



**REGULAR MEETING OF COUNCIL
AGENDA**

Monday, September 24, 2018, 7:00 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

Pages

A. CALL TO ORDER

B. MOMENT OF SILENCE AND REFLECTION

C. PLAYING OF NATIONAL ANTHEM

D. DISCLOSURE OF PECUNIARY INTEREST

When a member of Council has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of Council (or that was the subject of consideration at the previous Meeting of Council at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

E. PRESENTATIONS/DELEGATIONS

- 1. Christina Heinrichs, Resident, and Livia Congi and Kathleen Foubister, representatives from Autism Ontario RE: Specialty Sign request**

Recommended Action

That Council refer the request of C. Heinrichs to Administration for a report.

F. AMENDMENTS TO THE AGENDA

G. STAFF REPORTS

- 1. Duck Blinds**

R. Baines, Deputy Clerk-Administrative Services

Recommended Action

That Council receive this report about the Town's jurisdiction over

waterfowl hunting and duck blinds for information purposes.

2. **Culvert # 503 - McCallum Drive over Mill Creek** 13
T. Del Greco, Manager of Municipal Services

Recommended Action
That Council receive the report regarding the replacement of Culvert # 503 – McCallum Drive over Mill Creek.
3. **2018 Urban Road Program** 23
T. Del Greco, Manager of Municipal Services

Recommended Action
That Council direct the Mayor and Clerk to execute the attached agreement with Coco Paving Incorporated for road resurfacing of Division Street South.
4. **Next Steps for Cottam Revitalization Plan** 32
D. Wolicki, Manager of Municipal Facilities and Property

Recommended Action
That Council approve the budget amount of \$20,000 for new displays and services for Rotary Park to be reallocated from the Downtown Revitalization Grant Funding Program in 2018 and,

To incorporate the remaining short-term plan items as identified through the Cottam Revitalization Plan into the annual budget process for Council consideration.
5. **Source Water Protection Enforcement Transfer Agreement** 35
G. A. Plancke, Director of Municipal Services

Recommended Action
That Council approve entering into a three (3) year amendment of the Majority Agreement effective Oct 01, 2018 ending December 31 2021 with the Essex Region Conservation Authority for the purpose of Source Water Protection Plan enforcement responsibility on behalf of the Town of Kingsville for the total cost of \$34,798 and,

That the Council direct the Clerk to and the Mayor to execute the amending Agreement to extend the Majority Agreement for a period of three years and three months as stipulated within the amending Agreement and further that;

That Authorizing By-Law 111- 2018 be enacted at this Regular meeting of Council.

6. **Application for Extension of Part Lot Control Exemption Builder Direct Buy Corporation; Hazel Crescent 20-22, 60-62, 56-58, 64-66 Hazel Cres. Lots 7, 55, 56 & 57, Plan 12M-552 Roll Nos: Multiple** 83
- K. Brcic, Town Planner
- Recommended Action**
It is recommended that Council approve the further extension of Part Lot Control Exemption, By-Law 114-2011, to allow Lots 7, 55, 56 & 57 on Plan 12M-552 to continue to be exempt from Section 50(5) of the Planning Act, and that Council authorize and direct Planning Services to register the by-law (107-2018) on title, subject to the following condition:
- That the applicant provide confirmation that the subject lots have separate services and that those services are aligned with the proposed final lot configuration to the satisfaction of the Town for Lots 7, 55, 56 & 57 prior to final registration of the Part Lot Control By-law extension.
7. **Application for Part Lot Control Exemption HTM Management 27, 29 & 31 Mettawas Lane Pt Lots 1, 2, 3, 4, 30, 31 & Part of Private Drive, Plan 12M 965 Roll No. 3711 180 000 05205** 90
- K. Brcic, Town Planner
- Recommended Action**
It is recommended that Council enact Part Lot Control By-law 108-2018 to allow Pt. Lots 1, 2, 3, 4, 30, 31 & Part of Private Drive, Plan 12M 965 to be exempt from Section 50(5) of the Planning Act, and that Council authorize and direct Planning Services to forward the by-law to the County of Essex for final approval, subject to the following conditions:
- The applicant provide a lot servicing plan to confirm both individual servicing of each lot and the final alignment of the services consistent with the proposed lot fabric and to the satisfaction of the Town, prior to final approval of the Part Lot Control by-law by the County of Essex.
8. **Application for Site Plan Approval by 2435895 Ontario Limited 1593 County Road 34, Part of Lot 9, Concession 2 ED Pts. 1, 2, 3, 4 & 13 Plan 12R 24914** 96
- R. Brown, Manager of Planning Services
- Recommended Action**
That Council approve site plan application SPA 08/18 for lands located at 1593 County Road 34, Part of Lot 9, Concession 2 ED, subject to the conditions outlined in the associated site plan agreement for the development of a 1,114.8 sq. m (12,000 sq. ft.) storage building and 4,031.8 sq. m (43,400 sq. ft.) warehouse and authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.
9. **Medical Marihuana Policy Options and Review** 105

R. Brown, Manager of Planning Services

Recommended Action

It is recommended that Council receive the report reviewing medical marihuana policy options for information purposes and direct administration to pursue one of the three options presented to address future approval of Medical Marihuana Production Facilities.

H. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

1. **Kingsville BIA--Correspondence dated September 18, 2018 RE: Additional crosswalk** 110

Recommended Action

That Council refer correspondence request of Kingsville BIA dated September 18, 2018 (RE: Additional crosswalk for pedestrian crossing on Main St. near the parking lot at the Unico Building) to Administration.

I. MINUTES OF THE PREVIOUS MEETINGS

1. **Regular Meeting of Council--September 10, 2018** 111

Recommended Action

That Council adopts Regular Meeting of Council Minutes, dated September 10, 2018.

J. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. **Kingsville Municipal Heritage Advisory Committee--August 8, 2018** 125

Recommended Action

That Council receive Kingsville Heritage Advisory Meeting Minutes dated August 8, 2018

2. **Tourism and Economic Development Committee - August 9, 2018** 129

Recommended Action

That Council receive Tourism and Economic Development Committee Meeting Minutes dated August 9, 2018

3. **Kingsville B.I.A. - August 14, 2018** 133

Recommended Action

That Council receive Kingsville B.I.A. Meeting Minutes dated August 14, 2018

K. BUSINESS CORRESPONDENCE - INFORMATIONAL

1. **Township of Amaranth--Correspondence dated August 30, 2018 RE:** 136

NAFTA-Dairy Supply Management Program

- | | | |
|-----------|---|------------|
| 2. | Township of South Glengarry--Resolution 255-18 passed September 4, 2018 RE: Paramedics as a full Essential Service | 138 |
| 3. | Brenda and Ed Ryall--Correspondence received September 18, 2018 | 139 |

Recommended Action

That Council receives Business Correspondence-Informational Items 1 to 3.

L. NOTICES OF MOTION

- 1. Deputy Mayor Queen may move, or cause to have moved:**

That Administration provide Council and the Public with the date and time and location of the previously proposed public meeting regarding hunting in front of Lakeside Park complete with details regarding the Water lot and/or lots in the lakefront.

- 2. Deputy Mayor Queen may move, or cause to have moved one of the following two options:**

i) That the Town remove all existing no parking signs, until such time it is shown that we have the ability to enforce same; or ii) That Administration prepare a report that outlines our options for future enforcement of our by-laws.

- 3. Councillor Coghill may move or cause to be moved:**

That Administration prepare an amending by-law for Council's consideration to amend Section 8(f)(iii) of By-law 57-2015 to reduce the length of time that a dog can be tethered from twelve (12) hours per day to no more than four (4) hours in a 24-hour period.

- | | | |
|-----------|---|------------|
| 4. | Councillor Neufeld may move, or cause to have moved: | 142 |
|-----------|---|------------|

That administration designate a courtesy parking spot for veterans in each municipally-owned parking lot, which spot shall be located next to or near the designated handicap parking spaces.

M. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

N. BYLAWS

- | | | |
|-----------|-----------------------|------------|
| 1. | By-law 66-2018 | 143 |
|-----------|-----------------------|------------|

Being a by-law to amend By-law 58-2008, being a by-law to provide for the circumstances in which the municipality shall provide notice to the public and where notice is to be provided, the form, manner and times notice shall be given

To be read a first, second and third and final time.

2. By-law 106-2018 151

Being a By-law to designate the Christopher Dresser House as property of heritage cultural value or interest.

To be read a first, second and third and final time.

3. By-law 107-2018 155

Being a By-law to extend the exemption from Part Lot Control pursuant to Section 50(7) of the Planning Act as provided for in By-law 114-2011 (Millbrook Expansion-Hazel Crescent)

To be read a first, second, third and final time.

4. By-law 108-2018 156

Being a by-law to exempt certain lands from Part Lot Control (Mettawas Subdivision - Plan 12M-965)

To be read a first, second, third and final time.

5. By-law 110-2018 157

Being a by-law to authorize the entering into of an Agreement with Coco Paving Inc.

To be read a first, second and third and final time.

6. By-law 111-2018 162

Being a by-law authorizing the entering into of a Source Protection Plan Part IV Enforcement Transfer Agreement Amendment with the Town of Amherstburg, the Town of Essex, the Town of Lakeshore, the Town of LaSalle, the Municipality of Leamington, the Township of Pelee, the Town of Tecumseh, the City of Windsor, the Municipality of Chatham-Kent and the Essex Region Conservation Authority

To be read a first, second and third and final time.

O. CONFIRMATORY BY-LAW

1. By-law 112-2018 168

Being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its September 24, 2018 Regular Meeting.

To be read a first, second and third and final time

P. ADJOURNMENT



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: September 24, 2018

To: Mayor and Council

Author: Roberta Baines

RE: Duck Blinds

Report No.: CS-19-2018

AIM

To provide Council with information regarding the Town's authority over waterfowl hunting, specifically the removal of duck blinds erected in Lake Erie and the restrictions imposed by the discharge firearms by-law.

BACKGROUND

On August 28, 2017, Council passed the following resolution:

559-2017

Moved by Deputy Mayor Gord Queen, seconded by Councillor Susanne Coghill

That Council direct Administration to research the matter of duck hunting off the shores of Lake Erie to determine the ownership of the water lots adjacent to Town owned land and how that may impact the municipality's jurisdiction; to identify the Town's legal jurisdiction over this issue; and further that Administration provide advertised notice to the public as to the date this report is coming back to Council for consideration.

In accordance with the above motion, notice was circulated to the public via newspaper, on the Town's website and through social media.

DISCUSSION

Section 79 of the *Fish and Wildlife Conservation Act, 1997, Chapter 41, S.O.*, authorizes The Town of Kingsville ("The Town") to regulate the hunting of pheasants and rabbits by by-law. The Town passed By-law 68-1999, authorizing the issuance of, and charging a fee for, licenses to hunt pheasant and rabbit during the open season.

Duck or “waterfowl” hunting is federal jurisdiction and is regulated under the *Migratory Birds Convention Act*. All waterfowl hunters in Ontario must have a federal Migratory Game Bird Hunting Permit (MGBHP), Wildlife Habitat Conservation Stamp, and an Ontario licence to hunt small game in order to hunt migratory game birds. Hunters are also required to obey By-law 10-2004 (Appendix “A”), which is a by-law regulating the discharge of firearms and bows within the Town of Kingsville. The discharge of firearms and bows is restricted in the sections highlighted orange on the map attached to By-law 10-2004. Although not depicted on the map, the restriction extends to the waterlots owned by the Town and those owned by private individuals.

Through the Ministry of Natural Resources and Forestry (MNR), Ontario is divided into Wildlife Management Unit (WMU) boundaries. The Town of Kingsville is in the southern district where waterfowl hunting is permitted. Open season for waterfowl hunting begins on September 22, 2018 to January 5, 2019. All hunters have a daily bag and possession limit on the amount of migratory birds they can hunt. Many waterfowl hunters use a temporary shelter called a “duck blind” to camouflage themselves to reduce detection from the ducks. A duck blind can be floating in the water or a permanent structure secured in the water for a period of time. Hunters do not require a permit to erect a duck blind; however, it is the responsibility of the hunter to remove all structures from the water once the season is over. The MNR has the authority to inspect these structures and can prosecute hunters if the blinds are left abandoned.

The *Public Lands Act* allows recreational hunters to erect duck blinds for hunting on federally owned lands and lakebeds. The Town has no legal jurisdiction to prohibit duck blinds except on Town-owned water lots. Attached is a map outlining shoreline properties and water lots owned by the Town of Kingsville and are identified as follows: Park Lane (roll 180-06801; Mettawas Lane (roll 180-05270); 85 Park St (roll 180-05100 and 180-05000). Duck blind are not permitted to be erected on Town owned water lots and as has been done in the past, the Town will demand their removal from its property. The issuance of a hunting licence does not confer any special right of entry on hunters. They are required to follow property entry rules set out in the *Trespass to Property Act*.

The Town has no authority to regulate waterfowl hunting as it falls outside the municipality’s jurisdiction. The Town does however regulate the discharge of firearms and bows within the municipality. If there is a hunter discharging a firearm or bow within the restricted areas or there is a threat to public safety, the OPP should be contacted immediately. Safe hunting practices and abandoned duck blinds fall under the jurisdiction of MNR Enforcement. Additionally, if people witness resource abuse or unlawful hunting practices, including careless hunting they should call the MNR TIPS Reporting Line at 1-877-847-7667 to report the issue.

LINK TO STRATEGIC PLAN

To promote a safe community.

FINANCIAL CONSIDERATIONS

None

CONSULTATIONS

Office of Taras Natyshak, MPP Essex
Ministry of Natural Resources and Forestry (MNRF)
Management Group

RECOMMENDATION

That Council receive this report about the Town's jurisdiction over waterfowl hunting and duck blinds for information purposes.

Roberta Baines

Roberta Baines, B.A.
Deputy Clerk – Administrative Services

Jennifer Astrologo

Jennifer Astrologo, B.H.K. (Hons), LL.B.
Directory of Corporate Services/Clerk

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer



THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 10-2004

BEING A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS AND BOWS WITHIN THE TOWN OF KINGSVILLE

WHEREAS Section 119 of the Municipal Act, S.O. 2001, c. 25, for the purpose of public safety provides that By-laws may be passed by the Councils of local municipalities to regulate the discharge of firearms and bows in the municipality or any defined area thereof;

AND WHEREAS it is deemed expedient and in the public interest to prohibit the discharge of guns, firearms, air guns, spring-guns, cross-bows and long-bows or any class or type thereof in the municipality or in any defined area thereof;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1.1 In this By-law:

"BOW" means a weapon consisting of a curved, sometimes re-curved, stave of a resilient material, strung taut from end to end and used to launch an arrow, a bolt, a quarrel or any similar projectile, and that is capable of causing bodily injury or death to a person and includes cross-bows, long-bows, re-curve bows and compound bows, or any such other reconfiguration, adaptation or modification of any bow. A Bow does not include a child/adolescent toy bow;

"BUILDING" shall include any structure whether temporary or not or permanent, having a roof supported by columns or walls or supported directly on the foundation and used or intended for sheltering any use or occupancy but shall not include a fence, trailer, camping trailer, truck camper, motor home, or tent;

"CORPORATION" means the Corporation of the Town of Kingsville;

"COUNCIL" means the Municipal Council of The Corporation of the Town of Kingsville;

"FARMER" means a person whose chief occupation is farming and,
a) who is living upon and tilling his or her own land, or land to the possession of which he or she is for the time being entitled, or
b) who is a settler engaged in clearing land for the purpose of bringing it to a state of cultivation ('exploitant agricole');

"FIREARM" means a barreled weapon from which any shot, bullet or other projectile can be discharged and is capable of causing bodily injury or death to a person, and includes any frame or receiver of a barreled weapon and anything that can be adapted for use as a Firearm, including air guns, spring-guns, or any class or type thereof; and

"TOWN" means the geographical area within the municipal boundary limits of the Town of Kingsville.

DISCHARGE PROHIBITED

2.1 No person shall discharge, cause to be discharged, or allow to be discharged:

(a) a Firearm or a Bow in those parts of the Town of Kingsville, as set forth in Schedules "A" and "B", attached hereto and forming part of the By-law; and

(b) a gun greater than a 10-gauge or any rifle greater than 6 millimetres (.243) in diameter carrying a varmint style projectile of more than 75 grains in weight; and

(c) full metal jacket bullets.

EXEMPTIONS

3.1 This By-law is not intended to interfere in the exercise of the lawful rights and privileges granted or in the performance of duties imposed upon a member of a police force, pursuant to and in accordance with the Police Services Act, R.S.O. 1990, c.P.15, as amended and regulations thereto, or like Acts and regulations of the Province of Ontario and Government of Canada.

3.2 This By-law further does not apply:

(a) so as to prohibit the discharge of Firearms and/or Bows in the Town, when the discharge occurs in shooting, rifle or archery ranges which;

(i) are within a Building constructed so that there is no danger of any bullet or projectile discharged or fired therein, passing out of the Building; and

(ii) where a minimum of \$1,000,000.00 public liability insurance is carried; and

(iii) all necessary and proper safety precautions are taken to the satisfaction of the Kingsville O.P.P. or such other person or persons as are designated by Council to enforce the provisions of this By-law; and

(iv) is situated in a location which is in conformity with the provisions of the Town Official Plan and Zoning By-law; and

(v) where application in Form "1", as attached hereto and forming part of this By-law has been filed with, and has subsequently received written approval of the Council.

(b) to any person who, upon application and approval of the said Form "1" receives permission of Council to conduct a special community event in a circumstance, or in a manner different from that of Section 3.2(a) hereof;

(c) to a Farmer, as defined in Section 1.1 of this By-law:

(i) for the purpose of controlling wildlife posing a threat to crops or livestock located on the Farmer's land with the use of rifles up to a 6 millimetres (.243) diameter carrying a varmint style projectile of not more than .75 grains in weight; or

(ii) for the purpose of hunting in season pursuant to any current and valid licence under the Fish and Wildlife Conservation Act, S.O. 1997, c. 41, as amended and Part II, O. Reg. 665/98 Sections 2 to 21, as amended, or any successor legislation thereto; and

This subsection is intended to include a member of the Farmer's family who resides with the Farmer, as well as a person who has received authorization by a Farmer; and

(d) to rifles larger than 6 millimetres (.243) diameter which can be used for sighting in purposes only.

3.3.1 The decision of the Council is final and binding with respect to any application under this By-law.

ENFORCEMENT

- 4.1 The Kingsville O.P.P., or other person or persons as designated by Council, shall enforce the provisions of this By-law.

PENALTIES

- 5.1 Every person who contravenes any provision of this By-law is guilty of an offence and shall, upon conviction thereof, be liable to a fine of not more than \$5,000.00, recoverable under the Provincial Offences Act, R.S.O., 1990 c. P. 33, as amended.
- 5.2 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

REPEAL

- 6.1 Any By-law or parts of any By-Law of the former Corporation of the Town of Kingsville, the former Corporation of the Township of Gosfield South and the former Township of Gosfield North, inconsistent with this By-law are hereby repealed.

ENACTMENT

- 7.1 This By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 26TH DAY OF APRIL, 2004.

READ A THIRD AND FINAL TIME AND PASSED THIS 26TH DAY OF APRIL, 2004.

**THE CORPORATION OF THE
TOWN OF KINGSVILLE**



MAYOR, NELSON SANTOS



CLERK, LINDA BURLING

THE CORPORATION OF THE TOWN OF KINGSVILLE

FORM 1 TO BY-LAW 10-2004

Application for Council Approval to Discharge Firearms or Bows

I, _____, declare that I am the owner of the premises situated at _____, described as Lot _____, Concession/Plan _____, Town of Kingsville, Province of Ontario, and as such, have lawful authority to request the permission to use the above premises for the discharge of Firearm(s) or Bow(s).

The applicant is required to submit with this form detailed plans and specifications in quadruplicate which depict the enclosed area in which the firearm(s) or bow(s) are proposed to be discharged, and specifically:

- (1) The dimension of the building and lands within which the event/activity is proposed;
- (2) The proximity and use of adjacent lands and buildings;
- (3) The method of controlling traffic and parking, and
- (4) Evidence of the proposed liability insurance coverage.

Dated at the Town of Kingsville

This _____ day of _____, _____
20____. Owner

Date Received: _____ Date Circulated: _____

Kingsville OPP: _____ Chief Building Official _____

Fire Chief: _____ Planner: _____

Notice to Applicant of Council Resolution

Date of Resolution: _____ Date Notice Issued: _____

Approved: _____

Approved with Conditions: _____ Not Approved: _____

Clerk: _____

SCHEDULE "A" TO BY-LAW 10-2004

TOWN OF KINGSVILLE

GENERAL PROHIBITIONS

1. Any and all Municipally owned properties, which shall include roads, road allowances, libraries, arenas, water plants, parks, marinas and sewage lagoons.(Refer to Schedule B)
2. Any and all Registered Plans of Subdivision in the Town of Kingsville.
3. All property south of Seacliff Drive, (County Rd. 20), and east of the Chrysler Canada Greenway to the Albuna Townline, (County Rd. 31), and all properties south of County Rd 20 west to the Wagle Creek. (Refer to Schedule B).
4. Any and all lands zoned for industrial, commercial, residential and institutional uses, and Parks and open spaces, pursuant to the Town's Zoning By-law, as amended; (Refer to Schedule B).
5. Lands shown hatched on Schedule 'B', being designated as Federal Crown Game Preserve by the Federal Government of Canada.
6. Lands within 152 meters of any building and/or residential unit used, or intended for use, by a person; or
7. On land or premises of which such person is not the owner or lawful tenant thereof without the authorization of the owner or lawful tenant of such land or premises.

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 10-2004, of the Town of Kingsville, attached hereto is the set fine including costs, for those offences. This Order is to take effect October 14, 2004.

Dated at London this 14th day of October, 2004.

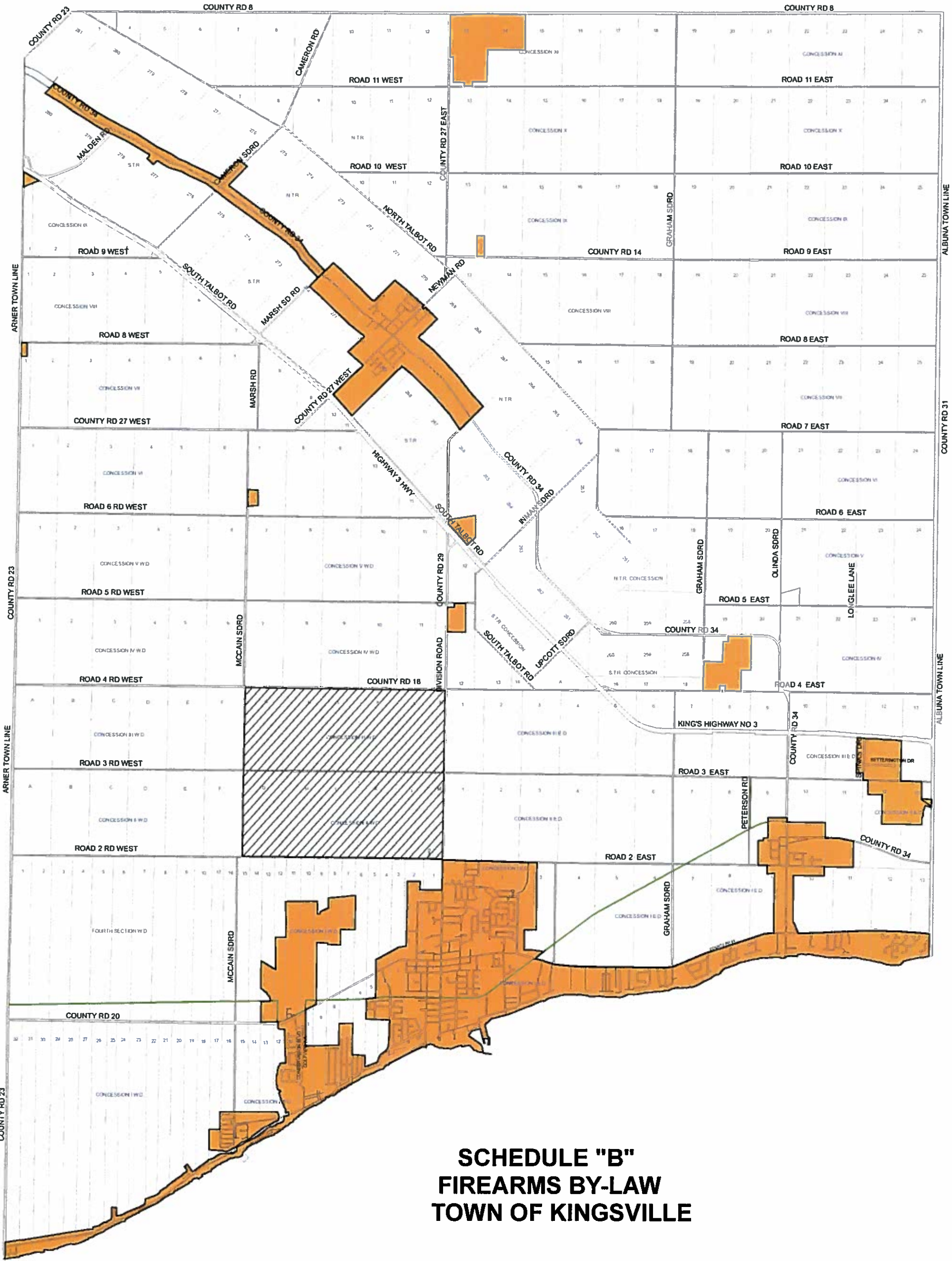


Alexander M. Graham
Regional Senior Justice
West Region

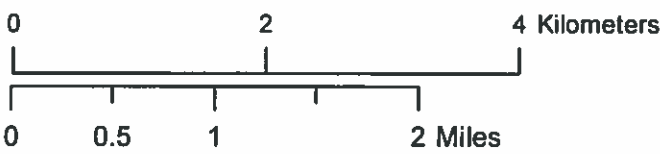
Part 1 Provincial Offences Act
THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 10-2004
 Being a By-Law to regulate the
 discharge of Firearms and Bows in the
TOWN OF KINGSVILLE

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENCE	COLUMN 3 SET FINE (Includes costs)
1.	Discharge Firearm-prohibited area	2.1 (a)	\$105.00
2.	Cause to be discharged Firearm-prohibited area	2.1 (a)	\$105.00
3.	Allow to be discharged Firearm-prohibited area	2.1 (a)	\$105.00
4.	Discharge Bow-prohibited area	2.1 (a)	\$105.00
5.	Cause to be discharged Bow-prohibited area	2.1 (a)	\$105.00
6.	Allow to be discharged Bow-prohibited area	2.1 (a)	\$105.00
7.	Discharge gun greater than 10-gauge	2.1 (b)	\$105.00
8.	Cause to be discharged gun greater than 10-gauge	2.1 (b)	\$105.00
9.	Allow to be discharged gun greater than 10-gauge	2.1 (b)	\$105.00
10.	Discharge rifle greater than 6 mm. diameter	2.1 (b)	\$105.00
11.	Cause to be discharged rifle greater than 6 mm diameter	2.1 (b)	\$105.00
12.	Allow to be discharged rifle greater than 6 mm diameter	2.1 (b)	\$105.00
13.	Discharge full metal jacket bullets	2.1 (c)	\$105.00
14.	Cause to be discharged full metal jacket bullets	2.1 (c)	\$105.00
15.	Allow to be discharged full metal jacket bullets	2.1 (c)	\$105.00

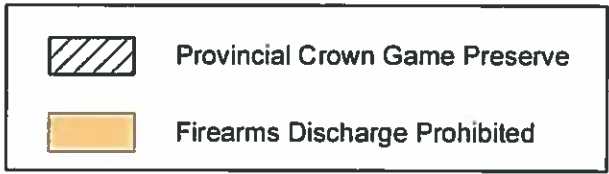
Penalty provision for the offences indicated above is Section 5.1 of By-Law 10-2004, a certified copy of which is attached



SCHEDULE "B" FIREARMS BY-LAW TOWN OF KINGSVILLE



May 29, 2008





2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: September 4, 2018
To: Mayor and Council
Author: Tim Del Greco, Manager of Municipal Services
RE: Culvert # 503 - McCallum Drive over Mill Creek
Report No.: MS 2018 - 34

AIM

To advise Council of replacement of Culvert # 503 - McCallum Drive over Mill Creek.

BACKGROUND

Biennial inspection of bridges and culverts with a span equal to or exceeding 3.0 meters in length is mandated by the Public Transportation and Highway Improvement Act. In 2017, Keystone Bridge Management Corporation was procured to facilitate such inspection within the Town of Kingsville. Following inspection, a report was generated for each bridge and culvert indicating current condition ratings, recommendations for rehabilitation or replacement if required, and an estimation of costs for any recommended works.

DISCUSSION

McCallum Drive Culvert over Mill Creek is a steel structure built in 1980 and measures 21.6 meters in length and 3.7 meters in width. The 2017 bridge inspection report as attached in Appendix A indicates the following deficiencies:

- Perforations in east and west walls
- Loss of backfill material through perforated walls
- Road surface wear as a result of the above conditions

The recommendation of the engineer at the time of inspection was full culvert replacement within the next year.

Dillon Consulting Limited was retained in 2018 to begin preparation of the necessary drawings, specifications, and tender documents. The final tender package seeking culvert replacement was advertised to the public on August 8, 2018 with a closing date of August 22, 2018. The results (excluding HST) are as follows:

Contractor/Vendor Name	Bid
Nevan Construction Inc.	\$ 452,140.00

SLR Contracting Group Inc.	\$ 464,205.00
Southshore Contracting Inc.	\$ 524,200.00
SheaRock Construction Group Inc.	\$ 549,000.00

Dillon Consulting conducted an analysis of the proposals and provided the Town with a summary of their results (attached in Appendix B). This summary indicates that during review of Nevan Construction it became questionable as to whether or not this firm has sufficient experience and expertise to complete the work in a timely and proficient manner. Therefore, to mitigate any risk associated with the successful completion of this project, it is recommended to proceed with SLR Contracting Group. SLR is able to satisfy requirements relating to experience with similar projects, bonding, and insurance while providing the second lowest cost proposal. It is worth noting there are several provisions within this tender package that provide the Town the flexibility to award this project to any bidder the Town deems appropriate.

A secondary inspection of Culvert # 503 was conducted on September 13th, 2018 by Dillon Consulting. The resulting recommendation is:

It is our opinion due to uncertainties in the structural response to the occurring failure that should construction be postponed until 2019 that the road be closed as soon as possible at the culvert location to reduce the risk of a safety hazard occurrence and monitored for blockage of the stream to avoid flooding.

LINK TO STRATEGIC PLAN

To become a leader in sustainable infrastructure renewal and development.

FINANCIAL CONSIDERATIONS

\$359,000.00 is allocated in the 2018 Municipal Budget for engineering and construction of Culvert # 503. This budgeted amount was based upon initial estimates as provided by Keystone Bridge Management Corporation (inspection engineer). In June of 2018, Dillon Consulting (design engineer) provided the Town with an updated construction estimate of \$453,000.00.

The typical process for bridge replacement entails engineering and design in year one with construction in year two. This method allows for further revision of construction estimates based on actual design work, and prior to seeking Council approval. In this specific case, engineering and construction were budgeted concurrently in 2018 using estimates as provided by Keystone in order to expedite the process and satisfy the recommendation of the inspection engineer.

\$464,205.00 will be required for the procurement of construction services through SLR Contracting Group. An additional \$60,800.00 will be expensed towards engineering. Therefore, total cost of culvert replacement excluding HST is \$525,005.00.

Additional funding will be required to offset the above deficit. Two sources of 2018 capital surplus include \$111,253.40 from the Road 10 Patterson Bridge replacement as well as \$149,919.00 in unallocated Gas Tax Funding. The C.A.O. will exercise her discretion to approve the project and reallocation of funds in accordance with the delegated authority conferred upon her by By-law 78-2018, as a result of s.275 of the *Municipal Act, 2001*.

Below is a table summarizing the aforementioned financials:

Engineering and Contract Admin	\$60,800.00
Cost of Construction	\$464,205.00
Total (excluding HST)	\$525,005.00
Total (including HST tax burden)	\$534,455.09
Approved Funding in 2018 Municipal Budget	\$359,000.00
Road 10 Patterson Bridge Capital Project Surplus	\$111,253.40
Unallocated Gas Tax Funds	\$149,919.00
Total Funding Available	\$620,172.40

CONSULTATIONS

Kingsville Administration
Dillon Consulting Limited
SLR Contracting Group

RECOMMENDATION

That Council receive the report regarding the replacement of Culvert # 503 – McCallum Drive over Mill Creek.

Tim Del Greco

Tim Del Greco, P.Eng
Manager of Facilities and Properties

G. A. Plancke

G.A. Plancke, Civil Eng. Tech (Env.)
Director of Municipal Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

Culvert Inspection Report

Mill Creek Scratch Wigle Drain Culvert

Road Name: McCallum Drive
Site ID: 503
Structure Type: Soil-Steel Structure
Owner: Town of Kingsville
Built: 1980
Length: 21.6 m
Width: 3.7 m
Spans: 1
Spans Arrange: 1 - 3.8
Feature Through: Water
Crossing: Wigle Drain
Location: 0.1km East of Sumac Drive

Inspection Date: August-22-17
Inspector: Steve Reid, C.E.T.
Assistant: Brad Lair, Eng Student

Comments:

Culvert walls are perforated and backfill material is spilling in through perforated areas. If the water levels rise above the perforation line, loss of fill material will increase. Culvert needs immediate replacement as it is at risk of failure under the westbound lane. Regular monitoring of this structure and the pavement in the WBL should be maintained until time of culvert replacement.

