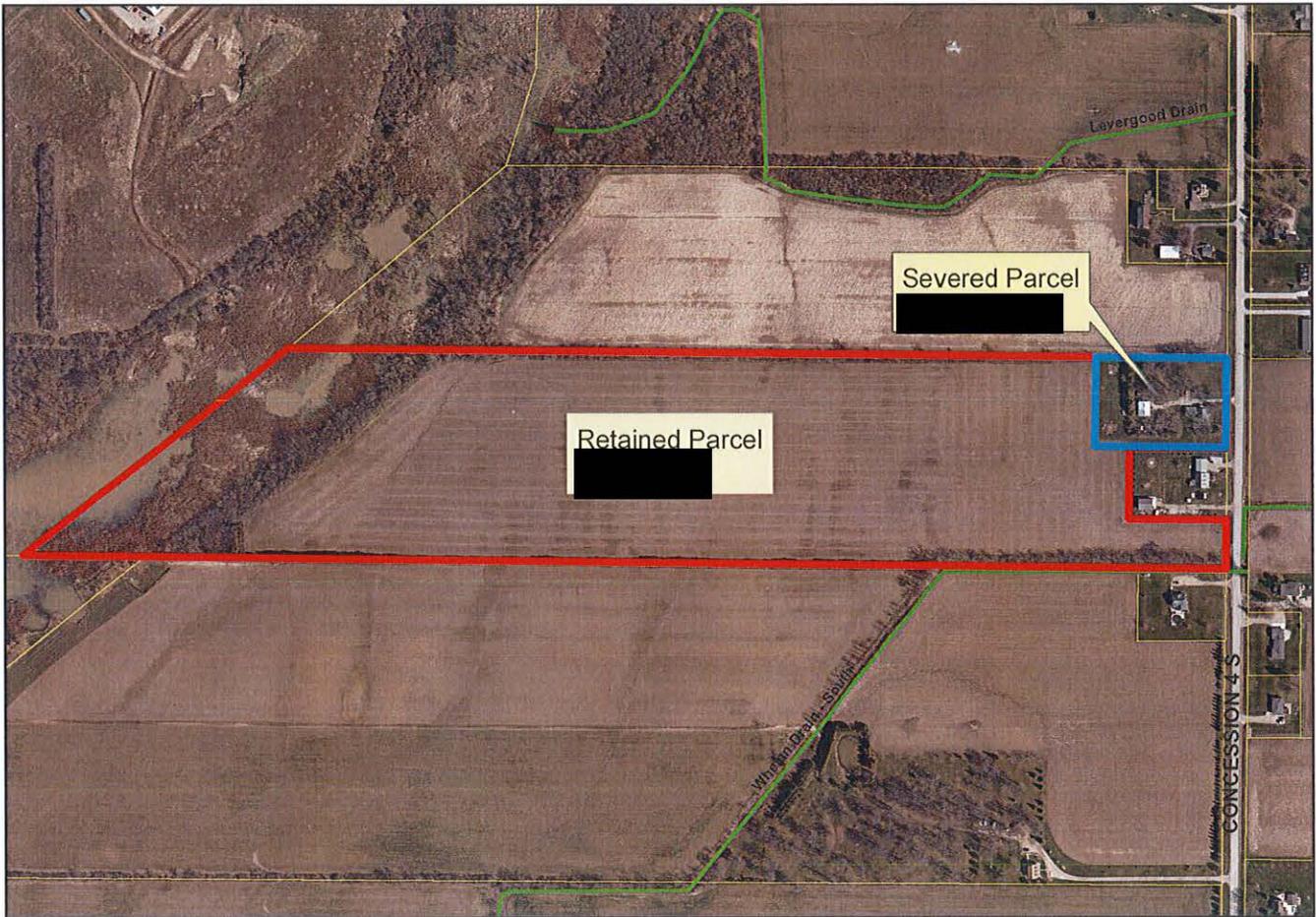
**Section 65 Drainage Apportionment
Consent B/14/19 - Mailloux**





The Corporation of The
Town of Amherstburg

**Section 65 Drainage Apportionment
Consent B/14/19 - Mailloux**





The Corporation of The Town of Amherstburg

November 21, 2019

RE: Section 65 Drainage Apportionment – Consent B/21/19

Dear Homeowner:

This letter is to advise you of changes to the drainage assessment for your property for the parcel located at E/S Concession Road 2 North, Concession 2, Part Lot 6, in the former Geographic Township of Anderdon. This is in relation to the Application for Consent B/21/19, which proposes to sever a 0.473acre (0.191 hectare) parcel of land from the existing parcel having Roll No. [REDACTED], the retained 0.485 acre (0.196 hectare) parcel shall remain as residential lands whose Roll No. will be determined at a later time. The attached plan depicts the boundaries of the affected parcels.

The re-apportionment of the drainage assessments for the lands described above proposed under this letter is in accordance with Section 65(2) of the "Drainage Act, R.S.O. 1990, Chapter D.17, as amended in 2010."

Administration for the Town of Amherstburg has performed all of the necessary investigations to complete the re-apportionments of drainage assessments for the subject lands. Said lands are located in the watersheds of the following municipal drains constructed by bylaw under the Drainage Act:

1. **Long Marsh Drain** – Report by N.J. Peralta, P.Eng., dated January 27th, 1993, by-law 2917.
2. **Ouellette Drain East** – Report by D. Joudrey, P.Eng., dated February 19th, 2016, by-law 2016-78.

If you are in agreement with the new breakdown of your property listed in the attached chart(s), please have all registered owners of your property sign the attached form and return to the Public Works Department at 512 Sandwich St South. Under Section 65(2) of the Drainage Act, if the agreement is approved by Council by resolution, no engineer will need to be instructed to complete a re-apportionment.

Should you have any questions or require further clarification, please feel free to contact myself at (519) 736-3664 ext 2318.

Sincerely,

Shane McVitty, P.Eng.
Drainage Superintendent and Engineering Coordinator
Attach.