Recommended Investigations:

No special investigations have been recommended

Recommended Capital Works:

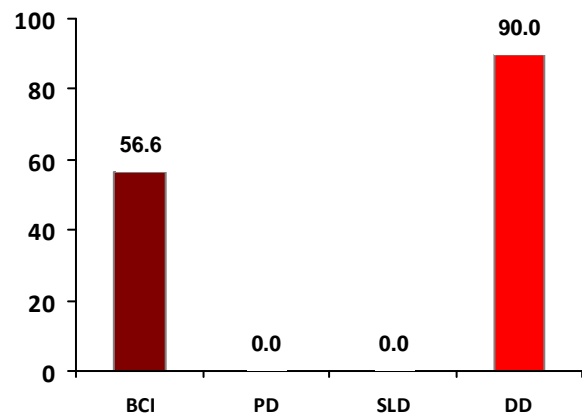
New Conc culvert

Estimated Replacement Value: \$262,000
Estimated replacement value is based on replacement in kind
Estimated Remaining Service Life: 0 Years
Year of Replacement and Cost: 2018 \$359,000



AADT: 900 **Latitude:** 42.04520000
Lanes: 2 **Longitude:** -82.73335800
Skew: 0 ° **Orientation:** N-S
Speed: 80 km/h **Road Width:** 8 m
Trucks: **Load Posting:** No Posting
Fill: 0.6 m **H2O Depth:** 0.5 m

Bridge Condition



BCI = Bridge Condition Index MTO Calculation


PD = Parabolic Depreciation
% of remaining life expectancy

SLD = Straight Line Depreciation
% of remaining life expectancy

DD = % of Defects and Damage



Component Inspection Information

CS Plate Pipe Arch (1)		Defects	30.0%	Major Corrosion, Critical Corrosion		
Conduit		Damage	15.0%	Critical Perforation, Critical Crimping		
Length:	21.6 m	Maintenance	None			
Width:	3.7 m	Capital Rec.	Replace in 1 year	Perf Def: Load Carrying Capacity		
Height:	2.2 m	<i>Culvert has perforated along east wall at north end for a length of approximately 5.0m, backfill is spilling into culvert through perforated wall. West wall in similar condition at north end however not as severe. Culvert is in danger of failure under WBL.</i>				
Asphalt Wear Surf (1)		Defects	0.0%			
Wear Surface		Damage	10.0%	Moderate Cracking, Major Potholing		
Length:	20 m	Maintenance	None			
Width:	6.5 m	Capital Rec.	None			
Height:		<i>Pothole in WBL due to loss of fill through perforated culvert wall. Numerous cracks in surface.</i>				
Water Channel (1)		Defects	0.0%			
Conduit Channel		Damage	0.0%			
		Maintenance	None			
		Capital Rec.	None			
					<i>Debris partially blocking inlet north end. Culvert holding up to 500mm water inside.</i>	
Embankment (2)		Defects	0.0%			
Embankment		Damage	0.0%			
		Maintenance	None			
		Capital Rec.	None			
					<i>Mass concrete at north end. Heavy vegetation growth at culvert ends.</i>	

Recommended Investigations

X denotes not required

Deck Conditon Survey	Enhanced Inspection	Underwater Investigation	Ice Inspection	Boat Inspection	Structure Evaluation	Load Posting	Planning Study
X	X	X	X	X	X	X	X



Capital Needs Cost Estimate Break-Down

<i>Cost of asphalt removal:</i>	\$3,200	<i>Cost of waterproofing:</i>	\$4,000
<i>Cost of dewatering:</i>	\$44,000	<i>Cost of road replace:</i>	\$21,200
<i>Cost erosion control:</i>	\$15,000	<i>Cost of SBGR:</i>	\$30,000
<i>Cost of excavation:</i>	\$12,000	<i>Cost for seeding:</i>	\$2,100
<i>Cost of existing structure removal:</i>	\$8,000		
<i>Installation Cost for Similar Size Concrete:</i>	\$102,000		

New Concrete Culvert



Structural Items Subtotal	\$242,000
Mobilization General Sitework 10%	\$27,000
Estimated Traffic Management & Civil Items	\$30,000
Contract Admin & Contingencies 20%	\$60,000
Total Rehabilitation Cost Estimate	<i>\$359,000</i>

Recommended Capital Work Summary

Recommended Capital Year **2018**

New Conc culvert

Inspection Comments

Culvert walls are perforated and backfill material is spilling in through perforated areas. If the water levels rise above the perforation line, loss of fill material will increase. Culvert needs immediate replacement as it is at risk of failure under the westbound lane. Regular monitoring of this structure and the pavement in the WBL should be maintained until time of culvert replacement.



Image 108



South elevation

Image 97



East approach

Image 98



West approach

Image 99



Downstream channel south

Image 100



Upstream channel north

Image 101



Pothole over culvert loss of fill



Image 102



North elevation inlet

Image 103



Perforations east wall fill spilling in

Image 104



East wall perforations along wall

Image 105



West wall perforations

Image 106



East wall total separation along wall

Image 107



Typ through from south



Appendix B

Our File: 18-7520 (Corr.)

August 31, 2018

SENT VIA EMAIL AND MAIL

Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, ON
N9Y 2Y9

Attention: Mr. Tim Del Greco

**Replacement of McCallum Culvert (#503)
Over Mill Creek in the
Town of Kingsville
Summary of Tender Results**

Dear Sir:

On August 22, 2018, four (4) e-tenders were received on the Town's website for this project with results summarized as follows:

Tenderer	Total Tender Price (Excluding applicable taxes)
Nevan Construction Inc.	\$452,140.00
SLR Contracting Group Inc.	\$464,205.00
Southshore Contracting Inc.	\$524,200.00
SheaRock Construction Group Inc.	\$549,000.00

There were no irregularities identified in the tenders received for this work.

All Tenderers submitted the required 10% Bid Bond which you have retained. All Tenderers acknowledged receipt of the Addendum No. 1.

We have confirmed verbally with Mr. Walter Branco of Nevan Construction Inc. (Nevan) that if awarded they are prepared to proceed with this project in accordance with the Contract Documents and their tender submission.

Corporation of the Town of Kingsville

Page 2

August 31, 2018

As the Town is aware, it is generally accepted practice to award construction contracts based on the lowest compliant tender results. In this case, we understand that the Town has concerns with the low Tenderer's experience level and performance with recent past infrastructure projects with the Town. Dillon has no past working experience with Nevan and no knowledge of their past project performance prior to their bid submission. We have taken the liberty through due diligence to contact a few Consultants and Municipalities that have recently worked with Nevan in the role of general contractor on municipal infrastructure projects. The general feedback received was that Nevan did not display sufficient expertise mainly through lack of experience, which resulted in varying degrees of difficulties and delays on these projects.

With these concerns, there appear to be several provisions in this Contract that would provide the Town with the flexibility to award this project to the second lowest Tenderer (SLR), though it is recommended that the Town review this with their legal counsel before making a final decision.

Once the Town has confirmed their decision, we will proceed with requesting the required documentation and providing the necessary agreements for execution by the successful Tenderer.

Yours sincerely,

DILLON CONSULTING LIMITED



Patrick E. Robitaille, P.Eng.,
Project Manager

PER:d



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: September 11, 2018
To: Mayor and Council
Author: Tim Del Greco, Manager of Municipal Services
RE: 2018 Urban Road Program
Report No.: MS 2018 - 35

AIM

To award the 2018 Urban Road Program tender.

BACKGROUND

The Urban Road Program is an annual initiative whereas funds are dedicated to the maintenance, restoration, and reconstruction of urban roads within the Town of Kingsville. The selection of road segments for inclusion in this program are based upon the results of the 2011 Kingsville Roads Needs Study. This study was an assessment of traffic volume and structural condition of each roadway and facilitated the creation of a comprehensive plan for annual maintenance and repair through a priority ranking system. Each roadway was assigned a numerical rank based on a formula developed by the Ministry of Transportation which considers both roadway conditions and usage (traffic volume), however applies more weighting to the condition criteria.

The Town has recently procured contracted services for a new assessment of current road conditions and this work is currently in progress. The results of this study will serve as the new plan for prioritizing major road repair in Kingsville.

DISCUSSION

The 2018 Urban Road Program consists of milling and paving Division Street South from Main Street to Park Street, a total length of 1,150 meters. This road segment was identified in the 2011 Roads Needs Study as requiring major resurfacing within 6 – 10 years. Further, major resurfacing of Division Street South is identified in the Municipal Services Five-Year Capital Plan as presented to Council in 2017 (see Appendix A) and approved in the 2018 Capital Budget.

The services requested within this tender package include milling and paving as well as resetting all manhole frame and covers to grade. This package was advertised to the public on August 9, 2018 with a closing date of August 22, 2018. The results (excluding HST) are as follows:

Contractor/Vendor Name	Bid
Coco Paving Inc.	\$ 740,690.00
Mill – Am Corporation	\$ 780,114.00

Coco Paving was able to satisfy requirements relating to experience with similar projects, bonding, and insurance while providing the lowest cost proposal. Therefore, the recommendation is to proceed with this vendor.

Attached in Appendix B of this report is a copy of an agreement to be executed between the Town and Coco Paving pending Council approval. Upon approval, the work will be completed during the October 22nd – November 16th timeframe.

LINK TO STRATEGIC PLAN

To become a leader in sustainable infrastructure renewal and development.

FINANCIAL CONSIDERATIONS

\$857,585 is allocated in the 2018 Municipal Budget with respect to this project. Upon approval of this report, \$740,690 will be utilized towards the procurement of construction services through Coco Paving Inc. Therefore, a budgetary surplus of approximately \$100,000 will remain.

CONSULTATIONS

Kingsville Municipal Services
Coco Paving Inc.

RECOMMENDATION

That Council direct the Mayor and Clerk to execute the attached agreement with Coco Paving Incorporated for road resurfacing of Division Street South.

Tim Del Greco

Tim Del Greco, P.Eng
Manager of Facilities and Properties

G. A. Plancke

G.A. Plancke, Civil Eng. Tech (Env.)
Director of Municipal Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

ROAD PROGRAM

YEAR	ROAD	LIMITS		M	METHOD	CATEGORY	ESTIMATED VALUE
		From	To				
2017	Road 11 E	County Road 27	Graham Sideroad	3600	Reconstruction	RURAL	\$ 720,000
	Road 10 E	Graham Sideroad	County Road 31	3600	Reconstruction	RURAL	
	Road 6 E	Graham Sideroad	Olinda Sideroad	3600	Reconstruction	RURAL	
	Road 6 E	Olinda Sideroad	County Road 31		Reconstruction	RURAL	
	Main St W	Various Locations (Patches)		TBD	TEMP. MILL&PAVE	URBAN	\$ 100,000
Total 2017				10800.00			\$ 820,000
2018	Division St S	Main Street	Pearl Street	100	Resurfacing	URBAN	\$ 89,275
	Division St S	Pearl Street	Mill Street	96	Resurfacing	URBAN	\$ 85,868
	Division St S	Mill Street	Elm Street	300	Resurfacing	URBAN	\$ 268,324
	Division St S	Elm Street	Stewart Street	98	Resurfacing	URBAN	\$ 87,322
	Division St S	Stewart Street	Maple Street	72	Resurfacing	URBAN	\$ 64,528
	Division St S	Prospect Street	Melbourne Street	24	Resurfacing	URBAN	\$ 21,661
	Division St S	Melbourne Street	Erie Street	75	Resurfacing	URBAN	\$ 67,159
	Division St S	Erie Street	Herrington Street	25	Resurfacing	URBAN	\$ 21,991
	Division St S	Herrington Street	Park Street	170	Resurfacing	URBAN	\$ 151,458
	Heritage Road	Main Street West	Chrysler Canada Greenway	142	Resurfacing	URBAN	\$ 149,919
Total 2018				1102.84			\$ 1,007,504
2019	Graham Sideroad	Road 2 East	County Road 20 (Seacliff Drive)	1,396	Reconstruction	RURAL	See Growth Capital
Total 2019				1395.76			\$ -
2020	Main St West	Queen Street	Prince Albert Street	185	Reconstruction	URBAN	\$ 4,100,000
	Main St West	Prince Albert Street	Greenhill Lane	158	Reconstruction	URBAN	
	Main St West	Greenhill Lane	Heritage Road	430	Reconstruction	URBAN	
	Main St West	Heritage Road	Fox Lane	60	Reconstruction	URBAN	
	Main St West	Fox Lane	County Road 20	220	Reconstruction	URBAN	
	Queen Boulevard	Peach Drive	Prince Road	86	Resurfacing	URBAN	\$ 48,843
	Queen Boulevard	Prince Boulevard	Willow Drive	69	Resurfacing	URBAN	\$ 38,886
	Queen Boulevard	Willow Drive	Wood-Fern Avenue	135	Resurfacing	URBAN	\$ 76,641
	Queen Boulevard	Wood-Fern Avenue	Road 2 East	115	Resurfacing	URBAN	\$ 65,078
	Queen Boulevard	County Road 34 / Lee Road	Peach Drive	52	Resurfacing	URBAN	\$ 22,806
Total 2020				3583.78			\$ 4,352,255
2021	Lansdowne Avenue	Park Street	Erie Street	163	Resurfacing	URBAN	\$ 55,832
	Lansdowne Avenue	Prospect Street	Erie Street	100	Resurfacing	URBAN	\$ 34,241
	Lansdowne Avenue	Prospect Street	Prospect Street	16	Resurfacing	URBAN	\$ 5,414
	Lansdowne Avenue	Myrtle Street	Prospect Street	84	Resurfacing	URBAN	\$ 28,779
	Lansdowne Avenue	Maple Street	Myrtle Street	100	Resurfacing	URBAN	\$ 34,350
	Lansdowne Avenue	Gladstone Avenue	Maple Street	187	Resurfacing	URBAN	\$ 64,177
	Lansdowne Avenue	Wellington Street	Gladstone Avenue	96	Resurfacing	URBAN	\$ 33,011
	Lansdowne Avenue	Viola Crescent	Wellington Street	8	Resurfacing	URBAN	\$ 2,575
	Lansdowne Avenue	Grace Street	Viola Crescent	88	Resurfacing	URBAN	\$ 30,203
	Lansdowne Avenue	Mill Street East	Grace Street	93	Resurfacing	URBAN	\$ 31,748
	Birch Ave	County Road 50	Lewis Avenue	220	Reconstruction	URBAN	\$ 335,039
	Cedar Dr	Sycamore Avenue	Lewis Avenue	224	Reconstruction	URBAN	\$ 340,523
	Road 3 East	County Road 45 (Union Avenue)	Spinks Drive	1,232	Resurfacing	URBAN	\$ 184,241
	Road 2 West	Kratz Road	Fox Lane	1,000	Reconstruction	RURAL to URBAN	See Growth Capital
Total 2021				6194.35			\$ 1,180,134
	Road 2 East	Graham Sideroad	Kratz Sideroad	1,875	Reconstruction	RURAL to URBAN	See Growth Capital
	Road 2 East	Graham Sideroad	Peterson Road	1,222	Reconstruction	RURAL to URBAN	See Growth Capital
	Road 2 East	Peterson Road	Queen Blvd	487	Reconstruction	RURAL to URBAN	See Growth Capital

YEAR	ROAD	LIMITS		M	METHOD	CATEGORY	ESTIMATED VALUE
		From	To				
2022	Road 2 East	Queen Blvd	County Road 45 (Union Ave)		Reconstruction	RURAL to URBAN	See Growth Capital
	Graham Sideroad	Road 5 East	County Road 34 (Talbot Road)	489	Resurfacing	RURAL	\$ 61,110
	Graham Sideroad	County Road 34 (Talbot Road)	County Road 18 (Road 4 East)	899	Resurfacing	RURAL	\$ 51,494
	Graham Sideroad	Road 6 East	Road 5 East	1389	Resurfacing	RURAL	\$ 80,209
	Graham Sideroad	County Rd 18 (Road 4 East)	King's Highway No. 3	634	Reconstruction	RURAL	\$ 50,716
	Graham Sideroad	Road 7 East	Road 6 East	1400	Reconstruction	RURAL	\$ 111,965
	Inman Sideroad	County Road 34 East (Talbot Road)	North Talbot Road	1368	Reconstruction	RURAL	\$ 109,419
	Olinda Sideroad	Thompson Crescent	Road 6 East	1401	Resurfacing	RURAL	\$ 203,545
	Olinda Sideroad	Thompson Crescent	Road 5 East	193	Resurfacing	RURAL	\$ 77,196
	Graham Sideroad	Road 3 East	Road 2 East	1416	Reconstruction	RURAL	\$ 502,963
	Graham Sideroad	King's Highway No.3	Road 3 East	736	Reconstruction	RURAL	\$ 252,308
Total 2022				7772.38			\$ 1,500,926
5-Year Total For Road Rehabilitation Program (2018-2022)				20049.11			\$ 8,040,818

Contract Agreement

File No. 18-106
2018 URBAN ROAD PROGRAM

THIS AGREEMENT made in triplicate this _____ day of _____, 2018 A.D.

BETWEEN:

THE CORPORATION OF THE TOWN OF KINGSVILLE

(hereinafter called the "Owner")

OF THE FIRST PART

- and -

COCO PAVING INC.

(hereinafter called the "Contractor")

OF THE SECOND PART

WITNESSETH

That the Owner and the Contractor in consideration of the fulfillment of their respective promises and obligations herein set forth covenant and agree with each other as follows:

ARTICLE 1

(a) A general description of the work is:

2018 Urban Road Program

(b))The Contractor shall, for the prices set out in the Form of Tender and except as otherwise specifically provided, provide at no additional cost to the Owner all and every kind of labour, machinery, plant, structures, roads, ways, materials, appliances, articles and things necessary for the due execution and completion of all the work set out in this Contract and shall forthwith according to the instructions of the Engineer, commence the works and diligently execute the respective portions thereof, and deliver the works complete in every particular to the Owner within the time specified in the Contract.

ARTICLE 2

In the event that the Form of Tender provides for and contains a Contingency Allowance, it is understood and agreed that such Contingency Allowance is merely for

the convenience of accounting by the Owner, and the Contractor is not entitled to payment thereof except for extra or additional work carried out by him as directed by the Engineer and in accordance with the Contract and only to the extent of such extra or additional work.

ARTICLE 3

In case of any inconsistency or conflict between the provisions of this Agreement and the Plans or Specifications & Specifications or General Conditions or Form of Tender or any other document or writing, the provisions of such documents shall take precedence and govern in the following order, namely:

- | | |
|--|--|
| (1) This Agreement | (7) Supplementary Specifications, if any |
| (2) Addenda _____ | (8) Specifications, if any |
| (3) Special Provisions, if any | (9) Standard Specifications, if any |
| (4) Information to Tenderers | (10) Contract Drawings |
| (5) Supplementary General Conditions, if any | (11) Standard Drawings |
| (6) General Conditions | (12) Form of Tender |

ARTICLE 4

The Owner covenants with the Contractor that the Contractor having in all respects complied with the provisions of this Contract, will be paid for and in respect of the works the sum of:

SEVEN HUNDRED FORTY THOUSAND SIX HUNDRED NINETY 00/100 Dollars
(excluding HST) (\$ *740,690.00*)

subject to Article 2 hereof and subject to such additions and deductions as may properly be made under the terms hereof, subject to the provision that the Owner may make payments on account monthly or Otherwise as may be provided in the Contract Documents attached hereto.

ARTICLE 5

Where any notice, direction or other communication is required to be or may be given or made by one of the parties hereto to the other or to the Engineer or to his agent, it shall be deemed sufficiently given or made if mailed or delivered in writing to such party or to the Engineer at the following addresses:

The Owner: The Corporation of the Town of Kingsville
2021 Division Road
Kingsville, Ontario, N9Y 2Y9

The Contractor: *COCO PAVING INC.*
485 LITTLE BASLINE RD
TECUMSEH ON N9N 2L9

Where any such notice, direction or other communication is given or made to the Engineer, a copy thereof shall likewise be delivered to any agent of the Engineer appointed in accordance with the General Conditions of this Contract and where any such notice, direction or other communication is given or made to such agent a copy thereof shall likewise be delivered to the Engineer.

ARTICLE 6

A copy of each of the Specifications, Special Provisions, General Conditions, Form of Tender, Information for Tenderers and Addenda No. 4/11 is/are hereto annexed and together with the Drawings relating thereto and listed in the Specifications are made part of this Contract as fully to all intents and purposes as though recited in full herein.

ARTICLE 7

No implied contract of any kind whatsoever by or on behalf of the Owner shall arise or be implied by or inferred from anything in this Contract contained, nor from any position or situation of the parties at any time, it being clearly understood that the express covenants and agreements herein contained made by the Owner shall be the only covenants and agreements upon which any rights against the Owner may be founded.

ARTICLE 8

Time shall be deemed the essence of this Contract


ARTICLE 9

The Contractor declares that in quoting for the works and in entering into this Contract he has either investigated for himself the character of the work and all local conditions that might affect his Quotation or his acceptance or performance of the work, or that not having so investigated, he acknowledges that his responsibility under the Contract is in no way reduced or limited thereby and, in either case, he is willing to assume and does hereby assume all risk of conditions arising, developing, or being revealed in the course of the work which might or could make the work, or any items thereof, more expensive in character, or more onerous to fulfill, than was contemplated or known when the Tender was made or the Contract signed. The Contractor also declares that he did not and does not rely upon information furnished by any methods whatsoever by the Owner or its officers, employees or agents, being aware that any information from such sources was and is approximate and speculative only, and was not in any manner warranted or guaranteed by the Owner.

ARTICLE 10

The Contract shall apply to and be binding on the parties hereto and their successors, administrators, executors and assigns and each of them.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written or caused their corporate seals to be affixed, attested by the signature of their proper officers, as the case may be.


Witness to Signature of Contractor
DAVID COLE

Address 405 LITTLE BASIN RD

TEWKESBURY ONTARIO

NBN 2L9


Occupation ASSISTANT GENERAL
MANAGER

Owner: **The Corporation of the Town
of Kingsville**

Per: _____
Mayor

Per: _____
Clerk (Seal)

Contractor: COCO PAVING INC.

Per: 
JOSEPH SEROCCA GMA

Per: _____
(Seal)



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: September 24, 2018
To: Mayor and Council
Author: Dan Wolicki, Manager of Facilities and Properties
RE: Next Steps for Cottam Revitalization Plan
Report No.: MS 2018 - 36

AIM

To provide Council the budget and recommendation regarding the short-term strategy for Cottam Rotary Park.

BACKGROUND

518-2018

That Council adopts the Cottam Revitalization Plan, directs that the recommended projects within the Plan be incorporated within the annual budget deliberation process.

Cottam has been identified as a community that would benefit from the development of a long-term strategy for the revitalization of the area, specifically Rotary Park and Ridgeview Park.

In 2018, a public engagement process with Cottam residents and businesses took place and the following were key elements to the process:

- The Cottam Revitalization Committee
- An Online Survey
- A Public Information Session

The Cottam Revitalization Plan (CIP) establishes an overview of infrastructure improvements and preferred amenities to beautify and increase usability of Rotary Park and Ridgeview Park.

Recommendations from this plan suggest the following short-term to long-term improvements:

Rotary Park

Short Term 1-5 Years	Medium Term 6-10 Years	Long Term 11-15 Years
Improved Lighting	Improved Furniture	Improved Garden Space
Improved Picnic Area	Playground Equipment	Event Space Walking Path

Ridgeview Park

Short Term 1-5 Years	Medium Term 6-10 Years	Long Term 11-15 Years
Improved Park Lighting	Walking Trail	Pickleball Courts
Soccer and Baseball Field Improvements		Playground Equipment

DISCUSSION

The next steps for the Cottam Revitalization Plan is to focus on short-term improvements pertaining to Cottam Rotary Park that could be completed in 2018.

New fabricated Christmas light displays will be purchased for the Park that have been identified in the planning process. Additional services such as electrical supply will be required to support the illuminated features.

The budget for these 2018 improvements has been established at \$20,000.

In addition, improvements to park lighting and the existing picnic tables are currently underway to satisfy and complete the improvement items for 2018.

As identified in the CIP, the proposed short-term plan and budget for Rotary Park is as follows:

Year	Item	Proposed Budget
2019	Outdoor Furniture, Rehabilitation to Gazebo, Additional Christmas Displays	\$40,000.00
2020	Additional Christmas Displays	\$10,000.00
2021	New Playground Equipment	\$65,000.00

The items described in the years of 2019 through 2021 as improvements to the Rotary Park will be discussed through the annual budget process as capital items.

As for Ridgeview Park, the short-term plan items are currently being reviewed to develop a proposed budget for the improvements which will be incorporated into the 2019 budget as a capital item.

LINK TO STRATEGIC PLAN

Improve recreational and cultural facilities and opportunities within the Town of Kingsville.

FINANCIAL CONSIDERATIONS

Pending approval of this report, the budget amount of \$20,000.00 for new displays and services is to be reallocated from the Downtown Revitalization Grant Funding Program, which was awarded to the Town of Kingsville in 2018.

Identified improvements for each upcoming year to Rotary Park will be requested through the annual capital budget review process.

CONSULTATIONS

Municipal Services
Kingsville Administration
Cottam Revitalization Committee

RECOMMENDATION

That Council approve the budget amount of \$20,000 for new displays and services for Rotary Park to be reallocated from the Downtown Revitalization Grant Funding Program in 2018 and,

To incorporate the remaining short-term plan items as identified through the Cottam Revitalization Plan into the annual budget process for Council consideration.

Dan Wolicki

Dan Wolicki
Manager of Facilities and Properties

G. A. Plancke

G.A. Plancke, Civil Eng. Tech (Env.)
Director of Municipal Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: September 19, 2018
To: Mayor and Council
Author: G.A. Plancke / Director of Municipal Services
RE: Source Water Protection Enforcement Transfer Agreement
Report No.: MS 2018 - 38

AIM

To recommend to Council that the Town of Kingsville enter into amending the Majority Agreement for a period of three (3) years with the Essex Region Conservation Authority for the purpose of Source Water Protection Plan Part IV enforcement.

BACKGROUND

The Town of Kingsville originally entered into a Source Water Protection Plan Part IV enforcement agreement with the Essex Region Conservation Authority (E.R.C.A.) effective September 14, 2015 ending on September 31, 2018.

This agreement expires at the end of the month.

The original Agreement and authorizing By-Law 96-2015 are attached as Appendix A

The original and revised E.R.C.A proposal, and 2015 justification report to Council which outlines the obligations and benefits of the plan are attached as Appendix B

DISCUSSION

E.R.C.A is prepared to extend the existing agreement by way of an amendment to the original Majority Agreement for a period of three (3) years and three (3) months commencing October 01, 2018, and ending on the 31st day of December 2021.

The E.R.C.A. amending Agreement specifies the financial contribution for each of the participating municipalities with Kingsville's share totaling \$34,798 over the next three (3) years.

LINK TO STRATEGIC PLAN

To become a leader in sustainable infrastructure renewal and development.

FINANCIAL CONSIDERATIONS

A total of \$34,798 to be budgeted within the Water Source Water Protection Capital budget line item over the next three years with an annual contribution of \$11,600.

CONSULTATIONS

Essex Region Conservation Authority – Katie Stammer PhD

RECOMMENDATION

That Council approve entering into a three (3) year amendment of the Majority Agreement effective Oct 01, 2018 ending December 31 2021 with the Essex Region Conservation Authority for the purpose of Source Water Protection Plan enforcement responsibility on behalf of the Town of Kingsville for the total cost of \$34,798 and,

That the Council direct the Clerk to and the Mayor to execute the amending Agreement to extend the Majority Agreement for a period of three years and three months as stipulated within the amending Agreement and further that;

That Authorizing By-Law 111- 2018 be enacted at this Regular meeting of Council.

Respectfully submitted,

G.A. Plancke

G.A. Plancke
Director of Municipal Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

AMENDMENT 2018

SOURCE PROTECTION PLAN PART IV ENFORCEMENT TRANSFER AGREEMENT

THIS AMENDMENT 2018 made effective the first day of October, 2018.

BETWEEN:

THE TOWN OF AMHERSTBURG	OF THE FIRST PART
- and -	
THE TOWN OF ESSEX	OF THE SECOND PART
- and -	
THE TOWN OF KINGSVILLE	OF THE THIRD PART
- and -	
THE TOWN OF LAKESHORE	OF THE FOURTH PART
- and -	
THE TOWN OF LASALLE	OF THE FIFTH PART
- and -	
THE MUNICIPALITY OF LEAMINGTON	OF THE SIXTH PART
- and -	
THE TOWNSHIP OF PEELE	OF THE SEVENTH PART
- and -	
THE TOWN OF TECUMSEH	OF THE EIGHT PART
- and -	
THE CORPORATION OF THE CITY OF WINDSOR	OF THE NINTH PART
- and -	
THE MUNICIPALITY OF CHATHAM-KENT	OF THE TENTH PART
(hereinafter individually referred to as a "Municipality" and cumulatively referred to as "the Municipalities")	
- and -	
THE ESSEX REGION CONSERVATION AUTHORITY	OF THE ELEVENTH PART
(hereinafter called "the Authority")	

WHEREAS the Parties, save and except the Municipality of Chatham-Kent, entered into an agreement dated as of October 1, 2015 for the purpose of developing and implementing a joint program for the enforcement and jurisdictional rights under Part IV of the *Clean Water Act* (the "Majority Agreement"); and

WHEREAS the Corporation of the Municipality of Leamington and the Essex Region Conservation Authority entered into an amending agreement dated January 25, 2016, the "Leamington Amendment"; and

WHEREAS the Town of Tecumseh and the Essex Region Conservation Authority entered into an amending agreement dated January 2016, the "Tecumseh Amendment"; and

WHEREAS The Essex Region Conservation Authority and the Municipality of Chatham-Kent entered into an agreement dated as of October 1, 2015 on similar terms and conditions as the

agreement with the other parties (the "Chatham-Kent Agreement"); and

WHEREAS pursuant to Section 7.2 of the Majority Agreement and the Chatham-Kent Agreement, the Authority can initiate a renewal of each agreement no later than 120 days prior to expiry of the term set out in Section 7.1; and

WHEREAS pursuant to Section 7.4 of the Majority Agreement and the Chatham-Kent Agreement, amendments may only be made by mutual agreement;

NOW THEREFORE in consideration of the contractual relationship between the Authority and the Municipalities referred to above and for other good and valuable consideration, the receipt and sufficiency of which is hereby expressly acknowledged by all Parties, the Authority and the Municipalities hereby acknowledge, agree and undertake as follows:

1. The Municipality of Chatham-Kent agrees to be bound by the terms of the Majority Agreement and the amends thereto stated herein
2. The Majority Agreement subject to the Leamington Amendment and the Tecumseh Amendment, is amended as follows:
 - a. The Municipality of Chatham-Kent is added as a party of the Majority Agreement.
 - b. This Amendment 2018 shall amend the Majority Agreement having an effective date of October 1, 2018 and shall extend the Majority Agreement for a period of 3 years and 3 months, ending the 31st day of December 2021.
 - c. The Thames-Sydenham and Region Source Protection Region is added to Section 1.3 so that the Authority will act as agent of the Municipality for the duties and enforcement responsibilities of Part IV of the Act for those lands located within the Municipality that are situated wholly or partially within the Essex Region Source Protection Region or the Thames-Sydenham and Region Source Protection Region
 - d. To the list of addresses in Section 9.5, the following is added:

To the Municipality of Chatham-Kent:

315 King Street West
Chatham, ON N7M 5K8
Attention: Chief Legal Officer

- e. Schedule "A" (cost estimates and accounting), as set out in the Majority Agreement are deleted in their entirety and replaced with the following:

Schedule A: Cost Estimates and Accounting			
Municipality	Shared Costs	Direct Costs	Total Costs
Amherstburg	\$7,789	\$1,879	\$9,668
Town of Essex	\$9,110	\$4,367	\$13,477
Kingsville	\$16,505	\$18,293	\$34,798
Lakeshore	\$9,817	\$5,699	\$15,516
Lasalle	\$7,504	\$1,343	\$8,847
Leamington	\$29,687	\$43,112	\$72,799
Pelee	\$6,996	\$386	\$7,382
Tecumseh	\$7,912	\$2,112	\$10,024
Windsor	\$9,429	\$4,969	\$14,398
Chatham-Kent	\$8,427	\$3,082	\$11,509
TOTAL	\$113,176	\$85,242	\$198,418

3. All other terms and conditions of the Majority Agreement shall remain in full force and effect unchanged and unmodified except in accordance with this Amendment 2018.

4. Execution of Agreement; Counterparts; Electronic Signatures

- a. This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument, and shall become effective when counterparts have been signed by each of the Parties and delivered to the other Parties; it being understood that all Parties need not sign the same counterparts.
- b. The exchange of copies of this Agreement and of signature pages by electronic transmission in "portable document format" (".pdf") form, or by any other electronic means intended to preserve the original graphic and pictorial appearance of a document, or by combination of such means, shall constitute effective execution and delivery of this Agreement as to the Parties and may be used in lieu of the original Agreement for all purposes. Signatures of the Parties transmitted by electronic means shall be deemed to be their original signatures for all purposes.

ESSEX REGION CONSERVATION AUTHORITY

Rick Fryer, Chair, Essex Region Conservation Authority

Date

Richard J.H. Wyma, General Manager/Secretary-Treasurer

Date

I/We have authority to bind the Essex Region Conservation Authority.

TOWN OF AMHERSTBURG

Signature/Name/Title

Date

Signature/Name/Title

Date

I/We have authority to bind the Town of Amherstburg.

TOWN OF ESSEX

Signature/Name/Title

Date

Signature/Name/Title

Date

I/We have authority to bind the Town of Essex.

TOWN OF KINGSVILLE

Signature/Name/Title	Date
----------------------	------

Signature/Name/Title	Date
<i>I/We have authority to bind the Town of Kingsville.</i>	

TOWN OF LAKESHORE

Signature/Name/Title	Date
----------------------	------

Signature/Name/Title	Date
<i>I/We have authority to bind the Town of Lakeshore.</i>	

TOWN OF LASALLE

Signature/Name/Title	Date
----------------------	------

Signature/Name/Title	Date
<i>I/We have authority to bind the Town of LaSalle.</i>	

MUNICIPALITY OF LEAMINGTON

Signature/Name/Title	Date
----------------------	------

Signature/Name/Title	Date
<i>I/We have authority to bind the Municipality of Leamington.</i>	

TOWNSHIP OF PEELE

Signature/Name/Title

Date

Signature/Name/Title

Date

I/We have authority to bind the Township of Pelee.

TOWN OF TECUMSEH

Signature/Name/Title

Date

Signature/Name/Title

Date

I/We have authority to bind the Town of Tecumseh.

THE CORPORATION OF THE CITY OF WINDSOR

Signature/Name/Title

Date

Signature/Name/Title

Date

I/We have authority to bind the City of Windsor.

MUNICIPALITY OF CHATHAM-KENT

Signature/Name/Title

Date

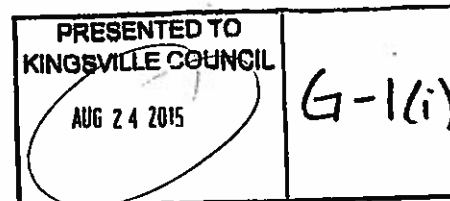
Signature/Name/Title

Date

I/We have authority to bind the Municipality of Chatham-Kent.



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca



Date: August 13, 2015
To: Mayor and Council
Author: G.A. Plancke, Director of Municipal Services
RE: Source Water Protection Plan Risk Management Official, Risk Management Inspector:
Essex Region Conservation Authority Proposal

AIM

To provide Council with an update on the Source Water Protection Plan (Source Protection Plan) and the role of Risk Management Official and Risk Management Inspector for the Town of Kingsville

And to request approval to enter into agreement with the Essex Region Conservation Authority for the transfer of Source Protection Plan Part IV Enforcement requirements.

BACKGROUND

Based on the recommendations from Justice O'Connor's inquiry into the 2000 Walkerton drinking water crisis, the Clean Water Act, 2006 was passed by the Provincial Government to protect water sources for drinking water systems. While local water treatment plants provide an abundance of clean, reliable, and safe drinking water, protecting source water is the first step in a multi-barrier approach to ensure the quality and sustainability of our municipal drinking water supply. The Act provides a framework for the development and implementation of watershed-based Source Protection Plans.

The Source Protection Plan for the Essex Region Source Protection Area was submitted to the Minister of the Environment for approval on August 15th 2012.

This plan required revisions to address Ministry of Environment comments and the preparation of revised Source Water Protection Plans for the Region continued throughout 2013 and in 2014.

ERCA submitted a formal proposal in early 2014 to conduct RMO/RMI services for the Municipality. At that time there were a number of uncertainties regarding the level of effort, due to the Source Water Protection Plans not yet having been finalized. The Source Water Protection Plan was revised during 2014 and resubmitted to the Minister of the Environment and Climate Change. The Ministry of the Environment and

Climate Change (MOECC) recently announced that the Plan for the Essex Region has been approved. Once the Plan is in effect municipalities will be expected to have RMO/RMI services in place as soon as possible.

Source Protection Plans establish policies to address significant threats to drinking water quality, identify who is responsible to take action, and set timelines for policy implementation and monitoring. The Clean Water Act requires that policies be developed to address existing or future significant threats, and specifies that policies are optional for moderate or low threats.

Through the events based approach, an activity is a significant drinking water threat in an Intake Protection Zone (IPZ-1, IPZ-2 or IPZ-3) if modeling demonstrates that a release of a contaminant from the activity would result in a deterioration of the source of drinking water quality. Modeling of hypothetical spills of large volumes of liquid fuel at various locations demonstrated exceedances of the Ontario drinking water quality standard (ODWQS) for benzene, at water intakes in Lake St. Clair, the Detroit River and Lake Erie. These results were used to identify existing significant threats and develop policies that now apply to all Event Based Areas (EBAs) within IPZs of the intakes in Lake St. Clair, Detroit River and Lake Erie, where the above grade storage, handling, or transportation of large volumes of liquid fuel has been identified as a significant threat.

Essex Region Conservation Authority Proposal

Now that the uncertainties are resolved The Essex Region Conservation Authority has provided Administration with a revised proposal for Risk Management Services.

The proposal lays out in detail the activities that are required by a Risk Management Official and Risk Management Inspector, and how ERCA would undertake those activities. The proposal also suggests possible funding sources and cost recovery options.

The proposal is different in that the proposed term is now only for a three year period. ERCA still estimates that the three year cost to Kingsville would be approximately \$54,000. The proposed cost assumes all municipalities are involved. Kingsville and Leamington have the highest costs due to the number of Significant Drinking Water Threats (fuel tanks) in their municipalities. The total cost for the region will be \$306,000 over the three year period.

ERCA proposes that any Agreement be put in place as soon as possible to allow for Risk Management Services program development to commence as soon as possible.

COMMENT

A broad drinking water Intake Protection Zone, known as IPZ-3, has been developed for both Source Protection Areas by the Source Water Protection Committees. Also delineated are the Event Based Areas, or EBAs, which could encompass all IPZs. As a result of this development, all fuel storage tanks with a capacity greater than 15,000L and located in the Event Based Areas (except a portion of the Union Water intake IPZ-3 where the capacity must be greater than 34,000L) will be considered a significant drinking water threat.

Another consideration that was explored by the Source Water Protection Committee was the designation of phosphorus as a significant drinking water threat. The concern is that phosphorus discharges lead to the development of blue green algae in Lake Erie which in turn results in toxic microcystins existing in the lakes and therefore in the source water. The exact sources of phosphorus that contribute to the development of toxin producing blue green algae could not be identified at this time so the revised Source Water Protection Plans have designated microcystins as an issue of concern, and more data will be obtained to determine if further action beyond education and outreach is required.

Other possible options that were explored for providing RMO/RMI services included:

1. Union Water Supply System Board employing an RMO/RMI who would work for all UWSS contributing municipalities. (A municipality can enter into an agreement with one or more municipalities that have by-law making authority under the Municipal Act around the production, treatment and storage of water; a board of health; a planning board; or a Source Protection Authority.)

- While there may be a case for it, Ministry of Environment legal staff has indicated that it would not be allowed under the Municipal Act for UWSS staff to undertake the work.
- It appears that other municipalities belonging to UWSS have or are leaning toward appointing ERCA for their RMO/RMI services, which would make it difficult to have UWSS staff provide the services only for Kingsville.
- One individual, with no back up being responsible might create problems should staff change or other activities prevent that individual from performing the work required.

2. Carry out the needed work internally by developing an RMO/RMI position and hiring an additional staff member.

Administration has reviewed this option, and as noted there would need to be additional staff to cover the workload, at least in the first 3 years when most of the identification activities and preparation of risk management plans with owners will take place.

- Back up would be needed as for the UWSS option in the event of staff changes, etc. Two weeks off-site training is required for the position(s) and MOECC only offer the training infrequently.

3. A municipality can partially or completely transfer their enforcement authority to another municipality, board of health, or planning board.

- No municipality in Essex County has expressed an interest in performing their own RMO/RMI activities, let alone doing it for others. Neither of the other two alternatives seem appropriate since neither entities in Essex County have been involved to any great extent in the Source Water Protection activities to date. Clearly the entity that has had most involvement and that spans all municipalities is ERCA.

4. A municipality can partially or completely transfer their enforcement authority to another municipality, board of health, or planning board.

- No municipality in Essex County has expressed an interest in performing their own RMO/RMI activities, let alone doing it for others. Neither of the other two alternatives seem appropriate since neither entities in Essex County have been involved to any great extent in the Source Water Protection activities to date. Clearly the entity that has had most involvement and that spans all municipalities in the region is ERCA.

FINANCIAL IMPACT

The full budgetary impact of Source Water Protection RMO/RMI activities is still not completely known, and probably won't be until sometime has elapsed and the program is developed to address the policies of the Source Protection Plan. Based on the proposal by ERCA however, an annual cost of approximately \$18,000 should be anticipated. The final amount will depend on funding that may become available and how much the Municipality recoups through cost recovery options such as fees to landowners who have event based areas on their property and are proposing development that will require a Source Water Protection review and the possible development and monitoring of a Risk Management Plan. The estimate does not take into account exceptional circumstances that may take extraordinary time and resources such as a prosecution for non-compliance under the Act.

Some municipalities in Essex County received start-up funding through the Ministry of Environment and Climate Change; Source Protection Municipal Implementation Fund (SPIMF). However, at the time of the funding announcement, the Town of Kingsville had yet to be identified as having any significant drinking water threats and as a result did not receive any funding. Kingsville Administration in cooperation with ERCA is advocating to the MOECC for start-up funding now that threats have been identified.

It would seem appropriate that since the fundamental aim of the program is drinking water source protection, funding for source water protection initiatives should come from water consumption revenues. Knowing that this would be a partial/implementation year, Kingsville Environmental Services (2-01) 2015 operating budget can absorb \$9,000 for anticipated RMO/RMI costs for a half year of service.

Based on the above considerations and discussions between Administration and ERCA management, it is recommended that Kingsville hire ERCA to conduct RMO/RMI activities for the Municipality for a three (3) year period. During that time a further review can take place to determine the direction beyond the three year period.

RECOMMENDATION

To utilize the services of the Essex Region Conservation Authority in the role of Risk Management Official/Risk Management Inspector for the Town of Kingsville Source Protection Plans in the Essex Region Source Protection area be approved;

And that the Mayor and Clerk be authorized to sign the agreement for a term of three years.

Respectfully Submitted.

A handwritten signature in black ink, appearing to be 'G.A. Plancke', written over a horizontal line.

G.A. Plancke Civil Eng. Tech (Env)
Director of Municipal Services.

A handwritten signature in black ink, appearing to be 'Dan Digiovanni', written over a horizontal line.

Dan Digiovanni, BAA. AMCT.
C.A.O.

RISK MANAGEMENT PLAN DEVELOPMENT

Municipality	PROGRAM DEVELOPMENT		RISK MANAGEMENT		MILEAGE	SUB-TOTALS		CORPORATE SERVICES		TOTALS
	Shared Cost	Existing SDWT	Future SDWT	Compliance		s.59 Screening	3-Year Costs	Office/ Overhead	3-Year Costs	
Tecumseh	\$7,790.97	\$5,764.50	\$960.75	\$637.00	\$1,575.63	\$16,944.8	\$2,203	\$19,147.6		
Lakeshore	\$7,790.97	\$13,930.88	\$1,921.50	\$1,433.25	\$3,420.27	\$29,104.9	\$3,784	\$32,888.5		
Essex	\$7,790.97	\$14,891.63	\$2,882.25	\$1,751.75	\$947.94	\$28,881.0	\$3,755	\$32,635.6		
Amherstburg	\$7,790.97	\$7,686.00	\$960.75	\$796.25	\$1,754.97	\$19,384.9	\$2,520	\$21,905.0		
Windsor	\$7,790.97	\$15,852.38	\$2,882.25	\$1,751.75	\$1,050.42	\$30,343.0	\$3,945	\$34,287.6		
LaSalle	\$7,790.97	\$1,441.13	\$0.00	\$159.25	\$807.03	\$10,294.8	\$1,338	\$11,633.1		
Leamington	\$7,790.97	\$47,076.75	\$12,489.75	\$6,051.50	\$1,345.05	\$77,957.5	\$10,134	\$88,092.0		
Kingsville	\$7,790.97	\$26,901.00	\$6,725.25	\$3,344.25	\$1,857.45	\$47,937.7	\$6,232	\$54,169.6		
Pelee Island	\$7,790.97	\$1,441.13	\$0.00	\$159.25	\$153.72	\$9,735.5	\$1,266	\$11,001.1		
Totals	\$70,118.75	\$134,985.38	\$28,822.50	\$16,084.25	\$12,912.48	\$270,584.06	\$35,175.93	\$305,759.98		

Essex Region Conservation Authority

RISK MANAGEMENT SERVICES PROPOSAL

Prepared by the Essex Region Conservation Authority for municipalities within the Essex Region with Significant Drinking Water Threats who:

- Will require these services for the implementation of the Source Protection Plan;
- Expressed an interest in receiving those services from the Conservation Authority

May 2015

p.1

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INTRODUCTION AND BACKGROUND

The *Clean Water Act (2006)* (CWA) plays a major role in ensuring that all Ontarians have access to safe drinking water. Protecting water at its source is the first step in ensuring safe drinking water. It means stopping contaminants from getting into sources of drinking water - lakes, rivers and aquifers.

The CWA requires that a Source Protection Committee (SPC) develop a Source Protection Plan (SPP) for the protection of Drinking Water Sources. The SPC is a local committee with stakeholder representation established by the CWA. The SPC is comprised of a Chair and representatives from sectors that encompass the broad, multi-sectoral interests of our Region. One third (five) of the members have been appointed by municipalities in the Region. The other two sectors, Economic and Other Interests also each have five members. During the past several years, under the guidance of the SPC, the Essex Region Conservation Authority (ERCA) has carried out technical studies to produce the Assessment Report (AR), and a Source Protection Plan (SPP) specifying actions to protect sources of drinking water to meet the requirements of the CWA.

The Essex Region AR was approved in March, 2015 and the SPP was approved by the Minister of the Environment and Climate Change on April 15, 2015. The effective date of the SPP, including policies, is October 1, 2015. To be ready for implementation, those municipalities with Significant Drinking Water Threats (SDWTs) as included in the SPP are required to have a Risk Management Official (RMO) and a Risk Management Inspector (RMI). This proposal collectively refers to these requirements as RMO/I, and refers to the services performed by and related to the RMO/I as Risk Management Services (RMS). The RMO/I is responsible for implementing policies written under Part IV of the CWA.

The RMS are the responsibility of the municipality who, under the *Municipal Act*, has the ability to pass bylaws pertaining to the treatment and distribution of drinking water. However, the CWA allows for municipalities to delegate enforcement of their Part IV responsibilities to another municipality, a board of health, planning board or Source Protection Authority (SPA) using a formal Source Protection Plan Part IV Enforcement Transfer Agreement.

Conservation Authorities were established on a watershed basis as a municipal-provincial partnership. The CWA built on this partnership to establish the SPA to facilitate the SPP development. In our Region, the CWA designated ERCA as the SPA and ERCA's board of directors, which are appointed by the municipalities of the watershed, carry out the business of the SPA. ERCA provides staffing and other resources to the SPA to carry out its responsibilities. ERCA has provided technical and policy development capacity since the Program began in 2007. This experience and understanding of the comprehensive requirements of the *Clean Water Act*, including Risk Management Services, is an inherent part of its capacity. Similarly, ERCA would provide the resources to the SPA to meet any obligations for Part IV implementation delegated to the SPA by an agreement with municipalities. This proposal is prepared by ERCA as the local SPA to provide RMS on behalf of the municipalities in the Essex Region based on discussions and general agreement with municipalities in November 2012. It is similar to models developed for other Source Protection Regions.

SOURCE PROTECTION PLAN

The SPP identifies and describes the drinking water systems in the Region as well as the technical work that was completed to delineate the vulnerable areas (Intake Protection Zones and Event Based Areas) for each drinking water intake. The Ministry of the Environment and Climate Change (MOECC) prescribed certain activities as drinking water threats if they contribute substances that may be harmful to human health if consumed in high concentrations. The SPP considered each of these activities and determined if they were low, moderate or significant threats to drinking water in each of the vulnerable areas based on their likelihood of contaminating drinking water sources. The SPP contains policies to ensure that those activities which are significant threats to drinking water cease to be, or never become, significant threats. The SPP also contains some policies to address low and moderate threats. Significant threat policies, including those written under Part IV of the CWA are legally binding and must be complied with. The SPP and associated Assessment Reports were approved by the SPA and presented to MOECC for review. The Minister, MOECC approved the Essex Region SPP on April 15, 2015, with an effective date of October 1, 2015.

The CWA provides a number of tools which the SPP uses in its policies. Those tools include:

- Prescribed Instruments (instruments under other provincial legislation, prescribed by the CWA)
- Prohibition (per CWA Part IV Section 57)
- Risk Management Plans (per CWA Part IV Section 58)
- Restricted Land Use (per CWA Part IV Section 59)
- Land Use Planning
- Education and Outreach
- Stewardship
- Other specified actions

While many of these tools have been used for years in protecting water resources, the CWA provides municipalities with new tools through Part IV of the CWA. These tools, as approved in the SPP, can be targeted at activities under very specific circumstances which make them Significant Drinking Water Threats (SDWT) and can only be implemented by trained and qualified RMO/I.

- Section 57 provides for the prohibition of SDWT activities. In the Essex Region, policies using Section 57 were only written for SDWTs that are highly unlikely to occur in specific vulnerable areas.
- Section 58 allows for the management of activities by requiring a Risk Management Plan (RMP) for specific activities in a regulated area, and under certain circumstances, which make the activity a SDWT.
- Section 59 or 'Restricted Land Use' policies require designated land use planning and building permits approvals to have a written notice from the RMO prior to approval if the permit includes a request that would be a SDWT. This is essentially a screening tool to capture possible future threats.

VULNERABLE AREAS

Policies written under Part IV of the CWA only apply to SDWTs in particular vulnerable areas. These include Intake Protection Zones (IPZs) and Event Based Areas (EBAs). IPZs are areas of land and water, where run-off from streams or drainage systems, in conjunction with currents in lakes and rivers, could directly impact the source water at the municipal drinking water intakes.

- IPZ-1s are the areas closest to the drinking water intakes (e.g. 1 km radius),
- IPZ-2s are areas based on a 'two hour time of travel' to the intake and
- IPZ-3s includes all rivers and tributaries where modeling demonstrates that contaminant spills may reach the intake during an extreme rainfall or wind storm event.

By definition the IPZ-1, IPZ-2, and IPZ-3 for each intake do not overlap. The EBAs in the Essex Region encompass the combination of these three zones for modeled activities (e.g. fuel spill with 2% benzene and a volume of 34,000 L) to which associated significant drinking water threat policies apply. In the Essex Region, Part IV policies have been used for a variety of SDWTs in Windsor IPZ-1 and IPZ-2, Lakeshore (Belle River) IPZ-1, and Amherstburg IPZ-1. There are also policies for the handling and storage of large volumes of liquid fuel that apply to all EBAs in the Region, which includes areas in all municipalities.

RISK MANAGEMENT OFFICIALS AND INSPECTORS

Risk Management Officials and Inspectors (RMO/I) are required to implement SPP policies written using Sections 57, 58, and 59 of the CWA. The CWA and O.Reg 287 outline the training, roles and responsibilities of these persons.

The RMO/I are required to complete and maintain training prescribed by the CWA and Regulations which has been developed and offered by the Ministry of Environment and Climate Change (MOECC). This training includes the provisions of the CWA and Regulations and background on the technical rules which guided the development of the AR and SPP. The RMO/I must also have the technical expertise to understand the rules and circumstances associated with SDWTs and best or beneficial management practices (BMP) related to the activities which are SDWTs. While it is not reasonable to assume that one individual could have expertise on all the of activities which could be SDWTs as well as the science behind the risks and vulnerabilities, it would be expected that they have access to appropriate experts who can provide this information as needed. Delegating RMS to ERCA is an ideal situation as these services would become part of our existing comprehensive program including:

- Education, outreach and communications, and community partnerships
- Stewardship and agricultural extension services
- Integrated watershed planning services related to natural hazards and natural heritage
- Water Quality including research, planning and implementation
- Information services including GIS, database management and mapping/reporting

ERCA staff responsible for providing RMS have received training as both RMO and RMI. This ensures access to appropriate resources at all times to be able to respond in a timely manner to inquiries and applications as well as negotiate RMPs as described later in this proposal. Having more than one person share these responsibilities offers an additional advantage of having persons with different expertise and backgrounds involved in the program, which is possible due to the economies of scale created by offering the services on a regional basis rather than within each individual municipality. This proposal also includes access to the support and technical staff at ERCA who have led and undertaken much of the vulnerability and risk assessment as well as the policy development, providing a consistent level of local and technical knowledge within the Region. Additionally, in carrying out SPA and CA responsibilities, ERCA staff have already built a collaborative/peer network with those responsible for planning and building permit processes and engineering technical support, information technology, water treatment plant operators, neighbouring jurisdictions, and other RMO/Is throughout the province.

Consistency between areas was considered by the SPC in developing the policies. It was their intent that these policies be applied similarly across the Region while respecting local and site specific variations. It will be important that municipalities collaborate on developing these services. We are committed to facilitation of collaboration between those who will be providing the services.

SCOPE OF RISK MANAGEMENT SERVICES

The required Risk Management Services (RMS) as proposed by ERCA includes Program Development and Implementation of Part IV Policies.

- Program Development includes development of RMP templates, planning for S.59 (Restricted Land Use) Screening, Education & Outreach, Monitoring & Reporting and Technical Inquiries Support.
- Implementation includes RMP Negotiation, Compliance, Restricted Land Use and Site Specific Risk Assessment.

The various components of the RMS, as described in Figure 1, were discussed with the SPC and supported in principle by municipalities and members of the Source Protection Authority. The scope of each program area is briefly described in the following sections.

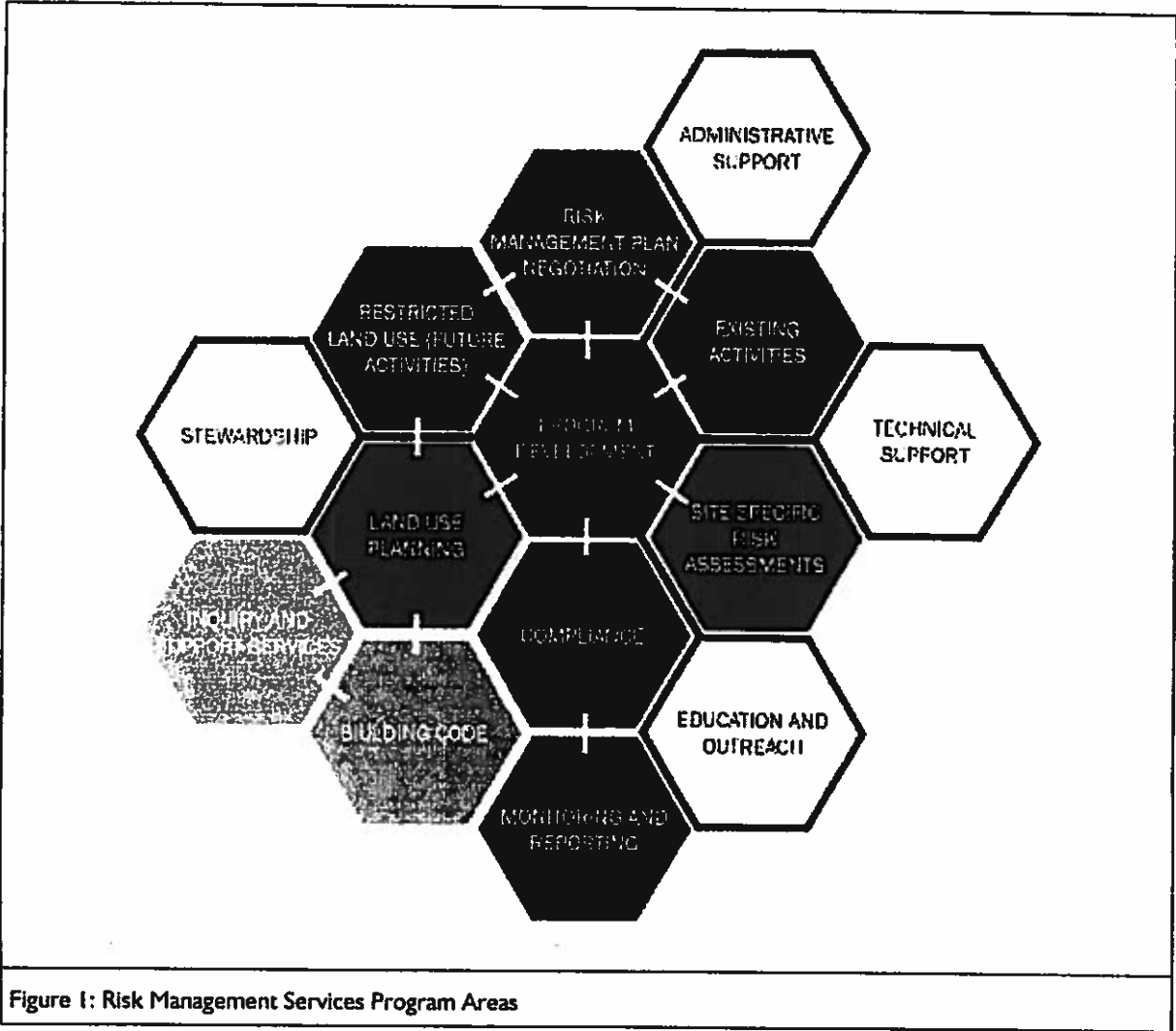


Figure 1: Risk Management Services Program Areas

PROGRAM DEVELOPMENT

Program Development is the cornerstone of development and refinement of Risk Management Services programs and tools needed for the successful implementation of the program. The development of these tools will consider how they need to be integrated into existing municipal and CA programs including land use planning and building code programs. In developing these tools, ERCA will consider the local and provincial monitoring and reporting requirements. Policies and procedures will need to be developed to guide the proponents and those implementing the program.

Program Development efforts will largely be focussed in the first year however refinement is anticipated over the course of the program. All Program Development costs have been apportioned evenly amongst the proposed participating municipalities because these costs must be incurred regardless of the number of SDWTs.

DEVELOPMENT OF RISK MANAGEMENT PLAN TEMPLATE

The intent of RMP policies included in the SPP was that they would be consistently implemented across the Region. While each RMP is uniquely negotiated with proponents, it is our intention to use working groups to develop templates from which to base those RMPs. ERCA staff have already been in contact with those providing RMS in neighbouring jurisdictions to begin discussions of creating a southwestern Ontario regional RMO/I working group to ensure consistent implementation of similar policies including the handling and storage of large volumes of liquid fuel. As well, as trained RMO/I, we have access to materials available through an online provincial forum, which can be used to guide the creation of our local template. Along with the template for RMPs, this portion of program development will also include the development of a database that will integrate with our existing systems in order to store information and generate reports. This is an essential part of the RMS and will ensure that the remaining aspects of the program are able to be delivered efficiently.

PLANNING FOR S.59 (RESTRICTED LAND USE) SCREENING

Restricted Land Use is a screening tool which requires designated land uses to receive a written notice issued by the RMO prior to receiving planning or building permit approvals. The notice would indicate that either the application does not include an activity requiring a RMP or that a RMP has been negotiated. Either of these notices would indicate that the application can proceed through planning or building permit approvals. These notices would be considered as part of a complete application. Further, the *Ontario Building Code Act* has been updated so that as of January 1, 2014 the RMO notice is applicable law. This screening process is intended to include the RMP or prohibitions under Part IV in the planning and building permit processes. While it is intended to catch most new threats, there are many activities which might be SDWTs that are able to be established without either of these approval processes. Implementation of Restricted Land Use policies, allowed for under Section 59 and required by Essex Region SP policies 32 and 33, will require integration with planning applications and building permits. The RMO/I will work closely with municipal building officials and planning and regulations staff at ERCA to determine the most effective and efficient manner to administer and implement this portion of the program.

EDUCATION & OUTREACH

In addition to the Part IV tools included in this proposal, the SPP uses education, outreach and stewardship to complement the more regulatory Part IV tools. Education and Outreach specifically related to SDWTs requiring RMP is including in the development costs of RMS. RMO/I will have the benefit of access to other programs developed and offered by ERCA to assist in reaching out to those who are engaged in activities in the vulnerable areas. The RMS proposal does not include stewardship costs or general education and outreach costs, which will be offered by ERCA. The RMO/I will also have access to available stewardship and incentive programs to assist them in furthering the stewardship ethic within these vulnerable areas through voluntary compliance.

MONITORING & REPORTING

The CWA requires RMO/I to prepare and submit an annual report. This report must satisfy the requirements of the CWA and Regulations as well as guidance which MOECC is developing. It is anticipated that the data will focus on recording the details of the legal documents (notices, orders, warrants and RMPs) created, accepted or issued by the RMO/I. Further, it is expected that these reports will include the submission of digital data on RMP and SDWT as well as submission of a printed summary of activities undertaken by the RMO/I. The province is developing a database to which RMO/I will be required to submit their data.

The SPP also includes local monitoring and reporting requirements to assist the SPA in satisfying its requirements under the CWA to report annually on the implementation efforts and effectiveness of the SPP. The SPP requires that the CA develop guidance which will assist the implementers of the SPP with providing information in a consistent manner so that it may be assembled into the required annual report in a timely and efficient manner. These local reporting requirements will be integrated with the provincial requirements as much as possible. Further it is anticipated that the municipalities will also require that the CA report to them on the efforts taken to implement these services on behalf of the municipality. Annual reporting to the municipalities is included in this proposal.

This proposal includes allowances to develop the information management tools to be able to effectively and efficiently collect, analyze and report on the program. The collection and management of the information will be built directly into the RMS. Mechanisms to report to municipalities, SPA, SPC and the Province will be developed and implemented as part of these services. RMO/I are required to report to each SPA in their jurisdiction. For some municipalities in the Essex Region, this includes both the Essex Region SPA and the Thames-Sydenham and Region SPA (TSRSPA). Staff at ERCA are collaborating with the Province and with TSRSPA on information management tools, making us well positioned to meet the municipalities responsibilities for the Monitoring and Reporting associated with the RMS.

TECHNICAL INQUIRIES SUPPORT

Risk Management Services is a completely new program containing many complex concepts and tools. It will be important that ERCA and the municipalities are prepared to respond to inquiries from a number of individuals including municipal staff, property owners, developers, lawyers and consultants. Because the RMO/I will be best prepared to respond to most of these inquiries, this proposal includes a small allowance for technical inquiries support. This will allow municipalities to direct all inquiries to the RMO/I as needed. ERCA is well positioned to be able to provide these services as the RMO/I will work directly with staff who worked on the creation of the SPP and policies to aid in policy interpretation as well expert technical staff to aid in questions related to implementation.

IMPLEMENTATION OF PART IV POLICIES

The level of effort required for implementation of the services will vary from municipality to municipality. The size, type and number of existing significant drinking water threat (SDWTs) vary, as does the size and nature of the areas which will be regulated through these tools. Inventories of SDWTs developed for the AR were used to apportion costs associated with activities directly related to SDWTs. This includes negotiating RMPs for existing and future SDWTs, compliance and screening planning applications and building permits for S.59 policies. The level of effort required for these services is assumed to be proportional to the number of SDWTs and costs have been assigned according. This is outlined in more detail for each activity below and in the attached spreadsheet.

RISK MANAGEMENT PLAN NEGOTIATION

A Risk Management Plan (RMP) is a negotiated agreement between the RMO and the person engaging in an activity (the proponent) that allows activities to occur in vulnerable areas where they would be a SDWT. The RMP describes how these activities can be managed such that they cease to be significant. This is achieved by first meeting with the proponent to discuss the activity and what makes it a significant threat to drinking water. The RMO will work with the proponent to review and describe risk management measures and BMPs the proponent may already have in place or is planning to have in place. The RMO and proponent may also discuss additional measures needed for the situation. The RMO will then work with the proponent to develop a Risk Management Plan for approval by the RMO. Alternatively the proponent may wish to have the RMO develop the RMP to establish it either through agreement or by order. If negotiation does not work, the RMO may notify the proponent that they intend to establish a RMP by order.

RMP negotiation is required for existing activities as identified in the AR and for future activities where the SPP allows for future SDWTs to be established with a RMP. It will also be required for anyone who is engaged in a SDWT when the SPP becomes effective, whether or not they were included in the AR inventories.

Currently, the Essex Region SPP requires RMPs for the:

- storage of fuel in the fuel-based EBAs across the watershed
- storage of hazardous or liquid industrial waste in Windsor, Lakeshore and Amherstburg IPZ-1s
- storage and application of non-agricultural source material (NASM) in Windsor IPZ-2
- storage of pesticide in the small areas of Windsor, Lakeshore and Amherstburg IPZ-1s
- application of pesticide in Windsor IPZ-2, Windsor, Lakeshore and Amherstburg IPZ-1s.

These activities have specific circumstances that make them significant drinking water threats (SDWT), including volume thresholds.

This proposal allows for the negotiation of existing and future RMP. It assumes a negotiation process will be successful in the majority of cases and does not allow for situations where the negotiation does not

reach a suitable outcome. These situations are considered extraordinary costs and would be considered on a case by case basis as it is difficult to predict whether or how many of these situations may occur. It is anticipated that these situations will be rare. The relative work load for the existing activities is based on the relative number of threats included in AR inventories for each municipality. A few future SDWTs are prohibited, but the level of effort to establish this is considered to be similar to that required for the negotiation of the RMP. The number of negotiations for future threats included in the proposal is based on an estimation of the total number of expected new SDWTs assigned proportionally to each municipality based on the distribution of existing SDWTs. This is a conservative estimate.