Website: www.amherstburg.ca
271 SANDWICH ST. SOUTH, AMHERSTBURG, ONTARIO N9V 2A5
Phone: (519) 736-0012 Fax: (519) 736-5403 TTY: (519) 736-9860

Administration has created the following new breakdown for the affected properties:

1. Long Marsh Drain

<u>Long Marsh Drain</u>							
Existing Assessment – N.J Peralta, P.Eng., January 27, 1993							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
2	6	0.95	██████████	Percy Renaud	\$ 0.00	\$ 45.00	\$ 45.00

<u>Long Marsh Drain</u>							
Reapportionment – Application for Consent B/21/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
2	6	0.473	██████████	S&S Guarnaccia	\$ 0.00	\$ 22.50	\$ 22.50
2	6	0.485	██████████	S&S Guarnaccia	\$ 0.00	\$ 22.50	\$ 22.50

2. Ouellette Drain East

<u>Ouellette Drain East</u>							
Existing Assessment – D. Joudrey, P.Eng., February 19, 2016							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
2	6	0.94	██████████	Underwood	\$ 0.00	\$ 60.00	\$ 60.00

<u>Ouellette Drain East</u>							
Reapportionment – Application for Consent B/21/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
2	6	0.473	██████████	S&S Guarnaccia	\$ 0.00	\$ 30.00	\$ 30.00
2	6	0.485	██████████	S&S Guarnaccia	\$ 0.00	\$ 30.00	\$ 30.00

CORPORATION OF THE TOWN OF AMHERSTBURG

**Agreement between Property Owners for Drain Apportionment
due to Land Severance or Sale**

LONG MARSH DRAIN

Agreement between _____ and _____ for cost apportionment due to severance or sale of land in the Long Marsh Drain drainage watershed or system.

I, (we) agree to the drainage apportionment as listed below that the Town of Amherstburg has calculated for our property, and hereby petition the Council of the Town of Amherstburg to fix these new apportionments by resolution.

<u>Long Marsh Drain</u>							
Reapportionment – Application for Consent B/21/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
2	6	0.473	██████████	S&S Guarnaccia	\$ 0.00	\$ 22.50	\$ 22.50
2	6	0.485	██████████	S&S Guarnaccia	\$ 0.00	\$ 22.50	\$ 22.50

Sebastian Guarnaccia

Retained Property Owner 1 (printed)

Nov 22-19

Date

S&S Guarnaccia

Retained Property Owner 1 (signature)

Retained Property Owner 2 (printed)

Date

Retained Property Owner 2 (signature)

Sebastian Guarnaccia

Severed Property Owner 1 (printed)

Nov 22-19

Date

S&S Guarnaccia

Severed Property Owner 1 (signature)

Severed Property Owner 2 (printed)

Date

Severed Property Owner 2 (signature)

CORPORATION OF THE TOWN OF AMHERSTBURG

**Agreement between Property Owners for Drain Apportionment
due to Land Severance or Sale**

OUELLETTE DRAIN EAST

Agreement between _____ and _____ for cost apportionment due to severance or sale of land in the Ouellette Drain East drainage watershed or system.

I, (we) agree to the drainage apportionment as listed below that the Town of Amherstburg has calculated for our property, and hereby petition the Council of the Town of Amherstburg to fix these new apportionments by resolution.

<u>Ouellette Drain East</u>							
Reapportionment – Application for Consent B/21/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
2	6	0.473	██████████	S&S Guarnaccia	\$ 0.00	\$ 30.00	\$ 30.00
2	6	0.485	██████████	S&S Guarnaccia	\$ 0.00	\$ 30.00	\$ 30.00

Sebastian Guarnaccia
Retained Property Owner 1 (printed)

Nov 22-19
Date

Seb Guarnaccia
Retained Property Owner 1 (signature)

Retained Property Owner 2 (printed)

Date

Retained Property Owner 2 (signature)

Sebastian Guarnaccia
Severed Property Owner 1 (printed)