COMPLIANCE

The success of the CWA Part IV tools and the successful implementation of the SPP depend a great deal on compliance with prohibition policies as well as any RMP negotiated or otherwise established. The CWA provides the regulatory tools to ensure compliance with both Section 57 (Prohibition) and 58 policies (Risk Management Plans). The CWA allows the RMO/I to issue orders following due notice. These orders can include establishing a RMP, forcing compliance with a RMP or, if appropriate, causing things to be done and recovering costs. CWA Section 64 indicates when the RMO may 'cause things to be done' only if the person who is ordered to do a thing has refused to comply, is not likely to comply or requests the assistance of the RMO in complying with the order. An example would be to hire a company to complete work required under the RMP. In addition to these powers, the CWA provides the RMO/I with similar enforcement tools to Building Officials, By law Enforcement Officers and other Provincial Offences Officers. These include seeking a warrant to gain access to property and the ability to lay charges.

Compliance monitoring will be required for all SDWT activities which require a RMP as well as those which have been prohibited. The cost of the compliance program is apportioned to the participating municipalities based on the relative number of existing and future SDWTs in the regulated areas. The proposal does not include an allowance to be able to defend against appeals and other challenges to the Part IV tools. These situations are considered extraordinary costs would be considered on a case by case basis as it is difficult to predict whether or how many of these situations may occur. It is anticipated that these situations will be rare.

RESTRICTED LAND USE

There are two Restricted Land Use policies included in the SPP that address all policies requiring a RMP. All planning applications and building permits within the named vulnerable areas will have to be screened to determine whether a notice from the RMO is required. The process for this will be determined during the Program Development phase of this proposal.

The relative work associated with Restricted Land Use (RLU) screening is based on the number of applications received by ERCA for either development applications or building permits by each municipality in 2014. These applications will now need to be screened for SDWTs and an additional notice issue by the RMO stating that the activity may proceed. This screening process will be integrated into ERCA's existing screening protocols. This estimate was used because the EBAs for fuel closely match

the Limits of the Regulated Area for the Essex Region. As residential land use has been excluded from these policies, the number of applications and permits requiring screening may be overestimated.

SITE SPECIFIC RISK ASSESSMENT

A proponent has the opportunity to undertake their own Site Specific Risk Assessment if they question the Risk Assessment completed through the broader, regional scale analysis undertaken and documented in the approved AR. This site specific re-assessment of risk would be assumed by the proponent's professionals according to the same technical rules which guided the Assessment Reports. It would also be based on guidance and requirements yet to be provided by the Province. In these additional requirements it is anticipated that the Province will identify what aspects of the risk assessment can be reassessed.

In the unlikely event that a proponent chooses to conduct a Site Specific Risk Assessment, the RMO will be required to review and accept the analysis or have access to appropriate professionals to review the work. The RMO would have access to ERCA staff that were part of the Source Protection Team which lead the technical work in the AR. The support of these technical staff would be crucial to being able to meet the obligations under the CWA and is a significant benefit of having the services offered on a regional scale. While it is not anticipated that many site specific risk assessments would be submitted for intake protection zones, it is important that the municipalities are prepared to respond if a SSRA is completed. These costs are not included in the current proposal and are considered extraordinary costs. These situations would be considered on a case by case basis as it is difficult to predict whether or how many of these situations may occur.

FUNDING IMPLEMENTATION

The costs associated with delivering RMS have been broken down into two parts. Program Development has been apportioned evenly amongst the participating municipalities as these services are required regardless of the number of SDTWs. We consider this to be an essential service in order to ensure that RMS is provided consistently throughout the Region. As such, we propose that these costs be shared regardless of a municipality's decision to delegate the Implementation of Part IV Policies. Implementation costs have been apportioned based on the proportion of known SDWTs found in each municipality, as described in detail in the preceding section. Because it is difficult to predict how much of each activity will occur in any given year of the agreement, total costs for the three year term have been calculated (Appendix I).

The attached budget estimates have been prepared to assist municipalities in planning for the services and exploring the merits of receiving the services from ERCA. This estimate may be revised through further discussions with the municipalities or based on factors such as the following:

- Changes to the participating municipalities - a reduction in the municipalities participating in the program would undoubtedly affect the scope, apportionment and possibly the economies of scale (depending on the magnitude of the changes in scope).

- Cost recovery for portions of the services - cost recovery may reduce the cost of the services for those municipalities who wish to recover part of the costs of the program from the proponents through application fees. As noted earlier it is proposed that fees collected would be used to offset the following year program costs to the municipality/system.
- Scope or levels of service changes - funding provided through the Source Protection Plan Part IV Enforcement Transfer would be based on the scope and levels of service included in that agreement. The budget estimate is based on the scope and levels of service described in this proposal.

SOURCE PROTECTION PLAN PART IV ENFORCEMENT TRANSFER AGREEMENT

In order for it to be cost effective to develop the services on behalf of the municipalities it is important that a multi-year commitment to funding be in place. It is therefore proposed that the agreement be for a three year period. This is necessary in order for the CA to be able to hire, train and set up the programs and is recommended by MOECC.

The funding would be provided through an Enforcement Transfer Agreement which would outline:

- Responsibilities of the parties to the agreement;
- Data sharing rights and responsibilities;
- Responsibility for cost of service delivery;
- Fee schedule;
- Any cost recovery and the mechanisms for collection;
- Appointment of RMO/I;
- Liability and insurance; and
- Other such items outlining the rights and responsibilities of the parties to the agreement.

FUNDING SOURCES

On November 1, 2013 the Ministry of Environment and Climate Change launched Ontario's Source Protection Municipal Implementation Fund (SPIMF), which distributed \$13.5 million to 189 eligible municipalities over three years. This funding is to offset a portion of the costs in implementing the SPP in small, rural municipalities for risk management services, and education and outreach. It provided one-time funding for implementation from December 2013 to December 2015 in keeping with the Source Protection Municipal Implementation Fund Guide. Municipalities were eligible for funding if:

- Municipality is located in an SPA;
- Municipality contains vulnerable areas identified in approved Assessment Reports at the time the funds were distributed;
- 25% or more of the population is living in rural areas, OR population is under 100,000, and is required to implement policies pertaining to Part IV, sections 57 and/or 58 of the CWA, 2006;

- Approved or proposed source protection plan specifies the municipality is required to implement one or more specific SDWT policies.

Eligible activities are those undertaken by a municipality, or on the municipality's behalf. There is also a collaborative incentive that was available to eligible municipalities in December 2014 who work together, to implement the SPP. All municipalities in the Essex Region signed collaboration statements in December 2014, which allowed each of them to receive an additional \$15,000 towards implementation for a total of \$75,000 for the Region.

In Essex Region, a total of \$250,346 was announced for municipalities within the by Essex Region SPA, as shown in the Table below:

No.	Municipality	Funding	Collaboration Incentive	Source Protection Authority
1	Amherstburg	\$69,803	\$15,000	Essex Region
2	Chatham-Kent	\$75,000	\$15,000	Essex Region, Lower Thames Valley, St. Clair Region
3	County of Essex	\$42,742	\$15,000	Essex Region, Lower Thames Valley
4	Lakeshore	\$32,801	\$15,000	Essex Region, Lower Thames Valley
5	Tecumseh	\$30,000	\$15,000	Essex Region
Table: Ontario's Source Protection Municipal Implementation Fund				

The announced funding was based on results of the approved Assessment Report at the time the funding was announced. As such, municipalities that were not included in the 2011 AR did not receive SPIMF money. New work has since been included in the newly approved Updated AR related to Lake Erie intakes, where the number of fuel threats has increased. The SPC and SPA/ERCA Administration have identified this to Ministry Officials and continue to advocate for additional funds for those municipalities. ERCA worked with municipalities receiving support to secure collaboration funding as noted in the Table. Through collaboration, there may be opportunity to use collaboration funds or unused municipal SPIMF funds to offset overall costs for program development and/or implementation. ERCA would propose that these options be explored with municipalities.

COST RECOVERY OPTIONS

Risk Management is a tool that Part IV of the CWA makes a municipal responsibility. The province and ERCA have responsibilities for the implementation of other aspects of the SPP. There are a few funding sources which the municipality should consider to recover the costs of RMS. Program areas may be funded through cost recovery (fees), property taxes and/or water rates.

There are only certain parts of the RMS program that are able to be recovered by fees, which could be used to offset the costs charged to the municipalities under the proposed municipal service agreements. The CWA allows fees to be collected for such things as:

- Receiving an application (s58,59,60)
- Agreeing to or establishing a RMP (s56,58)
- Accepting a SSRA (s60)
- For entering property or any other power under s62 (inspections)

Further, the CWA requires that the RMO/I confirm that applicable fees have been paid before issuing certain documents (such as notices of acceptance).

The water system (through rates charged for water) is a potential funding source for these services (or those parts of the services not recovered from the person engaged in the activity).

Alternatively, municipal budgets (generated from property taxes) have been discussed as a source of funding. This would have the benefit of sharing the costs over a larger funding base, however in many cases the water systems provide services to only part of the municipality or may be providing water for a neighbouring municipality.

ERCA would propose to discuss options with the municipalities, but ultimately the source of the funding drawn upon to fund these agreements is left to individual municipal to decide. ERCA would support an approach that was consistent throughout the Region.

UNCERTAINTIES ASSOCIATED WITH COST OF SERVICES

The relative level of effort on each the components will shift as the program matures. For example, after the first year the program development cost will shrink to annual program administration. Similarly, following the first three to five years, negotiation with existing SDWT will be largely completed allowing the RMO/I to focus a more appropriate level of effort on compliance, which is why only a small amount has been allotted for in this three year proposal. Enforcement efforts are expected to increase with time as are the costs associated with appeals and legal costs. Other external factors such as growth and development pressures will undoubtedly have a large impact on year to year variability and are not considered in these estimates

As this is a completely new program there are a number of uncertainties which could affect the cost of the services. These include, but are not limited to:

- Number of identified existing SDWTs that require a RMP
- Development pressure significantly affecting the number of future threats requiring screening through Restricted Land Use
- Demand for inquiry services (formal or informal)
- Provincial monitoring requirements

- Provincial support for CWA mandated CA responsibilities (such as data maintenance and access, monitoring and reporting and support for prosecution and appeals)
- Compliance monitoring and enforcement needs, including Site Specific Risk Assessments

It is anticipated that generally cost in some of the program areas would decline following the first three year agreement.

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 96 – 2015

Being a By-law authorizing the entering into of a Source Protection Plan Part IV Enforcement Transfer Agreement with the Town of Amherstburg, the Town of Essex, the Town of Lakeshore, the Town of LaSalle, the Municipality of Leamington, the Township of Pelee, the Town of Tecumseh, the City of Windsor and The Essex Region Conservation Authority

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. c. 25 confers natural person powers on municipalities which include the power to enter into agreements with individuals and corporations.

WHEREAS The Corporation of the Town of Kingsville (the "Town") deems it expedient for the Town to enter into a Transfer Agreement.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. **THAT** the Town enters into and executes with the Town of Amherstburg, the Town of Essex, the Town of Lakeshore, the Town of LaSalle, the Municipality of Leamington, the Township of Pelee, the Town of Tecumseh, the City of Windsor and the Essex Region Conservation Authority a Source Protection Plan Part IV Enforcement Transfer Agreement attached hereto as Schedule "A" and forming part of this By-law.
2. **THAT** Mayor N. Santos and Acting Clerk S. Kitchen are hereby authorized and directed on behalf of the Town to execute the Agreement attached as Schedule "A".
3. This By-Law comes into force and takes effect on the day of the final passing thereof.

READ a FIRST, SECOND and THIRD time and FINALLY PASSED this 14th day of September, 2015.



MAYOR Nelson Santos



CLERK Jennifer Astrologo

SOURCE PROTECTION PLAN PART IV ENFORCEMENT TRANSFER AGREEMENT

THIS AGREEMENT made effective the first day of October 2015.

BETWEEN:

THE TOWN OF AMHERSTBURG	OF THE FIRST PART
- and -	
THE TOWN OF ESSEX	OF THE SECOND PART
- and -	
THE TOWN OF KINGSVILLE	OF THE THIRD PART
- and -	
THE TOWN OF LAKESHORE	OF THE FOURTH PART
- and -	
THE TOWN OF LASALLE	OF THE FIFTH PART
- and -	
THE MUNICIPALITY OF LEAMINGTON	OF THE SIXTH PART
- and -	
THE TOWNSHIP OF PELEE	OF THE SEVENTH PART
- and -	
THE TOWN OF TECUMSEH	OF THE EIGHT PART
- and -	
THE CITY OF WINDSOR	OF THE NINTH PART
(hereinafter called "the Municipalities")	
- and -	
THE ESSEX REGION CONSERVATION AUTHORITY	OF THE TENTH PART
(hereinafter called "the Authority")	

PREAMBLE:

WHEREAS this Agreement is being entered into pursuant to the *Clean Water Act, 2006* (hereinafter called the "Act") for the purpose of appointing the Authorities as agents of the Municipalities with respect to the enforcement and jurisdictional rights under Part IV of the Act as part of implementation of the Essex Region Source Protection Plan.

And Whereas the Authority is a Source Protection Authority for purposes of the Act and of this Agreement;

And Whereas the Municipalities are located wholly or in part of the Essex Region Source Protection Region as set out in Ontario Regulation 284/07;

And Whereas the Municipalities agree to collaborate and allocate shared costs related to transfer of enforcement responsibilities under Part IV of the Act.

IN CONSIDERATION of the mutual covenants herein contained, the parties hereby agree as follows:

1.0 GENERAL

1.1 Source Protection Authorities

Under section 4 of the Act, the Essex Region Conservation Authority (ERCA) serves as the Source Protection Authority for the Essex Region Source Protection Area. Ontario Regulation 284/07 under the Act designates the participating municipalities for ERCA when they Act as the Source Protection Authorities under the Act.

1.2 Part IV Requirements under the Act

The Act provides that a municipality is responsible for Part IV enforcement of Source Protection Plans. The Act further provides that a municipality may enter into an agreement for the enforcement of Part IV by a board of health, a planning board, or a Source Protection Authority.

The Municipalities hereby appoint the Essex Region Conservation Authority as agent of the Municipalities to carry out enforcement under Part IV of the Act within their respective Municipality.

1.3 Application

This Agreement shall be applicable to all lands located in the Municipalities that are subject to Part IV of the Act.

The Essex Region Conservation Authority hereby accepts the appointment and agrees to Act as Agent of the Municipalities for the duties and enforcement responsibilities of Part IV of the Act for those lands located within the Municipalities that are situated wholly or partially within the Essex Region Source Protection Region.

1.4 Duties

The Authority shall faithfully carry out its duties hereunder on a fee for service basis in accordance with the Act, the Essex Region Source Protection Plan, the Thames-Sydenham and Region Source Protection Plan (as amended from time to time), this Agreement, and any other applicable legislation.

2.0 DEFINITIONS

2.1 Definitions

Unless otherwise expressly provided in this Agreement, the words, phrases and expressions in this Agreement shall have the meanings attributed to them as follows:

In this Agreement:

"Act" means the *Ontario Clean Water Act, 2006*, as amended;

"Agreement" means this document;

"Parties" means the Authorities and the Municipalities;

"the Regulation" means *Clean Water Act Regulation 287/07*

"Risk Management Inspector" means a Risk Management Inspector appointed under Part IV of the Act;

"Risk Management Official" means the Risk Management Official appointed under Part IV of the Act;

"Source Protection Authority" means a Conservation Authority or other person or body that, under subsection 4 (2) or section 5 of the Act, is required to exercise and perform the powers and duties of a drinking water Source Protection Authority under the Act;

"Source Protection Plan" means a drinking water source protection plan prepared under the Act.

3.0 RESPONSIBILITIES

3.1 Responsibilities of the Authority

The Authority is responsible for all the powers and duties of an enforcement body under Part IV of the Act. The duties and powers include but are not limited to those listed in this Section.

The Authority shall:

- i. Appoint such Risk Management Officials and Risk Management Inspectors as are necessary for the enforcement of Part IV of the Act.
- ii. Provide mapping to the Municipalities and establish protocols in consultation with the Municipalities to ensure Part IV requirements are incorporated into the review of applications under the *Planning Act* and *Building Code Act*.
- iii. Review applications under the *Planning Act* and *Building Code Act* as deemed necessary under the protocols referred to in (ii) and issue notices with respect to Restricted Land Use policies prior to those applications proceeding.
- iv. Negotiate or, if negotiations fail, establish risk management plans with persons (business owners, landowners, tenants, and others) engaged or proposing to engage in an Activity and at a location subject to the Act.
- v. Review and accept risk assessments under the Act.
- vi. Conduct inspections and use powers of entry on properties where reasonable and obtain inspection warrants from a court where required.
- vii. Issue orders and notices, prosecute any offences under Part IV of the Act and exercise any other powers set out under Part IV of the Act to ensure compliance with the Part IV policies in the Essex Region Source Protection Plan and/or the Thames-Sydenham and Region Source Protection Plan.
- viii. Maintain records in accordance with the Act and make records available to the public when required to do so and to the Municipalities upon request.
- ix. Prepare documentation and make provisions for staff to attend Environmental Review Tribunal Hearings.
- x. Report annually on Activities as required under the Act and provide a copy of the annual report to the Municipalities.

3.2 Responsibilities of the Municipalities

The Municipalities shall adhere to agreed upon protocols (including circulating certain applications to the Risk Management Official) to ensure Part IV requirements are incorporated into the review of:

- i. building permit applications;
- ii. applications under provisions of the *Planning Act* that are prescribed in section 62 of the *Regulation*; and
- iii. generally cooperate with and assist the Authority with the protection of safe drinking water.

3.3 Information and Data Sharing

To facilitate implementation of this Agreement:

- i. The Municipalities shall provide information and data required by the Authority to carry out its powers and duties under Part IV of the Act.
- ii. The Authority shall provide records related to its powers and duties under Part IV of the Act to the Municipalities, upon request. In the event of termination of this Agreement, records will be transferred to their respective Municipalities.

4.0 COSTS

4.1 Responsibility for Cost of Service Delivery

The Municipalities are responsible for the costs of the enforcement of Part IV of the Act. The Municipalities shall pay the Authority as per Schedule A of this Agreement.

4.2 Estimates and Accounting

The Authority attests that costs identified in Schedule A represent fair, consistent and reasonable estimates and allocations, and incorporate various assumptions that materially affect the identified costs. The identified costs will be for the purpose of cost recovery of the program included in this agreement, agreed to collectively with the Municipalities. The Authority shall keep accurate records, relating to expenses associated with this Agreement, in accordance with generally accepted accounting principles (GAAP). Should actual total costs result in significant differences from Schedule A, the Authority will consult with Municipalities as to appropriate treatment of any surplus or deficit as a result of this agreement.

4.3 Recovery of Extraordinary Costs

The Authority, through consultation with the Municipalities will recover from the Municipalities, costs incurred as a result of legal actions initiated by or against the Authority associated with executing its duties and powers under this Agreement and for costs associated with non-routine work including but not limited to enforcement orders, warrants, Environmental Review Tribunal Hearings and retention of third party experts. These costs are in addition to those outlined in Schedule A and are identified as 'extraordinary costs'.

5.0 OFFICIALS AND INSPECTORS

5.1 Appointment

The Authority will appoint such Risk Management Officials and Risk Management Inspectors as are necessary pursuant to subsection 48 (2) of the Act and shall issue a certificate of appointment to the Risk Management Officials and Risk Management Inspectors as per subsection 48 (3) of the Act.

5.2 Qualifications

The Risk Management Officials and Risk Management Inspectors will be qualified as prescribed by the Regulation.

6.0 LIABILITIES AND INSURANCE

6.1 Insurance

The Authority shall provide and maintain Commercial/Comprehensive General Liability insurance subject to limits of not less than Two Million Dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof.

The Authority shall provide and maintain Errors and Omissions insurance subject to limits of not less than an annual aggregate of Two Million Dollars (\$2,000,000.00). Such insurance shall provide

coverage for all errors and omissions made by the Authority, its officers, directors and employees in regard to the obligations of the Authority under this Agreement.

Such insurance shall be kept in force for the two years following termination of this Agreement.

Such insurance shall be in the name of the Authority and shall name the Municipalities as additional insured there under. Evidence of insurance satisfactory to the Municipalities shall be provided to the Municipalities prior to the commencement of work. The Authority shall annually provide the Municipalities with Certificate(s) of Insurance confirming that the said insurance policies are in good standing.

6.2 Workplace Safety and Insurance Board (WSIB)

The Authority will provide upon request, verification of WSIB coverage.

6.3 Indemnification

The Municipalities agree to save harmless and indemnify the Authority, and its employees, agents, assigns, directors and officers (collectively, the 'Indemnified Parties') from and against any claims, costs, fees, losses, damages or expenses of every nature and kind whatsoever, including but not limited to governmental inquiries, administrative or judicial proceedings, which the Authority Indemnified Parties, might suffer, have imposed on, or incur in connection with or arising out of: this Agreement; any enforcement duties or responsibilities; or otherwise in connection with the Act or any regulations thereunder.

The Authority agrees to save harmless and indemnify the Municipalities, and its employees, agents, assigns, directors and officers (collectively, the 'Indemnified Parties') from and against any claims, costs, fees, losses, damages or expenses of every nature and kind whatsoever, including but not limited to governmental inquiries, administrative or judicial proceedings, which the Municipal Indemnified Parties, might suffer, have imposed on, or incur in connection with or arising out of the Authority failing to perform its duties or responsibilities under this Agreement.

The Municipality shall not save harmless and indemnify the 'indemnified parties' from and against any losses, damages or expenses of every kind and nature whatsoever arising from the negligent acts of the indemnified parties.

7.0 TERM, RENEWAL, TERMINATION AND AMENDMENT OF AGREEMENT

7.1 Initial Term

This Agreement shall continue in force for a period of 3 years, commencing on the 1st day of October, 2015 and ending the 31st day of September, 2018.

7.2 Renewal

The Authority will initiate the renewal of the Agreement no later than 120 days prior to expiry of the term set out in Section 7.01

7.3 Withdrawal

Any party to this agreement may withdraw from the Agreement by delivering notice in writing, within 180 days prior to the expiry of the term set out in Section 7.01 in respect of which the withdrawing municipality no longer wishes to participate in the Agreement.

If any party to this agreement withdraws, the Authority will advise the Ministry of Environment and Climate Change, in writing that it will no longer be carrying out enforcement under Part IV of the Act for that Municipality.

7.4 Amendment

This Agreement may be amended by mutual agreement from time to time to reflect changes in programs, funding and personnel in both parties, or changes in provincial policy.

8.0 MISCELLANEOUS

8.1 Preamble

The preamble hereto shall be deemed to form an integral part hereof.

8.2 Instrument in Writing

This Agreement shall not be changed, modified, terminated or discharged in whole or in part except by instrument in writing signed by the parties hereto, or their respective successors or permitted assigns, or otherwise as provided herein.

8.3 Assignment

This Agreement shall not be assignable by either party.

8.4 Force Majeure

Any delay or failure of either party to perform its obligations under this Agreement shall be excused and this Agreement is suspended if, and to the extent that, a delay or failure is caused by an event or occurrence beyond the reasonable control of the party and without its fault or negligence, such as, by way of example and not by way of limitation, acts of God, fires, floods, wind storms, riots, labour problems (including lock-outs, strikes and slow-downs) or court injunction or order.

8.5 Notices

Any notice, report or other communication required or permitted to be given hereunder shall be in writing unless some other method of giving such notice, report or other communication is expressly accepted by the party to whom it is given and shall be given by being delivered or mailed to the following addresses of the parties respectively:

To the Authority:

Richard J.H. Wyma, General Manager / Secretary-Treasurer
Essex Region Conservation Authority
360 Fairview Avenue West
Suite 311
Essex, ON N8M 1Y6

To the Town of Amherstburg:

271 Sandwich Street South
Amherstburg, ON N9V 2A5
Attention: Municipal Clerk / Chief Administrative Officer

To the Town of Essex

33 Talbot Street South
Essex, ON N8M 1A8
Attention: Municipal Clerk / Chief Administrative Officer

To the Town of Kingsville

2021 Division Road North
Kingsville, ON N9Y 2Y9
Attention: Municipal Clerk / Chief Administrative Officer

To the Town of Lakeshore

419 Notre Dame Street
PO Box 580
Belle River, ON N0R 1A0
Attention: Municipal Clerk / Chief Administrative Officer

To the Town of LaSalle

5950 Malden Road
LaSalle, ON N9H 1S4
Attention: Municipal Clerk / Chief Administrative Officer

To the Municipality of Leamington

111 Erie Street North
Leamington, ON N8H 2Z9
Attention: Municipal Clerk / Chief Administrative Officer

To the Township of Pelee

1045 West Shore Road
Pelee Island, ON N0R 1M0
Attention: Municipal Clerk / Chief Administrative Officer

To the Town of Tecumseh

917 Lesperance Road
Tecumseh, ON N8N 1W9
Attention: Municipal Clerk / Chief Administrative Officer

To the City of Windsor

350 City Hall Square
Windsor, ON N9A 6S1
Attention: Municipal Clerk / Chief Administrative Officer

Any notice, report or other written communication, if delivered, shall be deemed to have been given or made on the date on which it was delivered to any employee of such party, or if mailed, postage prepaid, shall be deemed to have been given or made on the third business day following the day on which it was mailed (unless at the time of mailing or within forty-eight hours thereof there shall be a strike, interruption or lock-out in the Canadian postal service in which case service shall be by way of delivery only). Either party may at any time give notice in writing to the other party of the change of its address for the purpose of this Agreement.

8.6 Headings

The Section headings hereof have been inserted for the convenience of reference only and shall not be construed to affect the meaning, construction or effect of this Agreement.

8.7 Governing Law

The provisions of this Agreement shall be construed and interpreted in accordance with the laws of the Province of Ontario as at the time in effect.

8.8 Execution of Agreement; Counterparts; Electronic Signatures

- I. This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument, and shall become effective when counterparts have been signed by each of the Parties and delivered to the other Parties; it being understood that all Parties need not sign the same counterparts.
- II. The exchange of copies of this Agreement and of signature pages by electronic transmission in "portable document format" (".pdf") form, or by any other electronic means intended to preserve the original graphic and pictorial appearance of a document, or by combination of such means, shall constitute effective execution and delivery of this Agreement as to the Parties and may be used in lieu of the original Agreement for all purposes. Signatures of the Parties transmitted by electronic means shall be deemed to be their original signatures for all purposes.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first written above.

ESSEX REGION CONSERVATION AUTHORITY

_____ Ed Sleiman, Chair, Essex Region Conservation Authority	_____ Date
---	---------------

_____ Richard J.H. Wyma, General Manager/Secretary-Treasurer <i>I/We have authority to bind the Essex Region Conservation Authority.</i>	_____ Date
--	---------------

TOWN OF AMHERSTBURG

_____ Signature/Name/Title	_____ Date
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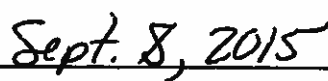
_____ Signature/Name/Title <i>I/We have authority to bind the Town of Amherstburg.</i>	_____ Date
--	---------------

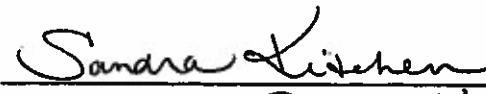
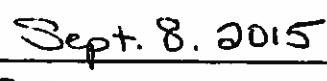
TOWN OF ESSEX

_____ Signature/Name/Title	_____ Date
-------------------------------	---------------

_____ Signature/Name/Title <i>I/We have authority to bind the Town of Essex.</i>	_____ Date
--	---------------

TOWN OF KINGSVILLE

 _____ Signature/Name/Title Nelson Santos, mayor	 _____ Date
---	---

 _____ Signature/Name/Title Sandra Kitchen, Clerk <i>I/We have authority to bind the Town of Kingsville.</i>	 _____ Date
--	---

TOWN OF LAKESHORE

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Town of Lakeshore.</i>	_____ Date

TOWN OF LASALLE

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Town of LaSalle.</i>	_____ Date

MUNICIPALITY OF LEAMINGTON

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Municipality of Leamington.</i>	_____ Date

TOWNSHIP OF PEELE

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Township of Pelee.</i>	_____ Date

TOWN OF TECUMSEH

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title <i>I/We have authority to bind the Town of Tecumseh.</i>	_____ Date

CITY OF WINDSOR

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title	_____ Date

I/We have authority to bind the City of Windsor.

**ESSEX REGION CONSERVATION AUTHORITY
RISK MANAGEMENT SERVICES
SCHEDULE "A" ATTACHMENT TO SOURCE PROTECTION PLAN PART IV ENFORCEMENT TRANSFER AGREEMENT
SEPTEMBER 2015**

Municipality	Shared Cost	Existing SDWT	Future SDWT	Compliance	s.59 Screening	Mileage	3-Year Costs	Office/ Overhead	3-Year Costs	Due October 31, 2015	Due October 31, 2016	Due October 31, 2017
Tecumseh	\$ 7,790.97	\$ 5,764.50	\$ 960.75	\$ 637.00	\$ 1,575.63	\$ 215.90	\$ 16,944.75	\$ 2,202.82	\$ 19,147.57	\$ 13,049.00	\$ 4,113.00	\$ 1,985.57
Lakeshore	7,790.97	13,930.88	1,921.50	1,433.25	3,420.27	608.00	29,104.87	3,783.63	32,888.50	17,308.00	9,565.00	6,015.50
Essex	7,790.97	14,891.63	2,882.25	1,751.75	947.94	616.50	28,881.04	3,754.53	32,635.57	16,349.00	9,463.00	6,823.57
Amherstburg	7,790.97	7,686.00	960.75	796.25	1,754.97	396.00	19,384.94	2,520.04	21,904.98	13,448.00	5,196.00	3,260.98
Windsor	7,790.97	15,852.38	2,882.25	1,751.75	1,050.42	1,015.20	30,342.97	3,944.59	34,287.55	17,021.00	10,079.00	7,187.55
LaSalle	7,790.97	1,441.13	-	159.25	807.03	96.40	10,294.78	1,338.32	11,633.10	9,955.00	1,121.00	557.10
Leamington	7,790.97	47,076.75	12,489.75	6,051.50	1,345.05	3,203.50	77,957.52	10,134.48	88,092.00	32,290.00	31,353.00	24,449.00
Kingsville	7,790.97	26,901.00	6,725.25	3,344.25	1,857.45	1,318.80	47,937.72	6,231.90	54,169.63	22,609.00	17,997.00	13,563.63
Peleee Island	7,790.97	1,441.13	-	159.25	153.72	190.40	9,735.47	1,265.61	11,001.08	9,628.00	857.00	516.08
Totals	\$ 70,118.75	\$ 134,985.38	\$ 28,822.50	\$ 16,084.25	\$ 12,912.48	\$ 7,660.70	\$ 270,584.06	\$ 35,175.93	\$ 305,759.98	\$ 151,657.00	\$ 89,744.00	\$ 64,358.98

Per Section 4.02: "The Authority attests that costs identified in Schedule A represent fair, consistent and reasonable estimates and allocations, and incorporate various assumptions that materially affect the identified costs. The identified costs will be for the purpose of cost recovery of the program included in this agreement, agreed to collectively with the Municipalities. The Authority shall keep accurate records, relating to expenses associated with this Agreement, in accordance with generally accepted accounting principles(GAAP). Should actual total costs result in significant differences from Schedule A, the Authority will consult with Municipalities as to appropriate treatment of any surplus or deficit as a result of this agreement."



RISK MANAGEMENT SERVICES PROPOSAL FOR RENEWAL OF PART IV TRANSFER AGREEMENT

Prepared by the Essex Region Conservation Authority for municipalities within the Essex Region

INTRODUCTION

Source Water Protection has been identified as the first line of defense in protecting drinking water. Through the *Clean Water Act, 2006 (CWA)*, a local Source Protection Committee (SPC) worked together with ERCA, municipalities, community groups and residents to develop a local, watershed-based Source Protection Plan and policies to protect our source water from contamination and overuse, now and into the future. Our policies work by either eliminating or managing activities that could be considered a threat to our source water and are based on the foundational knowledge that the actions we take on land have an impact on our local waterways and ultimately our sources of drinking water. Following an extensive process that included broad public input and municipal consultation, the Essex Region Source Protection Plan (SPP) came into effect on October 1, 2015. For more information about the SPP and related technical work, please visit our website: <https://essexregionconservation.ca/source-water-protection/>.

The Ministry of the Environment and Climate Change (MOECC) prescribed certain activities as drinking water threats if they contribute substances that may be harmful to human health if consumed in high concentrations. The SPP contains policies to ensure that those activities cease to be, or never become, significant threats, using a number of different tools such as: education and outreach, land use planning, stewardship, existing provincial prescribed instruments, and new tools specific to Part IV of the CWA. Significant threat policies, including those written under Part IV of the CWA are legally binding and must be complied with.

The implementation of Part IV policies is the responsibility of the municipality who, under the *Municipal Act*, has the ability to pass bylaws pertaining to the treatment and distribution of drinking water. However, the CWA allows for municipalities to delegate enforcement of their Part IV responsibilities to another municipality, a board of health, planning board or Source Protection Authority (SPA) using a formal Source Protection Plan Part IV Enforcement Transfer Agreement.

Part IV tools can only be implemented by trained and certified Risk Management Officials (RMO) or Risk Management Inspectors (RMI), collectively referred to as RMO/I. The CWA and O.Reg 287 outline the training, roles and responsibilities of these persons. Currently, four members of ERCA's staff are trained as RMO/Is. This ensures access to appropriate resources at all times to perform the duties of the RMO/I as described below as well as to be able to respond in a timely manner to inquiries and applications. In addition, these staff have access to the support and technical staff at ERCA. In carrying out SPA and CA responsibilities, ERCA staff have already built a collaborative peer network with those responsible for planning and building permit processes, engineering technical support, information technology, water treatment plant operators, neighbouring jurisdictions, and other RMO/Is throughout the province.

In 2015, all municipalities in the Essex Region delegated their Risk Management Services to the Essex Region Conservation Authority. The RMO/I provides these services on behalf of the municipalities in the Essex Region Source Protection Area (ERSPA), as well as the southernmost portion of the Thames-Sydenham and Region Source Protection Region (TSR), which includes

parts of the Town of Lakeshore, the Municipality of Leamington, and the Municipality of Chatham-Kent. The Essex Region Risk Management Office collaborates with the Thames-Sydenham and Region Source Protection Authority to ensure consistent implementation of our similar policies. The terms of the current agreement with the municipalities will expire on September 30, 2018.

As per Section 7.2 of the initial enforcement transfer agreement, the original agreement can be renewed. ERCA is proposing such a renewal of this agreement, however municipalities have the option of providing Risk Management Services themselves at the end of the current term (September 30, 2018). In order for it to be cost effective to provide these services on behalf of the municipalities it is important that a multi-year commitment to funding be in place. It is therefore proposed that the renewed agreement be for a three year period beginning October 1, 2018 until December 31, 2021.

SCOPE OF RISK MANAGEMENT SERVICES

Policies written under Part IV of the *Clean Water Act* can be used to prohibit (Section 57) or manage (Section 58) activities identified as Significant Drinking Water Threats (SDWTs). These policies apply to both existing and future (new) SDWTs. In the Essex Region SPP, activities are only prohibited (Section 57) if they are not known to occur in identified vulnerable areas and are not likely to occur in the future. The majority of identified SDWTs will be managed with a Risk Management Plan (RMP) (Section 58). Policies written using Section 59 of the *Clean Water Act, 2006*, are intended to act as a screening tool by municipal planning and building staff to identify any potential future (new) SDWTs that would be subject to Section 57 or Section 58 policies.

Risk Management Plan Negotiation (s.58)

Risk Management Plans (RMPs) are required for all identified existing SDWTs as well as new potential SDWTs. The handling and storage of large volumes of liquid fuel was identified as a threat to drinking water throughout the Essex Region. Other threats were also identified in small areas close to certain drinking water intakes. A RMP is a negotiated agreement between the RMO and the person engaging in an activity (the proponent) that allows activities to occur in vulnerable areas where they would be a SDWT. The RMP describes how these activities can be managed such that they cease to be significant threats. The RMO will work with the proponent to review and describe risk management measures that are already in place as well as additional measures needed for the situation. The RMO will then work with the proponent to develop a RMP that is agreed to by the proponent and the RMO. Alternatively the proponent may wish to have the RMO develop the RMP to establish it either through agreement or by order. If negotiation does not work, the RMO may notify the proponent that they intend to establish a RMP by order.

Restricted Land Use (s.59)

Section 59 policies were effective when the Source Protection Plans took effect and were a priority for implementation because building permits and approvals under the *Planning Act* and

the *Building Code Act* cannot be issued until it has been determined that a SDWT will not be created and/or has been managed as part of the proposed works.

The RMO/I has provided municipalities with a written direction to assist municipalities in expediting the Section 59 screening process for proposed projects under the *Planning Act* in the identified Event Based Area (EBA), and a "Building Information Sheet" that can be attached to permit applications submitted under the *Building Code Act*. ERCA has also integrated Section 59 screening in our internal processes, allowing for quick turnaround time so that new building projects are not held up by this requirement. The RMO/I will continue to provide this screening service and work with municipalities to find further efficiencies and to ensure that intent of these policies is being met.

Site Specific Risk Assessment

A proponent can undertake their own Site Specific Risk Assessment (SSRA) if they question the Risk Assessment completed in the approved AR. An SSRA would be conducted by professionals retained by the proponent and would be completed according to the same technical rules which guided the Assessment Reports. It would also be based on guidance and requirements to be provided by the Province.

In the unlikely event that a proponent chooses to conduct an SSRA, the RMO will be required to review and accept the analysis or have access to appropriate professionals to review the work. As it is not anticipated that many SSRAs will be conducted, these situations would be considered on a case by case basis and would be considered extraordinary costs. Should these situations arise the municipality would be immediately notified and consulted.

Compliance

The CWA provides the regulatory tools to ensure compliance with both Section 57 (Prohibition) and 58 policies (Risk Management Plans). The CWA allows the RMO/I to issue orders following due notice. These orders can include establishing a RMP, forcing compliance with a RMP or, if appropriate, causing things to be done and recovering costs. CWA Section 64 indicates when the RMO may 'cause things to be done' only if the person who is ordered to do a thing has refused to comply, is not likely to comply or requests the assistance of the RMO in complying with the order. An example would be to hire a company to complete work required under the RMP. In addition to these powers, the CWA provides the RMO/I with similar enforcement tools to Building Officials, By law Enforcement Officers and other Provincial Offenses Officers. These include seeking a warrant to gain access to property and the ability to lay charges.

Compliance monitoring will be required for all SDWT activities which require a RMP as well as those which have been prohibited. As it is not anticipated that many compliance issues will arise that require legal action, these situations would be considered on a case by case basis and would be considered extraordinary costs. Should these situations arise the municipality would be immediately notified and consulted.

Education & Outreach

The RMO/I also provides education and outreach to landowners through their threat verification site visits and subsequent negotiation of RMPs. A Source Water Protection package is provided to the landowner with maps of the property within the Event Based Area, a copy of the threat verification site visit letter, a spill reporting form, and an updated contact information sheet for spill reporting, cleanup, tank removal and inspection resources that are local to the region. The package also contains a sticker to be placed on the fuel tanks indicating that the tank is in a vulnerable area and includes the number for Spills Action Center, as well as general information about the Source Water Protection Program. These site visits have not only increased landowner awareness, but also improved sources of communication and strengthened relationships with persons engaging in the activity. The RMO/I also provides training for municipal staff as needed and can act as a liaison to provide additional education material either about the Source Protection program or other services provided by ERCA and/or the municipalities.

Monitoring & Reporting

The CWA requires RMO/I to prepare and submit an annual report on their activities to the MOECC. The CWA contains specific details about the required reporting elements and the MOECC has provided templates and is developing a database for this reporting. RMO/I are also required to report to each SPA in their jurisdiction. For some municipalities in the Essex Region, this includes both the Essex Region SPA and the Thames-Sydenham and Region SPA (TSRSPA). In addition, the RMO/I also prepares a more fulsome annual report for the municipalities for whom we provide Risk Management Services. ERCA has developed an internal information management tool to effectively and efficiently record data, track records, analyze and report on the program. All annual reports are publically available on our website.

COST ALLOCATION

The level of effort required for implementation of the services will vary from municipality to municipality. The size, type and number of existing significant drinking water threat (SDWTs) vary, as does the size and nature of the areas which will be regulated through these tools. Inventories of SDWTs were used to apportion costs associated with activities directly related to SDWTs. This includes negotiating RMPs for existing and future SDWTs, compliance and screening planning applications and building permits for Section 59 policies. The level of effort required for these services is assumed to be proportional to the number of SDWTs and costs have been assigned according.

The costs associated with delivering RMS have been broken down into two parts - shared and direct costs.

- Shared costs include elements such as project management, development and maintenance of databases and templates, training and attendance at regional meetings as well as a

portion of corporate services. These elements are essential in order to ensure that Risk Management Services are provided consistently throughout the Region.

- Direct costs have been apportioned based on the proportion of known SDWTs confirmed in each municipality. This includes elements such as the negotiation of RMPs, Section 59 screening and compliance visits.

In consideration of the fact that shared costs are correlated to an extent with activity, ERCA will apply a weighted formula to these costs, as follows: 50% of shared costs will be allocated equally amongst the municipalities and 50% of shared costs will be allocated on a proportionate basis, calculated as each municipality's direct costs divided by the total direct costs, as incurred by all municipalities. Because it is difficult to predict how much of each activity will occur in any given year of the agreement, total costs for the term of the agreement have been calculated (Appendix I).

The attached budget estimates have been prepared to assist municipalities in planning for the services and exploring the merits of receiving the services from ERCA. This estimate may be revised through further discussions with the municipalities. As is stated in section 4.2 of the original agreement, ERCA will keep accurate records relating to expenses in accordance with generally accepted accounting principles. Should the actual costs differ from the proposed budget, municipalities will be consulted to discuss treatment of any surplus or deficit.

Of note is that the proposed budget does not include the recovery of non-routine costs, as is outlined in section 4.3 of the original agreement. An example of non-routine costs would be legal action resulting from situations where the negotiation of a RMP does not reach a suitable outcome. These situations would be considered on a case by case basis and the municipality would be consulted with as soon as these situations come to light. Any external parties required to be retained (e.g. legal counsel) would be hired upon mutual agreement with the affected municipality. This situation did not occur in the original agreement and it is anticipated that these situations will continue to be rare.

COST RECOVERY OPTIONS

Source Protection Municipal Implementation Fund

On November 1, 2013 the Ministry of Environment and Climate Change launched Ontario's Source Protection Municipal Implementation Fund (SPIMF), which distributed funds to eligible municipalities. In February, 2016 additional SPIMF money was made available to municipalities not included in the original distribution of funds. In the Essex Region, all eligible lower tier municipalities as well as the County of Essex received SPIMF following this second round of distribution. Eligible activities for SPMIF are those undertaken by a municipality, or on the municipality's behalf, including the implementation of Part IV policies. The SPIMF agreements were originally set to expire December, 2015, but have been extended to December, 2018.

Other funding sources

Risk Management Services may be funded through cost recovery (fees), property taxes and/or water rates if/when SPIMF is no longer available.

There are only certain parts of the RMS program that are able to be recovered by fees, which could be used to offset the costs charged to the municipalities under the proposed municipal service agreements. Further, the CWA requires that the RMO/I confirm that applicable fees have been paid before issuing certain documents (such as notices of acceptance). The CWA allows fees to be collected only for specific actions including: receiving an application (s58,59,60); agreeing to or establishing a RMP (s56,58); accepting a SSRA (s60); entering property or any other power under s62 (inspections).

The water system (through rates charged for water) is a potential funding source for these services (or those parts of the services not recovered from the person engaged in the activity). Alternatively, municipal budgets (generated from property taxes) are also a source of funding. This would have the benefit of sharing the costs over a larger funding base, however in many cases the water systems provide services to only part of the municipality or may be providing water for a neighbouring municipality.

ERCA would discuss these options with municipalities, but ultimately the source of the funding drawn upon to fund these agreements is left to each municipality to decide. ERCA would support an approach that was consistent throughout the Region.

UNCERTAINTIES ASSOCIATED WITH COST OF SERVICES

The relative level of effort on each of the components will shift as the program matures. For example, negotiation of RMPs for existing SDWTs will be completed by March 2019 allowing the RMO/I to focus on compliance and enforcement. Other external factors such as growth and development pressures, and updates to the SPP as a result of modifications to the CWA, its Regulations and/or Technical Rules will also have an impact on costs.

TERM AND RENEWAL

ERCA proposes to amend the original agreement for the term from October 1, 2018 to December 31, 2021 with terms and conditions as agreed to in the original agreement and term, with option to renew the agreement prior to the end of the term of the amended agreement.

APPENDIX 1

The proposed budget below includes costs associated with the delivery of Risk Management Services by the Essex Region Conservation Authority on behalf of the Municipalities in the Essex Region as outlined in the proposal above. The estimated costs are for the term of the agreement from October 1, 2018 to December 31, 2021.

Municipality	Shared Costs	Direct Costs	Total Costs
Amherstburg	\$7,789	\$1,879	\$9,668
Town of Essex	\$9,110	\$4,367	\$13,477
Kingsville	\$16,505	\$18,293	\$34,798
Lakeshore	\$9,817	\$5,699	\$15,516
Lasalle	\$7,504	\$1,343	\$8,847
Leamington	\$29,687	\$43,112	\$72,799
Pelee	\$6,996	\$386	\$7,382
Tecumseh	\$7,912	\$2,112	\$10,024
Windsor	\$9,429	\$4,969	\$14,398
Chatham-Kent	\$8,427	\$3,082	\$11,509
TOTAL	\$113,176	\$85,242	\$198,418



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: September 12, 2018

To: Mayor and Council

Author: Kristina Brcic, MSc, BURPI, Town Planner

RE: Application for Extension of Part Lot Control Exemption
Builder Direct Buy Corporation
Hazel Crescent
20-22, 60-62, 56-58, 64-66 Hazel Cres
Lots 7, 55, 56 & 57, Plan 12M-552
Roll Nos: Multiple

Report No.: PDS 2017-048

AIM

To provide the Mayor and Council with information on an application for lands in the Millbrook Subdivision, for the extension of part lot control exemption.

BACKGROUND

On September 26, 2011, Kingsville Mayor and Council passed By-law 114-2011 to permit exemption from Part Lot Control for certain lands in the Millbrook Expansion subdivision (Registered Plan 12M-552), specifically:

- 12-14 Hazel Crescent (Lot 9, Plan 12M-552)
- 16-18 Hazel Crescent (Lot 8, Plan 12M-552)
- 20-22 Hazel Crescent (Lot 7, Plan 12M-552)
- 24-26 Hazel Crescent (Lot 6, Plan 12M-552)
- 28-30 Hazel Crescent (Lot 5, Plan 12M-552)
- 32-34 Hazel Crescent (Lot 4, Plan 12M-552)
- 36-38 Hazel Crescent (Lot 3, Plan 12M-552)
- 40-42 Hazel Crescent (Lot 2, Plan 12M-552)
- 44-46 Hazel Crescent (Lot 1, Plan 12M-552)
- 48-50 Hazel Crescent (Lot 59, Plan 12M-552)
- 52-54 Hazel Crescent (Lot 58, Plan 12M-552)
- 56-58 Hazel Crescent (Lot 57, Plan 12M-552)
- 60-62 Hazel Crescent (Lot 56, Plan 12M-552)

64-66 Hazel Crescent (Lot 55, Plan 12M-552)
68-70 Hazel Crescent (Lot 54, Plan 12M-552)
72-74 Hazel Crescent (Lot 53, Plan 12M-552)
76-78 Hazel Crescent (Lot 52, Plan 12M-552)
59-61 Hazel Crescent (Lot 60, Plan 12M-552)
63-65 Hazel Crescent (Lot 61, Plan 12M-552)
67-69 Hazel Crescent (Lot 62, Plan 12M-552)
71-73 Hazel Crescent (Lot 63, Plan 12M-552)
75-77 Hazel Crescent (Lot 64, Plan 12M-552)
79-81 Hazel Crescent (Lot 65, Plan 12M-552)

This by-law has since expired.

On September 22, 2014 By-law 88-2014 was passed to extend Part lot Control on the remaining undeveloped lots:

20-22 Hazel Crescent (Lot 7, Plan 12M-552)
28-30 Hazel Crescent (Lot 5, Plan 12M-552)
32-34 Hazel Crescent (Lot 4, Plan 12M-552)
36-38 Hazel Crescent (Lot 3, Plan 12M-552)
44-46 Hazel Crescent (Lot 1, Plan 12M-552)
48-50 Hazel Crescent (Lot 59, Plan 12M-552)
52-54 Hazel Crescent (Lot 58, Plan 12M-552)
56-58 Hazel Crescent (Lot 57, Plan 12M-552)
60-62 Hazel Crescent (Lot 56, Plan 12M-552)
64-66 Hazel Crescent (Lot 55, Plan 12M-552)
72-74 Hazel Crescent (Lot 53, Plan 12M-552)
63-65 Hazel Crescent (Lot 61, Plan 12M-552)
67-69 Hazel Crescent (Lot 62, Plan 12M-552)
71-73 Hazel Crescent (Lot 63, Plan 12M-552)
75-77 Hazel Crescent (Lot 64, Plan 12M-552)

By-law 88-2014 will be expiring on September 26, 2018 however, there are still four (4) lots that are left undeveloped. Therefore, the developer is once again requesting an extension of Part lot Control on the 4 subject properties:

20-22 Hazel Crescent (Lot 7, Plan 12M-552)
56-58 Hazel Crescent (Lot 57, Plan 12M-552)
60-62 Hazel Crescent (Lot 56, Plan 12M-552)
64-66 Hazel Crescent (Lot 55, Plan 12M-552)

For a Location Map of the above, please refer to Appendix A.

This report recommends the Part lot Control by-law be extended for an additional three (3) years to allow the time for the completion of the proposed developments.

DISCUSSION

The subject properties are designated 'Residential' in the Official Plan and zoned 'Residential Zone 2 Rural/Urban Exception 6 (R2.2-6)' under the Kingsville Comprehensive Zoning By-law.

The subject lands consist of four plan lots intended for the development of semi-detached dwellings. Once constructed, the semi-detached dwelling is then subdivided into individual freehold units. In order to undertake convey of each of the individual units, exemption from part lot control is required, which then provides the developer the ability to convey the units via completion of a reference plan.

For a Sketch of the Proposed Lots, please refer to highlighted lots in Appendix B.

Subsection 50(7) of the *Planning Act* authorizes Council to pass a by-law providing that the part lot control provisions of Section 50(5) of the said Act do not apply to lands designated in the by-law. The application is not subject to a public hearing or appeal because Council has already approved the entire subdivision in principle and the zoning of the lands is in place to accommodate the revised lot fabric. That is the nature of this application. This is a common approach for within a plan of subdivision for the creation of individual lots for semi-detached dwelling units.

Since extension of Part Lot Control Exemption is not required for lots that have been constructed to-date, the proposed extension of the three (3) year time period will apply to the remaining subject lots.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There will be an increase in assessment value with the completion of the development.

CONSULTATIONS

No public or agency consultation is required by the *Planning Act* when considering a Part Lot Control Exemption By-law.

RECOMMENDATION

It is recommended that Council approve the further extension of Part Lot Control Exemption, By-Law 114-2011, to allow Lots 7, 55, 56 & 57 on Plan 12M-552 to continue to be exempt from Section 50(5) of the Planning Act, and that Council authorize and direct Planning Services to register the by-law (107-2018) on title, subject to the following condition:

That the applicant provide confirmation that the subject lots have separate services and that those services are aligned with the proposed final lot configuration to the satisfaction of the Town for Lots 7, 55, 56 & 57 prior to final registration of the Part Lot Control By-law extension.

Kristina Brcic

Kristina Brcic, MSc, BURPI
Town Planner

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning & Development Services

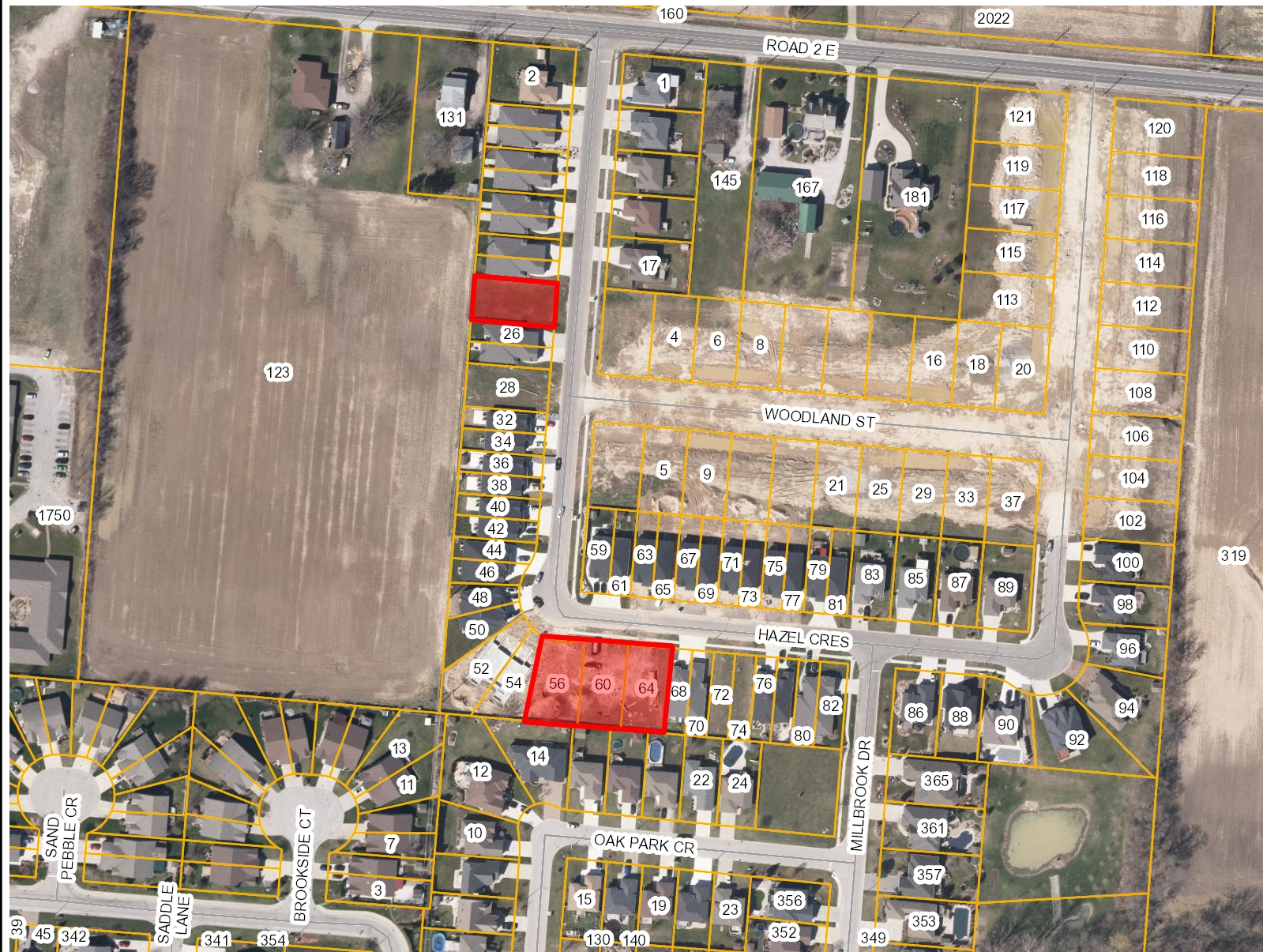
Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

Appendix A - Location Map



Kingsville Mapping



Legend

Essex Municipalities

<all other values>

Kingsville

Street

Severance

Kingsville Assessment

Notes

PLC/01/18

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 41.88 83.8 Meters

1: 2,513



8/30/2018

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW NUMBER 107-2018

**Being a By-law to extend the exemption from Part Lot Control
Pursuant to Section 50(7) of the Planning Act as provided for in
By-law 114-2011
(Millbrook Expansion - Hazel Crescent)**

WHEREAS Subsection 50 (7.4) of the Planning Act R.S.O. 1990, c.P.13, as amended authorizes Council by By-law to extend the time period specified by the expiration of a by-law to designate lands within a registered plan of subdivision as lands subject to part-lot control;

AND WHEREAS Subsection 50 (7.5) of the Planning Act authorizes Council by By-law to repeal or amend a by-law to designate lands within a registered plan of subdivision as land not subject to part-lot control, in order to delete part of the land described in it;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE HEREBY ENACTS AS FOLLOWS:

1. By-law 114-2011 is amended by:
 - a) Deleting item 6. the date “September 26, 2018” and inserting in its place the following date “September 26, 2021”
 - b) Deleting Item 4. and replacing with the following:

“That Subsection 5 of Section 50 of the Planning Act, R.S.O., c.P.13, does not apply to those parts of the registered plan described as follows:

All and singular those certain parcels or tracts of land and premises lying and being in the former Township of Gosfield South, now a portion of the Corporation of the Town of Kingsville, being Part of Lot 1, Concession 1, Eastern Division, more particularly described as follows Lots Lot 7, Lots 55-57, Plan 12M-552 and known locally as follows:

20-22 Hazel Crescent (Lot 7, Plan 12M-552)
56-58 Hazel Crescent (Lot 57, Plan 12M-552)
60-62 Hazel Crescent (Lot 56, Plan 12M-552)
64-66 Hazel Crescent (Lot 55, Plan 12M-552)”

READ a FIRST, SECOND and THIRD time and FINALLY PASSED this 24TH day of September 2018.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: September 12, 2018

To: Mayor and Council

Author: Kristina Brcic, MSc, BURPI, Town Planner

RE: Application for Part Lot Control Exemption
HTM Management
27, 29 & 31 Mettawas Lane
Pt Lots 1, 2, 3, 4, 30, 31 & Part of Private Drive, Plan 12M 965
Roll No. 3711 180 000 05205

Report No.: PDS 2017-049

AIM

To provide the Mayor and Council with information on an application for lands in the Mettawas Subdivision, for exemption from part lot control.

BACKGROUND

This lot in the Mettawas Subdivision is to be developed similarly to the other dwellings found on Mettawas Lane. The subject lands consist of a single plan lot intend for the development of a townhouse, which will be made up of three units. Once constructed, the dwelling is then subdivided into individual freehold units. In order to undertake conveyance of each of the individual units exemption from part lot control is required which then provides the developer the ability to convey the units via completion of a reference plan. This report recommends the Part lot Control be approved for three (3) years to allow the time for the completion of the development.

For a Location Map of the above, please refer to Appendix A.

DISCUSSION

The subject properties are designated Residential in the Official Plan and zoned 'Residential Zone 3 Urban Exception 17 (R3.1-17)' under the Kingsville Comprehensive Zoning By-law.

The subject lands consist of one plan lot intended for the development of a townhouse. Once constructed, the townhouse is then subdivided into individual freehold units. In order

to undertake convey of each of the individual units, exemption from part lot control is required, which then provides the developer the ability to convey the units via completion of a reference plan.

For a Sketch of the Proposed Lots, please refer to highlighted lots in Appendix B.

Subsection 50(7) of the *Planning Act* authorizes Council to pass a by-law providing that the part lot control provisions of Section 50(5) of the said Act do not apply to lands designated in the by-law. The exemption will allow for the existing townhouse dwelling to be subdivided into three individual units. The application is not subject to a public hearing or appeal because Council has already approved the entire subdivision in principle and the zoning of the lands is in place to accommodate the final lot fabric. This is a common approach for creation of individual townhouse units within a plan of subdivision, particularly once an approval has been registered. This is the final step in allowing the full build out on the subject lands.

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There will be an increase in assessment value as a result of the completed development.

CONSULTATIONS

No public or agency consultation is required by the *Planning Act* when considering a Part Lot Control Exemption By-law.

RECOMMENDATION

It is recommended that Council enact Part Lot Control By-law 108-2018 to allow Pt. Lots 1, 2, 3, 4, 30, 31 & Part of Private Drive, Plan 12M 965 to be exempt from Section 50(5) of the Planning Act, and that Council authorize and direct Planning Services to forward the by-law to the County of Essex for final approval, subject to the following conditions:

The applicant provide a lot servicing plan to confirm both individual servicing of each lot and the final alignment of the services consistent with the proposed lot fabric and to the satisfaction of the Town, prior to final approval of the Part Lot Control by-law by the County of Essex.

Kristina Brcic

Kristina Brcic, MSc, BURPI
Town Planner

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning & Development Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer



Ownership Parcel

9/12/2018

Appendix B - Applicants Sketch

CURVE SCHEDULE

CURVE	ARC	RADIUS	BEARING	CHORD
C1	11.48'	50.00'	N42°01'25"W	11.45'
C2	2.31'	50.00'	N49°55'10"W	2.31'
C3	7.59'	63.00'	N42°00'00"W	7.59'
C4	6.14'	63.00'	N48°14'40"W	6.13'
C5	10.00'	50.00'	N72°50'30"W	9.98'
C6	13.85'	50.00'	N59°10'40"W	13.81'
C7	12.90'	63.00'	N69°25'30"W	12.88'
C8	13.77'	63.00'	N57°17'50"W	13.74'

SCHEDULE OF PARTS

PART	LOT	PLAN	PIN
1	PART OF LOTS 3 & 4 & PART OF PRIVATE DRIVE	965	ALL OF PIN 75177-0773
2	PART OF LOTS 3 & 4		
3	PART OF LOTS 1, 2 & 3		
4	PART OF LOTS 1,2,3 & 4 & PART OF PRIVATE DRIVE		
5	PART OF LOT 1		
6	PART OF LOTS 1,2 & 3 & PART OF PRIVATE DRIVE		
7	PART OF LOT 4 & PART OF PRIVATE DRIVE		
8	PART OF PRIVATE DRIVE		
9	PART OF LOTS 30 & 31 & PART OF PRIVATE DRIVE		
10	PART OF LOT 3 & PART OF PRIVATE DRIVE		PART OF PIN 75177-0772

PARTS 1, 3, 5, 7, 8 & 9 ARE SUBJECT TO EASEMENTS AS IN CE250097 & CE251062
PART 10 IS SUBJECT TO AN EASEMENT AS IN CE442212

THIS PLAN COMPRISES ALL OF PIN 75177-0773 & PART OF PIN 75177-0772

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE
LAND TITLES ACT.

MAY 29, 2018

(DATE)

S. Hook
S.D. HOOK
ONTARIO LAND SURVEYOR

PLAN 12 R 27382

RECEIVED AND DEPOSITED

2018 MAY 30

(DATE)

LINDA DUNSEY
REPRESENTATIVE FOR LAND
REGISTRAR FOR THE LAND TITLES
DIVISION OF ESSEX (12)

PLAN OF SURVEY
OF PART OF LOTS 1, 2, 3, 4, 30, 31 &
PART OF PRIVATE DRIVE
REGISTERED PLAN 965
TOWN OF KINGSVILLE
COUNTY OF ESSEX

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- 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.
- THE SURVEY WAS COMPLETED ON THE 28th DAY OF FEBRUARY, 2018.

MAY 29, 2018

(DATE)

S. Hook
S.D. HOOK
ONTARIO LAND SURVEYOR

NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010) TOPNET.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99982567.

OBSERVED REFERENCE POINTS (ORP) A & B: UTM, ZONE 17, NAD83 (CSRS) (2010) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O. REG. 216/10.