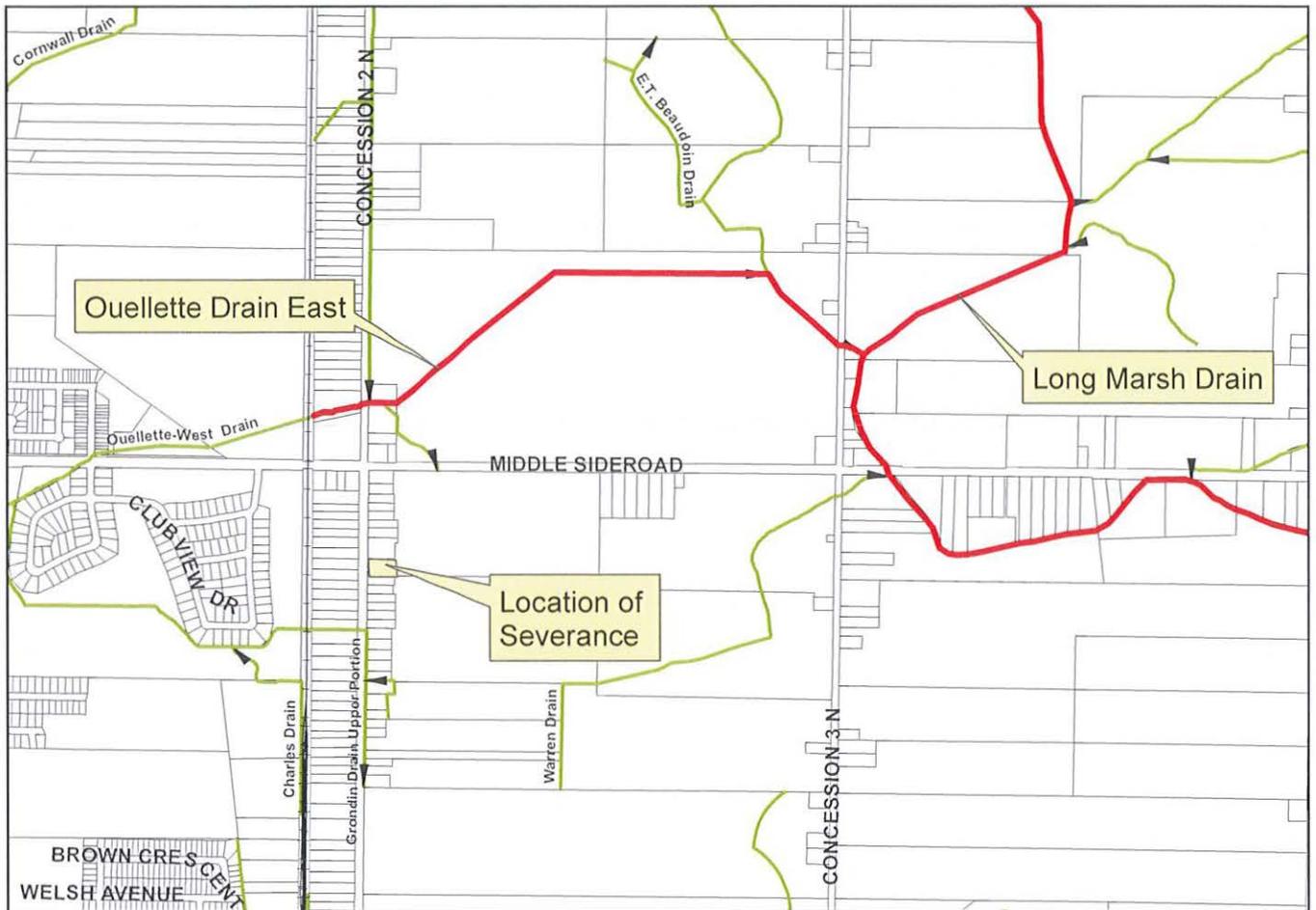
Nov 22-19
Date

Seb Guarnaccia
Severed Property Owner 1 (signature)

Severed Property Owner 2 (printed)

Date

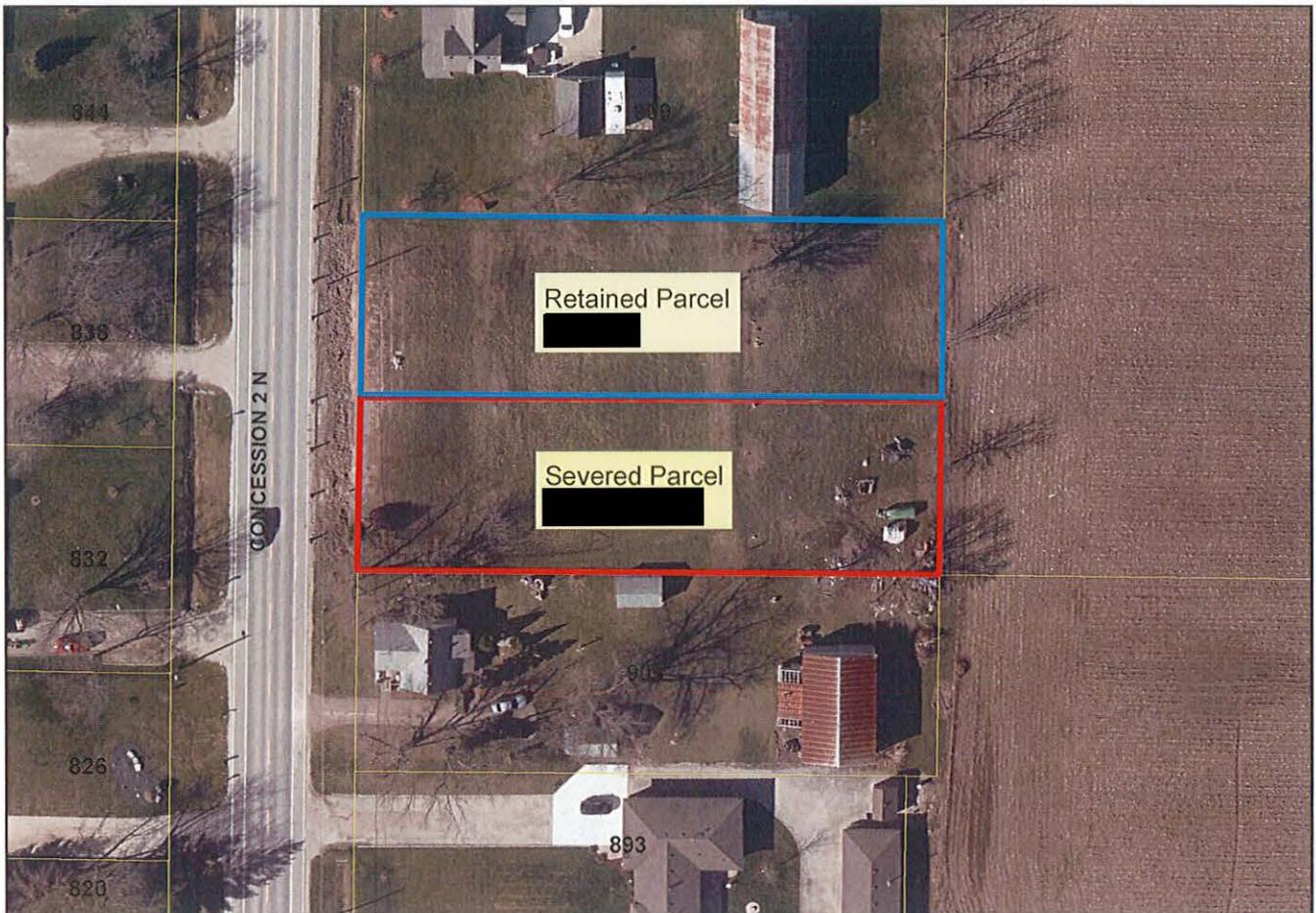
Severed Property Owner 2 (signature)





The Corporation of The
Town of Amherstburg

**Section 65 Drainage Apportionment
Consent B/21/19 - Guarnaccia**





The Corporation of The Town of Amherstburg

November 27, 2019

RE: Section 65 Drainage Apportionment – Consent B/23/19

Dear Homeowner:

This letter is to advise you of changes to the drainage assessment for your property for the parcel located at E/S Concession Road 4 North, Concession 4, Part Lot 5, in the former Geographic Township of Anderdon. This is in relation to the Application for Consent B/23/19, which proposes to sever a 0.451 acre (0.183 hectare) parcel of land from the existing agricultural parcel having Roll No. [REDACTED]. This parcel is being severed for the purposes of a lot addition with 4361 Concession Road 4 North, having Roll No. [REDACTED]. The remaining parcel will have an area of 56.23 acre (22.76 hectare) of agricultural land. The attached plan depicts the boundaries of the affected parcels.