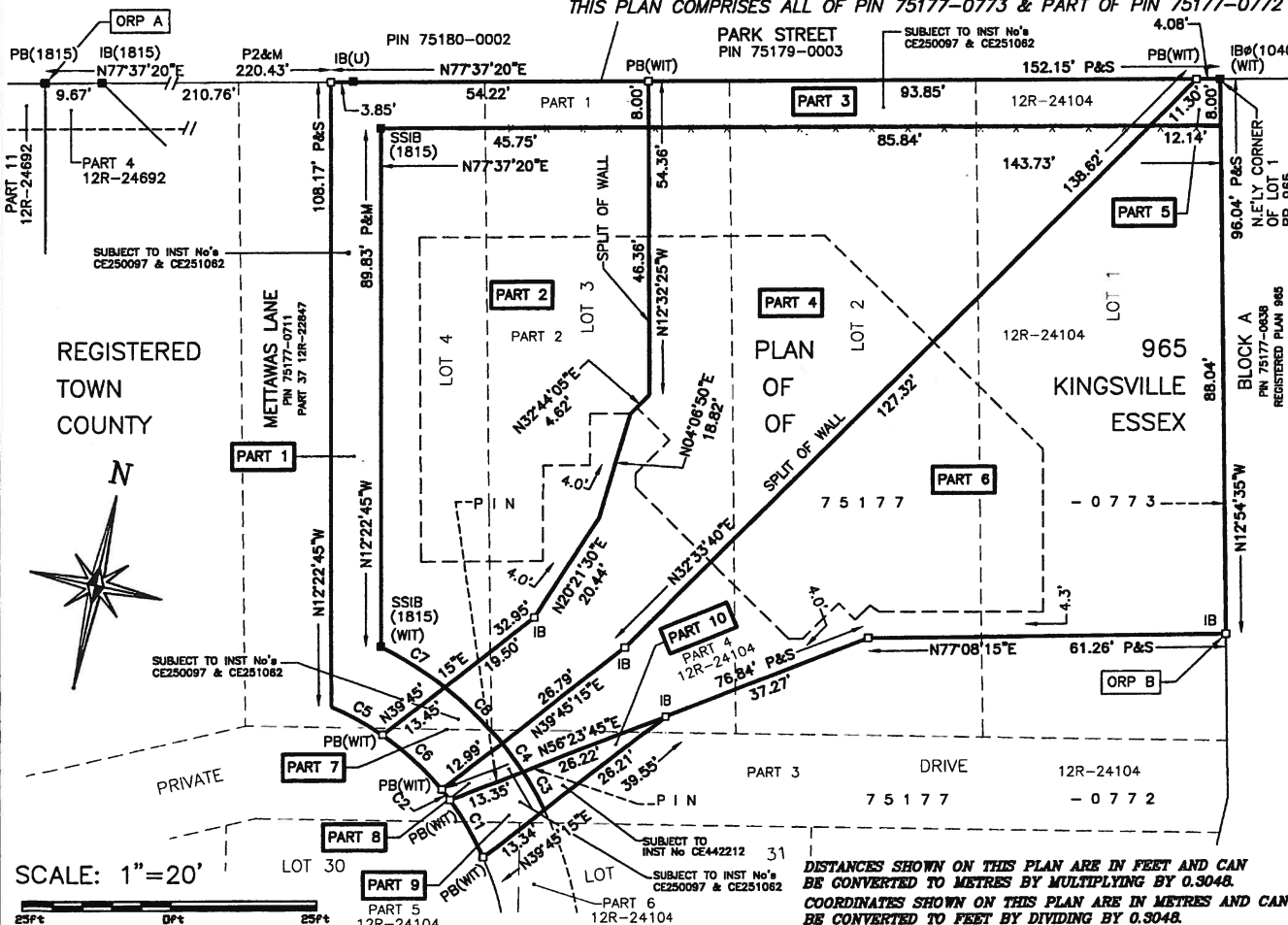
POINT ID	NORTHING	EASTING
ORP A	4654304.96	356084.98
ORP B	4654300.78	356202.45

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

■	DENOTES	FOUND
□	DENOTES	SET
IB	DENOTES	IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
SB	DENOTES	STANDARD IRON BAR
PB	DENOTES	PLASTIC BAR
M	DENOTES	MEASURED
Inst	DENOTES	INSTRUMENT
S	DENOTES	SET
PIN	DENOTES	PROPERTY IDENTIFIER NUMBER
WIT	DENOTES	WITNESS
1815	DENOTES	S.D. HOOK, O.L.S.
1040	DENOTES	W.J. SETTERINGTON, O.L.S.
P	DENOTES	PLAN 12R-24104
P2	DENOTES	PLAN 12R-24092
GRP	DENOTES	OBSERVED REFERENCE POINT

DRAWN BY:	C.A.
CHECKED BY:	S.D.H. / C.A.
PLAN NUMBER:	18036

HOOK & TODGHAM	
SURVEYING	
INCORPORATED	
CHATHAM	ONTARIO
PHONE: 1-519-354-6122	FAX: 1-519-354-6129



DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN
BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.
COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN
BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 108-2018

***Being a By-law to exempt certain lands
from Part Lot Control
(Mettawas Subdivision – Plan 12M-965)***

WHEREAS the Planning Act, R.S.O. 1990 c.P.13, as amended, provides that part-lot control shall apply where land is within a plan of subdivision registered before or after the coming into force of the Act;

AND WHEREAS Subsection 7 of Section 50 of the said Planning Act provides that the council of a municipality may by by-law provide that part-lot control does not apply to land that is within such registered plan or plans of subdivision or parts thereof as is or are designated in the by-law, and where the by-law is approved by the planning authority, Subsection 5 of Section 50, ceases to apply to such land;

AND WHEREAS it is deemed desirable that the provisions of Subsection 5 of Section 50 of the Planning Act shall not apply to certain lands that are within Registered Plan 12M-965, in the Town of Kingsville;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE HEREBY ENACTS AS FOLLOWS:

1. That Subsection 5 of Section 50 of the Planning Act, R.S.O. 1990, c.P.13, does not apply to those parts of the registered plan described as follows:

All and singular those certain parcels or tracts of land and premises lying and being in the Town of Kingsville, being Pt Lots 1, 2, 3, 4, 30, 31 & Part of Private Drive, on Plan 12M 965, locally known as 27, 29 & 31 Mettawas Lane.

2. That the development of the lands more particularly described in Section 1 of this by-law shall only be by way of descriptions of lands on a registered Reference Plan, which Reference Plan has been duly approved by the Corporation.
3. This by-law shall expire on September 24, 2021.

READ a FIRST, SECOND and THIRD time and FINALLY PASSED this 24th day of September, 2018.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: September 17, 2018

To: Mayor and Council

Author: Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services

RE: Application for Site Plan Approval by
2435895 Ontario Limited
1593 County Road 34, Part of Lot 9, Concession 2 ED
Pts. 1, 2, 3, 4 & 13 Plan 12R 24914

Report No.: PDS 2018-050

AIM

To provide Council with details regarding the proposed development of a warehouse development on lands located on the west side of County Road 34, also known as 1593 County Road 34 in the hamlet area of Ruthven, in the Town of Kingsville.

BACKGROUND

The subject land is a 6.07 ha (15 ac.) industrial lot with an existing 5,574 sq. m (60,000 sq. ft.) warehouse. The applicant is proposing to construct a 1,115 sq. m (12,000 sq. ft.) storage building and a 4,032 sq. m (43,400 sq. ft.) new warehouse space to the south of the existing warehouse. (See Appendix B) The gravel yard area will be expanded around both new buildings to accommodate on-site truck movements and parking.

DISCUSSION

1.0 Provincial Policy Statement

There are no issues of Provincial significance raised by this application.

2.0 Official Plan

The subject property is designated 'Hamlet' and subject to the policies under Section 3.6.2 of the Official Plan for the Town of Kingsville. Specific uses within the Hamlet designation are implemented through the Zoning By-law. The property is within an industrial zoning classification. The proposed site plan layout and associated agreement to establish conforms to the Official Plan.

3.0 Comprehensive Zoning By-Law – Town of Kingsville

The subject property is zoned 'General Industrial (M1)'. The attached site plan has been reviewed and the proposed new development will be in compliance with the provisions of the Town of Kingsville Zoning By-law 1-2014.

4.0 Site Plan

The development of the site will occur in two stages. The initial development will be the construction of the 1,115 sq. m (12,000 sq. ft. storage building with the warehouse to follow. The property has existing water and sanitary service however a larger water service will be required to accommodate fire protection with the proposed expansion including installation of a new fire hydrant. Storm water management will have to be addressed on-site as there is limited outlet capacity on the drains to which the site is assessed. An infiltration swale will be placed around the edge of the proposed development area to contain and direct overland flow away from the residential lands to the south. Landscaped buffering will be required along the rear of two residential lots which back onto the site from Lee Road. Appendix C shows the overall proposed development and surrounding uses on the site.

Site Details

	Existing/Required	Proposed
Property Area	6.07 ha	n/a
Total Coverage	50%	18% (at full build out)
Buildings	Vacant	5,147 sq. m
Front Yard Setback	7.5 m (24.6 ft.)	51.5 m ± (169 ft.±)
Rear Yard Setback	7.5 m (24.6 ft.)	48.7 m ± (160 ft.±)
Interior Side Yard Setback	3 m (10 ft.)	7.5 m (24.6 ft.) min.
Exterior Side Yard Setback	n/a	n/a
Parking Spaces	26 (new buildings)	26

LINK TO STRATEGIC PLAN

Support growth of the business community.

FINANCIAL CONSIDERATIONS

Building permit fees will be due. Development charges are applicable to the non-growing area of the development. Assessment will also be increased as a result of the overall improvements to the property.

CONSULTATIONS

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none">• Full comment is attached as Appendix 'A';• Storm water management is required along with any necessary permit and clearance. The requested conditions have been included in the agreement.• The proposed development will have minimal impact to the significant groundwater recharge area as storm water has to be managed through onsite infiltration versus storage and outlet to a drain.
County of Essex	<ul style="list-style-type: none">• The County has not requested any change to the access on County Rd 34 however it was suggested that it be limited to one access point.
Town of Kingsville Management Team	<ul style="list-style-type: none">• No concerns with the general layout of the site plan.• The proposed building needs to comply with the requirements of the OBC.• Municipal Services has reviewed the storm water management plan and is satisfied with the proposed designed.• An infiltration rate review of the system has been requested but will not impact the final layout• A site servicing drawing has been requested prior to construction to confirm service locations

RECOMMENDATION

It is recommended that Council approve site plan application SPA 08/18 for lands located at 1593 County Road 34, Part of Lot 9, Concession 2 ED, subject to the conditions outlined in the associated site plan agreement for the development of a 1,114 . 8 sq. m (12,000 sq. ft.) storage building and 4,031.8 sq. m (43, 400 sq. ft.) warehouse and authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer



regs@erca.org

P.519.776.5209

F.519.776.8688

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

July 17, 2018

Mr. Robert Brown, Manager of Planning Services
The Corporation of the Town of Kingsville
Planning & Development Services Department
2021 Division Road North
Kingsville ON N9Y 2Y9

Dear Mr. Brown:

RE: Application for Site Plan Control SPA-08-18
1593 COUNTY RD 34
ARN 371130000032100; PIN: 751450312
Applicant: 2435895 Ontario Ltd.

The following is provided for your information and consideration as a result of our review of Application for Site Plan Control SPA-08-18. The applicant is proposing to construct a 1,115 square metre new storage building with a possible 1,115 square metre addition, and a new 4,032 square metre warehouse space with a possible 8,045 square metre addition. The site plan control application notes the potential for additional service connections along with a storm water management plan for the proposed development.

A small portion of the subject site may fall within the study area of the Esseltine Drain Report that the Town of Kingsville has undertaken to address drainage concerns in the Esseltine Drain watershed. Until such time as this study is completed and can assess the appropriate stormwater management criteria for development, it is premature to approve any developments directed into this drainage area.

However, based on consultation with the Town of Kingsville we understand that the majority of the subject site is assessed to the Peterson Road Drain. Therefore, we provide the following information based on all future works on the subject property being assessed to the Peterson Road Drainage area.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

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

We have reviewed this application with regard to the natural hazard policies of the PPS and have no objections.



Mr. Brown
July 11, 2018

Upon review of our floodline mapping, the site has been identified as draining into the regulated Peterson Road Drain that is under the jurisdiction of the Essex Region Conservation Authority (Section 28 of the *Conservation Authorities Act*). As a result, a permit will be necessary for any development being undertaken within the vicinity of the regulated drain, as well as the installation of any stormwater outlet required for the future proposed works.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

It is our understanding that stormwater runoff generated from this proposed development will be directed to an on-site stormwater retention pond, with a potential overland flow route and outlet into the regulated Peterson Road Drain. We have concerns regarding the potential impact that this development will have on the quality and quantity of runoff in the downstream watercourse due to the size and use of the subject development. We therefore request inclusion of the following conditions in the Site Plan Control Agreement to satisfy our concerns:

1. That the developer undertakes an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
2. That the developer installs stormwater management measures identified above, as part of the development of the site, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
3. That the developer obtains the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

The subject property is located within a significant groundwater recharge area (SGRA). Section 2.2.1 of the PPS 2014 states that: "Planning authorities shall protect, improve or restore the quality and quantity of water by: d) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas and surface water features including shoreline areas" and "e) implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and
2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions".



Mr. Brown
July 11, 2018

In addition to the policies of the PPS 2014, the County of Essex Official Plan identifies Significant Groundwater Recharge Areas (SGRA) on Schedule C5. Section 2.5.2 b) of the County of Essex Official Plan states that: "Development and site alteration that may be a significant threat will only be permitted within an HVA or SGRA where it has been demonstrated by way of the preparation of a groundwater impact assessment that there will be no negative impact on the HVA or SGRA".

It is recommended that the Municipality ensure that these policies are addressed by the subject application and require that the applicant complete a groundwater impact assessment to the satisfaction of the Municipality.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014

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. 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 under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

CONSERVATION AUTHORITIES AS LANDOWNERS

The parcel is located adjacent to the Chrysler Canada Greenway, a property which is owned by the Essex Region Conservation Authority. Prior to any construction or site alteration activities adjacent to this property, or for general information regarding this property, please contact Kevin Money, Director of Conservation Services at (519) 776-5209 ext. 351.

FINAL RECOMMENDATION

Provided that no stormwater drainage will be directed into the Esseltine Drainage system, and that the municipality includes the above noted conditions into the Site Plan Control Agreement, we would have no further objections to this Site Plan Control application.

We request a copy of the SPC decision and agreement on this application.



Mr. Brown
July 11, 2018

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

Sincerely,



Corinne Chiasson
Resource Planner
/cor





ROSATI

DEVELOP ■ DESIGN ■ CONSTRUCT

PH: 519.734.6511

PROJECT/CLIENT:

NEW WAREHOUSE AND STORAGE BUILDINGS
RUTHVEN (KINGSVILLE) ON

PROJECT No.:	2018030
SCALE:	AS SHOWN
DRAWN BY:	DI
CHECKED BY:	DI

GENERAL NOTES:

ALL DIMENSIONS TO BE CALCULATED AND VERIFIED ON THE JOB SITE. ANY AND ALL DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT OR ENGINEER. ALL DRAWINGS REMAIN THE PROPERTY OF ROSATI GROUP INC.

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ENLARGED SITE PLAN

SCALE: 1" = 30'-0"

NOTES:

DRAWING No.:

A1.1



ENLARGED SITE PLAN

SCALE: 1" = 30'-0"

NOTES:

DRAWING No.:

NEW WAREHOUSE & STORAGE BLDGS.

SITE ZONING:	M1
LOT AREA (PARCEL 'A' ONLY) =	653,400 SQ.FT. (15.00 ACRES)
LOT AREA (PARCEL 'B' ONLY) =	601,355 SQ.FT. (13.80 ACRES)
LOT AREA (PARCEL 'A'+ 'B') =	1,254,755 SQ.FT. (28.80 ACRES)
EX. WAREHOUSE:	60,000 SQ.FT.
PROPOSED WAREHOUSE:	43,400 SQ.FT.
PROPOSED STORAGE BLDG.:	12,000 SQ.FT.
BUILDING FOOTPRINT (LOT COVERAGE) =	115,400 SQ.FT. (17.85%)
BUILDING HEIGHT PROVIDED =	35'-1" A.F.F. (MAX.)
PARKING SPACES REQUIRED (NEW BLDGS.)=	26 SPACES INC. 1 B.F.
PARKING SPACES PROVIDED (NEW BLDGS.)=	26 SPACES INC. 1 B.F.

PARKING REQUIREMENTS

WAREHOUSE = 1 SPACE PER 2,152 SQ.FT. OF FLOOR SPACE

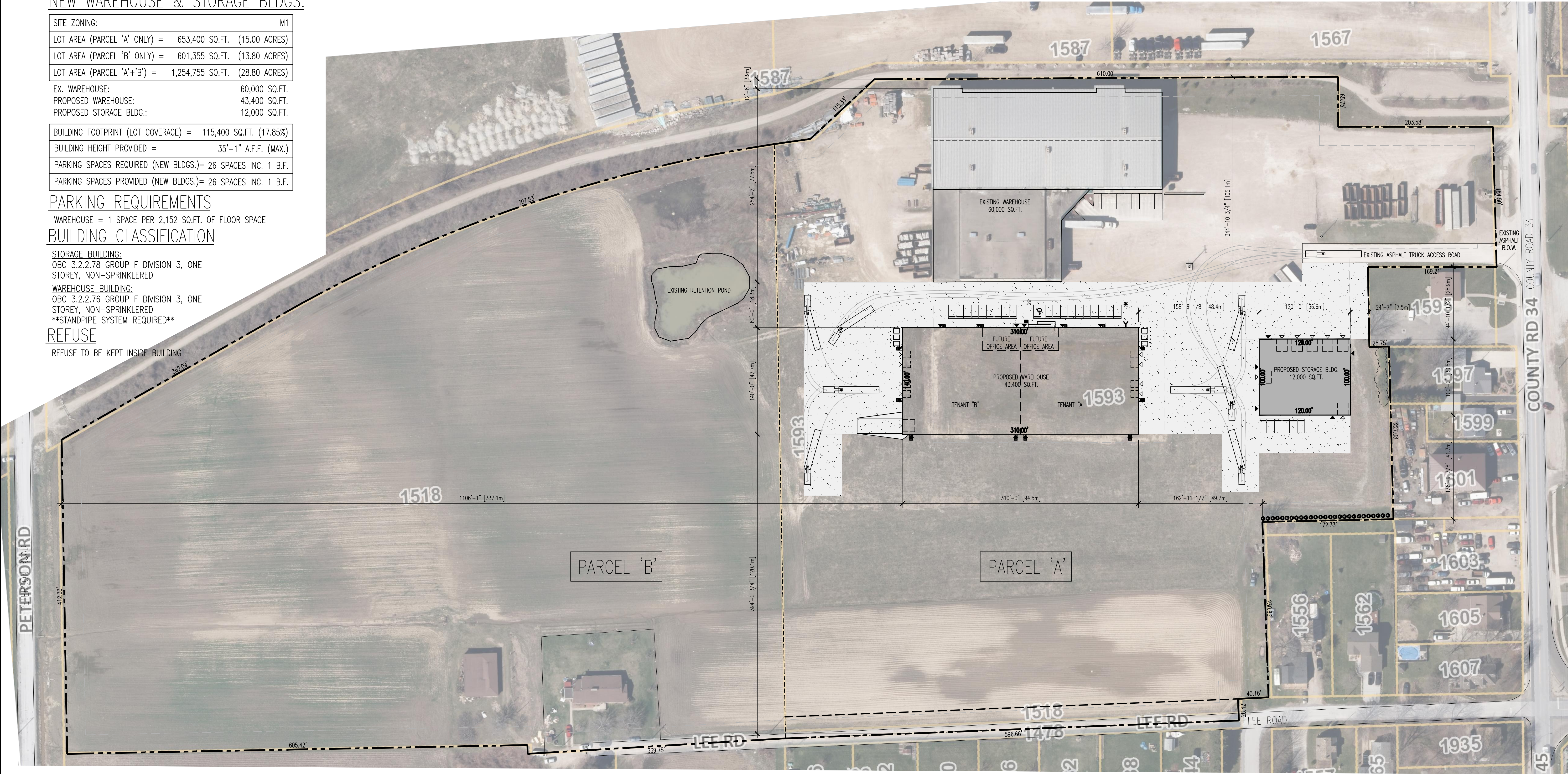
BUILDING CLASSIFICATION

STORAGE BUILDING:
OBC 3.2.2.78 GROUP F DIVISION 3, ONE
STOREY, NON-SPRINKLERED

WAREHOUSE BUILDING:
OBC 3.2.2.76 GROUP F DIVISION 3, ONE
STOREY, NON-SPRINKLERED
STANDPIPE SYSTEM REQUIRED

REFUSE

REFUSE TO BE KEPT INSIDE BUILDING



OVERALL SITE PLAN
SCALE: 1" = 60'-0"

NOT FOR CONSTRUCTION

ROSATI

DEVELOP • DESIGN • CONSTRUCT

6555 MALDEN ROAD, WINDSOR, ONTARIO, N9H 1T5

PH: 519.734.6511

DRAWING TITLE:

OVERALL SITE PLAN

PROJECT/CLIENT:

NEW WAREHOUSE AND STORAGE BUILDINGS
RUTHVEN (KINGSVILLE) ON

DATE	ISSUED FOR:	DATE	ISSUED FOR:
05.08.18	PROPOSAL		
06.20.18	SITE PLAN CONTROL		
06.26.18	PRE - ENG. PRICING		
08.28.18	TENDER		
08.30.18	REVISED TENDER		

PROJECT No.:	2018030
SCALE:	AS SHOWN
DRAWN BY:	DI
CHECKED BY:	DI

GENERAL NOTES:
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STAMP:

STAMP:

NOTES:

DRAWING No.:

A1.0



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: September 18, 2018

To: Mayor and Council

Author: Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services

RE: Medical Marihuana Policy Options and Review

Report No.: PDS 2018-043

AIM

To provide the Mayor and Council with information on the following:

- 1) Development of an interim control by-law to place a hold on further zoning amendments to permit medical marihuana production facilities as per Council motion 456-2018;
- 2) Provide policy option alternatives to an interim control by-law, and
- 3) Request additional input and/or direction from Council on the specific issues and/or concerns related to medical marihuana production facility development.

BACKGROUND

The Town of Kingsville has experienced a considerable level of interest from several local greenhouse operations on the establishment of medical marihuana production facilities. To-date a total of 16 applications have been filed with the Town. Council has approved nine and deferred three. Of the nine approved eight have been for use of existing greenhouse operations and one for a new purpose built operation.

As the number of applications coming forward has continued Council and the public have raised several concerns as to the impact of these operations on the community. These concerns have included:

- potential odour
- aesthetics
- possible light pollution

- impact on the image of the Town particularly from a tourism standpoint
- impact on quality of life for abutting landowners and impact on sensitive land uses such as parks, schools and recreational areas.

The concerns raised have resulted in additional research and review by planning staff. Several affected neighbors have also participated in discussions that have lead to the development of additional regulations being added. With the co-operation of both pending and approved applicants these regulations now apply to all Part 1 MMPFs.

The approval process to secure a license under the Part 1 regulations of the Access to Cannabis for Medical Purposes Regulations. (ACMPR) is a lengthy process that involves approximately six different steps. Only about half of the approved property owners are actively engaged in the licensing process. At the Town level they will still be required to undertake a site plan amendment or approval process that will outline the complete details. This will include the odour control system and address direct site plan issues such as landscaping, fencing, ventilation outlet locations and lighting. With these approvals in place the applicant is still not at the final stage and must pass a number of inspections prior to receiving a license. This license must be provided to the Town as the final step in satisfying the zoning requirements.

DISCUSSION

As with all new industry there is a certain degree of concern raised when there is a high level of interest in a short timeframe. There is also a certain level of doubt surrounding the day-to-day operational impacts on surrounding land uses. One of the key goals of land use planning is to minimize or eliminate land use compatibility conflicts.

Land use planning in agricultural areas is one of the most challenging of all balancing acts. Based on local and provincial policy the protection and use of agricultural lands for all agricultural purposes is to take priority over all other land uses. Agricultural lands are for the use and support of the agricultural industry.

On a very basic level good planning typically does not support the mixing of residential and industrial uses. Agriculture is an industry. The rural area, however provides an attractive alternative to the fast paced, close quarter living of the urban environment. Unfortunately due to more liberal severance policies of the past, such as retirement lots and random strip development a large number of existing or potential land use compatibility issues have resulted.

This has been demonstrated repeatedly over the years with conflicts between rural residents and regular cash crop farmers and more recently with large-scale greenhouse operations, livestock facilities and less traditional farming operations such as mushroom producers. Add also into the mix agricultural innovation such as biomass, aerobic digesters and organic farming and the opportunity for conflicting land uses gets worst.

Medical marihuana production and eventually recreational production in October of this year are simply one more crop added to the mix. The up side of this introduction is that some degree of regulation is being incorporated on a precautionary basis to give municipalities which act the ability to safeguard surrounding land uses.

Item 1 – The Motion

Motion 456-2018, “That Council ask Administration to develop and present an interim control by-law that would place on hold any further or future zoning changes related to medical marihuana growing applications until such time as the Council of the Day can actually see and smell the success of the 'no smell' and 'no night light effects' at property lines as promised in current applications.”

After additional research into the use of an interim control by-law it was concluded that this is not an option. A medical marihuana production facility is not a permitted use in the Kingsville Zoning By-law. Interim control by-laws can only be used for the purpose of prohibiting a permitted use where there is concern that it's continued permission will have negative impacts on a particular area or the municipality as a whole. An example of this would be if there was a considerable amount of development in say the bed and breakfast industry. A good example of a potential issue might be on-street parking demand. In this case the Town might enact an interim control by-law to review the parking regulations and even the number of B & B units permitted per dwelling to help mitigate parking problems with future B & B development.

Even if interim control could be utilized the Town must be prepared to undertake a study to address whatever issue or issues are related to the need for the by-law. For MMPFs the odour and light issue has already been reviewed and an action plan outlined to move forward. Odour is addressed in the zoning specific to the proposed use and lighting will be addressed as part of the amending site plan agreement. These are not promises of the property owners; these are requirements of the zoning by-law and site plan control process.

Item 2 – Policy or Direction Options

Are there alternative actions that Council can take? Yes.

Option 1 - Not approve any additional applications to add MMPF as an additional permitted use based on the grounds that the merits of the land use are under review. This would require Council to commission a review to be undertaken.

Comment: This option would immediately halt further approvals but is not guaranteed to prevent applications being filed and would likely result in appeals to the Local Planning Advisory Tribunal. (LPAT) The appeal would likely be in part due to the fact that Council has already approved several applications. It is also important to keep in mind that Council established policies in the Official Plan and Zoning By-law to permit MMPFs via a zoning request.

Option 2 – Amendment of the Official Plan and Zoning By-law to rework the current policies to revise and update the regulations. This could include increasing setbacks from sensitive uses, requiring that an application for licensing has actually been submitted to Health Canada or even reviewing the type of greenhouses that can be used (new build versus existing).

Comment: Council will recall that a review of this action was presented to Council to address a motion at that time. The resulting recommendation was that the policies remain

as is given the timeline on the introduction of recreational marihuana, the possible need to update the regulations at that time and the fact that the policies were untested to-date. At the time that was the recommended action and I continue to agree with that based on the information available at that time. As applications have continued to come forward the policies are under constant review. Other municipal regulations are reviewed and noted for future consideration moving forward.

Option 3 – Continue forward cautiously, adapting and updating policies to reflect changes in technology and legislation. Continue ongoing research, consultation and involvement of the public and industry.

Comment: Stopping further approvals is not a guarantee that anything will change once the first facility is licensed and under operation. Granting further approvals is also no guarantee of increasing the odds of multiple licensed facilities in Kingsville or any other municipality. Because there is so much interest in this industry, there is a very intensive level of ongoing research and learning. Things change on an almost daily basis and keep it forefront in everyone's mind.

Council has been very proactive in both establishing the initial policies in 2014 and supporting the more recent updates to safeguard residents and address the potential odour issues. The process involves multiple steps and what can be considered a very detail oriented route to final approval and operation of these facilities.

Although it seems to be happening at a faster pace, the interest and potential level of development of the medical marihuana industry is no different than the explosive growth in the large scale vegetable greenhouse industry of the past 15 to 20 years. There were a considerable number of unknown impacts at that time such as storm water management, water usage, impact on traffic, impact on rural residential uses, lighting etc. Over time, lessons were learned, and the review and approval process has taken harder looks at some developments and approval processes have evolved. The key take away is to use that knowledge to structure the approval process for this use to minimize potential issues and hold the industry responsible for addressing the concerns at the front end.

Item 3 – Council input and direction

Council shares one main concern with the public in terms of this proposed use, uncertainty. Policy was established in 2014, nothing came of it initially and now suddenly upward of 20 property owners are seeking approval to potentially grow medical marihuana. With no good example of an operating MMPF in Kingsville it is difficult to be certain that we are covering all the bases. However, Council, the neighbouring lands owners and the applicants do seem to understand what needs to be addressed and the safeguards and rules laid out in clear language. So, if a sufficient level of caution is taken to move forward, what remains in doubt?

Comment: In order to formulate a recommendation to Council I believe that it is very important to understand what Council sees as outstanding. On the surface the motion seeks to have an MMPF established and operational to demonstrate that the requirements in the zoning and subsequent site plan amendment process are or can be achieved. The regulations in the zoning and provisions in a site plan approval do not require a property owner to “promise” to comply; they are clear requirements for that development. If the

Town's expectation is made clear to any property owner, regardless of the type of development, then there is no excuse for a failure to comply.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

This will be dependent on the option selected for moving forward. Option 1 has costs associated with potential appeals of non-approval and consulting costs for reviewing the merits of the land use. Option 2 has some cost associated with it as it would take time to review and update the policies which will involve public consultation. Option 3 is less likely to have immediate implications and cost associated with additional review for a specific application would be the responsibility of the applicant.

CONSULTATIONS

Management Staff, CAO

Comment: The following items were discussed as part of the review:

Current setback requirements for MMPF's
Setback requirements for all greenhouses
Existing MMPF odour and lighting control regulation
Effective and strong enforcement of both the odour and lighting regulations
Other possible regulatory mechanisms i.e. Minimum Distance Separation

RECOMMENDATION

It is recommended that Council receive the report reviewing medical marihuana policy options for information purposes and direct administration to pursue one of the three options presented to address future approval of Medical Marihuana Production Facilities.

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer

September 18, 2018

Town Of Kingsville,

The Kingsville BIA is writing to respectfully request that the Town of Kingsville evaluate and consider the idea to add an additional crosswalk for pedestrian crossing on Main Street near the parking lot at the Unico Building.

Additionally, the BIA would like to request that evaluation and consideration be given to potentially utilizing a pedestrian crossing sign that is prevalent and protruding in the middle of the street. An effective crosswalk sign of this nature has recently been implemented in the Town of Essex as an example. The use of this type of signage might enhance safety for our community in key downtown areas. For example, the crosswalk located on Division by the Post Office as well as the crosswalk located on Main Street by the Library.

Thanking you in advance for your consideration.

Respectfully,



Christina Bedal
BIA Coordinator

CC: KINGSVILLE TOWN COUNCIL



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, September 10, 2018
7:00 PM
Council Chambers
2021 Division Road N
Kingsville, Ontario N9Y 2Y9**

Members of Council	Mayor Nelson Santos Deputy Mayor Gord Queen Councillor Susanne Coghill Councillor Tony Gaffan Councillor Thomas Neufeld Councillor Larry Patterson Absent: Councillor John Driedger (on personal business)
Members of Administration	J. Astrologo, Director of Corporate Services M. Durocher, Parks & Recreation Program Manager S. Kitchen, Deputy Clerk-Council Services A. Plancke, Director of Municipal Services P. Van Mierlo-West, CAO

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 7:00 p.m.

B. MOMENT OF SILENCE AND REFLECTION

Mayor Santos asked those present to stand and observe a moment of silence and reflection to be followed by the singing of O'Canada.

C. PLAYING OF NATIONAL ANTHEM

D. DISCLOSURE OF PECUNIARY INTEREST

Mayor Santos reminded Council that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

E. PRESENTATIONS/DELEGATIONS

1. Katherine Gunning, Treasurer/Secretary, Kingsville Historical Park Museum--Request dated August 30, 2018 RE: The Range Light (Lighthouse) located on the Museum Grounds

Ms. Gunning provided a brief history of the Kingsville Range Light, also known as the Kingsville Lighthouse, including the history of its restoration which was completed in 2003. She indicated that the Museum's budget and volunteer base is not large enough for the Range Light's continued maintenance. She also stated that the light in its present location is like a "fish out of water" and does not serve as a proper location for a symbol of the history of the Lake and Harbour. She presented the request that Kingsville Historical Park donate the range light back to the Town of Kingsville, that it be removed from the Kingsville Historical Park Inc. property, and be placed at a location to be determined by Kingsville Council.

517-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Susanne Coghill

That Council refer the request of K. Gunning on behalf of the Board of Directors of Kingsville Historical Park Inc. regarding the possible donation of the Kingsville Range Light (lighthouse structure) to the Town of Kingsville, to Administration for a Report.

CARRIED

2. Presentation by Mayor Santos of Certificates of Appreciation to Cottam Revitalization Committee members

Mayor Santos introduced Mr. Gilliland, Chair of the Cottam Revitalization Committee (presentation of Certificate to follow delegation).

3. Kim Gilliland, Member, Cottam Revitalization Committee--Request dated July 11, 2018 RE: Presentation of draft Report (SEE: Staff Report Item H-5)

Mr. Gilliland, Chair of the Cottam Revitalization Committee, presented the Committee's PowerPoint presentation entitled "Cottam Revitalization Plan" dated September 7, 2018.

Mayor Santos then referred to Agenda Item H-5, being Report of CAO P. Van Mierlo-West with attached 22-pg. Cottam Revitalization Plan dated September 10, 2018.

518-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council adopts the Cottam Revitalization Plan, directs that the recommended projects within the Plan be incorporated within the annual budget deliberation process, and further, directs that the PowerPoint Presentation of the Cottam Revitalization Committee be sent to Monteith Brown Planning Consultants Ltd. for their information.

CARRIED

Mayor Santos thanked Mr. Gilliland for the slide presentation and, on behalf of Council, presented Mr. Gilliland with a Certificate of Appreciation for his work on the Committee. The remaining members of the Committee will also receive Certificates of Appreciation for all of their valued efforts and contributions.

4. Mary Maureen Atkin on behalf of "Salute to Veterans" Banner Project; Request dated August 16, 2018

Ms. Mary-Maureen Atkin presented the background and details of the Salute to Veterans Banner Project.

Ms. Atkin indicated that the Committee would like to place Salute to Veteran banners (each which would pay tribute to a Veteran or group of Veterans) onto brackets installed on poles around Town. They would be raised for a 6-week period around Remembrance Day. Ms. Atkin indicated that the Committee is seeking Council's approval of this initiative to help create an ongoing legacy that will i) pay tribute to all Canadian and Allied Veterans, living or deceased, who have a connection to the Town of Kingsville; ii) promote a sense of community, pride and heritage; iii) nurture continued recognition and respect of our Veterans throughout future generations; and iv) help bring education of this initiative to today's youth.

519-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council receive the Presentation from Mary-Maureen Atkin on behalf of the Salute to Veterans Banner Project group dated September 10, 2018.

CARRIED

520-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Susanne Coghill

That Council supports the Salute to Veterans Banner Project initiative and requests that Administration work with the Banner Project Committee to move this initiative forward.

CARRIED

521-2018

Moved By Councillor Tony Gaffan

Seconded By Councillor Larry Patterson

That Council authorizes the use of the balance of Councillor Gaffan's remaining conference allocation to sponsor a banner to support all veterans in Kingsville.

CARRIED

5. **Sebastian H. Schmoranz, Resident--Request dated August 15, 2018 RE: Sewer charges for 126 Division St. N. (SEE: Staff Report Item H-4)**

Mr. Schmoranz, buyer of 126 Division St. North, requested that Council consider authorizing Administration to apply previously paid sewer charges in relation to the property located at 126 Division St. North to the connection costs for connection to the Town sanitary sewer.

Mayor Santos brought forward Staff Report Item H-4, being the Report of G. A. Plancke, Director of Municipal Services, RE: 126 Division St. North Sanitary Connection

522-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That the accrued sewer charges to the property located at 126 Division St. N. be allocated to the connection costs for connecting to the Division St. N. sanitary sewer.

CARRIED

F. AMENDMENTS TO THE AGENDA

Deputy Mayor Queen added one Notice of Motion.

G. ADOPTION OF ACCOUNTS

- 1. Town of Kingsville Accounts for the monthly period ended August 31, 2018 being TD cheque numbers 0066224 to 0066521 for a grand total of \$1,670,764.24**

523-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Susanne Coghill

That Council approves Town of Kingsville Accounts for the monthly period ended August 31, 2018 being TD cheque numbers 0066224 to 0066521 for a grand total of \$1,670,764.24

CARRIED

H. STAFF REPORTS

- 1. Significant Status Requests for remainder of 2018**

M. Durocher, Parks and Recreation Programs Manager

524-2018

Moved By Councillor Susanne Coghill

Seconded By Councillor Tony Gaffan

That Council authorizes Significant Event status for the following 2018 events: September 22-Older Adults Dinner Dance; October 5-Carnegie Social; October 19-Trivia Night; November 4-Music Express Concert; December 1 and 2--Sip and Shop; and December 5-Christmas Concert and furthermore that Council authorizes Administration to author a Recommendation for Event of Municipal Significance status for these events to secure a Special Occasions Permit for each.

CARRIED

2. Road Use Encroachment Agreement – Mastron Enterprises Inc.

G. A. Plancke, Director of Municipal Services

525-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council enters into a Road Use Agreement with Mastron Enterprises Inc. for the construction, maintenance, and operation of a Private Sewage Line within the Town road allowance as stipulated in the conditions listed within the document titled Road Use Encroachment Agreement between The Corporation of the Town of Kingsville and Mastron Enterprises Inc. and further that Council direct the Mayor and Clerk to bind The Corporation of the Town of Kingsville with respect to this agreement; and

Further That Council direct the Mayor and Clerk to bind the Corporation of the Town of Kingsville with respect to Provincial Agreement CM18 0001 in order for private infrastructure to cross under Kings Hwy # 3 pursuant to permission granted within to the benefit of The Corporation of the Town of Kingsville; and,

Further That Council direct the Mayor and Clerk to execute said Agreements and adopt the applicable authorizing by-laws.

CARRIED

3. Road 2 E. Request for Improvement

G. A. Plancke, Director of Municipal Services

526-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council receives the Report of G. A. Plancke, Director of Municipal Services RE: Road 2 East Request for Improvement, dated May 15, 2018 and that the Road 2 E. reconstruction/repaving project be considered during the 2019 budget deliberations.

CARRIED

4. 126 Division St. N. Sanitary Connection

G. A. Plancke, Director of Municipal Services

This report was dealt with as part of Delegation E-5 above.

5. Cottam Revitalization Plan

P. Van Mierlo-West, CAO

This item was dealt with as part of Delegation E-3 above.

6. BIA Lease Agreement

P. Van Mierlo-West, CAO

527-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Susanne Coghil

That the proposed Lease Agreement between The Corporation of the Town of Kingsville and the Kingsville Business Improvement Association be amended to show the Business Improvement Association paying a portion of janitorial service based on the percentage of the building that is being leased.

LOST

528-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That the amended Lease Agreement between The Corporation of the Town of Kingsville and the Kingsville Business Improvement Association be approved, and that the Mayor and Clerk be directed to sign the Agreement.

CARRIED

I. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

1. Notification of Letter of Resignation received by the Clerk from Councillor John Driedger

Mayor Santos indicated that Councillor Driedger's letter of resignation filed with the Clerk has been received, with regret.

529-2018

Moved By Councillor Susanne Coghill

Seconded By Councillor Thomas Neufeld

That Council declare the office of a member of Council vacant effective immediately due to the resignation of Councillor John Driedger, and further, that Council directs Mayor Santos to craft correspondence thanking Mr. Driedger for his service and dedication to the Town of Kingsville.

CARRIED

J. MINUTES OF THE PREVIOUS MEETINGS

1. Regular Meeting of Council--August 27, 2018

530-2018

Moved By Councillor Susanne Coghill

Seconded By Councillor Tony Gaffan

That Council adopts Regular Meeting of Council Minutes dated August 27, 2018.

CARRIED

K. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Drainage Advisory Committee - April 19, 2018

531-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Council receive Drainage Advisory Committee Meeting Minutes dated April 19, 2018.

CARRIED

2. Police Services Board - May 30, 2018

532-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

That Council receive Police Services Board Meeting Minutes dated May 30, 2018.

CARRIED

3. Committee of Adjustment - July 17, 2018

533-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council receive Committee of Adjustment Meeting Minutes dated July 17, 2018.

CARRIED

L. BUSINESS CORRESPONDENCE - INFORMATIONAL

1. **Town of LaSalle--Correspondence dated August 21, 2018 RE: Ontario's Green Energy Act.**
2. **Township of Selwyn--Correspondence dated August 15, 2018 RE: Provincial Agricultural Systems Mapping.**
3. **Rick Fleming, Resident--Letter of thanks, dated August 16, 2018**
4. **Mackinnon Johnson--Letter of thanks for bursary dated August 9, 2018**
5. **Ayden Ryan--Letter of thanks for bursary dated August 15, 2018**
6. **Danielle Wise--Letter of thanks for bursary received August 31, 2018**

534-2018

Moved By Councillor Tony Gaffan

Seconded By Councillor Larry Patterson

That Council receives Business Correspondence-Informational Items 1 through 6.

CARRIED

RE: Item L-3--Correspondence from Mr. and Mrs. Rick Fleming--Councillor Neufeld commented on the positive feedback received regarding the excellent work front-line staff completed for the new residents, and he also complimented the staff for their efforts.

M. NOTICES OF MOTION

1. **Councillor Neufeld may move, or cause to have moved:**

That Administration prepare a report outlining a policy for specialty signs that can be attached to assessment roll numbers of the homes requesting the signs and to incorporate a procedure to follow up after the sale of the property requesting the signage, or after a certain period of time has lapsed, to determine whether the sign is still necessary.

535-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Administration prepare a report outlining a policy for specialty signs that can be attached to assessment roll numbers of the homes requesting the signs and to incorporate a procedure to follow up after the sale of the property requesting

the signage, or after a certain period of time has lapsed, to determine whether the sign is still necessary.

CARRIED

2. Councillor Patterson may move, or cause to have moved:

That Administration prepare a report regarding when the gravel portion of Marsh Sideroad beginning at Highway 3 to County Road 27 will be surface treated, tar-and-chipped, or asphalted as residents have appeared before Council and have had no answers as to when this will be completed.

536-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Administration prepare a report regarding when the gravel portion of Marsh Sideroad beginning at Highway 3 to County Road 27 will be surface treated, tar-and-chipped, or asphalted as residents have appeared before Council and have had no answers as to when this will be completed.

CARRIED

Ms. Van Mierlo-West advised that this motion will be passed on to Director of Municipal Services for the appropriate follow-up report, and that she could not confirm at this time whether County Road 27 will be a part of the municipal road tour.

3. Councillor Patterson may move, or cause to have moved:

That Administration prepare a report regarding per diem allowance for Municipal representatives that are not Council members who are representing the municipality on approved conferences and/or meetings, which as of now are not paid a daily per diem.

Councillor Patterson indicated that at this time he wishes to withdraw such Notice of Motion pertaining to per diem allowances.

4. Councillor Patterson may move, or cause to have moved:

That Administration provide a report regarding our Olympians: Corbin Watson and Megan Agosta as to whether monies are allocated for signage to show their medal accomplishments and where they are from.

537-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Council direct that Administration provide a report regarding our Olympians: Corbin Watson and Megan Agosta, as to whether monies are allocated for signage to show their medal accomplishments and where they are from.

CARRIED

5. Deputy Mayor Gord Queen may move, or cause to have moved:

That Council direct Administration once more to obtain and install a Christmas tree in the Carnegie Lot before Santa arrives with his parade this November.

538-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council direct Administration once more to obtain and install a Christmas tree in the Carnegie Lot before Santa arrives with his parade this November.

CARRIED

6. Deputy Mayor Gord Queen may move, or cause to have moved:

That Council approve the raising of the Terry Fox Flag at our Town Hall; the flag raising, if approved, to occur for a period of a week to highlight the Terry Fox Run on September 16, 2018.

539-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Susanne Coghill

That Council approve the raising of the Terry Fox Flag at our Town Hall, to occur for a period of a week to highlight the Terry Fox Run on September 16, 2018.

CARRIED

7. Deputy Mayor Queen indicated that he may at the next Regular Meeting move, or cause to have moved: That Administration provide Council and the Public with the date and time and location of the previously proposed public meeting regarding hunting in front of Lakeside Park complete with details regarding the Water lot and/or lots in the lakefront.

N. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

There were no items of unfinished business discussed at this Regular Meeting.

O. BYLAWS

1. By-law 102-2018

540-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council reads By-law 102-2018, being a by-law authorizing the entering into of a Road Use Encroachment Agreement with Mastron Enterprises Inc. a first, second and third and final time.

CARRIED

2. By-law 103-2018

541-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 103-2018, being a By-law to authorize the entering into of an Agreement with Her Majesty the Queen in Right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario (File no. CM18-0001) in order for private infrastructure to be placed under and across King's Highway No. 3 a first, second and third and final time.

CARRIED

3. By-law 104-2018

542-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 104-2018, being a By-law to authorize the entering into of a Lease Agreement with Kingsville Business Improvement Area Board of Management for a portion of the building municipally known as 28 Division St. South, Kingsville, for use as an office and meeting space a first, second and third and final time.

CARRIED

P. CONFIRMATORY BY-LAW

1. By-law 105-2018

543-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council read By-law 105-2018, being a by-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its September 10, 2018 Regular Meeting a first, second and third and final time.

CARRIED

Q. ADJOURNMENT

544-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

That Council adjourns this Regular Meeting at 8:44 p.m.

CARRIED



MINUTES

**KINGSVILLE MUNICIPAL HERITAGE ADVISORY COMMITTEE
WEDNESDAY, AUGUST 8, 2018 AT 7:00 P.M
Council Chambers, 2021 Division Rd N, Kingsville**

A. CALL TO ORDER

Chair Miljan called the Meeting to order at 7:05 p.m. with the following Members in attendance:

MEMBERS OF MUNICIPAL HERITAGE ADVISORY COMMITTEE:

Dr. L. Miljan
Annetta Dunnion
Kimberly DeYong
Anna Lamarche
Margie Luffman
Corey Gosselin
Elvira Cacciavillani (arrived at 7:09 pm)

MEMBERS OF ADMINISTRATION:

Roberta Baines, Deputy Clerk-
Administrative Services

Absent: Danielle Truax (on personal business)
Mayor Nelson Santos (on personal business)

Also in attendance: Ms. Veronica Brown, Researcher

B. DISCLOSURE OF PECUNIARY INTEREST

Dr. Miljan reminded the Committee that any declaration is to be made prior to each items being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

C. REPORTS

1. V. Brown-Research Report – 257 Lakeview Avenue, Kingsville

Ms. Brown advised that the research file for 257 Lakeview was dropped off last month at the Town Hall for Mayor Santos, who will write the research report. At the present time, Ms. Brown has no research reports to complete and she is working on the heritage inventory, including the document that will sort built heritage by date.

Veronica presented research information on the following properties:

- 389 County Road 20 – built in 1914 for Scott Malott, built by James Countess for \$3,500
- 1609 County Road 20 – built in 1881 for Charles Arner
- 1224 Road 2 East – built in 1889 for Isaac Whittle
- 749 Road 3 East – built in 1870 for Isaac A. Wigle
- 787 Seacliff – built in 1923 for William Maxwell on the site of 1898 house that was destroyed by fire
- 89 Queen St – built in 1880 for Newell Woodiwiss
- 95 Queen St – built in 1880 for Lewis Woodiwiss
- 120 Main St W – built in 1894 for Walter Iler
- 124 Main St W – built in 1908 for Wm J. Elliott
- 95 Main St W – built in 1923 by Jesse Sherman
- 12 Queen St – built in 1909 for and by James Countess
- 65 Main St W – built in 1887 for George Cady
- 69 Main St W – built in 1906 for Irvin Oxley

The Committee discussed that a report be presented to the newly elected council on these properties. Information sheets will be created for architectural reference and information. Ms. Brown suggested that a working copy will be made for the Committee and a copy for the Archives going forward.

Ms. Brown has been reviewing the 1989 research report about Gosfield South farmhouses that was shared with her by the Kingsville Archives. There were also 2 requests for information by homeowners forwarded by the Archives that Ms. Brown was able to work on—89 Queen St. and 787 Seacliff (listed above).

2. Research Report Updates – 30 Main St. East; Old Fire Hall (K. DeYong)
This item was not discussed as the item was not included in the agenda package. This will be a report for the September 24 regular meeting of council as a delegation. This report will be presented at next Heritage meeting on September 12.
3. Accounts – ending July 31, 2018
Committee reviewed the accounts to the period ending July 31, 2018 as presented.

MINUTES OF THE PREVIOUS MEETING

1. Kingsville Heritage Advisory Committee Meeting Minutes — July 11, 2018

MH10-2018 Moved by Annetta Dunnion, seconded by Elvira Cacciavillani to adopt the minutes of the Kingsville Municipal Heritage Advisory Committee Meeting dated July 11, 2018, as amended (to correct typographical error of name of Member Anna Lamarche; to name Anna rather than Annetta).



MINUTES

CARRIED

D. BUSINESS CORRESPONDENCE – INFORMATIONAL

1. V. Brown—Invoice for Research Services—July, 2018
2. Kingsville Reporter—Invoice for Notice of Intention to Designate advertisement (1422 Road 3 East)
3. Pearsall, Marshall, Halliwill & Seaton—Invoice dated July 23, 2018 RE: 192 County Road 14, Kingsville
4. Pearsall, Marshall, Halliwill & Seaton—Invoice dated August 2, 2018 RE: Old Fire Hall
5. Discussion re: 2018 plaque order (deferred to September meeting)
6. Update re: Site Visit (251 Lakeview) (discussion deferred to September meeting)
7. DRAFT Notice of Intention to Designate advertisement (192 County Road 14)

Information items 1, 2, 3, 4, and 7, were received for information.

E. NEW AND UNFINISHED BUSINESS

1. Discussion re: National Trust Conference 2018
Margie Luffman and Anna Lamarche have indicated that they are interested in the conference and will go online to register.
2. Chair Miljan received a telephone call from owner of The Wedding House at 98 Main St E. who indicated that they are having troubles with the porch and suggestions were provided. The porch is designated as a heritage feature and cannot be demolished.
3. Kingsville house
Kim had spoken with the owners of 147 Division Road N as they are interested in designation and she provided them with some information.
4. The Committee inquired as to when Ms. Truax would be returning to attend meetings.

F. NEXT MEETING DATE

The next meeting date of the Committee is Wednesday, September 12, 2018.

G. ADJOURNMENT



MINUTES

The Meeting of the Kingsville Municipal Heritage Advisory Committee was adjourned at 8:01 p.m.

CHAIR, Dr. Lydia Miljan

**DEPUTY CLERK-ADMINISTRATIVE SERVICES,
Roberta Baines**



MINUTES

**TOURISM AND ECONOMIC DEVELOPMENT COMMITTEE
THURSDAY, AUGUST 9, 2018 @ 5:30 P.M.
Council Chambers, 2021 Division Rd N, Kingsville**

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 5:35 p.m. with the following persons in attendance:

Members:

Mayor N. Santos
T. Gaffan
D. Hunt
J. Gaffan
Mike Lauzon
Marian Stranak

Members of Administration:

CAO, Peggy Van Mierlo-West
Executive Assistant to the Mayor and CAO, T. Hewitt
Tourism Coordinator, N. Cobby
BIA Coordinator, Christina Bedal

Absent:
D. Quick

B. DISCLOSURE OF PECUNIARY INTEREST

When a member of the Committee has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of the Committee (or that was the subject of consideration at the previous Meeting of the Committee at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

C. PRESENTATIONS/DELEGATIONS

1. John Dutton – Kingsville Culture Days

J. Dutton presented the committee members with an overview of Kingsville Culture Days, and requested a \$2960.00 donation for 2018's event. P. Van Mierlo-West stated that she can see potential synergies, but larger ticket items may not be possible this year. C. Bedal offered to personally sponsor \$660.00 for the flag adverts. The committee directed the C.A.O to meet with J. Dutton regarding Culture Days and possible partnerships.

19-2018 Moved by J. GAFFAN seconded by T. GAFFAN to have the C.A.O and J. Dutton meet regarding Culture Days.

CARRIED

N. Santos moved *D: Staff Reports Item 4 "Culture Days Request"* up for immediate discussion. In her report, P. Van Mierlo-West's recommendation is to "support the Culture Day's committee through the fee waiving of the Unico Centre and liability insurance".

20-2018 Moved by D. HUNT seconded by M. STRANAK to approve use of the Unico Centre and Town's insurance for Kingsville Culture Days.

CARRIED

D. STAFF REPORTS

1. N. Cobby gave a verbal overview of tourism projects, listing businesses and events she featured on MyKingsville's social media page last month. She confirmed the tourist map is complete. She provided an update on Kingsville Folk Fest weekend. M. Lauzon volunteered to assist Sunday, August 12, 2018 after 3:00pm. P. Van Mierlo-West requested additional volunteers connect with N. Cobby to coordinate days and times. Kingsville's presence on the Jiimaan was discussed. D. Hunt recommended better presence on the new boat.
2. C. Bedal provided the Committee with a Kingsville BIA Update. She reported that sidewalk sales are this Friday, Saturday and Sunday. She is also currently working on the Holiday Guide.
3. P. Van Mierlo-West provided an update on the Mayor's Roundtable on Tourism. She asked committee members to provide the names and contact numbers/emails of 10 businesses/individuals related to tourism for direct invitation. "Opportunities for Partnerships/Cross Promotion" and "What are we Missing Right Now?" were suggested as additional discussion topics.
4. P. Van Mierlo-West presented the committee with a report on the request for advertisement by Goose on the Loose Portable Signs. She recommended the request for advertising funds be denied as the funds are not available in the 2018 budget.



MINUTES

- 21-2018** Moved by T. GAFFAN seconded by D. HUNT to support the recommendation that the request for advertising funds be denied.

CARRIED

E. BUSINESS CORRESPONDENCE – ACTION REQUIRED

NONE

F. MINUTES OF THE PREVIOUS MEETING

1. Tourism and Economic Development Committee Meeting Minutes — June 14, 2018

- 22-2018** Moved by T. GAFFAN seconded by M. LAUZON to receive the minutes of the Tourism and Economic Development Committee Meeting dated June 14, 2018.

CARRIED

G. NEW AND UNFINISHED BUSINESS

1. KEDC – September 26-27, 2018

The committee reviewed the Kingsville Economic Development Conference (KEDC) schedule of events and speakers. P. Van Mierlo-West is finalizing details with Eat, Drink, Dine Kingsville (EDDK) to have the dinner at “A Toast to Kingsville”. She also reported she is meeting with Libro regarding sponsorship and Union Gas has confirmed sponsorship. T. Gaffan recommended Trevor Loop be approached to speak about EDDK. D. Hunt requested that the BIA help with volunteering at the event. P. Van Mierlo-West said that networking through municipal memberships, direct emails/invitations, social media, etc. will be utilized to advertise.

H. NEXT MEETING DATE

1. The next meeting of the Tourism and Economic Development Committee is Wednesday September 12, 2018 at COMMITTEE ROOM A, 2021 DIVISION RD N. @ 5:30 p.m.



MINUTES

P. Van Mierlo-West thanked the committee for their participation in the committee surveys. She stated that a “so, you want to be on a committee” video is planned for October.

I. ADJOURNMENT

23-2018 Moved by M. STRANAK seconded by T. GAFFAN to adjourn this Meeting at 6:40 p.m.

CARRIED

CHAIR, Mayor Santos

**RECORDING SECRETARY,
T. Hewitt**

REGULAR MEETING OF KINGSVILLE BIA

TUESDAY, AUGUST 14, 2018 AT 6:00 P.M.

Carnegie Arts & Visitor Centre, 28 Division St. S, Kingsville, Ontario

A. CALL TO ORDER

Beth Riddiford called the Meeting to order at 6:010 pm with the following persons in attendance:

Members of BIA Board: Beth Riddiford, Brian Sanford, Gord Queen, Heather Brown, Tony Gaffan, Izabel Muzzin, Trevor Loop

Regrets: Roberta Weston, Jason Martin

Absent: Mike Lauzon

Guests:

Members of Administration: Christina Bedal

B. DISCLOSURE OF PECUNIARY INTEREST

Beth Riddiford reminded members that any declaration and its general nature is to be made prior to each item being discussed.

C. DELEGATIONS

D. AMENDMENTS TO THE AGENDA

E. ADOPTION OF ACCOUNTS

BIA Coordinator – Re: BIA Accounts as recorded in the monthly period ending July 2018.

BIA- 057-2018 MOTION BY GORD QUEEN AND SECONDED BY TONY GAFFAN TO APPROVE THE ACCOUNTS FOR JULY 2018. CARRIED

F. STAFF REPORTS

1. BIA Coordinator Christina Bedal – Re: Monthly Activity

The Coordinator presented her written report.

- 2. COUNCIL REP** Gord Queen presented his report. Tony Gaffan updated on EDT committee.
- 3 EDDK** – Heather Brown and Trevor Loop updated that the swine and wine event is taking place and involving 5 restaurants. KEDC food is being done by EDDK members and that the EDDK membership is growing.
- 4 CARNEGIE SOCIAL** – very well attended and very well received

G. BUSINESS/CORRESPONDENCE – ACTION REQUIRED

H. MINUTES OF THE PREVIOUS MEETINGS

BIA-058-2018 – motion to approve the minutes from the July 10, 2018 meeting made by Trevor Loop and seconded by Tony Gaffan. **CARRIED**

I. BUSINESS/ CORRESPONDENCE - INFORMATIONAL

J. NEW AND UNFINISHED BUSINESS

1. Kingsville Pocket Map –

- Map has gone for print and expect maps soon

2. Lease Amendment Request –

- New lease was reviewed by the Board
- Coordinator to contact CAO to pose question about the shared telephone line and to include a list of furniture to be attached to the lease

BIA-059-2018 – motion to approve the lease made by Heather Brown and seconded by Izabel Muzzin. **CARRIED**

3. Pop Up Shop – CAO Report to Council

- Report was reviewed

4. Flower Program Ideas 2019

- Reviewed the report and suggestions made by the Coordinator
- Coordinator to talk with a few people regarding flower options for next year and bring information back to the September meeting
- Coordinator to schedule a walk about for the Board before the September meeting.

5. Sidewalk Sale

- One of the busiest events in a while, very well received

6. Discover Kingsville Holiday Guide 2018

- Coordinator to pursue alternative guide covers and present to the board

7. Board Elections for 2019 Commencing Term

- Coordinator to solicit interested candidates in October

8. Culture Days Donation Request

- **BIA-060-2018** Motion by Heather Brown to donate \$100 and seconded by Gord Queen. **CARRIED**

K. Adjournment

BIA-061-2018 Motion by Brian Sanford and seconded by Heather Brown to adjourn the meeting at 7:39 p.m. **CARRIED**



CHAIR, Beth Riddiford



RECORDING SECRETARY, Christina Bedal

BEN RYZEBOL, Director of Public Works
PUBLIC WORKS - TELEPHONE: (519) 941-1065
FAX: (519) 941-1802
email: bryzebol@amaranth.ca



SUSAN M. STONE, C.A.O./Clerk-Treasurer
TELEPHONE: (519) 941-1007
FAX: (519) 941-1802
email: suestone@amaranth-eastgary.ca

374028 6TH LINE, AMARANTH, ONTARIO
L9W 0M6

August 30, 2018

The Right Honourable Justin P.J. Trudeau
Prime Minister of Canada
House of Commons
Ottawa ON K1A 0A6

Dear Prime Minister Trudeau,

Re: NAFTA – Dairy Supply Management Program

At the regular meeting of Council held August 29, 2018, the following resolution was carried:

Moved by H. Foster – Seconded by C. Gerrits

Be it Resolved That:

WHEREAS it appears that Mexico and the U.S.A have come to an agreement on trade terms and now intense scrutiny is on Canada as our negotiators attempt to come to an agreement as well, and our Dairy Management system is once more front and centre in the news;

WHEREAS supply management means that our Canadian dairy farms produce enough milk for Canadians and Canada allows 10% import of tariff free dairy products and the U.S.A caps tariff free imports at about 2.75%, so the U.S.A also protects their dairy industry;

WHEREAS we want our dairy products to continue to be produced on Canadian farms, under the strictest animal welfare, milk quality and food safety standards in the world;

NOW THEREFORE the Township of Amaranth, as a predominantly farming community, urge the Federal Government to not allow a foreign party to interfere with our Dairy Management System and that it be removed from all North American Free Trade Agreement (NAFTA) negotiations;

BEN RYZEBOL, Director of Public Works
PUBLIC WORKS - TELEPHONE: (519) 941-1065
FAX: (519) 941-1802
email: bryzebol@amaranth.ca



SUSAN M. STONE, C.A.O./Clerk-Treasurer
TELEPHONE: (519) 941-1007
FAX: (519) 941-1802
email: suestone@amaranth-eastgary.ca

374028 6TH LINE, AMARANTH, ONTARIO
L9W 0M6

AND FURTHER THAT this resolution be sent to the Prime Minister, Dufferin-Caledon, MP and MPP, the Association of Municipalities of Ontario, Minister of International Affairs, Premier of Ontario, Ontario Ministry of Agriculture Food and Rural Affairs, Dufferin Federation of Agriculture, Ontario Federation Agriculture and all municipal councils within Ontario.

Should you require anything further please do not hesitate to contact this office.

Yours truly,

Susan M. Stone, A.M.C.T.
CAO/Clerk-Treasurer
Township of Amaranth

SMS/ch



CORPORATION OF THE TOWNSHIP OF SOUTH GLENGARRY

MOVED BY Trevor Bougie

RESOLUTION NO 255-18

SECONDED BY Frank Prevost

DATE September 4, 2018

WHEREAS Paramedic Services in Ontario are not considered an Essential Service like Fire and Police services;

AND WHEREAS Paramedic Services across Ontario operate under The Ambulance Services Collective Bargaining Act, 2001, allowing a reduction in paramedic services to 75% (The Essential Services Act).

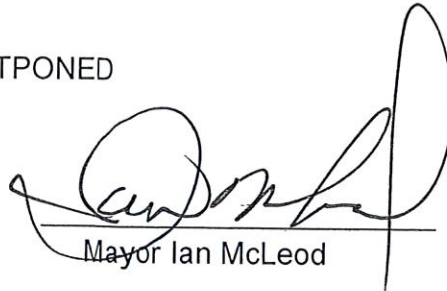
THEREFORE, BE IT RESOLVED THAT the Township of South Glengarry petition the Province of Ontario to list Paramedic Services as a full Essential Service;

AND FURTHERMORE, that this resolution be forwarded to Premier Doug Ford, local MPP Jim McDonnell, the Ministry of Labour, the Association of Municipalities Ontario and all Ontario municipalities.

☒ CARRIED

☐ DEFEATED

☐ POSTPONED


Mayor Ian McLeod

Recorded Vote:	Yes	No
Mayor McLeod	___	___
Deputy Mayor Prevost	___	___
Councillor McKenzie	___	___
Councillor Bougie	___	___
Councillor Warden	___	___

CERTIFIED A TRUE COPY


Kelli Campeau, Clerk

2018-09-06
Date

presented
KB - Sep 19, 2018

Good Neighbor Initiative

We are surrounded by a Greenhouse complex. A Greenhouse which is asking Kingsville council to amend protective bylaws, to allow them to grow Medical Marijuana within a 100 meters of residential homes.

My fears are: lack of sleep do to never ending light from the greenhouse, which is a medical concern. The stench that sticks to clothes and infiltrates a home is a social concern. Especially this stench when we go uptown, to church, when crossing the U.S. border, or in a public gathering. It will affect our lives! We have the concern of it devastating the equity in our property, as it has done in other areas such as Norfolk Ontario. ERCA protects the little frog in a ditch, but who will step up to protect our health, our standard of living, and the equity in our homes.

A decision is possible at the next September 24th Kingsville council meeting. The results of air quality tests performed at existing Marijuana production sites are due to be released at that time.
(In my drive by sniff test at different sites, they fail)

This possible Marijuana production site that surrounds us affects 4 homes plus a 5th one on the 4th concession, all within 100 meters of the greenhouse complex. Please note our home 1524 on County Road 34 is on attached photo. It is an acre in size and totally surrounded by this greenhouse complex. **All the air we breathe will pass by greenhouses.** I feel this differs greatly from others previous situations.

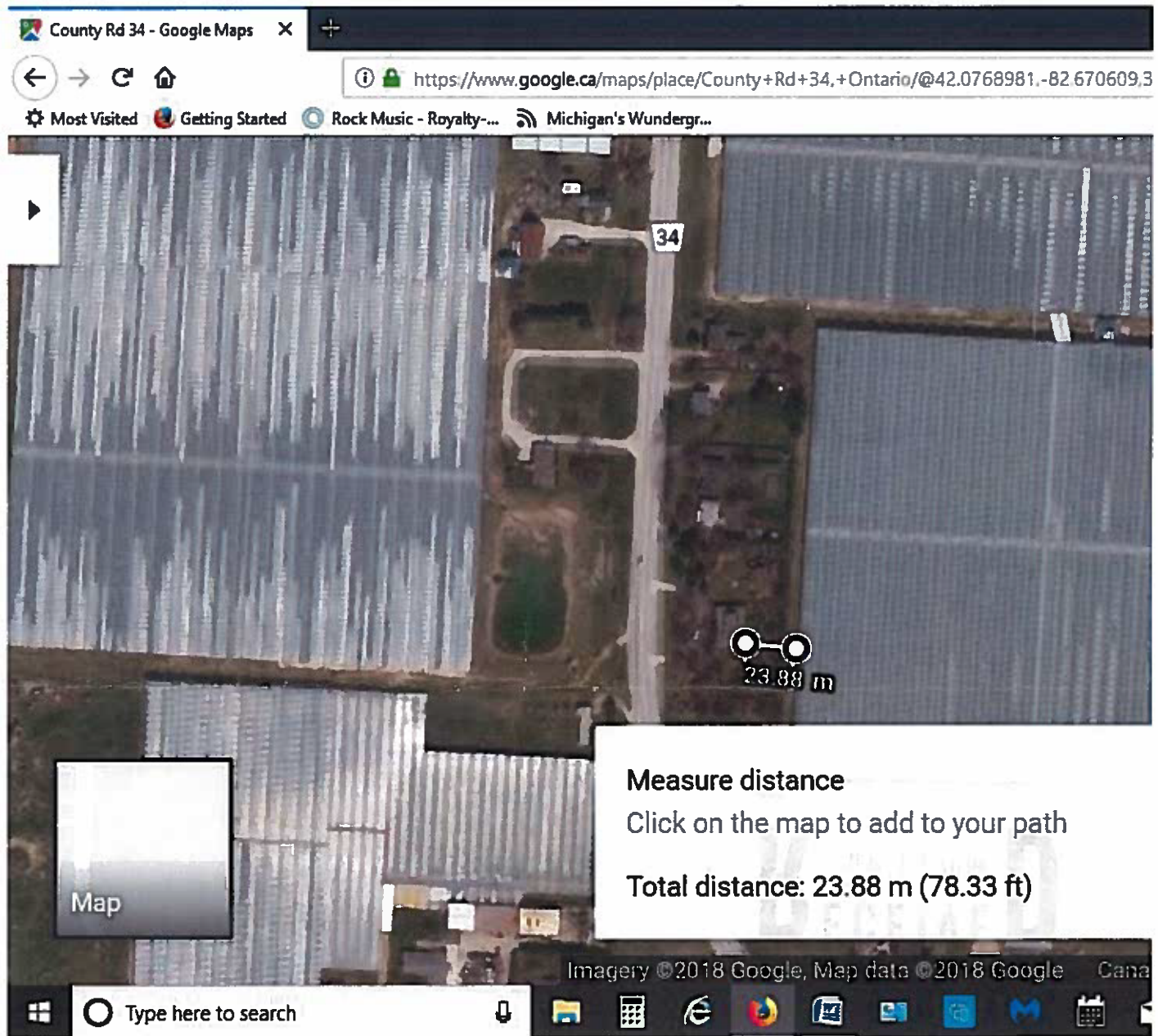
I hope a spotlight on this situation can help Kingsville council come up with a win / win solution that protects the local resident's and allows the Marijuana complex to proceed. We do need medical Marijuana grown somewhere, but not this close to residents.
(Our home is only 4 car lengths from the greenhouse)

If the complex still wants to grow here, then they should be required to move us out of the 100 meter area, so as to meet present protective bylaws. Do not put us in the middle of this new Marijuana complex. We should not be made guinea pigs in a fish bowl.

I fear for our health, the change in our life style, and that our home will become unsellable. I suggest to Kingsville council, to consider the Marijuana production complex moving us out as a part of their cost of doing business in this new industry. Do not rewrite the bylaws to allow them to encapsulate us in this new Marijuana complex, where liability issues may arise at a later time.