The re-apportionment of the drainage assessments for the lands described above proposed under this letter is in accordance with Section 65(2) of the "Drainage Act, R.S.O. 1990, Chapter D.17, as amended in 2010."

Administration for the Town of Amherstburg has performed all of the necessary investigations to complete the re-apportionments of drainage assessments for the subject lands. Said lands are located in the watersheds of the following municipal drains constructed by bylaw under the Drainage Act:

1. **Long Marsh Drain** – Report by N.J. Peralta, P.Eng., dated January 27th, 1993, by-law 2917

If you are in agreement with the new breakdown of your property listed in the attached chart(s), please have all registered owners of your property sign the attached form and return to the Public Works Department at 512 Sandwich St South. Under Section 65(2) of the Drainage Act, if the agreement is approved by Council by resolution, no engineer will need to be instructed to complete a re-apportionment.

Should you have any questions or require further clarification, please feel free to contact myself at (519) 736-3664 ext 2318.

Sincerely,

Shane McVitty, P.Eng.
Drainage Superintendent and Engineering Coordinator
Attach.

Administration has created the following new breakdown for the affected properties:

1. Long Marsh Drain

<u>Long Marsh Drain</u>							
Existing Assessment – N.J Peralta, P.Eng., January 27, 1993, apportionment on Agreement between Property Owners, May 29, 1997 (Resolution # 36-09-97C)							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
4	5	22.94		R. Anderson	\$ 417.00	\$ 1041.00	\$ 1548.00
4	5	0.3		T&E Pillon	\$ 0.00	\$ 45.00	\$ 45.00

<u>Long Marsh Drain</u>							
Reapportionment – Application for Consent B/23/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
4	5	22.76			\$ 417.00	\$ 1014.00	\$ 1431.00
4	5	0.483			\$ 0.00	\$ 72.00	\$ 72.00

CORPORATION OF THE TOWN OF AMHERSTBURG

**Agreement between Property Owners for Drain Apportionment
due to Land Severance or Sale**

LONG MARSH DRAIN

Agreement between Don Shaw and Don Shaw for cost apportionment due to severance or sale of land in the Long Marsh Drain drainage watershed or system.

I, (we) agree to the drainage apportionment as listed below that the Town of Amherstburg has calculated for our property, and hereby petition the Council of the Town of Amherstburg to fix these new apportionments by resolution.

<u>Long Marsh Drain</u>							
Reapportionment – Application for Consent B/23/19							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
4	5	22.76		806574 Ont. Inc.	\$ 417.00	\$ 1014.00	\$ 1431.00
4	5	0.483		806574 Ont. Inc.	\$ 0.00	\$ 72.00	\$ 72.00

DONALD SHAW
Retained Property Owner 1 (printed)

Nov 28-19
Date

Donald Shaw
Retained Property Owner 1 (signature)

Retained Property Owner 2 (printed)

Date

Retained Property Owner 2 (signature)

DONALD SHAW
Severed Property Owner 1 (printed)

Nov 28-19
Date

Donald Shaw
Severed Property Owner 1 (signature)

Severed Property Owner 2 (printed)

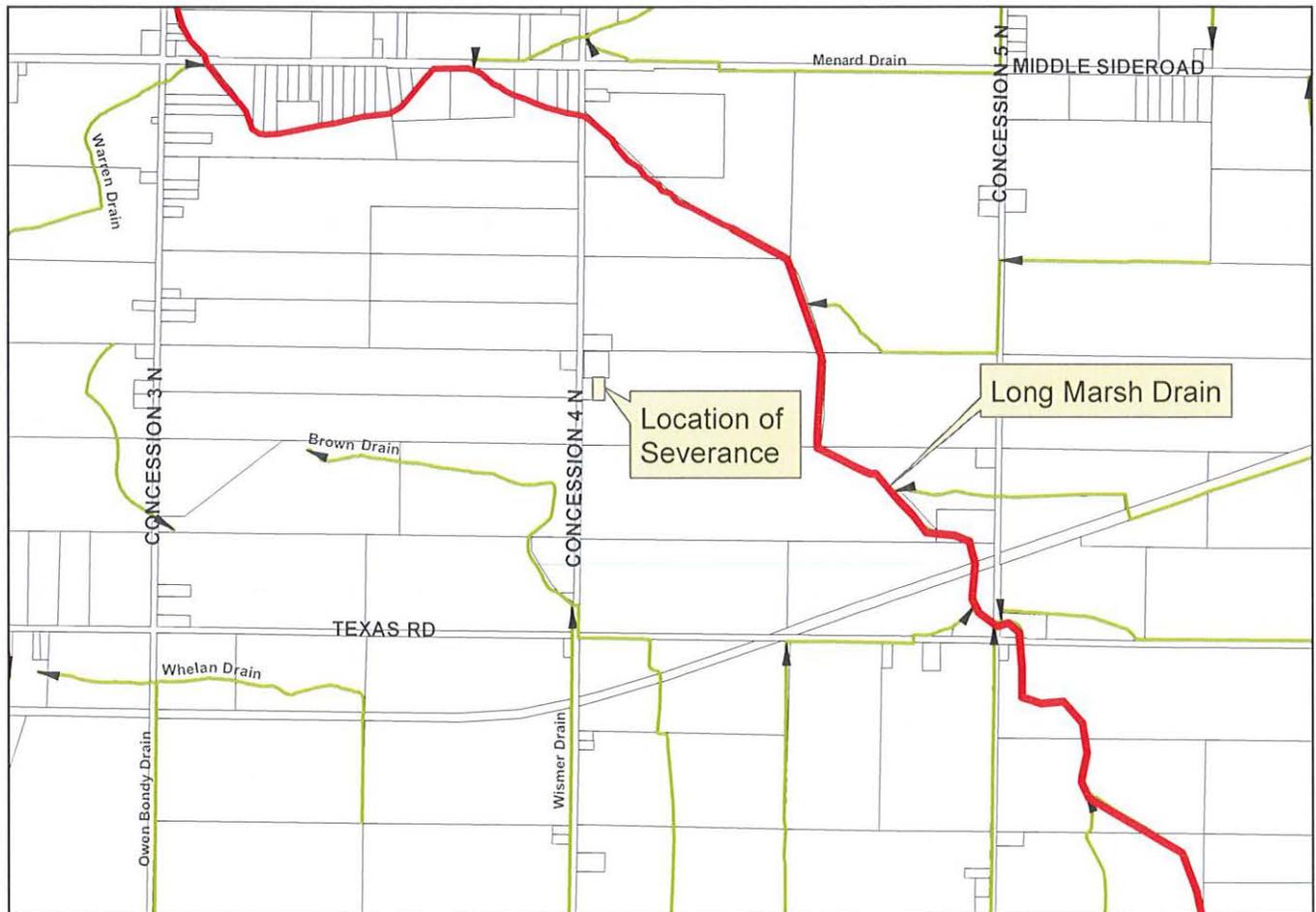
Date

Severed Property Owner 2 (signature)



The Corporation of The
Town of Amherstburg

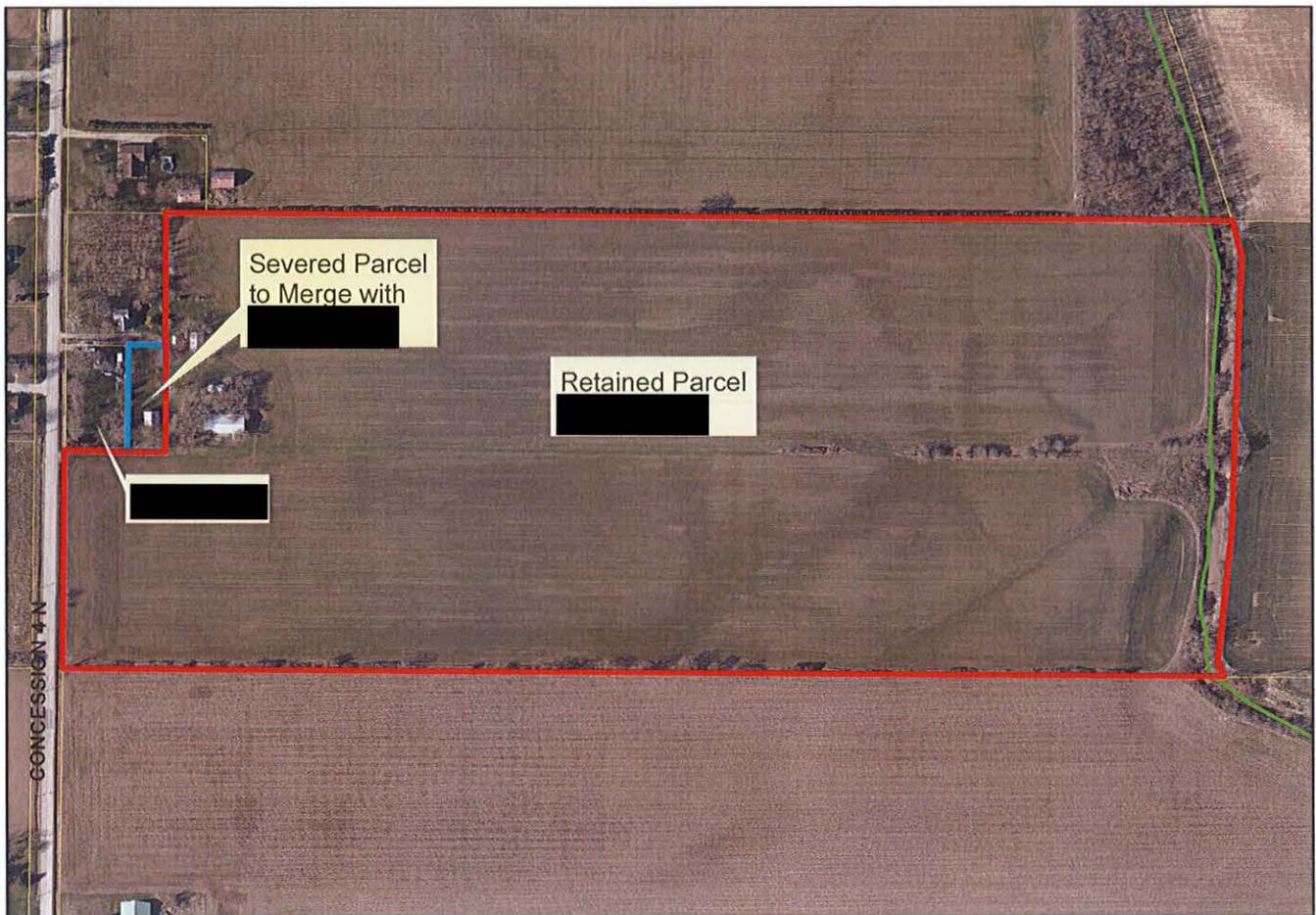
**Section 65 Drainage Apportionment
Consent B/23/19 - 806574 Ontario Inc.**





The Corporation of The
Town of Amherstburg

**Section 65 Drainage Apportionment
Consent B/23/19 - 806574 Ontario Inc.**



Unfinished Business List - eScribe as at January 27, 2020

Agenda Item	Assigned To	Comment	Description	Date
Print-to-Braille Accessibility for Municipalities - Emmanuel and Rebecca Blaevoet, Tactile Vision Graphics	Paula Parker	As per the Procurement Policy 3 quotes need to be obtained for this endeavor. Based on this it is anticipated to have information for Council for the 2021 budget considerations	Resolution # 20180813-264 Fryer/Meloche That Administration BE DIRECTED to bring back a report back with recommendations to include braille in the next agenda or future agendas.	13-Aug-18
NEW BUSINESS	Nicole Rubli, Mark Galvin	20190227 - awaiting LPAT decision. RTC will cover full animal control by-law. Public Consultation Meeting was held May 14th, 2019 for Animal control By-law including kennels. Anticipate report to Council in 2020.	Resolution # 20180910-301 Lavigne/Meloche That Administration BE DIRECTED to look at surrounding municipalities and their by-law regarding dogs and kennels and bring a report back for Council's consideration.	10-Sep-18
NEW BUSINESS	Mark Galvin, Angelo Avolio	Reviewing best practices and comparator municipalities. Anticipate Council report for 1st quarter 2020.	Resolution # 20180910-302 Lavigne/Meloche That Administration BE DIRECTED to look at surrounding municipalities regarding fill by-laws and bring back a report for Council's consideration.	10-Sep-18
Feasibility of Developing a Fee for Planting Trees on Public Land	Mark Galvin, Rebecca Belanger	Report to Council with background and Administrative recommendation. Anticipated for Winter 2020. Examining impact of Bill 108 on fees related to parkland.	Resolution # 20181023- 348 Pouget/Courtney That Administration BE DIRECTED to bring a back a report amending the User Fee By-law to contain a fee for the planting of a tree on the right-of-way; and, That the information be sent to the Parks and Recreation Advisory Committee.	23-Oct-18
UNFINISHED BUSINESS	Nicole Rubli	First public consultation scheduled for May 14th. Anticipate report to Council first quarter of 2020.	Resolution # 20181023-356 Fryer/Courtney That Administration BE DIRECTED to bring the report regarding urban chickens along with permit fees for Council's consideration.	23-Oct-19
Off-Road Vehicle Use on Municipal Roadways - Kevin Schmidt and Shawn Ellenberger, Essex County ATV Club	Nicole Rubli	Meeting held with County and ERCA Administration. Anticipate report to Council in Fall 2019 Administration will hold this report until the regulations associated with Bill 107 are passed by the Province, in speaking with AMO Policy Advisor this is expected in 2020.	Resolution # 20190325-202 Prue/Renaud That Administration continue to work with the Essex County ATV Club, the County of Essex, ERCA, and the Police to find a possible trial area for off-road vehicle use.	25-Mar-19
NEW BUSINESS	Eric Chamberlain, Antonietta Giofu	This will be a long term plan for the downtown core/future developments. Pending outcome of EA process (former Duffy's property) and progress of new developments (i.e. hotel), could affect timing of this report and recommendations presented to Council. Council Resolution #20180212-38 notes: A downtown core parking study, with funding to be allocated in a future year budget, after the completion of the development of the former Duffy lands BE SUPPORTED. Estimated timing per Development Charge Study is 2020-2021.	Resolution # 20190408-238 Prue/McArthur That Administration BE DIRECTED to prepare a report regarding angled parking on the west side of Dalhousie Street from Richmond Street to Gore Street with the possibility of one-way traffic going south bound.	08-Apr-19
Big Creek Wildlife Awareness Signage	Antonietta Giofu, Frank Garardo, Phil Roberts	Signs have been ordered - expected delivery July 2019. Installation planned for August 2019. - Installation of signs is complete. The development of an ecotourism and wildlife awareness strategy will first require the assembly of a scope of work, including a review of current and required opportunities, infrastructure and partnerships. As a budget item for councils consideration for 2020 will be the engagement of a consultant to help formulate that strategy. As for the comparison of statistics, the data collected from the original report were identified as informal. Administration with the support of interested members of the public will continue to collect data informally and report back to council after a sufficient period of time post sign placement but not before June 1, 2020. With that Council can consider engaging in a scientific data collection methodology to support the effectiveness of the awareness signage.	Resolution # 20190624-TBD Prue/McArthur That the report from the Director of Parks, Facilities, Recreation and Culture and the Director of Engineering and Public Works dated June 5, 2019, BE RECEIVED; That Administration BE DIRECTED to develop an ecotourism and wildlife awareness strategy for future consideration as it relates to the upcoming Official Plan; That \$2440.00 BE SPENT from the existing budget to erect 16 hybrid signs with graphics in the locations identified surrounding the Big Creek Watershed; and, That Administration COMPARE statistics after the signs are erected to determine if the loss of wildlife has been reduced.	24-Jun-19
NEW BUSINESS	Paula Parker	In Progress - Anticipated report to Council March 25, 2020	Resolution # 20190812-420 Courtney/Prue That Administration BE DIRECTED to re-evaluate the Towns election system and a report be brought back with options including at-large, ward or a hybrid approach to the 2022 Election for Councils consideration.	12-Aug-19

Unfinished Business List - eScribe as at January 27, 2020

Agenda Item	Assigned To	Comment	Description	Date
NEW BUSINESS	Anne Rota, Phil Roberts		Resolution # 20190909-447 Simone/Meloche That: Administration BE DIRECTED to prepare a report exploring the economics, rationale and feasibility of introducing other festivals and events within the Town of Amherstburg for Council consideration in the 2020 Operating Budget; Administration BE DIRECTED to look at all possible venues within the Town of Amherstburg to hold events/festivals.	09-Sep-19
NEW BUSINESS	Justin Rousseau, Cheryl Horrobin, Paula Parker	Letter sent October 10, 2019 to the Miracle League of Amherstburg regarding the issuance of official receipts for eligible cash donations to the Town designated for use toward the Town-owned miracle league baseball diamond. Policy work in progress by the Corporate Services Dept.	Resolution # 20190909-446 McArthur/Meloche That: Administration BE DIRECTED to reach out to the Miracle League to advise them of the charitable number that is available to them; and, A policy BE DEVELOPED outlining the use of charitable numbers for other organizations.	09-Sep-19
NEW BUSINESS	Antonietta Giofu, Mark Galvin, Frank Garardo	Administration compiling information. Anticipate report to Council in 1st quarter 2020.	Resolution # 20191015-TBD Prue/Simone That Administration BE DIRECTED to bring back a report regarding the finalization of the development of the north end of Boblo Island with the intent to enforce the by-law and development agreement relating to roads, sidewalks, curbs, and lighting, and to outline all municipal costs, if any.	15-Oct-19
NEW BUSINESS	Paula Parker	Policy amendments in progress by the Corporate Services Dept.	Resolution # 20191015-TBD Courtney/Prue That Administration BE DIRECTED to amend the Accounts Receivable Collections Policy by removing # 6.7.4.1 (a), (b) and revising (c) to read any write offs that proceed past the collection fees BE PRESENTED to Council on how to proceed and that the amended policy be brought back to Council for consideration.	15-Oct-19
Request for the Town of Amherstburg to Take Part in 'Green' Initiatives - Paul Hertel	Eric Chamberlain, Antonietta Giofu, Anne Rota, Phil Roberts, Frank Garardo, Mark Galvin,	Committee liaison has been appointed. Anticipate Terms of Reference before Council February 10, 2020.	Resolution # 20191028-TBD Prue/Courtney That: The delegation BE RECEIVED and Mr. Hertel's report BE SENT to the Manager of Planning Services for inclusion at the November 12, 2019 Official Plan meeting; A green review BE DEVELOPED on Town fleet; Green festivals BE INVESTIGATED; Green builds BE INVESTIGATED on all new housing and building developments, and existing commercial, industrial and residential assessed property; and, Administration BE DIRECTED to bring back a report on the feasibility of a Committee on the Environment inclusive of Terms of Reference.	28-Oct-19
Climate Change Emergency Declaration - Councillor McArthur	Tammy Fowkes, Dawn Morencie		Resolution # 20191112-TBD McArthur/Prue THEREFORE BE IT RESOLVED that Amherstburg declare a Climate Emergency and direct administration to prepare a report containing recommendations for priority actions items, implementation measures and cost requirements to accelerate and urgently work towards the reduction of emissions and preparing for our climate future.	12-Nov-19
2020 BUDGET DELIBERATIONS	Phil Roberts	Administration will solicit quotes for fence improvements around Town Hall with an upset limit of \$5,000.00 and report back to Council with options provided by vendors.	Resolution # 20191119-TBD Prue/McArthur That : 1. \$25,000 proposed in FAC-CAP-3 BE REDUCED to \$5,000;and, 2. Administration provide a report on any additional expenses required.	19-Nov-19
2020 BUDGET DELIBERATIONS	John Miceli	Report to follow Service Delivery Review	Resolution # 20191119-TBD Meloche/Simone That Administration BE DIRECTED to bring back a report on the strategic use of 99 Thomas Road.	19-Nov-19
2020 BUDGET DELIBERATIONS	John Miceli	Report to follow Service Delivery Review	Resolution # 20191119-TBD Meloche/McArthur That Administration BE DIRECTED to bring back a report on the organizational structure of the Engineering and Public Works department prior to any further request for staffing.	19-Nov-19
2020 BUDGET DELIBERATIONS	Dawn Morencie	Report to follow Service Delivery Review	Resolution # 20191119-TBD Meloche/McArthur That an internal departmental review of Corporate Services BE BROUGHT to Council for consideration.	19-Nov-19

Unfinished Business List - eScribe as at January 27, 2020

Agenda Item	Assigned To	Comment	Description	Date
2020 BUDGET DELIBERATIONS	Phil Roberts	To go before the Parks and Recreation Advisory Committee for a second time on March 11, 2020	Resolution # 20191119-TBD Prue/Renaud That: 1. \$75,000 proposed in PARKS CAP-6 to fund capital upgrades at Warren Mickle Park BE AMENDED to \$75,000 to be transferred into the Parks Reserve; and, 2. The Parks and Recreation Advisory Committee PROVIDE a recommendation on its use.	19-Nov-19
Economic Development Advisory Committee Minutes - November 14, 2019	John Miceli, Paula Parker	Anticipate report to Council Spring 2020.	Resolution # 20191125-TBD Prue/Simone That Administration EXPLORE opportunities for safe public access to the grounds of Belle Vue with a report provided to Council regarding same.	25-Nov-19
UNFINISHED BUSINESS	Justin Rousseau, Cheryl Horrobin		Prue/Simone Resolution # 20191125-TBD That the following items 1-9 BE CONSIDERED in a staff report back to Council in the new year prior to 2021 Budget: Previous year's actuals should be contained in budget charts both in dollar and percentage variance; Consolidated schedule of reserves listing both monies coming in and those expended for both capital and operations; Bench marks comparison based on each \$100,000 of property value not just on the average household; An analysis by type (salaries, benefits, consultants, supplies, etc.) aligning with audited statements; Reserve analysis for the preceding (4) four years indicating balances; Establish a target percentage of the budget to fund reserves; Black and red fonts used instead of current brackets; The public consultation meeting be Chaired by a member of Council with well established rules, time limits, and policies to eliminate rowdyism; Council to have input on possible tax increases prior to budget release; Schedule an open mic meeting with residents in May 2020; and, Supply copies of the budget without applying the user fees	25-Nov-19
NEW BUSINESS	Justin Rousseau, Cheryl Horrobin	Report will follow the 2019 Financial year end	Resolution # 20191209-TBD Courtney/Meloche That Administration BE DIRECTED to bring back an information report which outlines the 2020 budget with actuals from 2019 final 4th quarter results.	09-Dec-19
NEW BUSINESS	Phil Roberts		Resolution # 20191209-TBD Courtney/Prue That Administration BE DIRECTED to contact the Greater Essex County District School Board in regards to Joint Use Agreements with existing infrastructure and any opportunities that may exist with the new high school, namely exterior recreational infrastructure, before final drawings/concepts are presented; and further, that a report be brought back to Council.	09-Dec-19
NEW BUSINESS	Antonietta Giofu		Resolution # 20191209-TBD McArthur/Prue That Administration BE DIRECTED to investigate the feasibility of a 4-way stop at Pickering Drive and Cherrylawn Crescent, at the intersection closest to Sandwich Street South.	09-Dec-19
Opposing SunParlour R/C Flyers Noise Exemption Request - Tom and Mary Bateman	Nicole Rubli		Resolution # 20200113-004 Prue/Simone That Administration BE DIRECTED to bring back a report with an amendment to Section 3 of Noise By-law 2001-43.	13-Jan-20
Live Music on Legion Patio from May to October - Laurie Cavanaugh, President, Royal Canadian Legion, Fort Malden Branch 157	Nicole Rubli		Resolution # 20200113-006 McArthur/Prue That Administration BE DIRECTED to amend Noise By-law 2001-43 to allow commercial properties with patios to request seasonal exemptions to allow for outdoor music and to allow a reading of 70 decibels from the source of where music is produced.	13-Jan-20
NEW BUSINESS	John Miceli		Resolution # 20200113-017 McArthur/Courtney The Administration BE DIRECTED to contact the Essex County Nurse Practitioner Led Clinic (ECNPLC) to understand their request for Municipal representation on their Community Advisory Committee.	13-Jan-20
City of Pickering - Addressing Growing Municipal Liability and Insurance Costs	Tammy Fowkes, Dawn Morencie		Resolution # 20200113-013 Prue/Simone That the AMO submission to the Attorney General of Ontario regarding Addressing Growing Municipal Liability and Insurance Costs BE SUPPORTED.	13-Jan-20

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2019 – 093

By-law to provide for the New Access Culvert on the Dupuis Drain for Bastien based on the Drainage Report by R. Dobbin Engineering Inc.

WHEREAS a request for repair and improvement of the on the Dupuis Drain was received under section 78 of the Drainage Act;

WHEREAS Council of the Corporation of the Town of Amherstburg felt it necessary to appoint an engineer for the purpose of preparation of an engineer's report for the New Access Culvert on the Dupuis Drain for Bastien under section 78 of the Drainage Act;

WHEREAS Council of the Corporation of the Town of Amherstburg has authorized Josh Warner, P. Eng., to prepare a report and said engineer's report dated September 24, 2019, can be referenced as Schedule A, as attached hereto;

WHEREAS \$103,690.00 is the amount to be contributed by the Town of Amherstburg for the drainage works;

AND WHEREAS the report was considered by the Amherstburg Drainage Board at the meeting held on Tuesday, November 5th, 2019.

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report

2. BORROWING

The Corporation of the Town of Amherstburg may borrow on the credit of the Corporation the amount of \$103,690.00 being the amount necessary for the improvements of the drainage works.

This project being the New Access Culvert on the Dupuis Drain for Bastien.

3. DEBENTURE(S)

The Corporation may issue debenture(s) for the amount borrowed less the total amount of:

- (a) Grants received under section 85 of the Drainage Act;
- (b) Monies paid as allowances;
- (c) Commuted payments made in respect of lands and roads assessed with the municipality;
- (d) Money paid under subsection 61(3) of the Drainage Act; and
- (e) Money assessed in and payable by another municipality.

4. PAYMENT

Such debenture(s) shall be made payable within 5 years from the date of the debenture(s) shall bear interest at a rate not higher than 1% more than the municipal lending rates as posted by The Town of Amherstburg's Bank's Prime Lending Rate on the date of sale of such debenture(s).

- (1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads as shown in the schedule and shall be collected in the same manner and at the same as

other taxes are collected in each year for 5 years after the passing of this by-law.

(2) For paying the amount \$0.00 being the amount assessed upon the lands and roads belonging to or controlled by the municipality a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the Town of Amherstburg in each year for 5 years after the passing of this by-law to be collected in the same manner and at the same time as other taxes collected.

(3) All assessments of \$1000.00 or less are payable in the first year in which the assessments are imposed.

5. SCHEDULE OF ASSESSMENTS OF LANDS AND ROADS

Lot or Part Lot No.	Property Description			Estimated Assessment as per Report	Estimated Grants 33 1/3%	Annual Debenture Payment Amount
	Concession	Geographic Township	Parcel Roll No.			
N 1/2 S 1/2 & SW 1/4 N 1/2 Lot 12	3	Anderdon	490-02200	\$4,152.00	\$1,384.00	623.08
N 1/4 Lot 12	3	Anderdon	490-02700	\$2,970.00	\$990.00	445.70
SW 1/4 Lot 13	3	Anderdon	490-02800	\$3,459.00	\$1,153.00	519.08
S 1/2 Lot 14	3	Anderdon	490-03800	\$80,080.00	\$27,196.67	11,904.07
Cntr Pt. Lot 14	3	Anderdon	490-03900	\$7,267.00	2,455.67	1,083.03
Total				\$97,928.00	\$33,179.34	\$14,574.96

Read a first and second time and provisionally adopted this 12th day of November, 2019.



 MAYOR – ALDO DICARLO



 CLERK – PAULA PARKER

Read a third time and finally passed this ___ day of _____, 2019.

 MAYOR – ALDO DICARLO

 CLERK – PAULA PARKER

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2020-014

**By-law to Confirm the Proceedings of the Council
of the Corporation of the Town of Amherstburg**

WHEREAS pursuant to Section 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the powers of a municipality shall be exercised by its Council;

WHEREAS pursuant to Section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, shall be exercised by By-law unless the municipality is specifically authorized to do otherwise;

WHEREAS it is deemed expedient that a By-law be passed to authorize the execution of agreements and other documents and that the Proceedings of the Council of the Corporation of the Town of Amherstburg at its meeting be confirmed and adopted by By-law; and,

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. THAT the action(s) of the Council of the Corporation of the Town of Amherstburg in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all actions passed and taken by the Council of the Corporation of the Town of Amherstburg, documents and transactions entered into during the January 27th, 2020, meeting of Council, are hereby adopted and confirmed, as if the same were expressly contained in this By-law;
2. THAT the Mayor and proper officials of the Corporation of the Town of Amherstburg are hereby authorized and directed to do all things necessary to give effect to the action(s) of the Council of the Corporation of the Town of Amherstburg during the said meetings referred to in paragraph 1 of this By-law;
3. THAT the Mayor and Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of the Corporation of the Town of Amherstburg to all documents referred to in said paragraph 1.

Read a first, second and third time and finally passed this 27th day of January, 2020.

MAYOR – Aldo DiCarlo

CLERK – Paula Parker