I hope Council can see the life altering changes this would bring down on us. We need council to use their bylaws to direct the growers into a fair good neighbor initiative for all homes within 100 meters. Follow current bylaws assuring a better outcome for your residents and improve the growers "public image". Also if they choose to remove our homes after, it would allow for another 6 runs to be added on the existing greenhouse, with a cleaner sight path for security fencing. Please council, protect those that you govern over. Reject or at least delay the amendments, to allow the possible Marijuana production complex time to think. To think over the long term benefits, of honouring the 100 meter bylaw with these extremely close neighbors. Brenda and I will surrender our one acre home, to allow them to proceed with this billion dollar industry. But we need enough financing to rebuild the same home out of the shadows of this complex. The move will be a pain, but we need to do it to be safe and save the equity and quality of life we have worked 35 years to accumulate. Let's come to an agreement that we all can feel good about. Let's live a safe, productive, enjoyable life, among each other. (At a safe distance)

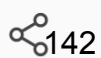
Goggle map photo below of our home 1524 County Road 34 Ruthven



Thank you

Brenda & Ed Ryall Home [redacted] after 4pm

Cell [redacted]



THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 66 - 2018

**Being a by-law to amend By-law 53-2008,
being a by-law to provide for the
circumstances in which the municipality
shall provide notice to the public and
where notice is to be provided, the form,
manner and times notice shall be given**

WHEREAS pursuant to Section 270.(1)4 of the *Municipal Act, 2001*, S.O. 2001, c. 25 The Corporation of the Town of Kingsville enacted By-law 53-2008 to establish a policy for the circumstances in which The Corporation of the Town of Kingsville (the “Municipality”) shall provide notice to the public, and if notice is to be provided, the form, manner and times notice shall be given;

AND WHEREAS the Council of the Municipality deems it expedient to amend By-law 53-2008 in order to effect certain updates and amendments to the notice policy as authorized by Council Resolution 316-2018.


NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. **THAT** Schedule “A” attached to By-law 53-2008 be and is hereby deleted and replaced with Schedule “A” attached hereto.
2. **THAT** all other terms set out in said By-law 53-2008 shall remain in full force and effect.
3. **THAT** this By-law comes into force and takes effect on the day of the final passing hereof.

READ a FIRST, SECOND and THIRD time and FINALLY PASSED this 24th day of September, 2018.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

	<p style="text-align: center;">NOTICE POLICY Schedule “A” to By-Law 53-2008</p>	
Policy #:CS-015	<p>Issued: April 28, 2008</p>	<p>Reviewed/Revised: May 14, 2018</p>
<p>Prepared By: G. A. Plancke</p>	<p>Reviewed By: J. Astrologo</p>	<p>Approved By: Council</p>

1.0 PURPOSE

The purpose of the policy is to enhance the accountability and transparency of municipal decision-making by providing guidelines, in accordance with the Municipality’s obligations under the *Municipal Act, 2001*, with respect to the circumstances in which the Municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.

2.0 SCOPE

This policy applies to Town Council and staff with respect to the provision of notice to the public of certain actions or decisions to be undertaken or made by the Municipality.

3.0 DEFINITIONS

In this policy:

Act shall mean the *Municipal Act, 2001* S.O. 2001, c.25;

Clerk shall mean the Clerk of the Municipality;

Council shall mean the Council of the Municipality;

Deposits shall mean any security, indemnity, and or expense deposit in accordance with the most current by respecting fees and charges;

Municipality shall mean The Corporation of the Town of Kingsville;

Newspaper shall mean a printed publication in sheet form intended for general circulation published regularly at intervals of not longer than a week consisting in greater part of the news of current events of general interest and sold/circulated to the public and to regular subscribers;

Notice shall mean a written, printed, published or posted notification or announcement given to the public or to those persons who may be affected, or to an individual who may be affected;

Town Website shall mean the official website of the Municipality.

4.0 REFERENCE DOCUMENTS

Municipal Act, 2001

5.0 RESPONSIBILITIES

It is the responsibility of all staff and Council to adhere to this Notice Policy.

6.0 PROCEDURE

- 6.1 Where Notice of a public meeting is required to be given or notice of intention to pass a by-law is required to be given, such Notice shall be provided in the time frame prescribed in the Act or its regulations and if not so prescribed, Notice shall be given at least once not less than seven days nor more than thirty days prior to the proposed notice of intention to pass a by-law or notice of a public meeting.
- 6.2 Where the Municipality is required to give Notice under a provision of any statute or regulation, the Notice shall be given in a form and manner and at the times indicated in this policy, unless:
 - 6.2.1 the applicable statute or regulation prescribes or permits otherwise;
 - 6.2.2 the requirements for Notice are prescribed in another by-law or resolution; or
 - 6.2.3 Council directs by resolution a method by which Notice is to be given that Council considers adequate to give reasonable Notice under the provision.
- 6.3 Where there is a conflict between this notice policy and provision of any statute or of another by-law, the statute or the by-law shall apply.
- 6.4 Where a Notice does not strictly comply with the provisions hereof but would substantially inform a reasonable person of the subject matter to which the Notice relates, the Notice shall be deemed to be adequate and in compliance with this policy.

- 6.5 Where a Notice is required under any statute but is not provided for specifically in this policy, a Notice which would substantially inform a reasonable person of the subject matter to which the Notice relates, shall be deemed to be adequate and in compliance with this policy.
- 6.6 If the proposed by-law is not passed at the Council meeting specified in a Notice but consideration of the matter is deferred, no further Notice is required if a public statement is made at the meeting that the matter has been deferred and that the Municipality now intends to adopt or amend the by-law at a later Council meeting specified in the public statement.

Notice Requirements

(i) Method of Notice

- 6.7 The following shall be deemed appropriate methods of Notice:
- 1st Class Mail
 - Posting on the Municipal Office Bulletin Board/Road Sign at 2021 Division Road North, Kingsville
 - Posting on the Town's Website
 - Personal Email
 - Advertising in local newspaper with appropriate circulation area (at the discretion of the Clerk)
 - Listing and identifying the subject matter on a Regular Meeting Council Agenda

(ii) Form/Content of Notice

- 6.8 Unless otherwise prescribed in the Act or its regulations where notice of intention to pass a by-law or Notice of a public meeting is required to be given, the form and content of the Notice shall include the following information:
- a general description of the subject matter under consideration or otherwise involved;
 - the purpose of any meeting of which Notice is required to be given or the purpose and effect of the proposed action;
 - identification of the authority under which Notice is being given;
 - date, time and location of any meeting at which the subject matter will be considered of which Notice is required to be given;

- where the matter relates to a defined location, sufficient particulars of the location to identify it generally, such as reference to a municipal address or road intersection, or a legal description or plan;
- general provisions guiding the submission of information by delegation to any meeting referred to in the Notice;
- instruction on obtaining any additional information which may be made available by the Municipality, including name, address, phone number and fax number of any office providing Notice;
- details on required actions and time frames; and
- be clearly identified as a Notice given by the Municipality.

(iii) Emergency Provisions

- 6.9 In the event of circumstances which, in the opinion of the Head of Council, are considered to be of an urgent or time sensitive nature, and which may affect the health, safety or physical security of residents of the Municipality, or if a State of Emergency is declared, the requirements of this Notice Policy may be suspended by the Head of Council, and best efforts shall be made by the Clerk to provide as much Notice as is reasonable under the circumstances.
- 6.10 If a by-law is passed in the case of an emergency without complying with the provisions of this Notice, the Council shall, as soon as is practical after its passage, hold the meeting and give the required Notice and may, after that meeting, amend or repeal the by-law without the requirement of a further meeting.

(iv) Notice to be Provided

- 6.11 The Municipality's Procedure By-law provides for notice of meetings of Council and Committees.
- 6.12 The following Notice shall be given for any of the below listed actions or decisions:

Road closings	Once per week for three successive weeks in local newspaper
Naming of highways/private roads	Once thirty days in advance of meeting
Sale of land	Four weeks in advance of meeting

Adoption of budget/budget amendments	Two weeks in advance of meeting
Financial Statements	Published within 60 days after receipt of audited financial statements
Amendments to waste disposal schedule	Two weeks in advance of meeting
Office hours	Two weeks in advance of meeting
Service fees and charges	Two weeks in advance of meeting
Improvements to service	Twenty-one days in advance of meeting
Forfeiting Unclaimed Deposits	Once in the local newspaper, 6 months prior to the forfeit deadline

Any other matter which may arise and Council identifies as warranting public notice.

(v) Other

- 6.13 Where expenditure estimates approved in the budget have been subject to quotations or tenders quoting an amount greater than the estimated expenditure, the approval process set out under the Municipality's Procurement of Goods and/or Services Policy, shall apply and Notice of such amendment to the budget shall be included in the report and the printing of this item on the Council and/or Committee Agenda with the notation "Amendment to Budget", shall constitute sufficient Notice.
- 6.14 New projects that have not been included in the annual budget shall be detailed in a staff report and Notice of such amendment to the budget shall be included in the report and the printing of this item on the Council and/or Committee Agenda with the notation "Amendment to Budget" shall constitute sufficient Notice.
- 6.15 Normal operating costs incurred prior to the adoption of the annual budget shall not require Notice and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.
- 6.16 Where separate by-laws/policies have been enacted in accordance with provisions contained in the Act, the Notice provisions set out in such by-laws shall prevail.
- 6.17 No Notice shall be required under this policy where the provision of Notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session under Section 239 of the Act.

6.18 Nothing in this Notice shall prevent the Clerk from using more comprehensive methods of Notice or providing for a longer notice period.

7.0 REVIEW/REVISIONS

No.	Revision Details (incl. provision #)	Revision By	Date
1.	Transferred Policy into revised Policy Template; added definition of Deposit; added notice period for Forfeiting Unclaimed Deposits;	A. Plancke	April 13, 2018
2.	Revised formatting; added paragraph numbering; corrected minor typographical errors; revised Policy Scope and Purpose; revised section 6 (iv) for clarity;	J. Astrologo	May 1, 2018
3.			
4.			

Questions about this policy can be referred to the Director of Corporate Services.

The Corporation of the Town of Kingsville

Excerpt from the May 14, 2018 Regular Meeting of Council Minutes

I. STAFF REPORTS

5. Forfeiture of Unclaimed Indemnity Deposits

G. A. Plancke, Director of Municipal Services

316-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council approves the proposed changes to Schedule A of the existing Notification Policy By-Law 53-2008, and directs Administration to draft the necessary by-law amendment; and further that Council approves Administration to forfeit all unclaimed indemnity deposits prior to 2010 and again every successive year in accordance with the current Fees and Charges By-Law and the amended Notification Policy By-Law.

CARRIED

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 106 - 2018

Being a by-law to designate a certain property, including land and buildings, known as The Christopher Dresser House (192 County Road 14, Cottam) as being of cultural heritage value or interest under the provisions of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18 as amended

WHEREAS Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended (the “*Act*”), authorizes the council of a municipality to enact by-laws to designate real property, including all the buildings and structures located thereon, to be of cultural heritage value or interest;

AND WHEREAS the Council for The Corporation of the Town of Kingsville (the “Town”) has consulted with the Kingsville Municipal Heritage Advisory Committee with respect to the designation of 192 County Road 14, Cottam as being of cultural heritage value or interest, and authority was granted by Council to designate such property in accordance with the *Act*;

AND WHEREAS the Council for the Town has caused to be served upon the owners of the lands municipally known as 192 County Road 14, Cottam, and upon the Ontario Heritage Trust, Notice of Intention to Designate the foregoing property and has caused the Notice of Intention to Designate to be published in a newspaper having general circulation in the municipality as required by the *Act*;

AND WHEREAS the statements explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property are set out in Schedule “A” to this By-law;

AND WHEREAS no notice of objection to the proposed designation of the foregoing property has been served on the Clerk of the Town.

NOW THEREFORE the Council for The Corporation of the Town of Kingsville enacts as follows:

1. That the property known as The Christopher Dresser House and municipally known as 192 County Road 14, Cottam, including lands and buildings, more particularly described in Schedule “B” attached to this By-law, is hereby designated as being of cultural heritage value or interest under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended;
2. That the municipality’s solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule “B” to this By-law in the proper Land Registry Office;
3. That the Clerk is hereby authorized to cause a copy of this By-law to be served upon the owners of the aforesaid property and upon the Ontario Heritage Trust, and to cause notice of this By-law to be published in a newspaper having general circulation in the Town as required by the *Act*;
4. That Schedules “A” and “B” hereto form an integral part of this By-law;

5. That this By-law shall come into full force and effect on the final date of passage hereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
24th DAY OF SEPTEMBER, 2018.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

**The Corporation of the Town of Kingsville
By-law 106-2018**

Schedule “A”
192 County Road 14, Cottam, Ontario
The Christopher Dresser House

Description of Property:

Constructed in 1909, The Christopher Dresser House is a 2 ½ storey brick house built in the Edwardian era. It is located on the South side of County Road 14 in the Village of Cottam, in the Town of Kingsville.

Statement of Cultural Heritage Value or Interest:

The cultural heritage value of The Christopher Dresser House lies in its association with the Dresser family, local farmers and descendants of the earliest settlers to the area. The Dresser family, founded by George Dresser of Mersea Township, is one of the oldest families of this section of Essex County. Christopher Dresser was the grandson of George. He and his family moved to Gosfield when they bought the property at County Road 14 in 1913.

Description of Heritage Attributes:

The home bears many features of the Edwardian era, which blossomed by 1892 and lasted until the end of the 1st World War. The home features 3 or 4 upstairs bedrooms. It has many windows allowing sunlight in every room and a dormer upstairs that allows light to a small attic. The outside surface of the house is smooth brick and the shape of the house and windows is rectangular. The windows have flat arches and plain stone sills or lentils. While painted wood frames each window. Stone quoins form the exterior corners of the front wall of the house. They are made of rocks and are a different colour than the rest of the house thus giving a decorative appearance. The same rock-faced rusticated quoin forms an arch around the front door.

The home shows the influence of Edwardian Classicism with its simple balance design, its straight rooflines, its maintenance-free detailing and uncomplicated ornamentation. A touch of the “Craftsman” influence is seen in the inside end chimney and the overhanging eaves.

Some of the items which show indication from the Regency Period are the mouldings and paneling on the doors inside the house.

The Corporation of the Town of Kingsville
By-law 106-2018

SCHEDULE “B”

Description:

FIRSTLY: PT LT 17 CON 8 GOSFIELD PT 1 12R5620; GOSFIELD NORTH;
SECONDLY: PT LT 17 CON 8 GOSFIELD PT 1 12R12133; KINGSVILLE

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 107 - 2018

**Being a By-law to extend the exemption from Part Lot Control
Pursuant to Section 50(7) of the Planning Act as provided for in
By-law 114-2011
(Millbrook Expansion - Hazel Crescent)**

WHEREAS Subsection 50 (7.4) of the Planning Act R.S.O. 1990, c.P.13, as amended authorizes Council by By-law to extend the time period specified by the expiration of a by-law to designate lands within a registered plan of subdivision as lands subject to part-lot control;

AND WHEREAS Subsection 50 (7.5) of the Planning Act authorizes Council by By-law to repeal or amend a by-law to designate lands within a registered plan of subdivision as land not subject to part-lot control, in order to delete part of the land described in it;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. By-law 114-2011 is amended by:
 - a) Deleting item 6. the date “September 26, 2018” and inserting in its place the following date “September 26, 2021”

- b) Deleting Item 4. and replacing with the following:

“That Subsection 5 of Section 50 of the Planning Act, R.S.O., c.P.13, does not apply to those parts of the registered plan described as follows:

All and singular those certain parcels or tracts of land and premises lying and being in the former Township of Gosfield South, now a portion of the Corporation of the Town of Kingsville, being Part of Lot 1, Concession 1, Eastern Division, more particularly described as follows
Lots Lot 7, Lots 55-57, Plan 12M-552 and known locally as follows:

20-22 Hazel Crescent (Lot 7, Plan 12M-552)
56-58 Hazel Crescent (Lot 57, Plan 12M-552)
60-62 Hazel Crescent (Lot 56, Plan 12M-552)
64-66 Hazel Crescent (Lot 55, Plan 12M-552)”

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
24th day of September, 2018.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 108 - 2018

Being a By-law to exempt certain lands from Part Lot Control (Mettawas Subdivision – Plan 12M-965)

WHEREAS the Planning Act, R.S.O. 1990 c.P.13, as amended, provides that part-lot control shall apply where land is within a plan of subdivision registered before or after the coming into force of the Act;

AND WHEREAS Subsection 7 of Section 50 of the said Planning Act provides that the council of a municipality may by by-law provide that part-lot control does not apply to land that is within such registered plan or plans of subdivision or parts thereof as is or are designated in the by-law, and where the by-law is approved by the planning authority, Subsection 5 of Section 50, ceases to apply to such land;

AND WHEREAS it is deemed desirable that the provisions of Subsection 5 of Section 50 of the Planning Act shall not apply to certain lands that are within Registered Plan 12M-965, in the Town of Kingsville;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. That Subsection 5 of Section 50 of the Planning Act, R.S.O. 1990, c.P.13, does not apply to those parts of the registered plan described as follows:

All and singular those certain parcels or tracts of land and premises lying and being in the Town of Kingsville, being Pt Lots 1, 2, 3, 4, 30, 31 & Part of Private Drive, on Plan 12M 965, locally known as 27, 29 & 31 Mettawas Lane.
2. That the development of the lands more particularly described in Section 1 of this by-law shall only be by way of descriptions of lands on a registered Reference Plan, which Reference Plan has been duly approved by the Corporation.
3. This by-law shall expire on September 24, 2021.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
24th day of September, 2018.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 110 - 2018

Being a By-law authorizing the entering into of an Agreement with Coco Paving Inc. for the 2018 Urban Road Program

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. c. 25 confers natural person powers on municipalities which include the power to enter into agreements with individuals and corporations.

WHEREAS The Corporation of the Town of Kingsville (the “Town”) deems it expedient for the Town to enter an Agreement with Coco Paving Inc. for the 2018 Urban Road Program.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. **THAT** the Town enters into and executes with Coco Paving Inc. an Agreement for the 2018 Urban Road Program attached hereto as Schedule “A” and forming part of this By-law.
2. **THAT** the Mayor and Clerk are hereby authorized and directed on behalf of the Town to execute the Agreement attached as Schedule “A”.
3. This By-Law comes into force and takes effect on the day of the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
24th DAY OF SEPTEMBER, 2018.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

Contract Agreement

File No. 18-106
2018 URBAN ROAD PROGRAM

THIS AGREEMENT made in triplicate this _____ day of _____, 2018 A.D.

BETWEEN: THE CORPORATION OF THE TOWN OF KINGSVILLE
(hereinafter called the "Owner")

OF THE FIRST PART

- and -

COCO PAVING INC.
(hereinafter called the "Contractor")

OF THE SECOND PART

WITNESSETH

That the Owner and the Contractor in consideration of the fulfillment of their respective promises and obligations herein set forth covenant and agree with each other as follows:

ARTICLE 1

(a) A general description of the work is:

2018 Urban Road Program

(b) The Contractor shall, for the prices set out in the Form of Tender and except as otherwise specifically provided, provide at no additional cost to the Owner all and every kind of labour, machinery, plant, structures, roads, ways, materials, appliances, articles and things necessary for the due execution and completion of all the work set out in this Contract and shall forthwith according to the instructions of the Engineer, commence the works and diligently execute the respective portions thereof, and deliver the works complete in every particular to the Owner within the time specified in the Contract.

ARTICLE 2

In the event that the Form of Tender provides for and contains a Contingency Allowance, it is understood and agreed that such Contingency Allowance is merely for

the convenience of accounting by the Owner, and the Contractor is not entitled to payment thereof except for extra or additional work carried out by him as directed by the Engineer and in accordance with the Contract and only to the extent of such extra or additional work.

ARTICLE 3

In case of any inconsistency or conflict between the provisions of this Agreement and the Plans or Specifications & Specifications or General Conditions or Form of Tender or any other document or writing, the provisions of such documents shall take precedence and govern in the following order, namely:

- | | |
|--|--|
| (1) This Agreement | (7) Supplementary Specifications, if any |
| (2) Addenda _____ | (8) Specifications, if any |
| (3) Special Provisions, if any | (9) Standard Specifications, if any |
| (4) Information to Tenderers | (10) Contract Drawings |
| (5) Supplementary General Conditions, if any | (11) Standard Drawings |
| (6) General Conditions | (12) Form of Tender |

ARTICLE 4

The Owner covenants with the Contractor that the Contractor having in all respects complied with the provisions of this Contract, will be paid for and in respect of the works the sum of:

SEVEN HUNDRED FORTY THOUSAND SIX HUNDRED NINETY 00/100 Dollars
(excluding HST) (\$ 740,690.00)

subject to Article 2 hereof and subject to such additions and deductions as may properly be made under the terms hereof, subject to the provision that the Owner may make payments on account monthly or Otherwise as may be provided in the Contract Documents attached hereto.

ARTICLE 5

Where any notice, direction or other communication is required to be or may be given or made by one of the parties hereto to the other or to the Engineer or to his agent, it shall be deemed sufficiently given or made if mailed or delivered in writing to such party or to the Engineer at the following addresses:

The Owner: The Corporation of the Town of Kingsville
2021 Division Road
Kingsville, Ontario, N9Y 2Y9

The Contractor: *COCO PAVING INC.*
485 LITTLE BASELINE RD
TECHUMSEH ON N9N2L9

Where any such notice, direction or other communication is given or made to the Engineer, a copy thereof shall likewise be delivered to any agent of the Engineer appointed in accordance with the General Conditions of this Contract and where any such notice, direction or other communication is given or made to such agent a copy thereof shall likewise be delivered to the Engineer.

ARTICLE 6

A copy of each of the Specifications, Special Provisions, General Conditions, Form of Tender, Information for Tenderers and Addenda No. /// is/are hereto annexed and together with the Drawings relating thereto and listed in the Specifications are made part of this Contract as fully to all intents and purposes as though recited in full herein.

ARTICLE 7

No implied contract of any kind whatsoever by or on behalf of the Owner shall arise or be implied by or inferred from anything in this Contract contained, nor from any position or situation of the parties at any time, it being clearly understood that the express covenants and agreements herein contained made by the Owner shall be the only covenants and agreements upon which any rights against the Owner may be founded.

ARTICLE 8

Time shall be deemed the essence of this Contract


ARTICLE 9

The Contractor declares that in quoting for the works and in entering into this Contract he has either investigated for himself the character of the work and all local conditions that might affect his Quotation or his acceptance or performance of the work, or that not having so investigated, he acknowledges that his responsibility under the Contract is in no way reduced or limited thereby and, in either case, he is willing to assume and does hereby assume all risk of conditions arising, developing, or being revealed in the course of the work which might or could make the work, or any items thereof, more expensive in character, or more onerous to fulfill, than was contemplated or known when the Tender was made or the Contract signed. The Contractor also declares that he did not and does not rely upon information furnished by any methods whatsoever by the Owner or its officers, employees or agents, being aware that any information from such sources was and is approximate and speculative only, and was not in any manner warranted or guaranteed by the Owner.

ARTICLE 10

The Contract shall apply to and be binding on the parties hereto and their successors, administrators, executors and assigns and each of them.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written or caused their corporate seals to be affixed, attested by the signature of their proper officers, as the case may be.



Witness to Signature of Contractor
DAVID COLE

Address 405 LITTLE BARNHART RD
TECHUMNEH ONTARIO
NBN 2L9

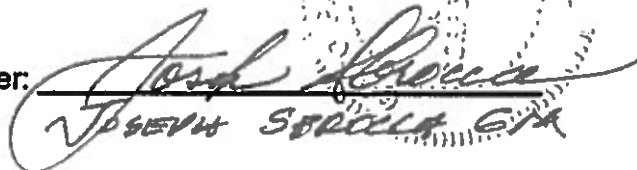
Occupation ASSISTANT GENERAL
MANAGER

Owner: The Corporation of the Town
of Kingsville

Per: _____
Mayor

Per: _____
Clerk (Seal)

Contractor: COCO PRUING INC

Per: 
JOSEPH SPRUCE GTR

Per: _____
(Seal)

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 111 - 2018

Being a By-law authorizing the entering into of a Source Protection Plan Part IV Enforcement Transfer Agreement Amendment with the Town of Amherstburg, the Town of Essex, the Town of Lakeshore, the Town of LaSalle, the Municipality of Leamington, the Township of Pelee, the Town of Tecumseh, the City of Windsor, the Municipality of Chatham-Kent and The Essex Region Conservation Authority

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. c. 25 confers natural person powers on municipalities which include the power to enter into agreements with individuals and corporations.

WHEREAS The Corporation of the Town of Kingsville (the “Town”) deems it expedient for the Town to enter into a Transfer Amendment Agreement

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. **THAT** the Town enters into and executes with the Town of Amherstburg, the Town of Essex, the Town of Lakeshore, the Town of LaSalle, the Municipality of Leamington, the Township of Pelee, the Town of Tecumseh, the City of Windsor, the Municipality of Chatham-Kent, and The Essex Region Conservation Authority a Source Protection Plan Part IV Enforcement Transfer Agreement Amendment attached hereto as Schedule “A” and forming part of this By-law.
2. **THAT** the Mayor and Clerk are hereby authorized and directed on behalf of the Town to execute the Agreement Amendment attached as Schedule “A”.
3. **THAT** By-law 116-2015 is hereby amended.
4. This By-Law comes into force and takes effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24th DAY OF SEPTEMBER, 2018.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

AMENDMENT 2018

SOURCE PROTECTION PLAN PART IV ENFORCEMENT TRANSFER AGREEMENT

THIS AMENDMENT 2018 made effective the first day of October, 2018.

BETWEEN:

THE TOWN OF AMHERSTBURG	OF THE FIRST PART
- and -	
THE TOWN OF ESSEX	OF THE SECOND PART
- and -	
THE TOWN OF KINGSVILLE	OF THE THIRD PART
- and -	
THE TOWN OF LAKESHORE	OF THE FOURTH PART
- and -	
THE TOWN OF LASALLE	OF THE FIFTH PART
- and -	
THE MUNICIPALITY OF LEAMINGTON	OF THE SIXTH PART
- and -	
THE TOWNSHIP OF PEELE	OF THE SEVENTH PART
- and -	
THE TOWN OF TECUMSEH	OF THE EIGHT PART
- and -	
THE CORPORATION OF THE CITY OF WINDSOR	OF THE NINTH PART
- and -	
THE MUNICIPALITY OF CHATHAM-KENT	OF THE TENTH PART
(hereinafter individually referred to as a "Municipality" and cumulatively referred to as "the Municipalities")	
- and -	
THE ESSEX REGION CONSERVATION AUTHORITY	OF THE ELEVENTH PART
(hereinafter called "the Authority")	

WHEREAS the Parties, save and except the Municipality of Chatham-Kent, entered into an agreement dated as of October 1, 2015 for the purpose of developing and implementing a joint program for the enforcement and jurisdictional rights under Part IV of the *Clean Water Act* (the "Majority Agreement"); and

WHEREAS the Corporation of the Municipality of Leamington and the Essex Region Conservation Authority entered into an amending agreement dated January 25, 2016, the "Leamington Amendment"; and

WHEREAS the Town of Tecumseh and the Essex Region Conservation Authority entered into an amending agreement dated January 2016, the "Tecumseh Amendment"; and

WHEREAS The Essex Region Conservation Authority and the Municipality of Chatham-Kent entered into an agreement dated as of October 1, 2015 on similar terms and conditions as the

agreement with the other parties (the "Chatham-Kent Agreement"); and

WHEREAS pursuant to Section 7.2 of the Majority Agreement and the Chatham-Kent Agreement, the Authority can initiate a renewal of each agreement no later than 120 days prior to expiry of the term set out in Section 7.1; and

WHEREAS pursuant to Section 7.4 of the Majority Agreement and the Chatham-Kent Agreement, amendments may only be made by mutual agreement;

NOW THEREFORE in consideration of the contractual relationship between the Authority and the Municipalities referred to above and for other good and valuable consideration, the receipt and sufficiency of which is hereby expressly acknowledged by all Parties, the Authority and the Municipalities hereby acknowledge, agree and undertake as follows:

1. The Municipality of Chatham-Kent agrees to be bound by the terms of the Majority Agreement and the amends thereto stated herein
2. The Majority Agreement subject to the Leamington Amendment and the Tecumseh Amendment, is amended as follows:
 - a. The Municipality of Chatham-Kent is added as a party of the Majority Agreement.
 - b. This Amendment 2018 shall amend the Majority Agreement having an effective date of October 1, 2018 and shall extend the Majority Agreement for a period of 3 years and 3 months, ending the 31st day of December 2021.
 - c. The Thames-Sydenham and Region Source Protection Region is added to Section 1.3 so that the Authority will act as agent of the Municipality for the duties and enforcement responsibilities of Part IV of the Act for those lands located within the Municipality that are situated wholly or partially within the Essex Region Source Protection Region or the Thames-Sydenham and Region Source Protection Region
 - d. To the list of addresses in Section 9.5, the following is added:

To the Municipality of Chatham-Kent:

315 King Street West
Chatham, ON N7M 5K8
Attention: Chief Legal Officer

- e. Schedule "A" (cost estimates and accounting), as set out in the Majority Agreement are deleted in their entirety and replaced with the following:

Schedule A: Cost Estimates and Accounting			
Municipality	Shared Costs	Direct Costs	Total Costs
Amherstburg	\$7,789	\$1,879	\$9,668
Town of Essex	\$9,110	\$4,367	\$13,477
Kingsville	\$16,505	\$18,293	\$34,798
Lakeshore	\$9,817	\$5,699	\$15,516
Lasalle	\$7,504	\$1,343	\$8,847
Leamington	\$29,687	\$43,112	\$72,799
Pelee	\$6,996	\$386	\$7,382
Tecumseh	\$7,912	\$2,112	\$10,024
Windsor	\$9,429	\$4,969	\$14,398
Chatham-Kent	\$8,427	\$3,082	\$11,509
TOTAL	\$113,176	\$85,242	\$198,418

3. All other terms and conditions of the Majority Agreement shall remain in full force and effect unchanged and unmodified except in accordance with this Amendment 2018.
4. Execution of Agreement; Counterparts; Electronic Signatures
 - a. This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument, and shall become effective when counterparts have been signed by each of the Parties and delivered to the other Parties; it being understood that all Parties need not sign the same counterparts.
 - b. The exchange of copies of this Agreement and of signature pages by electronic transmission in "portable document format" (".pdf") form, or by any other electronic means intended to preserve the original graphic and pictorial appearance of a document, or by combination of such means, shall constitute effective execution and delivery of this Agreement as to the Parties and may be used in lieu of the original Agreement for all purposes. Signatures of the Parties transmitted by electronic means shall be deemed to be their original signatures for all purposes.

ESSEX REGION CONSERVATION AUTHORITY

_____ Rick Fryer, Chair, Essex Region Conservation Authority	_____ Date
_____ Richard J.H. Wyma, General Manager/Secretary-Treasurer	_____ Date

I/We have authority to bind the Essex Region Conservation Authority.

TOWN OF AMHERSTBURG

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title	_____ Date

I/We have authority to bind the Town of Amherstburg.

TOWN OF ESSEX

_____ Signature/Name/Title	_____ Date
_____ Signature/Name/Title	_____ Date

I/We have authority to bind the Town of Essex.

TOWN OF KINGSVILLE

Signature/Name/Title

Date

Signature/Name/Title

Date

I/We have authority to bind the Town of Kingsville.

TOWN OF LAKESHORE

Signature/Name/Title

Date

Signature/Name/Title

Date

I/We have authority to bind the Town of Lakeshore.

TOWN OF LASALLE

Signature/Name/Title

Date

Signature/Name/Title

Date

I/We have authority to bind the Town of LaSalle.

MUNICIPALITY OF LEAMINGTON

Signature/Name/Title

Date

Signature/Name/Title

Date

I/We have authority to bind the Municipality of Leamington.

TOWNSHIP OF PELEE

Signature/Name/Title

Date

Signature/Name/Title

Date

I/We have authority to bind the Township of Pelee.

TOWN OF TECUMSEH

Signature/Name/Title

Date

Signature/Name/Title

Date

I/We have authority to bind the Town of Tecumseh.

THE CORPORATION OF THE CITY OF WINDSOR

Signature/Name/Title

Date

Signature/Name/Title

Date

I/We have authority to bind the City of Windsor.

MUNICIPALITY OF CHATHAM-KENT

Signature/Name/Title

Date

Signature/Name/Title

Date

I/We have authority to bind the Municipality of Chatham-Kent.

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 112 - 2018

Being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its September 24, 2018 Regular Meeting

WHEREAS sections 8 and 9 of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended, (the "Act") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority conferred upon a municipality to govern its affairs as it considers appropriate.

AND WHEREAS section 5(3) of the Act provides that such power shall be exercised by by-law, unless the municipality is specifically authorized to do so otherwise.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Kingsville (the "Town") be confirmed and adopted by by-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. The actions of the Council at its September 24, 2018 Regular Meeting in respect of each report, motion, resolution or other action taken or direction given by the Council at its meeting, is hereby adopted, ratified and confirmed, as if each resolution or other action was adopted, ratified and confirmed by its separate by-law.
2. The Chief Administrative Officer and/or the appropriate officers of the Town are hereby authorized and directed to do all things necessary to give effect to the actions set out in paragraph 1, or obtain approvals, where required, and, except where otherwise provided, the Mayor and the Clerk are hereby directed to execute all documents necessary and to affix the corporate seal to all such documents.
3. This By-Law comes into force and takes effect on the day of the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
24th day of September, 2018.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo