

## Regular Council Meeting AGENDA

Tuesday, July 26, 2016, 7:00 PM  
Tecumseh Town Hall  
www.tecumseh.ca

Pages

1. CALL TO ORDER - Mayor
2. ROLL CALL & DISCLOSURE OF PECUNIARY INTEREST
3. MOMENT OF SILENCE
4. NATIONAL ANTHEM
5. COUNCIL MINUTES
  - a. Regular Council Meeting 1 - 7  
July 12, 2016
  - b. Public Council Meeting 8 - 9  
July 12, 2016, Re: Malden Road West Drain
  - c. Public Council Meeting 10 - 11  
July 12, 2016, Re: East Townline Drain
6. SUPPLEMENTARY AGENDA ADOPTION
7. DELEGATIONS
  - a. Linda Proctor, Chair of the BIA Fall Into Health Day Fair and Paula Rorai, BIA Coordinator 12 - 14  
Re: BIA Fall Into Health Day Fair
8. COMMUNICATIONS FOR INFORMATION
  - a. College of Physicians & Surgeons of Ontario, July 11, 2016 15 - 19  
Re: Call for Nominations for the 2017 College of Physicians & Surgeons of Ontario Council Award
9. COMMUNICATIONS ACTION REQUIRED
  - a. City of Windsor, July 07, 2016 20 - 55  
Re: Excessive Idling of Vehicles Resolution
  - b. Westray Law Resolution, June 10, 2016 56 - 73  
Re: Westray Amendments to Canada's Criminal Code
  - c. Recommendation  
*THAT Communications Action Required A through B, as listed on the July 26, Regular Council Meeting agenda are received; and*  
  
*THAT the July 7, 2016, correspondence from the City of Windsor asking that the idling time for vehicles be set at 3 minutes, excluding transit, be referred to the Public Works & Environmental Services Department for review and recommendation; and*  
  
*THAT the resolution relating to the Westray Amendments to Canada's Criminal Code, as shown on the Agenda, be adopted.*
10. COMMITTEE MINUTES
  - a. Cultural & Arts Advisory Committee 74 - 75  
July 18, 2016

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## 11. REPORTS

a.	Corporate Services & Clerk	
1.	Director Corporate Services & Clerk, July 19, 2016, Report No. 21/16 Re: By-Election for the Office of Councillor Ward 2	82 - 85
2.	Deputy Clerk, July 6, 3016, Report No. 20/16 Re: Cat Spay & Neuter Voucher Program and Cat Intake Program Bi-Annual Update	86 - 90
b.	Financial Services	
1.	Deputy Treasurer & Tax Collector, July 19, 2016, Report No. 12/16 Re: 2017 Business Plan & Budget Timetable	91 - 94
c.	Parks & Recreation Services	
1.	Manager Recreation Programs & Events, July 7, 2016, Report No. 21/16 Re: Tecumseh BIA's Fall Into Heath Day Event	95 - 99
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1.	Manager Planning, July 19, 2016, Report No. 19/16 Re: Site Plan Control Approval, Briadco Tool and Mold, 5605 Roscon Industrial Drive	100 - 108
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3.	Manager Planning, July 14, 2016, Report No. 21/16 Re: Plan of Condominium - Redline Revisions - Gridlock Solutions (Patretta) - 250 Manning	121 - 127
4.	Manager Building Services & Chief Building Official and Manager Facilities, June 24, 2016, Report No. 22/16 Re: Building - Five (5) Year Capital Projects Report	128 - 135
5.	Manager Planning, July 21, 2016, Report No. 23/16 Re: Tecumseh New Official Plan, Parks and Open Space Discussion Paper, July 2016	136 - 194
e.	Public Works & Environmental Services	
1.	Director Public Works & Environmental Services, July 8, 2016 Report No. 15/16 Re: LAS Sewer and Waterline Warranty Coverage for Residential Homeowners	195 - 199
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- b. By-Law No. 2016-58 217 - 226  
Being a by-law to authorize the execution of an Amending Grant Funding Agreement between The Corporation of the Town of Tecumseh and Her Majesty the Queen in Right of Ontario as represented by the Minister of the Environment and Climate Change (Source Protection Municipal Implementation Fund)

- c. By-Law No. 2016-59 227 - 227  
Being a by-law to authorize a by-election for the office Councillor Ward 2

**13. UNFINISHED BUSINESS**

- a. Unfinished Business 228 - 228  
July 26, 2016

**14. NEW BUSINESS**

**15. MOTIONS**

- a. By-Law 2016-60 229 - 229  
Being a by-law to confirm the proceedings of the July 26, 2016 regular meeting of the Council of The Corporation of the Town of Tecumseh

**16. NOTICES OF MOTION**

**17. NEXT MEETING**

Tuesday, August 9, 2016

5:00 pm Public Council Meeting Re: Del Duca Industrial Park OPA/ZBA

5:30 pm Court of Revision Re: Malden Road West Drain

6:30 pm Public Council Meeting Re: Reconsidered Drain Report ETLTD (Pike Creek)

7:00 pm Regular Council Meeting

**18. ADJOURNMENT**

## **MINUTES OF A MEETING OF THE COUNCIL OF THE TOWN OF TECUMSEH**

Tecumseh Council meets in regular public session on Tuesday, July 12, 2016, in the Council Chambers, 917 Lesperance Road, Tecumseh, Ontario at 7:00 p.m.

(RCM 12-1)

### **ORDER**

The Mayor calls the meeting to order at 7:00 pm.

(RCM 12-2)

### **MOMENT OF SILENCE**

Condolences are offered to the Deputy Clerk on the recent loss of her husband. The Members of Council and Administration observe a moment of silence.

The presence of CUPE representatives of Essex County Library are acknowledged as being present. The Mayor advises that Council respects the labour relations process and encourages the parties to return to the table.

(RCM 12-3)

### **NATIONAL ANTHEM**

The Members of Council and Administration observe the National Anthem of O Canada.

(RCM 12-4)

### **ROLL CALL**

Present:	Mayor	- Gary McNamara
	Deputy Mayor	- Joe Bachetti
	Councillor	- Andrew Dowie
	Councilor	- Rita Ossington
	Councillor	- Tania Jobin
Also Present:	Chief Administrative Officer	- Tony Haddad
	Director Corporate Services & Clerk	- Laura Moy
	Deputy Clerk	- Tatiana Dafoe
	Director Planning & Building Services	- Brian Hillman
	Director Financial Services & Treasurer	- Luc Gagnon
	Director Public Works & Environmental Services	- Dan Piescic
	Director Fire Services & Fire Chief	- Doug Pitre
	Manager Facilities	- Ray Hammond
	Manager Engineering Services	- Phil Barnik
	Drainage Superintended	- Sam Paglia
	Administrative Assistant to the Director Corporate Services & Clerk	- Anne Kantharajah

Councillor Brian Houston is absent due to personal business.

### **PECUNIARY INTEREST**

None.



(RCM 12-5)

**MINUTES**

Motion: (RCM-247/16) Moved by Councillor Andrew Dowie  
Seconded by Councillor Rita Ossington

**THAT** the Minutes of the June 28, 2016 Public Meeting of Council;  
and the Minutes of the June 28, 2016 Regular Meeting of Council;  
as were duplicated and delivered to the Members, are adopted.

Carried

(RCM 12-6)

**SUPPLEMENTARY AGENDA ADOPTION**

None.

(RCM 12-7)

**DELEGATIONS**

**Essex Region Greenway Trail and South Talbot Road**

Celeste O'Neil, on behalf of Frank and Donna O'Neil, expresses opposition of the Essex Greenway Trail extension (Trail) and the taking of lands to facilitate connectivity to the Herb Gray Parkway. They are not opposed to the connecting of the trails, but the taking of farm lands to provide the connection. Concerns are expressed for the impact the proposed trail extension will have on their lands.

She reads aloud her written comments as appended to the meeting's agenda.

Melanie Gosselin speaks on behalf of Marlene O'Neil, one of the owners that have received notice of expropriation of a portion of her lands to facilitate the trail. A summary of contacts and communications from ERCA is provided, along with their consistent denial of ERCA's request to acquire the lands needed to construct the Trail through their farm lands. She offers alternatives for the trail route and comments on the Notices delivered to Ms. O'Neil for the expropriation of a portion of her lands.

Ms. Gosselin also reads aloud her written comments as appended to the meeting's agenda.

Thanks are expressed to the delegates for their presentations.

A request is made for comments on the Provincial Policy Statement and on the taking of agricultural lands which the Town is required to adhere to. The Director Planning & Building Services acknowledges the Provincial Policy Statement speaks to restrictions on severances to save the segregation of farm lands for uses other than agriculture; however, it also speaks to certain transportation matters and does not restrict the connectivity of communities.

It is reiterated that the Trail is a joint project of both the Town and ERCA to provide regional trail connectivity.

Mr. Ed Hooker, Solicitor, echoes the comments on the Town's partnership with ERCA. He addresses the concerns raised by the affected land owners regarding liability. As the Town's Solicitor, he has researched the matter and provided an opinion to Council in that regard. He explains generally, the *Occupiers Liability Act*. Within the Act, there is a lesser duty of care owed with respect to people that enter onto lands, whether trespassers or otherwise, willingly and who are deemed to assume a risk of entering onto the lands. Mr. Hooker does recommend that the farm land owners obtain their own independent legal opinion with respect to their liability concerns.

Mr. Richard Wyma, CEO of ERCA, provides the background to the need for the lands to accommodate the Trail and funding through corporate sponsors and other levels of government.

Mr. Kevin Money, Director Conservation Services of ERCA, advises ERCA has not had to address liability issues due to the enhanced maintenance program of its trails. This Trail is the last of the links needed to complete the County-City connectivity.

In response to an inquiry, the Director Public Works & Environmental Services advises that a trail along the south side of South Talbot Road would be an estimated cost of \$1.5 Million to fill in the ditch, in addition to the construction of the trail.

Motion: (RCM-248/16) Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Andrew Dowie

**THAT** the Director Corporate Services & Clerk, June 30, 2016, Report No. 19/16 *Re: Essex Region Greenway Trail Extension Land Acquisition from the Congregation of the Order Antonin Maronite* and Director Public Works & Environmental Services, June 24, 2016, Report No. 36/16 *Re: Speed Limit Reduction on South Talbot Road*, be brought forward on the Agenda.

Carried

Motion: (RCM-249/16) Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Andrew Dowie

**THAT** The speed limit on South Talbot Road be reduced from 80 km/hr to 60 km/hr from County Road 9 (Howard Avenue) to 300 metres west of County Road 11 (Walker Road);

**AND THAT** the Clerk be authorized to prepare a by-law for Council's consideration in order to amend Traffic By-law No. 2001-36 to effect the recommended reduced speed limit.

As recommended by the Director Public Works & Environmental Services under Report No. 36/16, dated June 24, 2016.

Carried

In response to an inquiry, the members are advised that South Talbot Road does have a load limit and that additional signage is required in the area.

Motion: (RCM-250/16) Moved by Councillor Andrew Dowie  
Seconded by Councillor Rita Ossington

**THAT** The Mayor and the Clerk be authorized to execute an Agreement of Purchase and Sale between The Corporation of the Town of Tecumseh (Town) and the Congregation of the Order Antonin Maronite in Ontario (Antonin Maronite) to acquire Part of Lot 305, Concession South of Talbot Road now designated as Part 1 on Plan 12R-26617 in the Town of Tecumseh, in the County of Essex Province of Ontario (Lands), to facilitate the construction of the Essex Region Greenway Trail Extension to the Herb Gray Parkway Trail.

As recommended by the Director Corporate Services & Clerk under Report No. 19/16, dated June 30, 2016.

Carried

(RCM 12-8)

## **COMMUNICATIONS**

### **Communications for Information**

- A. Carolyn Langley, Clerk, West Lincoln, Letter dated June 28, 2016, Re: Mandatory Municipal Consent for Future Renewable Energy Projects
- B. Mike Palecek, National President, CUPW. Letter dated June 6, 2016, Re: Federal government reviewing our public postal service - Have your say!

Motion: (RCM-251/16) Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Andrew Dowie  
**THAT** Communications – *for Information* A through B, as listed on the July 12, 2016, Regular Council Meeting Agenda are received.

Carried

### Communications - Action Required

None.

(RCM 12-9)

### COMMITTEE MINUTES

Motion: (RCM-252/16) Moved by Councillor Andrew Dowie  
Seconded by Councillor Rita Ossington  
**THAT** the June 20, 2016, Minutes of the Cultural & Arts Advisory Committee, and the June 20, 2016, Minutes of the Heritage Committee, as were duplicated and delivered to the Members of Council, are accepted.

Carried

(RCM 12-10)

### REPORTS

Director Corporate Services & Clerk, June 6, 2016, Report No. 16/16 Re: Declaration of the Office for Councillor Ward 2 as Vacant and Methods to Fill the Vacancy

The members discuss the options of either appointing or holding a by-election to fill the vacancy. Comments are made relating to the most democratic method of filling the vacancy, as well as the cost of both methods.

Motion:(RCM-253/16) Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Andrew Dowie  
**THAT** the Director Corporate Services & Clerk be authorized to prepare a by-law to authorize the holding of a by-election to fill the vacancy of the Councillor Ward 2 seat vacancy to be considered at the July 26<sup>th</sup> Regular Meeting of Council, and that a Report be provided on the election timelines and process.  
As recommended by the Director Corporate Services & Clerk under Report No. 16/16, dated June 6, 2016.

Carried

Director Fire Services & Fire Chief, July 5, 2016, Report No. 04/16 Re: Cyanide Antidote Deployment Agreement

Motion: (RCM-254/16) Moved by Councillor Rita Ossington  
Seconded by Councillor Tania Jobin  
**THAT** Report No. 04/16 Cyanide Antidote Deployment Agreement be received;  
**AND THAT** the Mayor and the Clerk be authorized to execute the Pre-Hospital Joint Operational Cyanide Antidote Deployment Agreement;  
**AND FURTHER THAT** the initial purchase cost of \$810 and ongoing replacement of the Cyanide antidote be approved and funded from the Fire Services Equipment Budget.  
As recommended by the Director Fire Services & Fire Chief under Report No. 04/16, dated July 5, 2016.

Carried

Development Co-ordinator, July 1, 2016, Report No.17/16 Re: Sumatara - Estates of Lakewood Park Development, Placing of Services on Maintenance

Motion: (RCM-255/16) Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Andrew Dowie

**THAT** a resolution placing the Services on Maintenance as of June 27th, 2016 for the Sumatara – Estates of Lakewood Park Development be approved.

As recommended by the Development Co-ordinator under Report No. 17/16, dated July 1, 2016.

Carried

Director Planning & Building Services, July 6, 2016, Report No. 18/16 Re: Official Plan and Zoning By-Law Amendments Del Duca Industrial Park Ltd.

Motion: (RCM-256/16) Moved by Councillor Andrew Dowie  
Seconded by Councillor Rita Ossington

**THAT** the scheduling of a public meeting, to be held on Tuesday, August 9, 2016 at 5:00 p.m., in accordance with The Planning Act for the applications submitted by Del Duca Industrial Park Ltd. for a 21.6 hectare (53.4 acre) parcel of land situated at the north-east corner of the 8th Concession/North Talbot Road intersection, which propose to amend the Sandwich South Official Plan and Sandwich South Zoning By-law 85-18 by:

- i. Redesignating the property from “Hamlet Development” to “Business Park”; and
- ii. Rezoning the property from “Agricultural Zone (A)” to “Industrial Zone (M1)”

to facilitate the development of the lands for an industrial subdivision/business park, be authorized.

As recommended by the Director Planning & Building Services under Report No. 18/16, dated July 6, 2016.

Carried

Manager, Engineering Services, July 6, 2016, Report No. 35/16 Re: Tecumseh Road Main Street CIP - Streetscape Plan and Design Revised Scope & Budget Update

Motion: (RCM-257/16) Moved by Councillor Andrew Dowie  
Seconded by Councillor Rita Ossington

**THAT** Public Works and Environmental Services Report No 35/16 titled “Tecumseh Road Main Street CIP – Streetscape Plan and Design, Revised Scope & Budget Update, July 2016” be received;

**AND THAT** an additional \$355,000 to complete the Streetscape Plan and Design as detailed within this report be approved, with funding to be provided as follows:

- i. Road Lifecycle Reserve \$272,750
- ii. Watermain Reserve Fund \$6,250
- iii. Wastewater Sewers Reserve Fund \$55,100
- iv. Storm Sewer Lifecycle Reserve \$20,900

**AND FURTHER THAT** Further design, phasing and additional financial analysis be undertaken and reported to Council in fall 2016 prior to completing the 2017-2021 Public Works & Environmental Services Capital Works Plan.

As recommended by the Manager, Engineering Services under Report No. 35/16, dated July 6, 2016.

Carried

(RCM 12-11)

**BY-LAWS**

Motion: (RCM-258/16) Moved by Deputy Mayor Joe Bachetti

Seconded by Councillor Rita Ossington

**THAT** By-law No. 2016-51 Being a by-law to amend Schedule "P" (Rates of Speed) of By-law No. 2001-36, as amended, to regulate traffic and parking on highways and private roadways under the jurisdiction of the Municipality;

**AND THAT** By-law No. 2016-52 Being a by-law to provide for the repair and improvements to the Malden Road Drain West;

**AND FURTHERMORE THAT** By-law No. 2016-54 Being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Congregation of the order Antonin Maronite in Ontario;

**AND FURTHERMORE THAT** By-law No. 2016-55 Being a by-law to authorize the execution of a Cyanokit Agreement between The Corporation of the Town of Tecumseh, County of Essex, Area Municipalities and Windsor Regional Hospital.

be given first and second readings.

Carried

Motion: (RCM-259/16) Moved by Councillor Rita Ossington

Seconded by Councillor Tania Jobin

**THAT** By-law No. 2016-51 Being a by-law to amend Schedule "P" (Rates of Speed) of By-law No. 2001-36, as amended, to regulate traffic and parking on highways and private roadways under the jurisdiction of the Municipality;

**AND FURTHERMORE THAT** By-law No. 2016-54 Being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh and Congregation of the order Antonin Maronite in Ontario;

**AND FURTHERMORE THAT** By-law No. 2016-55 Being a by-law to authorize the execution of a Cyanokit Agreement between The Corporation of the Town of Tecumseh, County of Essex, Area Municipalities and Windsor Regional Hospital.

be given third and final readings.

Carried

(RCM 12-12)

**UNFINISHED BUSINESS**

The Members receive the Unfinished Business listing.

(RCM 12-13)

**NEW BUSINESS**

A thank you is extended to the Tecumseh Fire & Rescue Services and Town Staff for the carwash fundraiser to help the Hebert Family.

(RCM 12-14)

**MOTIONS**

Motion: (RCM-260/16) Moved by Councillor Rita Ossington

Seconded by Councillor Tania Jobin

**THAT** the direction given at the July 12, 2016, In Camera meetings held at 5:00 pm and 6:30 pm in accordance with Section 239(c)(e) and (f) of the *Municipal Act, 2001*, regarding the lottery fee litigation and the acquisition of lands, be confirmed.

Carried

Motion: (RCM-261/16) Moved by Councillor Rita Ossington

Seconded by Councillor Andrew Dowie

**THAT** Bylaw 2016-56, Being a by-law to confirm the proceedings of the June 28, 2016, regular meeting of the Council of The Corporation of the Town of Tecumseh;  
be given first, second, third and final reading.

Carried

(RCM 12-15)

**NOTICES OF MOTIONS**

There are no Notices of Motion.

(RCM 12-16)

**NEXT MEETING**

The next Regular Council meeting will be held on Tuesday, July 26, 2016, at 7:00 p.m.

A Public meeting of Council will be held at 5:00 pm on Tuesday, July 26, 2016 regarding ZBA McLean Agricultural Severance, and at 5:15 pm regarding the OPA/ZBA Lakeview Montessori School.

A Court of Revision meeting will be held on Tuesday, July 26, 2016, at 6:00pm regarding the West Branch Delisle Drain.

(RCM 12-17)

**ADJOURNMENT**

Motion: (RCM-262/16) Moved by Councillor Rita Ossington

Seconded by Councillor Tania Jobin

**THAT** there being no further business the July 12, 2016, regular meeting of Council now adjourn at 8:30 PM

Carried

\_\_\_\_\_  
Gary McNamara, Mayor

\_\_\_\_\_  
Laura Moy, Clerk

**MINUTES OF A PUBLIC MEETING OF  
THE COUNCIL OF THE TOWN OF TECUMSEH**

Tecumseh Council meets in public session on Tuesday, July 12, 2016, in the Council Chambers, 917 Lesperance Road, Tecumseh, Ontario at 5:30 p.m.

(PCM 6-1)

**ORDER**

The Mayor calls the meeting to order at 5:39 p.m.

(PCM 6-2)

**ROLL CALL**

Present:	Mayor	- Gary McNamara
	Deputy Mayor	- Joe Bachetti
	Councillor	- Andrew Dowie
	Councillor	- Rita Ossington
	Councillor	- Tania Jobin

Also Present:	Chief Administrative Officer	- Tony Haddad
	Director Corporate Services & Clerk	- Laura Moy
	Deputy Clerk	- Tatiana Dafoe
	Director Public Works & Environmental Services	- Dan Piescic
	Director Fire Services & Fire Chief	- Doug Pitre
	Manager Engineering	- Phil Bartnik
	Drainage Superintendent	- Sam Paglia

Councillor Brian Houston is absent to personal business.

(PCM 6-3)

**PECUNIARY INTEREST**

There is no pecuniary interest declared by a Member of Council.

(PCM 6-4)

**INTRODUCTION AND PURPOSE OF MEETING**

The purpose of the meeting is to give consideration to the Drainage Report prepared by Tim Oliver, P. Eng., of Dillon Consulting Ltd., for the repair and improvement of the Malden Road Drain West and to hear from any affected land owners.

The Drainage Superintendent provides a brief history of the project and states that comments were not received from the upstream landowners.

(PCM 6-5)

**DELEGATIONS**

There are no delegations present wishing to address Council.

(PCM 6-6)

**COMMUNICATIONS**

- A. Notice of Consideration, June 27, 2016 Re: Malden Road Drain West
- B. Drainage Superintendent, Report No. 50/16 Re: Malden Road Drain West Engineer's Drainage Report

Motion: (PCM-12/16) Moved by Councillor Tania Jobin  
Seconded by Deputy Mayor Joe Bachetti

**THAT** the Communications listed as Items A through B on the July 12, 2016, Public Council Meeting Agenda, be received.

Carried

(PCM 6-7)

**ADJOURNMENT**

Motion: (PCM-13/16) Moved by Councillor Rita Ossington  
Seconded by Councillor Andrew Dowie

**THAT** there being no further business to discuss, the July 12, 2016, Public Meeting of the Council of the Town of Tecumseh adjourn at 5:42 pm.

Carried

\_\_\_\_\_  
Gary McNamara, Mayor

\_\_\_\_\_  
Laura Moy, Clerk



**MINUTES OF A PUBLIC MEETING OF  
THE COUNCIL OF THE TOWN OF TECUMSEH**

Tecumseh Council meets in public session on Tuesday, July 12, 2016, in the Council Chambers, 917 Lesperance Road, Tecumseh, Ontario at 6:00 p.m.

(PCM 7-1)

**ORDER**

The Mayor calls the meeting to order at 6:00 p.m.

(PCM 7-2)

**ROLL CALL**

Present:	Mayor	- Gary McNamara
	Deputy Mayor	- Joe Bachetti
	Councillor	- Andrew Dowie
	Councillor	- Rita Ossington
	Councillor	- Tania Jobin

Also Present:	Chief Administrative Officer	- Tony Haddad
	Director Corporate Services & Clerk	- Laura Moy
	Deputy Clerk	- Tatiana Dafoe
	Director Public Works & Environmental Services	- Dan Piescic
	Director Fire Services & Fire Chief	- Doug Pitre
	Manager Engineering	- Phil Bartnik
	Drainage Superintendent	- Sam Paglia

Councilor Brian Houston is absent due to personal business.

(PCM 7-3)

**PECUNIARY INTEREST**

There is no pecuniary interest declared by a Member of Council.

(PCM 7-4)

**INTRODUCTION AND PURPOSE OF MEETING**

The purpose of the meeting is to give consideration to the Drainage Report prepared by Halliday Pearson, P. Eng., and Don Joudrey, P. Eng., of Baird AE, Architecture & Engineering, for the repair and improvement of the East Townline Drain (Pike Creek Outlet) and to hear from any affected land owners.

The Drainage Superintendent states that a second Public Information Centre (PIC) was not held because the first PIC was held on July 15, 2015. At that time, most of the concerns expressed were related to assessments in the report and would not affect the technical aspects of provisional adoption. At that time, the Appointed Engineer considered the comments from the PIC and revised the report if applicable and submitted the drainage report in May, 2016. He further states that all landowners received a copy of the report, but that there was an error with the date reading 2015 instead of 2016. This error has been corrected to reflect the date the report was received, but landowners received a copy of the 2015 report. Noting the content of both reports is identical except for the date.

(PCM 7-5)

**DELEGATIONS**

Mr. Paolo Piunno representing 2960 12<sup>th</sup> Concession

Mr. Piunno states that at Culvert No. 3, at the rear portion of his grandparents land, the Engineer's Report recommends the culvert remain in place and be removed from the drain at the time of degradation. He advises that there is currently only one access to the property and questions why it would not be replaced to provide a secondary access

point. Mr. Piunno advises that the access is for the commercial land, the other access is for their adjacent residential lands.

Mr. Joudrey advises that the report reflects a noted request from the landowners at the PIC to remove the culvert. However, the report can be amended to reflect the maintenance which is accounted for in the report. The cost to replace the culvert would be assessed 100% to the current owner of land at the location of the culvert. If there is no adverse effect to any upstream landowners on the Drain, the report could be amended.

An inquiry into the Liability of upstream landowners is made with respect to Culvert #3 and discussion regarding liability leads to the recommendation by Administration that the Report be sent back to the Engineer for revisions due to the upstream liability of the culvert replacement in the future. The culvert is "cost shared" and upstream landowners must be given an appeal right on their obligation to future maintenance costs of same.

(PCM 7-6)

### **COMMUNICATIONS**

- A. Notice of Consideration, June 8, 2016 Re: East Townline Drain
- B. Drainage Superintendent, Report No. 49/16 Re: East Townline Drain (Pike Creek Outlet) Engineer's Drainage Report

Motion: (PCM-14/16) Moved by Councillor Tania Jobin  
Seconded by Deputy Mayor Joe Bachetti

**THAT** the Communications listed as Items A through B on the July 12, 2016, Public Council Meeting Agenda, be received.

Carried

Motion: (PCM-15/16) Moved by Councillor Tania Jobin  
Seconded by Councillor Rita Ossington

**THAT** the Drainage Report be returned to the Drainage Engineer for amendment.

Carried

(PCM 7-7)

### **ADJOURNMENT**

Motion: (PCM-16/16) Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Tania Jobin

**THAT** there being no further business to discuss, the July 12, 2016, Public Meeting of the Council of the Town of Tecumseh adjourn at 6:13 pm.

Carried

\_\_\_\_\_  
Gary McNamara, Mayor

\_\_\_\_\_  
Laura Moy, Clerk

**From:** bia  
**Sent:** July-21-16 12:07 PM  
**To:** Laura Moy  
**Subject:** RE: BIA Fall Into Health Day Fair - Delegation Request at July 26th RCM

Laura,

As per the BIA Board meeting of July 20<sup>th</sup>, please note the following request from the BIA Board:

1. To ask to be a delegation to Council to provide an update to Council on the event for their awareness and also providing the public with information on the event.
2. The second BIA Board request was to formally ask Council consideration to be granted exemption on all park fees associated with this event.

The Board's request to waive the fess is based on the BIA goal to continue providing this event as a free public event to the community and may be unable due to do this year's BIA budget being greatly reduced.

I understand this second request should have been done through the Parks and Rec Department so it would have been included with their report to Council. As such, this second request came from the Board at their July 20<sup>th</sup> Board meeting; unfortunately this request was made too late to be included in the Parks and Rec report that has already been submitted to Council for inclusion on the July 26<sup>th</sup> on the regular Council meeting Agenda.

On behalf of the BIA Board of Management and myself, we apologize for any and all inconvenience this may have caused and appreciate your assistance.

Paula Rorai  
TOTBIA Coordinator

## Town of Tecumseh Business Improvement Area (TOTBIA)

Office: 519.735.3795 | Mobile: 519.564.5999

Email: [bia@tecumseh.ca](mailto:bia@tecumseh.ca) | Website: [www.tecumsehbia.com](http://www.tecumsehbia.com)

# Memo

To: Town of Tecumseh Parks & Rec Department

From: Tecumseh BIA Board of Management

Date: July 21, 2016

Re: **Request for Park Fee Exemptions for the 2016 Fall Into Health Day Event**

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The Tecumseh BIA Board of Management is requesting to be granted an exemption from all of the Town's Park Fees at Lakewood Park for its 2<sup>nd</sup> Annual Fall Into Health Day Event on Sunday, September 25, 2016.

The Tecumseh Business Improvement Area [BIA] is a non-profit organization and an association of business and property owners who work in partnership with the Town of Tecumseh to foster Tecumseh's retail and service sectors as a successful and increasingly competitive business area. The BIA is a significant contributor to health and welfare of the local economy, civic improvements, and quality of life through various initiatives, community events and strategic promotions that promote the local businesses and enhance the Town.

The Tecumseh BIA allocates all surpluses of funds from all events to current and future programs that continue to promote local businesses, encourage tourism and enhance the Town through various streetscaping projects.

With a limited budget this year, the BIA wants to continue to have the 2016 Fall Into Health Day a free event which will provide visitors the opportunity to connect with top health and wellness vendors, exhibits, expert speakers on various health, wellness and lifestyle topics. The event will include live demonstrations, food vendors, physical activities and demonstrations such as Yoga, Nordic Pole Walking, Disc Golf, Tai Chi, Taekwondo, High Impact Exercise, and Stand Up Paddle Boarding.

The objective of the health fair is to:

- Increase health awareness by providing activities, materials, demonstrations and information
- Increase awareness of local, provincial, and national health services and resources
- Motivate participants to make positive health behaviour changes
- Teach self-care practices
- Showcase health and wellness services and products available in the Town of Tecumseh and encourage residents from Windsor/Essex to come to Tecumseh for all their health and wellness needs

New this year, the BIA Board recommends inviting local businesses from the other sectors that complement the health and wellness of our residents and visitors such as:

- All pet stores and veterinarians
- All travel agents
- All children's related services
- All educational providers i.e. music, art, etc.
- All retail businesses; i.e. jewelers, fashion, footwear, etc.
- Landscape and garden services
- Photography

On behalf of the BIA Board of Management, we want to thank the Mayor, Council and Administration for your consideration on granting exemption on the all the park fees and for your continued assistance and support.

July 2016

RECEIVED

JUL 11 2016

Town of Tecumseh



THE  
COLLEGE  
OF  
PHYSICIANS  
AND  
SURGEONS  
OF  
ONTARIO

## CALL FOR NOMINATIONS

### Nominate an Outstanding Ontario Physician in Your Community The College of Physicians and Surgeons of Ontario Council Award

**Nomination Deadline: October 3, 2016**

The College of Physicians and Surgeons of Ontario is now accepting nominations for the **2017 Council Award**. The Council Award honours outstanding Ontario physicians who have demonstrated excellence and embody society's vision of an "ideal physician".

The criteria for selecting a physician for the Council Award is based on the eight "physician roles" identified by Educating Future Physicians of Ontario. The eight point selection criteria are outlined in the attached award brochure and nomination form.

Through the award, the College honours Ontario physicians whose performance in each of these roles is outstanding, recognizing that individual physicians will demonstrate more extensive expertise in some roles than in others. Four awards are presented each year, one in each of the following categories: Academic Specialty, Community Specialty, Academic Family Practice and Community Family Practice.

If you know of a physician who meets the selection criteria, please nominate him or her for the Council Award. **The deadline for receipt of nominations is October 3, 2016.**

For further information, please contact Tracey Sobers at 416-967-2600 or 1-800-268-7096 extension 402 or [CPSOaward@cpsso.on.ca](mailto:CPSOaward@cpsso.on.ca).



QUALITY PROFESSIONALS | HEALTHY SYSTEM | PUBLIC TRUST

80 College Street, Toronto, Ontario M5G 2E2 Tel: (416) 967-2600 Toll Free: (800) 268-7096 Fax: (416) 961-3330

ALL OF THESE PHYSICIANS  
**ARE MEMBERS OF**  
**AN EXCLUSIVE CLUB...**



# THEY'RE ALL

# Council Award WINNERS!

*Each year the Council honours outstanding physicians in Ontario*

## SELECTION CRITERIA

The criteria for selecting a physician for the Council Award are based on the eight “physician roles” identified by Educating Future Physicians of Ontario in 1993. These roles reflect the many needs and expectations of our society, and outline an archetype of the “ideal physician”. Those roles are:

### 1 Medical Expert/Clinical Decision Maker

The physician is well-informed about the science and technology of medicine and health care. The physician’s knowledge and skill is used to collect and interpret data, make appropriate clinical decisions and carry out diagnostic and therapeutic procedures.

### 2 Communicator

The physician has effective, humane relationships with patients and colleagues. The physician understands and responds to patients’ needs, fears, beliefs and expectations and effectively counsels and educates on health care needs and public health care issues.

### 3 Collaborator

The physician works in partnership with other health care professionals and sees the patient and family members as partners in health care decision-making. The physician appropriately uses community and health care resources.

### 4 Gatekeeper/Resource Manager

The physician recognizes the many determinants of health and the implications of those determinants for the practice of medicine. The physician participates at a number of organizational levels to address issues such as quality of care and quality assurance mechanisms.

### 5 Health Advocate

With an understanding of the many determinants of health, the physician advocates for more effective public health interventions and policies.

### 6 Learner

The physician recognizes that the abilities to change and to continue to learn are essential to the practice of good medicine. The physician is a self-directed learner and keeps abreast of current treatments and philosophies.

### 7 Scientist/Scholar

The physician understands the scientific method and applies it to patient encounters, community health issues and to the critical assessment of literature related to the biological, psychological and sociological basis of illness. The physician may be engaged in scientific research.

### 8 Person & Professional

The physician has developed strategies for coping with professional demands to provide maximum opportunity for effective relationships with patients and colleagues while at the same time providing excellent medical care. The physician is committed to the highest standards of excellence in clinical care and ethical conduct.



## ASSESSING THE CRITERIA

The College wants to honour physicians whose performance in these roles is outstanding, recognizing that individual physicians will demonstrate more extensive expertise in some roles than in others. Council Awards are presented at Council meetings, which are held quarterly.

## ELIGIBILITY FOR NOMINATION

Anyone may nominate an eligible physician for the Council Award. To be eligible for nomination, a physician must be licensed in Ontario and be in good standing with the College. Former recipients of the Council Award or the Excellence in Quality Management of Medical Care Award are not eligible for nomination. Members of the Council, and staff of the College and members of their immediate families are also not eligible for nomination for the Council Award. The completed nomination form (on back) and required documentation must be submitted by October 3, 2016, for consideration by the Council Award Selection Committee.\*

*\* Previous nominees who were unsuccessful are eligible*

## NOMINATION INSTRUCTIONS

1. Complete the nomination form, providing as much information as possible about the physician nominee. Type or print clearly in the space provided. If additional space is required, attach additional pages.
2. Provide a detailed nominator's statement. In this statement, please describe how the physician nominee has demonstrated overall excellence using the eight physician roles outlined on the previous page. It is recognized that individual physicians will demonstrate more extensive expertise in some roles than in others. The nominator may include concisely presented pertinent supporting materials (letters, reports, testimonials, press clippings, etc.).
3. Find a seconder for the nomination. The seconder should provide a seconder's statement, their own written testimonial about the nominee and his or her accomplishments, again using the eight physician roles.
4. The completed Council Award nomination form (including nominator's statement, supporting material and seconder's statement) can be emailed or mailed to:

**The Council Award, c/o Tracey Sobers  
Communications Department  
College of Physicians and Surgeons of Ontario  
80 College Street, Toronto, Ontario, M5G 2E2**

**Tel: (416) 967-2600 or 1-800-268-7096, extension 402  
Email: [tsobers@cpsyso.on.ca](mailto:tsobers@cpsyso.on.ca)**

### CHECKLIST:

- Nomination form complete ..... ☐
- including:
- Nominator's statement ..... ☐
- Secunder's statement ..... ☐
- Supporting documents (optional) ..... ☐

**Note: The deadline for nominations is  
Monday, October 3, 2016 at 5 p.m.**

Any questions concerning the nomination instructions should be directed to Tracey Sobers, and additional nomination forms can be obtained by contacting her. Nomination forms are also available at: [www.cpsyso.on.ca](http://www.cpsyso.on.ca).

# Council Award

## Nomination Form

If more space is required, please include additional pages.

### NOMINEE

Name of nominee:

Address:

Telephone number:

work

home

E-mail address:

Date and place of birth:

Degrees earned

(Degree, School, Year):

Specialty, if any:

Type of practice:

Faculty appointments, if any:

Previous honours and awards:

### NOMINATOR

Name:

Address:

Telephone number:

E-mail address:

### SECONDER (must be provided)

Name:

Address:

Telephone number:

E-mail address:

Deadline for nomination submission is **October 3, 2016 at 5 p.m.**



**THE CITY OF WINDSOR**  
**COUNCIL SERVICES DEPARTMENT**

**VALERIE CRITCHLEY**  
CITY CLERK

IN REPLY, PLEASE REFER  
TO OUR FILE NO. \_\_\_\_\_

July 7, 2016

Laura Moy  
Director Corporate Services & Clerk  
Town Of Tecumseh  
917 Lesperance Road  
Tecumseh, ON N8N 1W9

Dear Ms. Moy,

Windsor City Council, at its meeting held June 20, 2016, adopted the following resolution:

Decision Number: CR420/2016 ETPS 380

That City Council **ADOPT** By-law -2016 approving amendment to By-law 233-2001,  
A By-law to Prohibit Excessive Idling of Vehicles with the following amendments:

- That the permitted idling time, excluding transit be set at 3 minutes; and,
- All stated exemptions in report S 70/2016 (attached) are to be included;  
and further,
- Include reference to ambient temperature inside the vehicle;  
and,

That the additional information presented in Report: S 70/2016 (attached) which was  
requested as a result of Report S 54/2016 **BE RECEIVED** for information; and further,

That this motion **BE CIRCULATED** to all surrounding municipalities for their  
consideration as part of a possible regional standard.  
Carried.

Your consideration to Windsor City Council's request would be most appreciated.

Sincerely,

Steve Vlachodimos  
Deputy City Clerk and Senior Manager of Council Services

SV/wf

Attachments

cc: Brenda Andreatta, Director of Council Services/Clerk – Town of Lasalle  
Jennifer Astrologo, Director of Corporate Services/Clerk – Town of Kingsville  
Mary Masse, Clerk – Town of Lakeshore  
Paula Parker, Municipal Clerk – Town of Amherstburg  
Brenda Percy, Clerk/Manager of Legislative Services – Municipality of Leamington  
Tracey Pillon-Abbs, Chief Administrative Officer – Town of Essex



Environment, Transportation & Public Safety Standing Committee Meeting  
Held Wednesday, April 20, 2016

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**Amendment to By-Law 233-2001, A By-Law to Prohibit Excessive Idling of Vehicles and Boats - Additional Information**

Moved by: Councillor Francis  
Seconded by: Councillor Payne

Decision Number: **ETPS380**

That City Council **ADOPT** By-law -2016 approving amendment to By-law 233-2001, A By-law to Prohibit Excessive Idling of Vehicles with the following amendments:

- That the permitted idling time, excluding transit be set at 3 minutes; and,
- All stated exemptions in report S#70/2016 are to be included; and further,
- Include reference to ambient temperature inside the vehicle; and further,

That administration **PROVIDE** a comparison of the current by-law and exemptions and proposed amendments in the form of a chart/easy reference table to be brought forward to City Council; and further,

That the additional information presented in Report #S70/2016 which was requested as a result of Report #S54/2016 BE **RECEIVED** for information.

Councillors Holt and Marra voting nay.

Carried.

Agenda Item 8.3 Report # S 70/2016 &  
S 54/2016 (Administrative Reports  
Attached which was previously distributed  
as part of the Standing Committee  
Agenda)

Clerk's Note: Administration submitting the attached memo dated May 27, 2016 as additional information to S 54/2016 and S 70/2016.

**MISSION STATEMENT**

*"Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together"*

<b>REPORT #: S 70/2016</b>	<b>Report Date: 3/24/2016</b>
<b>Author's Contact:</b> <b>Karina Richters</b> <b>Supervisor, Environmental Sustainability and Climate Change</b> <b>519-253-7111 x. 3226</b> <b>krichters@citywindsor.ca</b>	<b>Date to Council: April 20, 2016</b>
	<b>Clerk's File #: EI2016</b>

**To: Mayor and Members of City Council**

**Subject: Amendment to By-Law 233-2001, A By-Law to Prohibit Excessive Idling of Vehicles and Boats - Additional Information \_ City Wide**

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**RECOMMENDATION:**

That the additional information requested on Report # S54/2016 (Amendment to By-Law 233-2001, A By-Law to Prohibit Excessive Idling of Vehicles and Boats) **BE RECEIVED** for information.

**EXECUTIVE SUMMARY:** N/A

**BACKGROUND:**

On March 25, 2016, the report S54/2016 "An Amendment to By-Law 233-2001, A By-Law to Prohibit Excessive Idling of Vehicles and Boats" was deferred for additional information.

**DISCUSSION:**

This report was drafted to provide clarification and additional information as requested.



**Question 1:** *How is vehicle Idling defined?*

Idling means the operation of the engine of a Boat, Motor Vehicle or Commercial Vehicle while the Boat, Motor Vehicle or Commercial Motor Vehicle is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the Boat, Motor Vehicle or Commercial Motor Vehicle.

**Question 2:** *How will a change in the bylaw affect businesses that deal with vehicle traffic, lineups, etc. More specifically, how will a change with respect to the idling time enforcement affect commercial drive-throughs and commercial vehicle traffic through our border routes? How many businesses may be affected throughout the City of Windsor?*

The proposed amendments are not expected to negatively affect businesses.

The current by-law does not exempt vehicles from idling in a drive-through lane. Administration has recommended an amendment to the by-law to allow vehicles to idle within the traveled portion of a drive-through lane.

There should be no impact on commercial vehicular traffic through border routes as the current by-law exempts idling due traffic conditions, as well as emergencies, weather conditions and mechanical difficulties over which the driver has no control.

The current by-law also exempts mobile workshops while in the course of being used for their basic function. This exemption allows for idling if necessary to operate equipment powered by the vehicle's engine.

Lastly, the current by-law also exempts commercial motor vehicles stopped in loading zones for the purpose of loading and unloading goods, wares, merchandise or passengers.

In most cases, Businesses that respect the anti-idling by-law should benefit from a savings in fuel costs and an improved ambient air quality.

**Question 3:** *Will any change in the reduction of time in the bylaw cause traffic congestion along city roads, streets, routes, etc.? More specifically, will the City's traffic signal system be modified to accommodate any changes of the existing by-law? Moreover, will vehicles that are turned off at four way stop signs, train crossings, etc. and then need to be turned back on as a result of any changes in the by-law cause any*

*traffic congestion or unintended consequences as it relates to traffic flow throughout the City of Windsor?*

The amendments to the by-law will not affect traffic congestion as it relates to traffic flow. Neither the current by-law nor the proposed by-law requires drivers to turn off their vehicles while obeying traffic control devices. The proposed by-law further clarifies this through the following sections;

- Section 2(2)(g) Motor Vehicles, Commercial Motor Vehicles or Boats required to remain motionless because of an emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control;
- Section 2(2)(m) Motor vehicles or Commercial Vehicles when halting temporarily to obey a Traffic Control Device;
- Section 2(2)(n) Motor vehicles or Commercial Vehicles when halting temporarily to obey the directions of an Official.

Signal timing will not be altered for reasons of the by-law, as vehicles obeying the traffic signals or signs are not considered idling for the purposes of this by-law, however, due to the length of some train crossings in the City of Windsor, Citizens should be encouraged to turn off their vehicles while waiting for a passing train. By the time the gates begin to rise, a vehicle can be turned back on.

**Question 4:** *Please specify all exemptions as it relates to any change within the current by-law, be it weather related, business related and or quality of life related.*

The amended by-law provides a number of new exceptions while removing only one. The following Sections are new exceptions that were added to provide additional clarity to the by-law.

- 2(la) Motor Vehicles when operating on the traveled portion of a Drive-Through lane;
- 2(m) Motor Vehicles or Commercial Motor Vehicles when halting temporarily to obey a Traffic Control Device;
- 2(n) Motor Vehicles or Commercial Motor Vehicles when halting temporarily to obey the directions of an Official;
- 2(o) Taxicabs or Livery Vehicles when stopping temporarily for the purpose of receiving or discharging persons for fare;
- 2(p) Tow Trucks while hoisting and pulling wrecked or disabled vehicles, or while removing vehicles unlawfully parked.

The following exception has been removed from the proposed by-law;



- Section 2(l) Vehicles or boats when the ambient temperature inside a vehicle or boat is:
  - (i) More than twenty-seven degrees Celsius (27C); or
  - (ii) Less than five degrees Celsius (5C).

Most municipalities that originally included a temperature exemption have removed them from more current amendments.

**Question 5:** *Please specify enforcement parameters as it relates to any changes within the current bylaw. Will enforcement include public and private property? If enforcement includes private property how will that be implemented within the current make-up of the Bylaw Enforcement Team? Will there be any unintended consequences as a result, say reducing time spent on other enforcement matters/issues?*

Both the current and proposed by-laws are enforceable on private and public property city wide by Windsor Police Services and By-law Enforcement Officers. Consultation with the Windsor Police Services indicated that the proposed amendments would allow for more efficient enforcement of the bylaw by reducing the time burden necessary to identify an infraction. However, enforcement would be at the discretion of the Police Officer and would possibly be of a low priority.

As with the current by-law, By-law Enforcement Officers will respond to infractions based on complaints from the Public to 311. Due to the short duration of the infraction (under the current by-law or proposed by-law), By-law Enforcement Officers will unlikely be able to successfully enforce infractions. They will be limited to enforcing reoccurring offences or through more proactive enforcement at notable problem locations (i.e. vicinity of schools, City Hall campus, etc.).

Public education on the negatives of idling vehicles will be the first priority of Administration with the enforcement of the by-law being secondary when required.

Any reduction in enforcement for other by-laws would be as a result of shifting priorities of the citizens of Windsor.

**Question 6:** *Please provide information as to what surrounding municipalities, including the City of Detroit, are doing with respect to similar by-laws.*

In 2010, the City of Detroit enacted an Ordinance to prohibit the idling of Commercial vehicles in excess of 5 minutes.

While the Essex County municipalities are not currently moving forward with anti-idling bylaws, the City of Windsor has the greatest capacity toward improving local air quality. The 176,000 registered vehicles in the City of Windsor account for approximately 80 % of the vehicles in the City of Windsor, and the towns of Tecumseh and Lasalle.

The Strategic Direction of the Environmental Master Plan approved in 2006 states that The City of Windsor is committed to being a leader through its daily actions and services to enhance the environment for present and future generations. The citizens of Windsor through environmental attitude surveys in 2005 and 2013 rate air quality as the number one environmental concern.

The City of Hamilton has undertaken a number of studies on air quality by undertaking mobile air monitoring in neighbourhoods around Hamilton. These studies looked at industrial and transportation sources of air quality contaminants. One study included mobile monitoring outside of a school. The air quality monitors noted large spikes in Nitrogen Oxides (NO<sub>x</sub>) levels during both morning drop-off and afternoon pickups. A reduction in these spikes can be achieved through the elimination or reduction of idling vehicles in school zones.

The US EPA links short-term NO<sub>2</sub> exposure with adverse respiratory effects including airway inflammation in healthy people and increased respiratory symptoms in people with asthma. NO<sub>2</sub> concentrations in vehicles and near roadways are appreciably higher than those measured in area-wide monitors. In fact, in-vehicle concentrations can be 2-3 times higher than measured at area-wide monitors. Near road-way (within 50 metres) concentrations of NO<sub>2</sub> have been measured to be approximately 30 to 100% higher than concentrations away from roadways. NO<sub>2</sub> exposure concentrations are of particular concern for susceptible individuals, including people with asthma, children and the elderly. This highlights the need for local action.

**Question 7:** *Please provide information as to what a majority of Ontario municipalities are doing with respect to similar by-laws. Are there any plans for the Province of Ontario to consider any idling legislation in the near future? Are there any plans for the State of Michigan to consider any idling legislation in the near future? What are the current provincial and state standards/laws concerning idling currently?*

At present, neither the Province of Ontario nor the State of Michigan are considering province or state-wide anti-idling laws. This emphasizes the importance of municipal leadership.

The following municipalities have implemented 1 minute by-laws; Toronto, Burlington, Sarnia and Cambridge. Ajax, London, Newmarket, Owen Sound, Peterborough,



Sudbury and Thunder Bay have 2 minute limits, while Guelph, Brockton, Collingwood, Hamilton, Orillia, Oshawa, Ottawa, St. Catherine's and Waterloo have 3 minute limits.

Huntsville, Oakville, Pickering, Vaughan and Stratford currently have 5 minute limits. Each of these by-laws were approved in 2004 or earlier.

A number of Federal governments agencies have provided guidance to municipalities through recommended idling limits. National Resources Canada recommends a 60 second limit as a practical guideline, balancing factors such as fuel savings, overall emissions and potential wear on the starter and battery. While the US EPA's Smartway and Drive Wise programs both recommend turning the engine off if stopped for more than 30 seconds.

In Europe, the recommended guidelines for turning engines off are 10 seconds in Italy and France, 20 seconds in Austria, 40 seconds in Germany and 60 seconds in the Netherlands.

**Question 8:** *Please provide market research as to micro-hybrid (start-stop) systems within vehicles. Are vehicle manufacturers expected to include this feature within more of their models in the near future? If so, is it expected to become the norm as a result of achieving greater fuel efficiency and/or Provincial regulation?*

Vehicles with auto-stop technology by definition do not idle when this function is engaged. As such, would be in compliance with the bylaw.

The Government of Canada has adopted more stringent standards for cleaner vehicles and fuels, aligning the country with the U.S. in an effort to cut air pollution from on-road vehicles. Vehicle manufacturers will be responsible for determining how to meet the more stringent standards, one measure may be the inclusion of auto-stop technology.

Based on government estimates, by 2030 the improved standards will result in cumulative health and environmental benefits of \$7.5 billion and cumulative fuel and vehicle related costs by \$2.7 billion. Between 2017 and 2030, it is estimated that reductions in air pollutants from vehicles will prevent about 1,400 premature deaths, nearly 200,000 days of asthma symptoms and 2.8 million days of acute respiratory problems in Canada. The full benefits of these changes will not be realized until the older vehicles are replaced with newer vehicles. However, the greenhouse gas CO<sub>2</sub> will continue to be emitted with any burning of gasoline and diesel.

The intent of the proposed by-law is to achieve health, environmental and economic benefits for the community.

**Question 9:** *Please provide more options to consider regarding this by-law and how will they affect the current situation and other questions above. For example, 3 minutes, 2 minutes, and 1 minute.*

The Ministry of Natural Resources recommends a 1-minute idling limit as an effective compromise between the fuel savings and the potential wear on the vehicle's starter. Municipal by-laws created after 2010 have generally been set at 1-minute with the exception of Sudbury which has a 2-minute limit.

National Resources Canada research indicates that many Canadian motorists idle their vehicles an average of six to eight minutes a day. Canadians idle about 40 percent less in summer.

This proposed amendment has economic, social and environmental benefits. One of the most powerful arguments in favour of reduced idling is an economic one. In 2014, approximately \$372.5 million dollars was spent on gasoline and diesel fuels within the City of Windsor.

If the by-law achieves a 10 percent compliance, there will be an approximate savings of \$963,600 a year (assuming an average 3L engine, a 5 minute idling reduction, \$1/L fuel cost). If every vehicle registered in Windsor, reduced idling just 1 minute a day there would be approximately \$1,927,200 in fuel savings per year. Money saved on fuel expenses is money that can have a positive impact on the local community.

The environmental benefit of reducing fuel use is also evident. For every litre of gasoline burned, 2.3 kg of CO<sub>2</sub> is emitted (2.7 kg of CO<sub>2</sub> per litre of diesel). Using the same scenario as above (10% compliance, 3L gas engine, 5 minute reduction), this would reduce greenhouse emissions by 2,216 tonnes/year. If every vehicle registered in Windsor, reduced idling just 1 minute a day there would be an approximate reduction of 4,432 tonnes of greenhouse gas emissions.

**Question 10:** *Changes in the current by-law will not result in a need for more by-law enforcement measures and or an increase in budget?*

Administration is not requesting an increase in enforcement of the by-law. The public, through calls to 311 will determine the level of enforcement required.

Public education will continue to be primary method to encourage a reduction in idling within the City. The costs to implement the public education campaign will come from Environmental Master Plan operating budget. No additional funds are being requested to complete this campaign.



**Question 11:** *How will the current bylaw be enforced and what are the specific penalties? Will there be other penalties for repeat offenders? Will there be a grace period and for how long of a duration?*

The by-law will be enforced through calls to 311 to By-law Enforcement and through infractions observed by the Windsor Police Services. The current by-law carries a fine of \$100 under Part I of the Provincial Offences Act plus a victim fine surcharge. There is no request to alter that amount. In the case of repeat offenders an officer has the option of proceeding by way of a Part III information under the Provincial Offences Act, and upon conviction the offender is liable to pay a fine of not more than \$5,000.

Before any future Part 1 charges can be laid, new short form wording and set fine amounts need to be prepared and sent to the Ministry of the Attorney General's Office for approval.

Although the use of anti-idling laws are difficult to enforce, there is some evidence that these regulatory measures reinforce and even strengthen the effectiveness of the public education campaigns. These findings are based on a series of case studies in ten Canadian cities that implemented public education campaigns, anti-idling regulation or both (LURA Consulting, 2005). The authors concluded that the presence of regulation legitimized public education efforts, reduced public resistance to ordinances, as well as attracted media attention to the problem.

**Question 12:** *How many bylaw infraction notices did the City of Windsor hand out in 2015 pertaining to idling and what are the expected changes in the number of infractions should the time be reduced from the current 5-minute limit?*

By-law enforcement did not hand out any tickets in 2015. As mentioned above, administration is not requesting an increase in pro-active enforcement of the by-law. The public, through calls to 311 will determine the level of enforcement required.

**Question 13:** *Please explain the cause and effect of idling and public health?*

Vehicle emissions, such as volatile organic compounds (VOCs), carbon monoxide (CO), and oxides of nitrogen (NOx) are criteria air contaminants (CACs) that contribute to air pollution and smog. Advanced emissions control devices (e.g. catalytic converters, exhaust gas recirculation, engine monitoring systems, etc.) have dramatically reduced CACs through the tailpipes of new gasoline vehicles. However, CAC emission reduction from newer vehicles has been partially offset by the growing number of vehicles on the road and the greater distances we travel. Though there may be less

CAC impact from idling or shutting down over a short period of time with newer gasoline powered vehicles, this is not the case with diesel vehicles. In general, diesels produce higher levels of particulates and NOx than their gasoline counterparts and the best way to reduce these emissions is to turn off the engine.

The World Health Organization (WHO) indicates that air pollution is a major risk to health. By reducing air pollution levels countries can reduce the burden of disease from stroke, heart disease, lung cancer, and both chronic and acute respiratory diseases including asthma. The lower the levels of air pollution the better the cardiovascular and respiratory health of the population.

A 2013 assessment by WHO's International Agency for Research on Cancer concluded that outdoor air pollution is carcinogenic to humans, with the particulate matter component of air pollution most closely associated with increased cancer incidence, especially cancer of the lung. An association also has been observed between outdoor air pollution and increase in cancer of the urinary tract/bladder.

The Ontario Medical Association has published research into the effects of air pollution and the associated economic impacts. Annually, air pollution is estimated to cost Ontario more than \$1 billion a year from hospital admissions, emergency room visits and absenteeism. The Ontario Medical Association estimated that in Essex County (including Windsor) there were 260 premature deaths, 900 hospital admissions and 2,750 emergency room visits associated with poor air quality in 2005. The results of their study also project increases in these numbers to the year 2026. In 2015, the Province of Ontario introduced the Air Quality Health Index (AQHI) which was developed in collaboration with Health Canada to help the public determine the health based risk associated with various levels of air pollution. Air quality was also a consideration in the design of the Herb Gray Parkway.

Some scientists have suggested that as the mean annual temperature increases in Ontario due to climate change, the formation of smog may increase. Smog is the chemical reaction that occurs in the atmosphere between sunlight, nitrogen oxides (NOx) and volatile Organic Compounds (VOCs) resulting in the formation of ground level ozone.

The proposed by-law goes further to helping reduce air emissions and greenhouse gas emissions than the current by-law. Any reduction in air emissions is beneficial to human health.

## **RISK ANALYSIS:**



As previously indicated, no significant or critical risks exist from the modification of the by-law. The proposed by-law does not present a risk to businesses in the community as drive-throughs and mobile workshops are provided with exemptions. Businesses that comply with the by-law may see savings in fuel costs.

### **FINANCIAL MATTERS:**

As noted above, the public education campaign will be the main driver to encourage the reduction in the idling across the City. The Environmental Master Plan operating budget will be used to implement a public education campaign within the current budget, no additional funds are being requested.

Enforcement of the by-law will be at the discretion of the Windsor Police Service or based on public complaints to 311. Additional staff resources are not being considered.

### **CONSULTATIONS:**

Ann Kalinowski, Manager of By-Law Enforcement

Dr. Wajid Ahmed, Windsor Essex County Health Unit

### **CONCLUSION:**

The proposed amendment to the by-law is in line with National Resources Canada recommended limit. There are economic, social and environmental benefits associated with the passage of this by-law amendment.

### **APPROVALS:**

Name	Title
Karina Richters	Supervisor, Environmental Sustainability and Climate Change
Michael Dennis	Financial Planning Administrator

<b>Name</b>	<b>Title</b>
Chris Manzon	Senior Manager of Pollution Control
Susan Hirota	Legal Counsel
Mark Winterton	City Engineer
Shelby Askin-Hager	City Solicitor
Onorio Colucci	City Treasurer
Valerie Critchley	City Clerk
Onorio Colucci	Chief Administrative Officer

### **NOTIFICATIONS:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Derek Coronado	1950 Ottawa St. Windsor, ON N8Y 1R7	dcoronado@cogeco.net
Dr Wajid Ahmed Windsor-Essex County Health Unit	1005 Ouellette Avenue Windsor, ON, N9A 4J8	<a href="mailto:wahmed@wechu.org">wahmed@wechu.org</a>



TO: Mayor and Members of City Council  
FROM: Supervisor, Environmental Sustainability and Climate Change  
DATE: May 27, 2016  
SUBJECT: Additional Information on Environment, Transportation and Public Safety Standing Committee Report  
S54/2016 and S70/2016

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At the April 20, 2016 Environment, Transportation and Public Safety Standing Committee the following motion was carried.

Decision Number: **ETPS 380**

That City Council **ADOPT** By-law -2016 approving amendment to By-law 233-2001,  
A By-law to Prohibit Excessive Idling of Vehicles with the following amendments:

- That the permitted idling time, excluding transit be set at 3 minutes; and,
- All stated exemptions in report S#70/2016 are to be included; and further,
- Include reference to ambient temperature inside the vehicle; and further,

That administration **PROVIDE** a comparison of the current by-law and exemptions and proposed amendments in the form of a chart/easy reference table to be brought forward to City Council; and further,

That the additional information presented in Report #S70/2016 which was requested as a result of Report #S54/2016 BE **RECEIVED** for information.

Councillors Holt and Marra voting nay.  
Carried.

The following table highlights additions or deletions under the proposed by-law as per the Environment, Transportation and Public Safety Standing Committee motion.

**Table of Proposed Additions, Deletions and Amendments to By-Law Number 233-2001 as proposed by the Environment, Transportation and Public Safety Standing Committee.**

2001 Bylaw	Proposed Amendment Recommended by the Standing Committee
	<p><u>Preamble - Added</u></p> <p><b>AND WHEREAS</b> the City of Windsor is supportive of recent global, Federal and Provincial initiatives to reduce emissions that may contribute to climate change and poor air quality;</p> <p><b>AND WHEREAS</b> under section 425 of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25, by-laws may be passed by council for providing that any person who contravenes any by-law of Council passed under the authority of the <i>Municipal Act, 2001</i>, S.O. 2001, c. 25 is guilty of an offence;</p> <p><b>AND WHEREAS</b> it is deemed expedient to amend said By-law Number 233-2001 of The Corporation of the City of Windsor;</p>
<p><u>Definitions</u></p> <p>(3) LAYOVER – A stopping point along a transit route for a maximum of fifteen (15) minutes used by transit vehicles to allow transit vehicles to adjust to service schedules.</p> <p>(7) TRANSIT VEHICLE – Public transit vehicles, tour buses and motor coaches.</p>	<p><u>Definitions – Amended</u></p> <p>(3)LAYOVER (Amended) – means a stopping point along a transit route used by Transit Vehicles or a scheduled delay to allow Transit Vehicles to adjust to service schedules;</p> <p>(7)TRANSIT VEHICLE (Amended) – means buses owned and operated by Transit Windsor and School Buses;</p> <p><u>Definitions – New</u></p> <p>(1.1)COMMERCIAL MOTOR VEHICLE – means a motor vehicle having permanently attached thereto a truck or delivery body, and includes ambulances, hearses, casket wagons, fire apparatus, tow trucks, buses and tractors used for hauling purposes on the highways, and any vehicle bearing commercial license plates;</p> <p>(1.2)CORPORATION – means The Corporation of the City of Windsor;</p> <p>(1.3)DRIVE-THROUGH – means the uses of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a lane designated for that purpose;</p> <p>(3.1)LIVERY VEHICLE – means a vehicle, other than a taxicab, used for hire for the conveyance of passengers and available for hire by the general public;</p> <p>(5.1)PARKING LOT – means a private or municipal parking area to</p>




	<p>which the public has access whether on payment of a fee or otherwise;</p> <p>(5.2)PROVINCIAL OFFENCES OFFICER – means any employee of the Corporation who is duly appointed by the Council of the Corporation, for the purpose of enforcing the provisions of the Corporation's by-laws;</p> <p>(5.3)SCHOOL BUS – means a school bus as defined by the Highway Traffic Act, R.S.O. 1990, c. H.8.;</p> <p>(6.1)TAXICAB – means a vehicle, other than a car-pool vehicle, having a seating capacity of not more than six (6) people, not including the driver, hired for one specific trip for the transportation of one person or group of persons, with one fare or charge being collected or made for the trip;</p> <p>(6.2)TOW TRUCK – means a vehicle used for hire for towing or otherwise conveying a vehicle;</p> <p>(6.3)TRAFFIC CONTROL DEVICE - means any sign, or roadway, curb or sidewalk marking or other device erected or placed under the authority of the Council for the purpose of guiding or directing traffic.</p> <p><u>Definitions – Deleted</u></p> <p>(6) STOPOVER – A scheduled delay of a maximum of fifteen (15) minutes at a transit vehicle terminal to allow transit vehicles to adjust to service schedule.</p>
<p><u>Prohibitions</u></p> <p>(1) No person shall cause or permit a vehicle or boat to idle for more than five (5) minutes in a sixty minute period.</p>	<p>(1) No person shall cause or permit a Motor Vehicle, a Commercial Motor Vehicle or a Boat to idle for more than 3 continuous minutes.</p>
<p><u>Exemptions</u></p> <p>(a) Police, fire or ambulance vehicles or boats while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the vehicle or boat.</p> <p>(j) Transit vehicles while at a layover or stopover location except where idling is substantially for the convenience of the operator</p>	<p><u>Exemptions – Amended</u></p> <p>(a)Police, fire or ambulance vehicles or boats while engaged in operational activities, including training activities;</p> <p>(j)Transit Vehicles while at a Layover location;</p>

of the vehicle.	<u>Exemptions – New</u>  (la) Motor Vehicles when operating on the traveled portion of a Drive-Through lane; (m) Motor Vehicles or Commercial Motor Vehicles when halting temporarily to obey a Traffic Control Device; (n) Motor Vehicles or Commercial Motor Vehicles when halting temporarily to obey the directions of an Official; (o) Taxicabs or Livery Vehicles when stopping temporarily for the purpose of receiving or discharging persons for fare; (p) Tow Trucks while hoisting and pulling wrecked or disabled vehicles, or while removing vehicles unlawfully parked;
Enforcement not defined.	<u>Enforcement – New</u>  (a) This by-law shall be enforced anywhere within the boundaries of the City of Windsor including, without limiting the generality of the foregoing, all public and private highways as defined in the <i>Highway Traffic Act</i> , all municipal and private Parking Lots, parking spaces, driveways and sidewalks. (b) The provisions of this by-law shall be enforced by an Official as defined in Section 1.
<u>Offence</u>  Any person who contravenes any provision of this by-law is guilty of an offence.	<u>Offence – Amended</u>  Any person who contravenes any provision of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000), exclusive of costs, and every such fine is recoverable under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended from time to time.

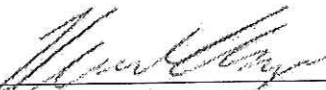
Administration's recommendations are contained in reports S54/2016 and S70/2016.



Karina Richters  
Supervisor, Environmental Sustainability  
& Climate Change

 for:

Michael Dennis  
Financial Planning Administrator



Chris Manzon  
Senior Manager of Pollution Control



Susan Hirota  
Legal Counsel



Mark Winterton  
City Engineer



Shelby Askin-Hager  
City Solicitor



FOR: Joe Mancina  
City Treasurer



for

Valerie Critchley  
City Clerk



Onorio Colucci  
Chief Administrative Officer





### MISSION STATEMENT

*"Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together"*

<b>REPORT #: S 54/2016</b>	<b>Report Date: 2/25/2016</b>
<b>Author's Contact:</b> <b>Dustin Carey</b> <b>Environmental and Sustainability</b> <b>Coordinator</b> <b>519-253-7111 ext. 3290</b> <b>dcarey@citywindsor.ca</b>	<b>Date to Standing Committee: 3/23/2016</b>
	<b>Clerk's File #: E12016</b>

**To: Environment, Transportation & Public Safety Standing Committee**

**Subject: Amendment to By-Law 233-2001, A By-Law to Prohibit Excessive Idling of Vehicles and Boats - City Wide**

### RECOMMENDATION:

That City Council **ADOPT** By-Law # \_\_-2016 attached hereto as Appendix B, approving amendments to By-Law #233-2001, *A By-Law to Prohibit Excessive Idling of Vehicles and Boats*, attached hereto as Appendix A.

### EXECUTIVE SUMMARY:

N/A

### BACKGROUND:

An operating vehicle emits several different criteria air contaminants (CACs) such as volatile organic compounds (VOCs), carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>) as well as the greenhouse gas carbon dioxide (CO<sub>2</sub>). Though CACs have been reduced with new advanced emission control technologies (e.g. catalytic converters, exhaust gas recirculation, etc) in newer gasoline vehicles, this reduction is partially offset by the growing number of vehicles on the road and the greater distances travelled. While light duty diesel-vehicles are inherently more fuel efficient than their gasoline counterparts, they do have higher levels of particulate and NO<sub>x</sub> emissions. Heavy-duty diesel vehicles, such as school buses, delivery trucks and transit buses typically have larger

diesel engines and limited emission controls. There are also no technologies to reduce the greenhouse gas CO<sub>2</sub> from tailpipe emissions.

Natural Resources Canada identifies that idling for over 10 seconds uses more fuel and produces more CO<sub>2</sub> emissions compared to restarting your engine. However, to balance additional factors such as fuel savings, overall emissions and potential component wear on the starter and battery idling more than 60 seconds is not recommended. The money you save on fuel more than offsets any potential increase in maintenance costs from wear and tear on your starter or battery with turning the engine off if you will be idling more than 60 seconds.

The City of Windsor was among one of the first municipalities in Ontario to enact a by-law to prohibit the excessive idling of vehicles and boats. This by-law, number 233-2001, was passed on the 18<sup>th</sup> day of June, 2001.

## **DISCUSSION:**

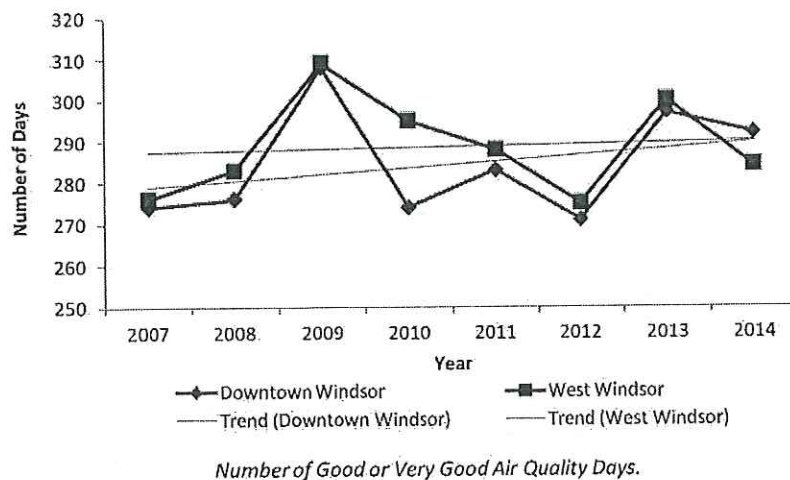
At the Windsor-Essex County Air Quality Steering Committee (now the Windsor-Essex County Environment Committee) meeting of May 14, 2001 a motion was made to City Council that a by-law be passed to control the idling of vehicles and boats. City council deferred this motion to allow administration to comment, and the final by-law was passed on June 18<sup>th</sup>, 2001.

The main considerations for the by-law were the concern for local air quality and smog. While conditions are improving, air quality continues to be a concern in Windsor. The Environmental Attitude survey completed in 2005 in advance of the completion of the Environmental Master Plan indicated that 41.8% of respondents reported air quality as the most important environmental challenge in Windsor. A similar survey completed in 2013 showed 28 % of respondents report air quality and 23% of respondents specifying pollution as their top concerns.

To address the concerns of the residents, the Environmental Master Plan specified Goal A to Improve our Air and Water Quality. The City of Windsor uses the Ministry of Environment's Air Quality Index as an environmental indicator. The following graph from the recent Report on the State of Environment (ROSE) shows the number of good or very good air quality days in Windsor.

Figure 1 – Number of Good or Very Good Air Quality Days





Any steps taken to improve the air quality in Windsor will help those with respiratory illnesses. Based on Statistics Canada's 2013 Health Profile data, 6.1% of the residents in Windsor-Essex reported having asthma compared to the Canadian average of 8.3%. This is a marked improvement since as recently as 2007, when local asthma rates stood at 10.2%. Mortalities as a result of respiratory diseases are similarly lower than the national average. It should be noted that the more recent statistics are based upon voluntary data with less rigorous sampling methodologies; the return of the long-form census will provide more reliable data in 2016.

As mentioned above, one of the concerns with idling of vehicles is the emission of the greenhouse gas carbon dioxide (CO<sub>2</sub>). Natural Resources Canada reports that for every litre of gasoline used, a vehicle produces about 2.3 kg of CO<sub>2</sub>. Again, no technology exists for eliminating CO<sub>2</sub> emissions. In fact, if Canadian motorists avoided idling for just three minutes every day of the year, CO<sub>2</sub> emissions could be reduced by 1.4 million tonnes annually. This would be equal to saving 630 million litres of fuel and equivalent to taking 320,000 cars off of the road for the entire year (Natural Resources Canada, 2013). This translates into a cost savings of over \$630 million in fuel (assuming average fuel costs of \$1/L).

It should be noted that the current and amended bylaw are designed to address unnecessary idling. The Highway Traffic Act allows for the idling of vehicles for the express purpose of defrosting a windshield in winter conditions. However, residents are expected to also scrape their windows and not to rely solely on the defrost function in vehicles.

Since 2009, the City of Windsor's 311 call centre has received 157 service requests for idling vehicles. Between 2009-2015, 85 Requests for Services were sent to By-law Enforcement for idling vehicles.

## **Amendments to Idling By-law**

The City of Windsor may take pride in being one of the first municipalities to enact an idling by-law. However, as is typically the case with groundbreaking initiatives, several lessons for improvement have since been learned on how to improve the by-law. Some of these changes are recommended to improve the enforcement of the by-law while other suggested changes are based on new best practices in other municipalities. The major suggested changes to the by-law are discussed in greater detail below.

### **a) Permitted Idling Time**

It is recommended that the permitted idling time, excluding transit, be reduced from 5 minutes to one minute. One minute was the recommended time for a “model idling bylaw” identified in a report commissioned by Natural Resources Canada in 2005.

A reduction from five minutes to one minute also allows for easier enforcement as officers do not need to wait for five minutes prior to writing a ticket.

The City of Burlington, City of Sarnia and the City of Toronto have amended their bylaws to match the recommended one minute of idling. The majority of other Ontario Cities have a limit of 3 minutes or less, while it is typically municipalities which introduced by-laws prior to 2005 which continue to maintain a limit of 5 minutes.

### **b) Temperature Exemption**

In the current by-law an exception applies for vehicles and boats when the ambient temperature inside a vehicle or boat is: i) more than twenty seven degrees Celsius (27°C); or ii) less than five degrees Celsius (5°C). This exemption has caused issues with enforcement as officers cannot determine the temperature inside of a vehicle. Most municipalities have included an ambient outside temperature exception in their original by-law. However, some of these municipalities have since amended their bylaws to remove this exception for ease of enforcement. It is recommended that the City of Windsor follow these municipalities and remove the temperature exemption. Moreover, as higher temperatures tend to coincide with exacerbated smog conditions and deteriorating air quality, the inclusion of the upper temperature limit restricts the effectiveness of the by-law as a means to address smog.

The current and proposed by-law provides an exemption for vehicles transporting a person where a medical doctor certifies in writing that for medical reasons a person in the vehicle requires that temperature or humidity be maintained within a certain range.

It is not recommended that children, seniors or pets be left alone in any parked car in extreme temperature (hot or cold) conditions, idling or not.



### **c) Fines**

Currently, the set fine for idling for more than five minutes is one hundred dollars. If the by-law is amended to reduce the idling time to one minute, approval will be sought from the Regional Senior Justice for the same set fine of one hundred dollars, with the option for penalization under Part 3 of the Provincial Offences Act in the case of excessive repeat infractions.

### **d) Enforcement**

The current by-law does not outline enforcement measures. The recommended by-law will include the following statements on enforcement:

- a) *This by-law shall be enforced anywhere within the boundaries of the City of Windsor including, without limiting the generality of the foregoing, all public and private highways as defined in the Highway Traffic Act, all municipal and private Parking Lots, parking spaces, driveways and sidewalks.*
- b) *The provisions of this by-law shall be enforced by an Official as defined in Section 1.*

The provisions of this by-law shall be enforced by an Official as defined. Official will now be defined as a police officer, police cadet, municipal law enforcement officer, Provincial Offences officer or any person authorized to enforce this by-law.

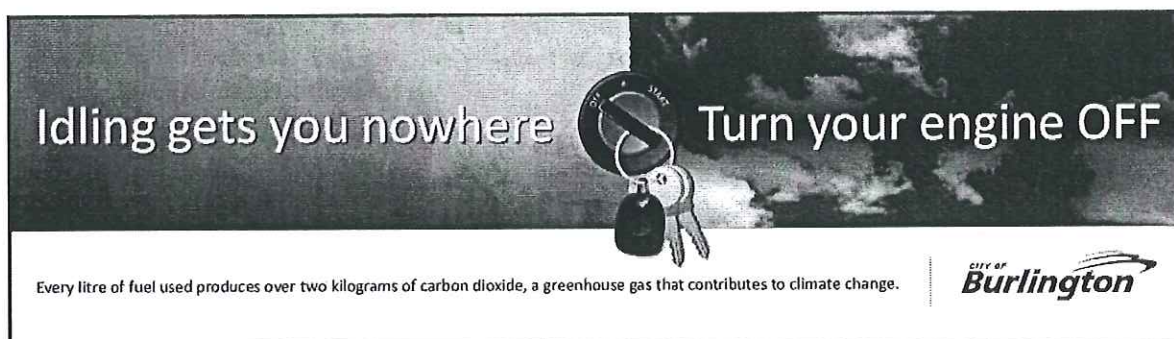
It should be noted that enforcement of this by-law will remain a challenge because of the nature of the action. Unless an official happens upon an idling vehicle, the bylaw will rely largely upon citizen reporting. As a result, an idling vehicle will often have moved before a by-law enforcement officer can respond to a complaint. By-law enforcement officers are limited to enforcing by-laws on private property leaving enforcement to those idling on the public right-of-way up to a Windsor Police Officer. Moreover, statutory authority is not afforded to non-police officers to demand a motorist's driver's license, ensuring the bulk of enforcement responsibility will continue to fall to Windsor Police Services. Enforcement of this by-law would be considered at the discretion of a police officer and would be of a low priority compared to other police matters. That said, consultation with Windsor Police Service suggests that this proposed amendment would allow for more efficient enforcement of the bylaw by reducing the time burden necessary to identify an infraction.

### **Communication and Awareness of the By-law**

Though the by-law provides an enforcement tool for officials other actions should be completed to help achieve compliance.

The Environmental Master Plan Office will communicate the changes of the by-law through several different forums including but not limited to: advertisements in the Activity Guide, the City of Windsor's website and social media, upcoming public events, and communication with the school boards and other stakeholders as appropriate.

Upon approval of the amended by-law, a new public awareness campaign on idling will occur. The Supervisor, Environmental Sustainability and Climate Change has been in touch with the City of Burlington on the use of their education material including posters, school banners, bookmarks, and stickers. The City of Burlington has offered to provide the City of Windsor with the art work free of charge as long as the City of Burlington is credited for the graphics. Citizen's Environmental Alliance has similarly offered the use of educational materials, so long as they are credited for their contribution.



City of Burlington's School Awareness Banner

Metal signs have been placed around the City of Windsor to remind individuals not to idle. There is no need to change these signs, as there is no reference to existing by-law or idling time permitted. Additional signs are available to be installed in priority areas.

As idling is common place in school zones, it is proposed that the Environmental Master Plan Office work with Transportation Planning to see if the messaging regarding idling can be reiterated in the safe routes to school program. Novel communication plans may be employed to exhibit social pressure to curb idling, such as the engagement of children, which may follow on the successes of recycling education.

The City of Windsor's Green Fleet plan, approved November 18, 2012 (M501-2012) also makes reference to reducing idling by City vehicles. Staff should be made aware of the changes to the idling by-law and should comply with the by-law as required. It is important to note, that some City vehicles have equipment that requires the vehicle to be running, for example public safety vehicles with emergency lights. However, most City vehicles have no reason to be idling and should be turned off.



## **RISK ANALYSIS:**

No significant or critical risks exist from the modification of the by-law.

The modification of the by-law may lead to the expectation among the public of an increase in enforcement. A failure to follow through on this expectation may conceivably lead members of the public to disregard the importance of the amendment. However, as the amendment allows for a renewed period of engagement on idling, it is expected that the provision and dissemination of information will lead to a reduction in idling.

An operating vehicle emits several different criteria air contaminants (CACs) such as volatile organic compounds (VOCs), carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), pollutants that are associated with various adverse health effects, including acute and chronic effects on respiratory health, especially among the very young, the elderly and those with respiratory ailments. Carbon dioxide is also an emission from vehicles and the main greenhouse gas contributor to climate change.

## **FINANCIAL MATTERS:**

There are no additional staff resources required due to the recommended changes to the by-law. Those currently enforcing the by-law will continue to do so as required.

No additional funds are being requested at this time for the education and communication of the by-law. The production of educational material and the undertaking of an increased communication plan will be completed as funding allows in the existing Environmental Master Plan operating budget.

Staff compliance with this by-law could lead to fuel savings for City operations.

## **CONSULTATIONS:**

Susan Hirota, Legal  
Pat Delmore, Transit Windsor  
Ann Kalinowski, Manager of By-Law Enforcement  
Josette Eugeni, Transportation Planning  
Paul Drca, Pollution Control  
Angela Marazita, Fleet  
Michael Dennis, Financial Planning  
Staff Sergeant Shannon, Windsor Police Services  
Dr. Wajid Ahmed, Windsor Essex County Health Unit  
Derek Coronado, Citizen's Environmental Alliance  
City of Burlington  
City of London  
Student Transportation Services

## **CONCLUSION:**

All of the recommended changes are intended to clarify the By-law to Prohibit Excessive Idling of Vehicles and Boats.

Vehicle idling is a waste of fuel and pollutes the environment, contributing to human health issues. Idling causes double the wear on internal parts compared to driving at regular speed. Idling gets you nowhere.

## **APPROVALS:**

<b>Name</b>	<b>Title</b>
Karina Richters	Supervisor, Environmental Sustainability and Climate Change
Chris Manzon	Senior Manager of Pollution Control
Susan Hirota	Legal Council
Mark Winterton	City Engineer
Shelby Askin-Hager	City Solicitor
Helga Reidel	Chief Administrative Officer

## **NOTIFICATIONS:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Derek Coronado	1950 Ottawa St. Windsor, ON N8Y 1R7	dcoronado@cogeco.net

## **APPENDICES:**

1. Appendix A - By-Law 233-2001, A By-Law to Prohibit Excessive Idling of Vehicles and Boats
2. Appendix B - Proposed Amendment to By-Law 233-2001, a By-Law to Prohibit Excessive Idling of Vehicles and Boats

BY-LAW NUMBER - 2016

A BY-LAW TO AMEND BY-LAW NUMBER 233-2001,  
BEING A BY-LAW TO PROHIBIT EXCESSIVE  
IDLING OF VEHICLES AND BOATS

Passed the    day of            2016

**AND WHEREAS** subsection 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorizes a municipal council to pass a by-law respecting the health, safety and well-being of persons, and the economic, social and environmental well-being of the municipality;

**AND WHEREAS** By-law Number 233-2001 was passed by the Council of The Corporation of the City of Windsor on June 18<sup>th</sup>, 2001;

**AND WHEREAS** motor vehicles are a major source of nitrogen oxides, carbon monoxide, carbon dioxide, sulphur dioxides and volatile organic compounds (air pollutants) into the outdoor air in the City of Windsor;

**AND WHEREAS** the levels of air pollutants from vehicle emissions in the City of Windsor are associated with various adverse health effects, including cancer and acute and chronic effects on respiratory health, especially among the very young, the elderly and those with respiratory ailments;

**AND WHEREAS** the City of Windsor is supportive of recent global, Federal and Provincial initiatives to reduce emissions that may contribute to climate change and poor air quality;

**AND WHEREAS** under section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, by-laws may be passed by council for providing that any person who contravenes any by-law of Council passed under the authority of the *Municipal Act, 2001*, S.O. 2001, c. 25 is guilty of an offence;

**AND WHEREAS** it is deemed expedient to amend said By-law Number 233-2001 of The Corporation of the City of Windsor;

**NOW THEREFORE** the Council of the Corporation of the City of Windsor enacts as follows:

1. That **SECTION 1 DEFINITIONS** of By-law 233-2001 be amended and the following definitions be substituted therefore:

- (1) (2)IDLE – means the operation of the engine of a Boat, Motor Vehicle or Commercial Motor Vehicle while the Boat, Motor Vehicle or Commercial Motor Vehicle is not in motion and not being used to operate auxiliary



equipment that is essential to the basic function of the Boat, Motor Vehicle or Commercial Motor Vehicle, and “idling” has a corresponding meaning;

- (2) (3)LAYOVER – means a stopping point along a transit route used by Transit Vehicles or a scheduled delay to allow Transit Vehicles to adjust to service schedules;
- (3) (4.1)MOTOR VEHICLE – includes an automobile, a motorcycle, a motor-assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a streetcar or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine, as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8., and includes Taxicabs and Livery Vehicles;
- (4) (5)OFFICIAL – means a police officer, police cadet, municipal law enforcement officer, Provincial Offences Officer or any person authorized to enforce this by-law;
- (5) (7)TRANSIT VEHICLE – means buses owned and operated by Transit Windsor and School Buses;

2. That **SECTION 1 DEFINITIONS** of By-law 233-2001 be amended and the following definitions be added therefore:

- (1) (1.1)COMMERCIAL MOTOR VEHICLE – means a motor vehicle having permanently attached thereto a truck or delivery body, and includes ambulances, hearses, casket wagons, fire apparatus, tow trucks, buses and tractors used for hauling purposes on the highways, and any vehicle bearing commercial license plates;
- (2) (1.2)CORPORATION – means The Corporation of the City of Windsor;
- (3) (1.3)DRIVE-THROUGH – means the uses of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a lane designated for that purpose;
- (4) (3.1)LIVERY VEHICLE – means a vehicle, other than a taxicab, used for hire for the conveyance of passengers and available for hire by the general public;
- (5) (5.1)PARKING LOT – means a private or municipal parking area to which the public has access whether on payment of a fee or otherwise;



- (6) (5.2)PROVINCIAL OFFENCES OFFICER – means any employee of the Corporation who is duly appointed by the Council of the Corporation, for the purpose of enforcing the provisions of the Corporation’s by-laws;
- (7) (5.3)SCHOOL BUS – means a school bus as defined by the Highway Traffic Act, R.S.O. 1990, c. H.8.;
- (8) (6.1)TAXICAB – means a vehicle, other than a car-pool vehicle, having a seating capacity of not more than six (6) people, not including the driver, hired for one specific trip for the transportation of one person or group of persons, with one fare or charge being collected or made for the trip;
- (9) (6.2)TOW TRUCK – means a vehicle used for hire for towing or otherwise conveying a vehicle;
- (10) (6.3)TRAFFIC CONTROL DEVICE - means any sign, or roadway, curb or sidewalk marking or other device erected or placed under the authority of the Council for the purpose of guiding or directing traffic.

3. That **SECTION 1 DEFINITIONS** of By-law 233-2001 be amended and the following definitions be deleted therefore:

- (1) (6)STOPOVER – A scheduled delay of a maximum of fifteen (15) minutes at a transit vehicle terminal to allow transit vehicles to adjust to service schedule.

4. That subsection 2 (1) of **SECTION 2 PROHIBITIONS** of By-law 233-2001 be amended and the following be substituted therefore:

- (1) Prohibitions – No person shall cause or permit a Motor Vehicle, a Commercial Motor Vehicle or a Boat to idle for more than one continuous minute (60 seconds).

5. That subsection 2 (2) of **SECTION 2 EXCEPTIONS** of By-law 233-2001 be amended and the following be substituted therefore:

- (1) (2) (a)Police, fire or ambulance vehicles or boats while engaged in operational activities, including training activities;
- (2) (2) (b)Motor Vehicles, Commercial Motor Vehicles and Boats assisting in an emergency activity;
- (3) (2) (e)Motor Vehicles, Commercial Motor Vehicles or Boats where idling is required to repair the Motor Vehicle, Commercial Motor Vehicle or Boat or to prepare the Motor Vehicle, Commercial Motor Vehicle or Boat for service;

- (4) (2) (g) Motor Vehicles, Commercial Motor Vehicles or Boats required to remain motionless because of an emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control;
- (5) (2) (h) Motor Vehicles, Commercial Motor Vehicles or Boats engaged in a parade or race or any other event authorized by the Council of the Corporation;
- (6) (2) (i) Transit Vehicles while passengers are embarking or disembarking en route or in terminals;
- (7) (2) (j) Transit Vehicles while at a Layover location;
- (8) (2) (k) Motor Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons the person requires that the temperature or humidity level be maintained within a certain range and the idling of the Motor Vehicle is necessary to achieve that temperature or humidity level;

6. That subsection 2 (2) of **SECTION 2 EXCEPTIONS** of By-law 233-2001 be amended and the following be added therefore:

- (1) (2) (la) Motor Vehicles when operating on the traveled portion of a Drive-Through lane;
- (2) (2) (m) Motor Vehicles or Commercial Motor Vehicles when halting temporarily to obey a Traffic Control Device;
- (3) (2) (n) Motor Vehicles or Commercial Motor Vehicles when halting temporarily to obey the directions of an Official;
- (4) (2) (o) Taxicabs or Livery Vehicles when stopping temporarily for the purpose of receiving or discharging persons for fare;
- (5) (2) (p) Tow Trucks while hoisting and pulling wrecked or disabled vehicles, or while removing vehicles unlawfully parked;

7. That subsection 2 (2) of **SECTION 2 EXCEPTIONS** of By-law 233-2001 be amended and the following be deleted therefore:

- (1) (2) (l) Vehicles or boats when the ambient temperature inside a vehicle or boat is:
  - (i) More than twenty-seven degrees Celsius (27°C.); or
  - (ii) Less than five degrees Celsius (5°C.).

8. That **SECTION 3 ENFORCEMENT** of By-law 233-2001 be added therefore:

- a) This by-law shall be enforced anywhere within the boundaries of the City of Windsor including, without limiting the generality of the foregoing, all public and private highways as defined in the *Highway Traffic Act*, all municipal and private Parking Lots, parking spaces, driveways and sidewalks.
- b) The provisions of this by-law shall be enforced by an Official as defined in Section 1.

9. That subsection **SECTION 4 OFFENCE** of By-law 233-2001 be added and the following be included therefore:

Any person who contravenes any provision of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000), exclusive of costs, and every such fine is recoverable under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended from time to time.

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

DREW DILKENS, MAYOR

CLERK

First Reading - , 2016

Second Reading - , 2016

Third Reading - , 2016



BY - LAW NUMBER 233-2001

A BY-LAW TO PROHIBIT EXCESSIVE  
IDLING OF VEHICLES AND BOATS

Passed the 18th day of June, 2001.

**WHEREAS** Section 102 of the Municipal Act authorizes the council of a municipality to pass by-laws and make regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by the Municipal Act;

**AND WHEREAS** under section 320 of the Municipal Act, by-laws may be passed by council for providing that any person who contravenes any by-law of Council passed under the authority of the Municipal Act is guilty of an offence;

**AND WHEREAS** motor vehicles are a major source of nitrogen oxides, carbon monoxide, sulphur dioxides and volatile organic compounds (air pollutants) into the outdoor air in the City of Windsor;

**AND WHEREAS** the levels of air pollutants from vehicle emissions in the City of Windsor are associated with various adverse health effects, including acute and chronic effects on respiratory health, especially among the very young, the elderly and those with respiratory ailments;

**THEREFORE** the Council of the Corporation of the City of Windsor enacts as follows:

1. As used in this by-law, the following terms shall have the meanings indicated:
  - (1) BOAT – A ship or any other description of vessel not propelled by oars and includes a boat used exclusively for towing purposes, a water taxi and a boat used on water for living purposes.
  - (2) IDLE – The operation of the engine of a boat or vehicle while the vehicle or boat is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the vehicle or boat, and "idling" has a corresponding meaning.
  - (3) LAYOVER – A stopping point along a transit route for a maximum of fifteen (15) minutes used by transit vehicles to allow transit vehicles to adjust to service schedules.
  - (4) MOBILE WORKSHOP:
    - (a) A vehicle containing equipment that must be operated inside or in association with the vehicle; or
    - (b) A vehicle serving as a facility for taking measurements or making observations operated by or on behalf of a municipality, public utility or police, fire or ambulance service.
  - (5) OFFICIAL – A police officer, police cadet, municipal law enforcement officer or any person authorized to enforce this chapter.
  - (6) STOPOVER – A scheduled delay of a maximum of fifteen (15) minutes at a transit vehicle terminal to allow transit vehicles to adjust to service schedule.
  - (7) TRANSIT VEHICLE – Public transit vehicles, tour buses and motor coaches.
  - (8) VEHICLE – A motor vehicle, trailer, traction engine, farm tractor or road building machine as defined in the Highway Traffic Act and any vehicle drawn, propelled or driven by any kind of non-muscular power, but does

not include cars of electric or diesel electric railways running only upon rails.

2. (1) No person shall cause or permit a vehicle or boat to idle for more than five (5) minutes in a sixty minute period.

(2) Subsection 2 (1) does not apply to:

- (a) Police, fire or ambulance vehicles or boats while engaged in operational activities, including training activities, except where idling is substantially for the convenience of the operator of the vehicle or boat.
- (b) Vehicles and boats assisting in an emergency activity.
- (c) Boats not at anchor or tied to a dock.
- (d) Mobile workshops while they are in the course of being used for their basic function.
- (e) Vehicles or boats where idling is required to repair the vehicle or boat or to prepare a vehicle or boat for service.
- (f) Armoured vehicles where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded.
- (g) Vehicles or boats required to remain motionless because of an emergency, traffic, weather conditions or mechanical difficulties over which the driver has no control.
- (h) Vehicles or boats engaged in a parade or race or any other event authorized by Council.
- (i) Transit vehicles while passengers are embarking or disembarking enroute or in terminals.
- (j) Transit vehicles while at a layover or stopover location except where idling is substantially for the convenience of the operator of the vehicle.
- (k) Vehicles transporting a person where a medical doctor certifies in writing that for medical reasons a person in a vehicle requires that temperature or humidity be maintained within a certain range.
- (l) Vehicles or boats when the ambient temperature inside a vehicle or boat is:
  - (i) More than twenty-seven degrees Celsius (27°C.); or
  - (ii) Less than five degrees Celsius (5°C.).

3. Any person who contravenes any provision of this by-law is guilty of an offence.

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

*Michael Hurst*

MICHAEL HURST, MAYOR

*John Skorobohacz*

JOHN SKOROBOHACZ, CITY CLERK

First Reading - June 18, 2001  
 Second Reading - June 18, 2001  
 Third Reading - June 18, 2001






# Beyond Westray

Stop the Killing  
Enforce the Law



*This symbol honours the twenty-six men who lost their lives in the Plymouth Mine Disaster  
May 8, 1992.  
The miner's lamp, central to the design, represents pride of their profession.  
The "eternal light" symbolic of eternal life.*

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“The Westray story is a complex mosaic of actions, omissions, mistakes, incompetence, apathy, cynicism, stupidity and neglect.”

*The Westray Story: A Predictable Path to Disaster*  
report from the inquiry led by Justice K. Peter Richard, 1997.

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**On the cover:** The Westray Monument in Westray Memorial Park in New Glasgow, Nova Scotia.



In March 2004, to great acclaim and with the support of a unanimous House of Commons and Senate, the Governor General signed into law amendments to the Criminal Code of Canada.

Widely known as the Westray Bill, these amendments were so named after the killing of 26 workers in the explosion of the Westray coal mine on May 9, 1992.

Designed to hold criminally accountable those corporations that fail to protect the health of their employees or the public, the amendments marked a significant shift in the liabilities of organizations for the failure of their senior officers to act.

*“Mr. Speaker, the passage of Bill C-45 represents the final step in the House in making significant reforms to the criminal law as it applies to all organizations. The bill has its origins in the terrible tragedy of the Westray mine explosion. All parties in the House co-operated in ensuring that the bill received high priority.”*

Paul Macklin, then Liberal MP and Parliamentary Secretary to the Minister of Justice,  
October 27, 2003.

## Failure to Enforce the Law

In the years since the passage of these Criminal Code amendments, only a few charges have been laid, with minimal consequences for employers. Yet the killing continues.

Every year across Canada almost 1,000 people are killed at work. Canada has one of the worst safety records of the developed world. Since the passing of the Westray amendments there has actually been an increase in workplace fatalities.

What Canada needs is a societal change in how we look at death, illness and injury caused by work. The 2004 Criminal Code amendments must be enforced.

*Mr. Speaker, the passage of Bill C-45 represents the final step in the House in making significant reforms to the criminal law as it applies to all organizations. The bill has its origins in the terrible tragedy of the Westray mine explosion. All parties in the House co-operated in ensuring that the bill received high priority.”*

Paul Macklin, then Liberal MP and Parliamentary Secretary to the Minister of Justice, October 27, 2003.

## Justice Has Not Yet Been Served

The public inquiry following the 1992 Westray disaster delivered a damning report of management greed and government incompetence. In all, Justice Peter Richard made 74 recommendations. Most notable is recommendation #73:

“The Government of Canada, through the Department of Justice, should institute a study of the accountability of corporate executives and directors for the wrongful or negligent acts of the corporation and should introduce in the Parliament of Canada such amendments to legislation as are necessary to ensure that corporate executives and directors are held properly accountable for workplace safety.”

The United Steelworkers, the union representing workers in mines, mills, and thousands of other kinds of employment across North America, took up the cause and with the Westray Families lobbied Parliament for a decade.

The Westray amendments do not address all of the goals of preventing fatal injuries in the workplace, but they acknowledge management responsibility and the need for criminal liability for the failure to exercise it.

*“The fundamental and basic responsibility for the safe operation of an undertaking, rests clearly with management.... Management failed in this primary responsibility and the significance of that failure cannot be mitigated or diluted simply because others were derelict in their responsibilities.”*

Justice K. Peter Richard

The Westray Bill will not bring back the 26 miners who died, nor the thousands who have died because of work since then.

However, careful and judicious use of the Westray amendments by provincial authorities, to address corporate leadership failure to exercise their responsibility for health and safety of employees and contractors, will prevent future fatalities from happening.

*“The fundamental and basic responsibility for the safe operation of an undertaking, rests clearly with management.... Management failed in this primary responsibility and the*

*significance of that failure cannot be mitigated or diluted simply because others were derelict in their responsibilities.”*

Justice K. Peter Richard

## Cruel Irony

The Westray mine received an award for safety just a week before the mine exploded in 1992. One of the workers, sent by the company to receive the JT Ryan Safety Award, was killed in the explosion. Despite the overwhelming evidence that came to light, the award was not taken away from Westray until years afterwards, after the Richard report was released, and then only after a letter writing campaign from disgusted miners and their union.

Westray's corporate leaders were never penalized.

*“There was a time, especially after the charges were dropped, that I could have broken some laws myself. I thought about it seriously. I thought about punishing those who did this to me and my family, and the only thing that stopped me was that I knew that I would be held accountable, and I couldn't stand the thought of being taken away from my family, losing everything I worked for, future plans. I still can't understand why that fear is not present with corporations and companies.”*

Allen Martin, brother of killed Westray miner and leader of the Westray Families.



## Why Did Parliament Unanimously Support the Westray Bill?

In October 2003 when the Westray Bill was debated for the last time, the House of Commons was made up of 172 Liberals, 66 Reform Alliance, 38 Bloc Québécois, 13 NDP, and 12 Conservatives. Members were able to come together in one common cause in both the Commons and the Senate.



**Westray becomes law:** USW National Director Lawrence McBrearty in Ottawa with Prime Minister Jean Chrétien in 2003 for Royal Assent of the Westray amendments.

“This Bill is the outcome of the efforts of ordinary members of this House and not an initiative of the Government. Members worked hard to ensure that tragedies such as the one at the Westray mine would never occur again or, if they did, that very harsh penalties could be incurred,” said BQ MP Richard Marceau at the time.

*“There was a time, especially after the charges were dropped, that I could have broken some laws myself. I thought about it seriously. I thought about punishing those who did this to me and my family, and the only thing that stopped me was that I knew that I would be held accountable, and I couldn’t stand the thought of being taken away from my family, losing everything I worked for, future plans. I still can’t understand why that fear is not present with corporations and companies.”*

Allen Martin, brother of killed Westray miner and leader of the Westray Families.

No one spoke against the Westray Bill. Some wanted it to be stronger. In the end, it was accepted by everyone because something had to be done.

## Liability Before and After the Westray Amendments

Prior to the Westray amendments, corporations could only be held criminally liable if the CEO had personal knowledge of and involvement in the problem. This ignored management’s role in the design, planning, and supervision of work. Safety and health is a part of the process and not just an afterthought. Often workers are confronted with the reality that production and profit take precedence over safety and health.

Before the Westray Bill, organizations and individuals in charge could claim they were unaware of the potential risks or harm and escape

responsibility. The Westray amendments create a legal duty to take reasonable steps to avoid bodily harm.

It is no defence for an individual or organization to say they didn’t know there was a problem.

Such a claim could be an admission of guilt. If an individual did not even know of a problem, then they may not have taken reasonable steps to avoid bodily harm to other persons and failure to inquire could support a charge of criminal negligence.

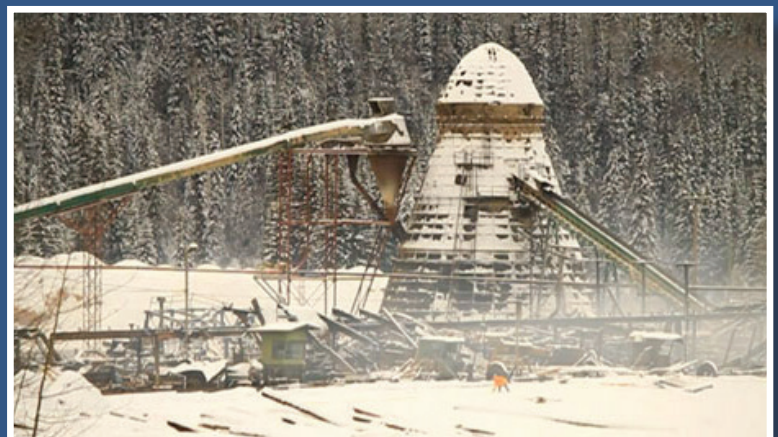
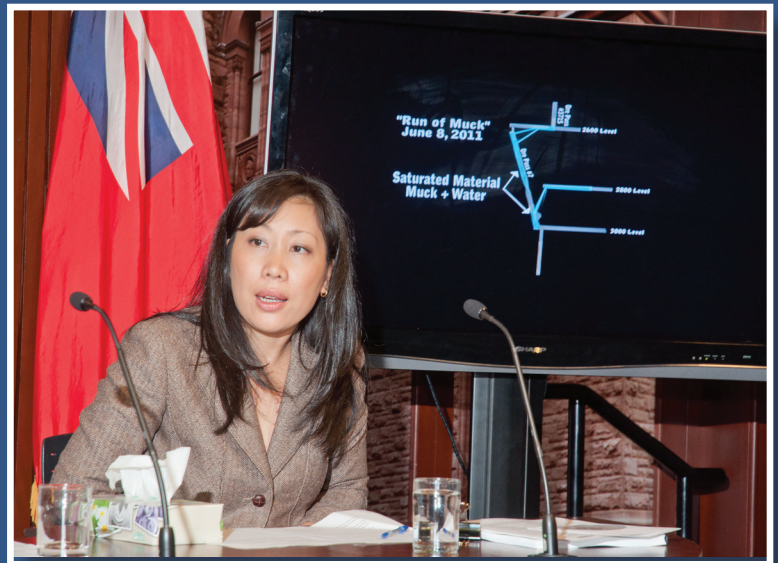
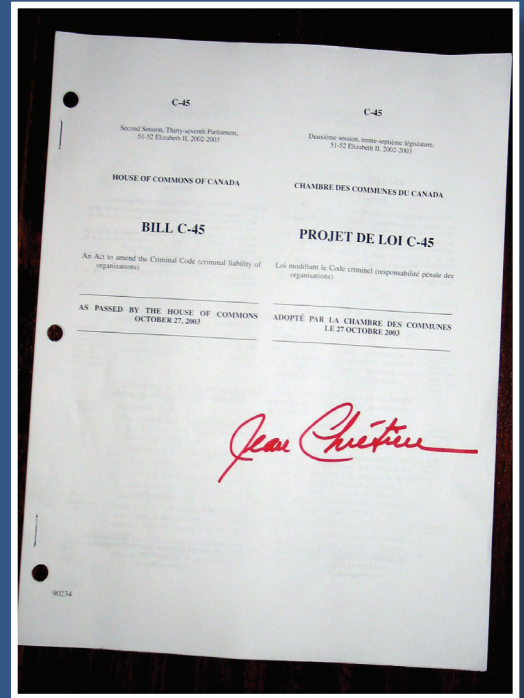
## Enforce the Law

In Canada, enforcement of the Criminal Code is a provincial responsibility, led by the provincial Attorneys General. The performance across Canada of the provincial authorities responsible for protecting workers’ lives is poor.

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**Clockwise from top:** The Kill a Worker, Go to Jail campaign demands that employers be held criminally liable for the deaths of workers. Bill C-45 signed by Prime Minister Jean Chrétien. Run of Muck: press conference at Queen’s Park in 2012 releasing the results of USW Local 6500’s investigation into the 2011 deaths of two workers at Vale’s Stobie mine in Sudbury. A sawdust explosion killed 2 workers and injured 19 others at a sawmill in Burns Lake, B.C. in 2012. USW members perform a mock rescue exercise.







Despite on-going reductions in the number of claims by injured workers for lost time, the number of fatalities at work has steadily increased, profoundly contradicting claims that work is safer.

Almost a thousand people now die annually because of a traumatic event at work. One in 10 severe injuries among Canadians occurs while working.

Since the Westray amendments were proclaimed into law, only a handful of charges have been attributed to it. That has to change.

## Direction From the Top Down

Attorneys General must give policy direction to Crown attorneys in order for change to occur. Workplace fatalities are no different than drunk driving, domestic assault or gun violence – they are all the same in that there is a point when the cause is criminal.

The Criminal Code represents the outside boundary of acceptable behaviour. Governments today continue to pursue policies of deregulation. Today, policing or fire fighting are not the most dangerous jobs. There is greater risk of being killed at work as a security guard, a logger, or truck driver. And if your job is contracted out, that risk increases further.

In 2005, there were 43 deaths and 115 serious injuries in the BC forest industry, the highest numbers since the 1970s when loggers were still on bonus and not salary.

“Employers blame the workers and claim that there is a ‘culture of risk-taking’ causing this,” says the United Steelworkers Western Canada Director Steve Hunt.

“Today there are more contractors in the forest industry than ever before, and workers are being forced by economic blackmail to work longer hours with fewer resources to protect their safety.

“Industry, by its reckless, single-minded and selfish pursuit of corporate profits above all else, has created a ‘culture of desperation’ in which workers are pushed to their physical and mental limits.”

## The Story of Lyle Hewer

In November 2004, sawmill worker Lyle Hewer worked at Weyerhaeuser’s New Westminster sawmill. A supervisor asked Hewer to clean out a hopper that funneled waste material into a hog, a high-speed grinder that reduces wood waste. Workers regularly climbed inside to manually remove waste-wood products and clear out any jams, even though the hopper constitutes a “confined space” as defined in BC’s workers’ compensation laws. Hewer climbed into the hopper, became trapped and was asphyxiated.

Investigators from WorkSafe BC and the New Westminster police found that Weyerhaeuser management was aware that the hopper was a safety hazard but had resisted repeated requests to fix it. After Hewer died, Weyerhaeuser repaired the hopper at a cost of about \$30,000.

Following its investigation, WorkSafe BC fined Weyerhaeuser \$297,000, the largest such penalty in BC



history. The New Westminster police recommended charges under the Westray amendments to the Criminal Code.

Yet, in spite of the glaring nature of the case and the urging of WorkSafe and police, the BC prosecution service declined to launch a prosecution. Asked in the Legislature, then-attorney general Wally Oppal indicated there was no need to explain the Crown's reasons. His office (incorrectly) said that the matter was under federal jurisdiction.

The United Steelworkers decided that wasn't good enough. So it sought leave from the courts to launch a private prosecution. Vancouver lawyer Glen Orris began a year of legal work to show that there are reasonable grounds for a prosecution.

The private prosecution was launched in March 2010 in New Westminster Provincial Court. Over three days of hearings in October and November 2010, Orris called 16 witnesses, presenting the Steelworkers' case that there was sufficient evidence for Weyerhaeuser to be tried under the Westray amendments. In March 2011, provincial court judge Therese Alexander ordered a process hearing, allowing the prosecution to proceed. Orris indicated that he was prepared to proceed as prosecutor on behalf of USW.

However, the policy of the BC Crown is to handle all privately-initiated prosecutions itself. Rather than proceed with the prosecution, in August 2011, the Criminal Justice Branch stayed the proceedings



Taking Weyerhaeuser to court: in 2011, USW brought a private criminal prosecution against Weyerhaeuser for the 2004 death of sawmill worker Lyle Hewer.

against Weyerhaeuser, saying in a statement that, “There is no evidence that management at Weyerhaeuser was aware that workers were entering the hog in these circumstances.”

## **A Deep Disconnect**

The Hewer case is just one of many workplace fatalities that should have been investigated through the lens of the Westray amendments. Other recent fatalities that ought to be prosecuted include the deaths of John Wilson at the Craigmont mine in BC; Sam Fitzpatrick at Kiewit’s Toba-Montrose hydroelectric project, also in BC; Jason Chenier and Jordan Fram at Vale’s Stobie mine in Sudbury, ON. There are many more that have escaped justice.

Until there is clear direction from all of our provincial and territorial attorneys-general, there will continue to be a clear and deep disconnect between the intent of the Westray amendments and their application. All parties in Parliament at the time of the passage of the Westray Bill indicated that the new law would better protect workers and hold companies to account by making it easier to obtain prosecutions.

“It is painfully obvious that the provinces do not know how to proceed in criminal prosecutions that involve workplace health and safety,” says the USW’s National Director, Ken Neumann.

## **It’s the Law – *Make it Work***

The United Steelworkers, the grown-up sons and daughters of the 26 Westray miners, the families of so many workers killed at work – all support the campaign to enforce the Westray amendments.

Specifically, we are seeking support and political will – just as we did in the aftermath of Westray – for these specific actions to ensure enforcement:

- ▶ Educate, train and direct Crown attorneys to apply the Westray amendments;
- ▶ Give responsibility for health and safety fatalities to dedicated prosecutors;
- ▶ Educate, train and direct police to apply the Westray amendments;
- ▶ Ensure greater coordination among regulators, police and Crowns so that health and safety regulators are trained to reach out to police when there is a possibility that Westray amendment charges are warranted.

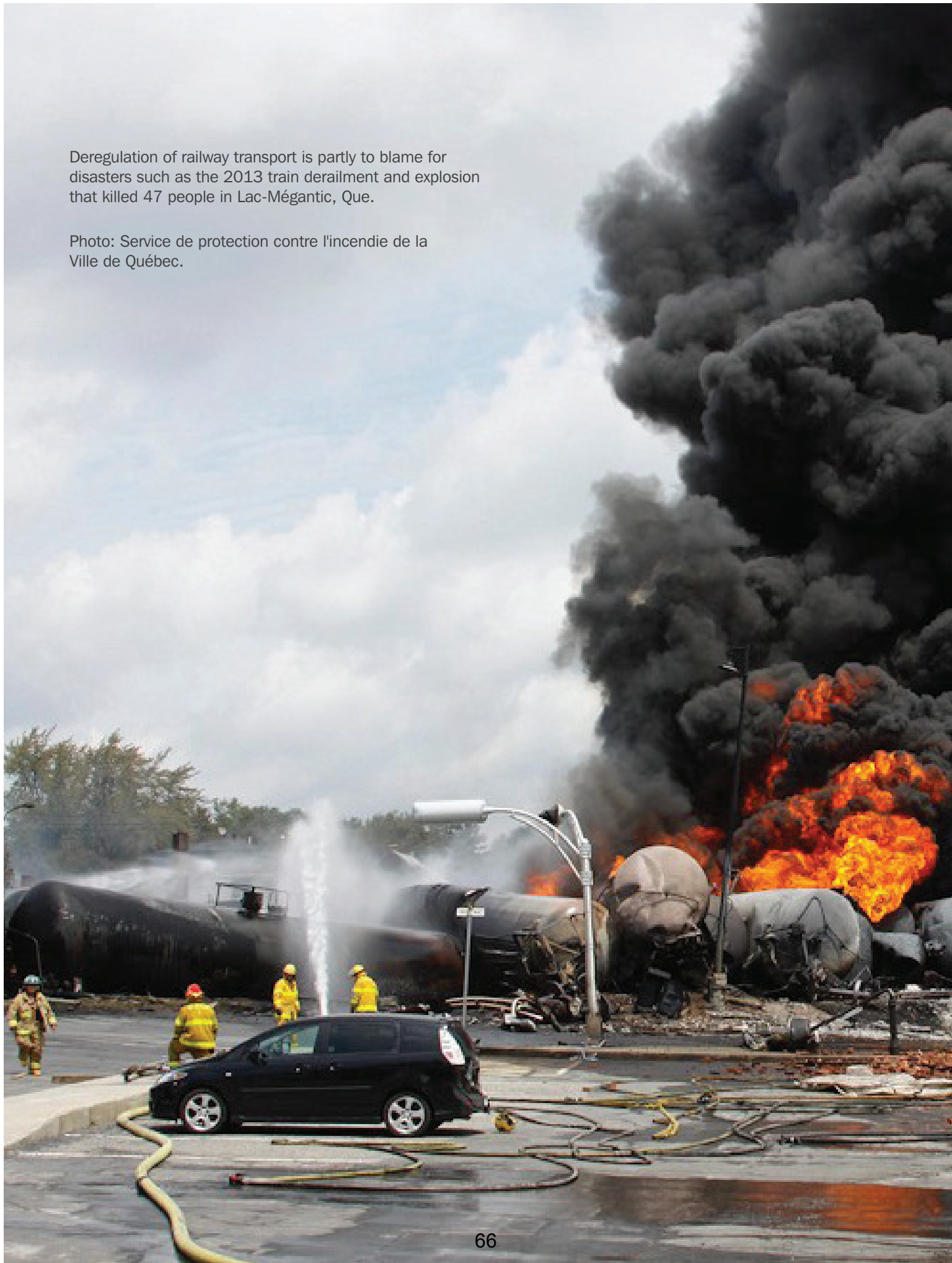
**STOP THE KILLING**

**ENFORCE THE LAW**

**IT’S NOT TOO LATE**

Deregulation of railway transport is partly to blame for disasters such as the 2013 train derailment and explosion that killed 47 people in Lac-Mégantic, Que.

Photo: Service de protection contre l'incendie de la Ville de Québec.





**Ron Corbeil**

Health, Safety & Environment Coordinator  
USW District 3  
3920 Norland Avenue, Suite 300  
Burnaby, BC V5G 4K7  
Tel.: 604-683-1117

**René Bellemare**

Health, Safety & Environment Coordinator  
USW District 5  
565, boulevard Crémazie Est, Suite 5100  
Montréal, QC H2M 2V8  
Tel.: 514-382-9596

**Sylvia Boyce**

Health, Safety & Environment Coordinator  
USW District 6  
200 Ronson Drive, Suite 300  
Etobicoke, ON M9W 5Z9  
Tel.: 416-243-8792

**Gerry Leblanc**

Health, Safety & Environment Department Lead  
USW Canadian National Office  
234 Eglinton Avenue East, Suite 800  
Toronto, ON M4P 1K7  
Tel.: 416-487-1571

[www.usw.ca/westray](http://www.usw.ca/westray)



# **Corporate Criminal Liability 2004-2013**

**By Robert Champagne, Legal Counsel**

**United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied  
Industrial and Service Workers International Union**

**October 16, 2013**



## Summary

Amendments passed in 2004 to the *Criminal Code* of Canada to make it easier to impose criminal liability on corporations for serious workplace injuries and fatalities are being woefully underutilized. There have been only three successful prosecutions under the Westray amendments to date. Sentences issued in these prosecutions have been paltry. Serious workplace injuries and fatalities continue to occur at alarming rates.

Governments can take concrete steps to better enforce the Westray amendments in order to hold corporations liable for their criminally negligent actions.

## The Westray Mine Disaster

In 1992, 26 miners died at the Westray mine in Pictou County, Nova Scotia as a result of an explosion caused by a build-up of methane gas and coal dust. Only 15 miners' bodies were ever recovered.

The Government of Nova Scotia called a Public Inquiry to investigate the causes of the disaster. Justice Peter Richard presided over the Public Inquiry, which heard 76 days of testimony.

Justice Richard's concluded that the explosions and the workers' deaths resulted from a combination of corporate neglect and mismanagement, as well as government bungling and indifference. His key findings were:

- the mine's Internal Responsibility System for health and safety had failed
- mine managers blatantly disregarded health and safety regulations
- mine managers intimidated and coerced miners with threats and firings
- mine management emphasized production at the expense of safety
- government inspectors and officials failed to carry out their oversight responsibilities

Justice Richard made more than 70 recommendations to improve workers' health and safety, including a recommendation that the Government of Canada amend the *Criminal Code* to ensure that corporations and corporate executives be held accountable for workplace safety.

## The Westray Amendments to the *Criminal Code* of Canada

No individual or corporation was ever successfully prosecuted for the workers' deaths at the Westray mine. At the time, Canada's *Criminal Code* made it difficult to hold corporate executives and corporations criminally liable for serious workplace injuries and fatalities.

For over a decade, Westray family survivors and the labour movement, particularly the United Steelworkers, lobbied the federal government and Members of Parliament to amend the *Criminal Code* to make it easier hold corporate executives and corporations criminally liable for serious workplace injuries and fatalities.

In 2004, Parliament unanimously adopted the Westray amendments to the *Criminal Code*. The Westray amendments are primarily focussed on the offence of criminal negligence.

The Westray amendments make it easier to hold corporations liable for criminal negligence by:

- creating a new legal duty (s.217.1) that all persons directing work, or having the authority to direct work, must take reasonable steps to prevent bodily harm arising from work, and
- creating rules (s. 22.1) for attributing liability to organizations for the acts of their representatives which are criminally negligent.

In brief, if a person with the duty to take all reasonable steps to prevent bodily harm to a worker fails to do so, and in failing to do so acts with wanton or reckless disregard for the life and safety of the worker, then that person is guilty of criminal negligence (s. 219).

If one or more representatives of a corporation commit criminal negligence and a senior officer (or officers) of the corporation departs markedly from the standard of care that could be reasonably expected to prevent the representative from committing criminal negligence, then a corporation can be convicted of criminal negligence (s.22.1).

Penalties for a conviction for the indictable offence of criminal negligence under the Westray amendments are:

#### Individuals

- Injury - 10 years in prison
- Death - life in prison
- Unlimited fine and 15% victim surcharge

#### Corporations

- Criminal record
- Probation
- Unlimited fine and 15% victim surcharge

### **Application of the Westray Amendments**

Between 2004 and 2013, the Westray amendments to the *Criminal Code* have been utilized in only 10 cases to bring criminal negligence charges in cases of serious worker injury and death. In those 10 cases, criminal negligence charges were brought against five corporations and twelve individuals.

As of mid-2013, there have been only three successful prosecutions under the Westray amendments – two in Quebec and one in Ontario. Those prosecutions resulted in the conviction of two corporations and one individual. Sentences have been relatively minor.

- R v. Transpave – employee of concrete product manufacturer crushed to death; disabled guarding system, no inspection system, inadequate safety training

Sentence: \$100,000 fine, plus \$10,000 victim surcharge

- R v. Scrocca – employee of landscape contractor crushed to death by backhoe; failure to maintain multiple braking systems  
Sentence: 2 years, less a day, to be served in the community, subject to conditions including a curfew
- R v. Metron – 4 employees killed, one seriously injured, after collapse of faulty swing stage scaffold; employees not wearing safety lifelines  
Original sentence at trial: \$200,000 fine, plus \$30,000 victim surcharge  
Sentence on appeal: \$750,000 fine, plus \$112,500 victim surcharge

Charges have been withdrawn in four cases; acquittals followed trials in two cases; charges in two cases were stayed by the Crown, including one charge laid as a result of a private prosecution brought by the United Steelworkers; one charge against an individual is pending.

### **Workplace Fatalities in Canada Continue at Alarming Rate**

Between 900 and 1000 workers die in workplace deaths in Canada every year.

- 1993 – 2011 : 17,062 workplace deaths (average of 898 workers deaths per year)

\* Source: Canadian Centre for Occupational Health and Safety

### **Reasons Why the Westray Amendments Are Not Being Utilized More**

Key reasons for the under-utilization of the Westray amendments:

- The consequences and criminal significance of serious workplace injuries and fatalities have not penetrated the consciousness of police, Crown attorneys, and provincial health and safety regulators. There is a prevalent belief that serious workplace injuries and deaths are matters for provincial regulatory response and not criminal sanction. The evolution of thinking on the need to prosecute impaired driving offences and domestic violence demonstrates an important parallel.
- Police and Crown attorneys face a lack of knowledge, education, training and resources in utilizing the Westray amendments.
- There is a lack of cooperation and coordination amongst health and safety regulators, police and Crown attorneys in the investigations of serious workplace injuries and fatalities.
- Governments and employers continue to push an agenda of deregulation which undercuts the desire and means to hold corporations liable for their criminally negligent actions which result in serious workplace injuries and deaths.



### **What is Needed for Better Enforcement of the Westray Amendments?**

- Health and safety regulators, police and Crown attorneys need education and training about the Westray amendments and their application.
- Attorneys General need to curtail Crown attorney discretion to not prosecute for criminal negligence in cases of serious workplace injuries and fatalities.
- Dedicated Crown prosecutors are needed to criminally prosecute cases involving serious workplace injuries and fatalities.
- Police investigations should be mandatory in all cases involving a serious workplace injury or fatality.
- Police need education and training in carrying out workplace accident investigations.
- Health and safety regulators must be directed to reach out to police when Westray amendment charges may be in order.
- A written protocol is needed to coordinate the efforts of health and safety regulators, police, and the Crown in dealing with cases of serious workplace injuries and fatalities.
- Dedicated and coordinated teams of health and safety regulators, police and Crown Attorneys should work on the application of the Westray amendments.
- Greater financial resources need to be provided to police and Crown attorneys to help ensure proper application of the Westray amendments.

## Enforce the Westray Amendments to Canada's Criminal Code

WHEREAS it has been more than two decades since the Westray mine disaster in Nova Scotia and a decade since amendments were made to the Criminal Code of Canada to hold corporations, their directors and executives criminally accountable for the health and safety of workers; and

WHEREAS police and prosecutors are not utilizing the Westray amendments, and not investigating workplace fatalities through the lens of criminal accountability; and

WHEREAS more than 1,000 workers a year are killed at work

THEREFORE BE IT RESOLVED that this Council support a campaign to urge our provincial/territorial government, specifically the Attorney-General and Labour Minister, to ensure that:

- Crown attorneys are educated, trained and directed to apply the Westray amendments;
- Dedicated prosecutors are given the responsibility for health and safety fatalities;
- Police are educated, trained and directed to apply the Westray amendments;
- There is greater coordination among regulators, police and Crowns so that health and safety regulators are trained to reach out to police when there is a possibility that Westray amendment charges are warranted.

**MINUTES OF A MEETING OF THE CULTURAL & ARTS ADVISORY COMMITTEE  
FOR THE TOWN OF TECUMSEH**

A meeting of the Cultural & Arts Advisory Committee for the Town of Tecumseh was scheduled to be held on Monday, July 18, 2016, in the Sandwich South Meeting Room at Town Hall, 917 Lesperance Road, Tecumseh at the hour of 7:00 pm.

(CAA 9-1)

**ORDER**

The meeting was adjourned due to a lack of quorum. No discussion was held and no decisions were made.

(CAA 9-2)

**ROLL CALL**

Members Present:	Member	- Rhonda Dupuis
	Councillor	- Rita Ossington

Also Present:	Director Corporate	
	Services & Clerk	- Laura Moy
	Deputy Clerk	- Tatiana Dafoe

Absent:	Chair	- Jerome Baillargeon
	Vice-Chair	- Ian Froese
	Member	- Dwayne Ellis
	Councillor	- Andrew Dowie

(CAA 9-3)

**DISCLOSURE OF PECUNIARY INTEREST**

(CAA 9-4)

**DELEGATIONS**

None.

(CAA 9-5)

**COMMUNICATIONS**

**Minutes**

a) Cultural & Arts Advisory Committee Meeting held June 20, 2016.

Motion: (CAA-27/16) Moved by  
Seconded by

**THAT** the Minutes of the Cultural & Arts Advisory Committee meeting held June 20, 2016, be approved.

Carried

(CAA 9-6)

**REPORTS**

None.

(CAA 9-7)

**UNFINISHED BUSINESS**

**Community Event Boards**

**2016 Culture Days Update**

(CAA 9-8)

**NEW BUSINESS**

(CAA 9-9)

**NEXT MEETING**

The next meeting of the Cultural & Arts Advisory Committee will be held on Tuesday, August 30, 2016, at 6:00 pm, in the Sandwich South Room, Tecumseh Town Hall.

(CAA 9-10)

**ADJOURNMENT**

Motion: (CAA-28/16) Moved by  
Seconded by

**THAT** there being no further business, the July 18, 2016, meeting of the Cultural & Arts Advisory Committee be adjourned at \_\_\_\_ pm.

Carried

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Jerome Baillargeon, Chair

---

Ian Froese, Vice-Chair



## **MINUTES OF A MEETING OF THE HERITAGE COMMITTEE FOR THE TOWN OF TECUMSEH**

A meeting of the Heritage Committee for the Town of Tecumseh was scheduled to be held on Monday, July 18, 2016, in the Sandwich South Meeting Room at Town Hall, 917 Lesperance Road, Tecumseh, at the hour of 6:00 pm.

(HC 7-1)

### **ORDER**

The meeting was adjourned due to a lack of quorum. No discussion was held and no decisions were made.

(HC 7-2)

### **ROLL CALL**

Members Present:	Councillor	- Rita Ossington
	Member	- Rhonda Dupuis
	Member	- Terry England

Also Present:	Director Corporate Services	
	& Clerk	- Laura Moy
	Deputy Clerk	- Tatiana Dafoe

Absent:	Councillor/Chair	- Andrew Dowie
	Vice-Chair	- Ian Froese
	Member	- Cheryl Hardcastle
	Member	- Jerome Baillargeon
	Member	- Dwayne Ellis

(HC 7-3)

### **DISCLOSURE OF PECUNIARY INTEREST**

(HC 7-4)

### **DELEGATIONS**

None.

(HC 7-5)

### **COMMUNICATIONS**

#### **Minutes**

a) Heritage Committee Meeting held June 20, 2016

Motion: (HC-24/16) Moved by  
Seconded by

**THAT** the Minutes of the Heritage Committee meeting held June 20, 2016,  
be approved.

Carried

(HC 7-6)

### **REPORTS**

None.

(HC 7-7)

### **UNFINISHED BUSINESS**

Heritage Property Listing

Bus Tour

Log Cabin Update

(HC 7-8)

**NEW BUSINESS**

(HC 7-9)

**NEXT MEETING**

The next meeting of the Heritage Committee will be held on Monday, September 12, 2016, at 6:00 pm in the Sandwich South Room, Tecumseh Town Hall.

(HC 7-10)

**ADJOURNMENT**

Motion: (HC-25/16) Moved by  
Seconded by

**THAT** there being no further business, the July 18, 2016, meeting of the Heritage Committee be adjourned at \_\_\_\_ pm.

Carried

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Councillor Andrew Dowie, Chair

---

Ian Froese, Vice-Chair

MINUTES OF A MEETING OF  
THE CORN FESTIVAL COMMITTEE  
FOR THE TOWN OF TECUMSEH

A meeting of the Corn Festival Committee for the Town of Tecumseh was held on Thursday, June 23, 2016, at the Tecumseh Recreation Complex & Arena, 12021 McNorton Street, Tecumseh, Ontario, at 6:00 p.m.

(CF 6-1)

**CALL TO ORDER**

Chair calls the meeting to order at 6:20 p.m.

(CF 6-2)

**ROLL CALL & DISCLOSURE OF PECUNIARY INTEREST**

Present:	Executive Member	Anthony Corona
	Executive Member	David Lozinsky
	Executive Member	Leslie Furlan [6:20pm]
	Executive Member	Virginia Lopez [6:20pm]
	Executive Member	Ron Matysek
	Executive Member	Jillian Parent
	Executive Member	Lawrence Pickle
Regrets:	Executive Member	Emily Bondy
	Executive Member	Connie Buckler
	Executive Member	Cheryl Hardcastle
	Executive Member	Charles Frank
	Councillor Liaison	Rita Ossington
	Councillor Liaison (alternate)	Brian Houston
Also Present:	Director Corporate	Laura Moy
	Services & Clerk	
	Manager Recreation	Kerri Rice
	Programs & Events	

The Chair notes that Enya Pamila Shello and Marija Kulidzan, Marketing Students from St. Clair College will be assisting with marketing of the event.

Chelsea Durocher has submitted her resignation due to other personal commitments. Jillan Parent will be assisting with Chelsea's portfolio, as well as Emily Bondy's.

(CF 6-3)

**DISCLOSURE OF PECUNIARY INTEREST**

None

(CF 6-4)

**DELEGATIONS AND COMMUNITY PARTNERS**

- a) Knights of Columbus
- Jim Chute introduces the Committee consisting of Mike Hutnik, Gary Smith, and Ken Fauteux, as well as Frank Rush who is not in attendance. He advises that the AGCO application has been submitted.
  - He further notes a correction to the draft schedule of events with respect to the performers in the Tent.
- b) Optimist Club of St. Clair Beach, Fred Raby, President
- It is noted the cookers need repairs. The burners need replacing, new steamers were purchased.

- It is also mentioned that 1,000 Corn Festival tickets will be provided complimentary to the Town.

(CF 6-5)

**COMMUNICATIONS**

Motion: (CF-14/16) Moved by Ron Matysek  
Seconded by Anthony Corona

**That the May 19, 2016 Corn Festival Committee Minutes be approved.**

Carried

It is noted that the Summer Fun Guide produced by Enroute will be looked at for the 2017 Festival for advertising and promotion.

Motion: (CF-15/16) Moved by Virginia Lopez  
Seconded by Leslie Furlan

**To receive Communications b) and c) be received.**

Carried

Ticket scene – online ticket sales

- Carter shows may wish to look at online ticket sales.
- It is suggested online ticket sales for the Festival entrance be looked into for future events.

(CF 6-6)

**REPORTS**

a) Committee Chair

- Committee members are reminded to contact David Lozinsky, Chairperson with any concerns
- The FEO voted Tecumseh Corn Festival as 1 of 9 Top Food Festivals, which will be added to event advertising.
- Portfolios – members are asked to look at what has been completed and what remains outstanding.
- Committee members reminded that Member Leslie Furlan will be presented with an Award of Recognition from the Town for her commitment to the Tecumseh Corn Festival.
- Anything new to be purchased should be addressed now, as well as event staffing needs. Members are to speak with David Lozinsky as soon as possible.

b) Classic Car Show

- Member Charles Frank is absent.
- Members are asked to submit a report updating the Committee on their portfolio if they are not able to attend the meeting.
- It is stated that the Committee needs the Canadian Tire Receipts for prizes and that there was a \$1000 sponsorship.
- Set up needs to be sent to Tony Corona, as soon as possible

c) Entertainment

- Entertainment has been selected, apologies are extended to the members who heard the news through the Media Release – a copy of the Media Release is handed out
- It is noted that in previous years, the Town had a grant to assist with drawing big band names. The grant is no longer available, making it difficult to attract more popular performers.

d) Financial Strategies

- Vendors – no new updates
- Approximately \$40,000 in sponsorships has been secured, to date
- Vista Print donated T-shirts and banners (\$3,000 sponsorship)
- HGS possible Gold or Platinum Sponsorship



- It is imperative that Sponsors be acquired as soon as possible so that they can be included in print material.
  - July 15<sup>th</sup> is the deadline to have sponsors included in the print material.
  - Need to ensure sponsors are included on signage.
  - Kerri will send out admission procedures.
  - Jacket and T-Shirts for Diamond Sponsors
- e) Hospitality / Merchandise / Uniforms
- Member Connie Buckler is absent.
  - Zehrs has donated \$1,000 in gift cards for Food for the Hospitality Suite following the Parade. Let David Lozinsky know if any member needs gift cards.
  - Site service needs should be given to Tony Corona as soon as possible.
  - Let Connie Buckler know if members need anything from her, such as t-shirts or any other merchandise/uniforms...

Larry Pickle vacates the meeting at 7:20 pm.

- f) Marketing / Publications / Social Media
- finalizing contract with historic media
  - Pot of Gold is doing a 15 second video to be shown at Lakeshore Cinemas
  - Radio advertising with Blackburn and AM800 have been arranged, dates and times are to be determined
  - Arms Bumanlag will be at the Festival on the Friday.
  - Draft schedule of events has been circulated. The final schedule will be included in the Shoreline Week Special Corn Festival Event Edition.
  - the Marketing students will design a flyer and send it to Kerri Rice, Manager Programs & Events, who will look in copying and cost
  - Cost of boosting Twitter and Facebooks posts are provided
- g) Pageant
- Applications have been collected,
  - first practice is scheduled for this coming Sunday
  - a choreographer has been recruited
  - WFCU sponsored the event, amount unknown at this time.
  - Need videographer
  - AM800 to host.
- h) Parade
- The Road Closure Application has been submitted
  - Bands have been confirmed, as well as three other entries
  - Legion Guard has yet to be confirmed
  - Mr. Vilella and his Grade 3 Class will be approached for possible participation as the Parade Marshall
  - No photo contest for Parade

Motion: (CF-16/16) Moved by Ron Matysek  
Seconded by Leslie Furlan

**That Quick Signs be advised that their Walking Dead vehicle is not appropriate for the Corn Festival Parade, as the Corn Festival is a family oriented event and due to the potentially offensive nature of the graphics.**

Carried

- i) Site Servicing / Vendors / Event Staff
- All set up is ready to go
  - Hydro has been upgraded
  - 8-9 Vendors are confirmed to date
  - 16 student applications were received; due by June 29<sup>th</sup>.
  - Town's Smoking in Public Spaces By-law restricts smoking in the park, except parking areas. The Provincial Smoking Legislation also restricts smoking in parks.

- The Nimby Tent has been moved for logistics
- Members need to advise of any hydro or other site servicing needs, as soon as possible

- j) Spirit Squad & Interactive Activities
- Still looking for spots.
  - The Committee is notified that there has been no response from the schools regarding the colouring contest.
  - High Jinks is no longer a sponsor, will contact Springs.
  - Dream-Makers are onboard.

(CF 6-7)

**UNFINISHED BUSINESS**

None

(CF 6-8)

**NEW BUSINESS**

None

(CF 6-9)

**NEXT MEETING**

The next meeting of the Tecumseh Corn Festival Committee will be scheduled Thursday, July 21, 2016 at 6:00 p.m. at the Tecumseh Recreation Complex and Arena.

David Lozinsky will be unable to attend.

The Committee will decide on charitable vendor booths at the next meeting. Two applications have been received to date.

(CF 6-10)

**ADJOURNMENT**

Motion: (CF-17/16) Moved by Ron Matysek  
Seconded by Jillian Parent

**That the June 23, 2016, Corn Festival Committee meeting be adjourned at 8:00 p.m.**

Carried

---

David Lozinsky, Chairperson



## THE CORPORATION OF THE TOWN OF TECUMSEH

Corporate Services & Clerk  
Report No. 21/16

**TO:** Mayor and Members of Council

**FROM:** Laura Moy, Director Corporate Services & Clerk

**DATE:** July 19, 2016

**DATE TO COUNCIL:** July 26, 2016

**SUBJECT:** By-Election for the Office of Councillor Ward 2

---

### **RECOMMENDATIONS**

It is recommended that:

1. The Director Corporate Services & Clerk's Report No. 21/16 regarding a By-election for the Office for Councillor Ward 2, be received.

### **BACKGROUND**

Corporate Services & Clerk Report No. 16/16 respecting the Declaration of the Office for Councillor Ward 2 as Vacant and Methods to Fill the Vacancy was presented to Council at their meeting held on Tuesday, June 28, 2016. The Report was presented at the first meeting following the sudden passing of Councillor Michael Rohrer on May 28, 2016. At the meeting Council declared the Office of Councillor Ward 2 for the Town of Tecumseh to be vacant and approved Council Vacancy Policy Number 89. Consideration of the method of filling the vacancy was deferred to the July 12, 2016, meeting of Council [RCM-229/16].

At the July 12, 2016, meeting of Council, direction was given to prepare a by-law to authorize the holding of a by-election to fill the vacancy in the Office of Councillor Ward 2 for consideration at the July 26, 2016, Regular Meeting of Council.

### **COMMENTS**

By-law No. 2016-59 being a by-law to authorize a by-election for the Office of Councillor Ward 2 has been prepared and is included on the Agenda for the July 26<sup>th</sup> meeting of Council.

Section 65 of the *Municipal Elections Act* (MEA) requires the Clerk to establish a Nomination Day not less than thirty (30) and not more than sixty (60) days from the day the by-law was adopted.

Voting Day must be held forty-five (45) days after the Nomination Day.

In accordance with the MEA, Nomination Day will likely be established as soon as Tuesday, August 30, 2016, and Election Day as Friday, October 15, 2016.

Formal notices regarding Nominations will be published in the Shoreline Week, as well as on the Town's website and social media.

The MEA requires by-elections to be conducted as fair as possible and in the same manner as the regular election. The 2014 Municipal Elections were conducted using the alternative method of Internet and Telephone Voting in accordance with Section 42(1)(b) of the MEA.

Policies and procedures on the use of Internet and Telephone Voting by eligible electors in Ward 2 will be prepared and made available on the Town's website, following the selection of service provider. Voter information will be mailed to the eligible voters following the close of nominations.

Council will continue to be kept apprised of the by-election process through informational reports on their meeting Agenda.

### **CONSULTATIONS**

None

### **FINANCIAL IMPLICATIONS**

The estimated cost of filling the Council vacancy by way of by-election is \$12,000 to \$15,000 and will be funded from the Elections Lifecycle Reserve for the 2018 Municipal Election.

Available funding remaining for the 2018 Municipal Elections from the Elections Lifecycle Reserve will be reviewed as part of the 2017 budget considerations.



## **LINK TO STRATEGIC PRIORITIES**

<b>No.</b>	<b>2015-16 Strategic Priorities</b>	<b>Applicable</b>
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	✓
5.	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	✓

## **COMMUNICATIONS**

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

---

Laura Moy, Dipl. M.M, CMM III HR Professional  
Director Corporate Services & Clerk

Recommended by:

---

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment(s): None

/lm



## THE CORPORATION OF THE TOWN OF TECUMSEH

Corporate Services & Clerk  
Report No. 20/16

**TO:** Mayor and Members of Council

**FROM:** Tatiana Dafoe, Deputy Clerk

**DATE:** July 6, 2016

**DATE TO COUNCIL:** July 26, 2016

**SUBJECT:** Cat Spay and Neuter Voucher Program  
Cat Intake Program  
Bi-Annual Update

---

### **RECOMMENDATIONS**

It is recommended that:

1. The Deputy Clerk Report No. 20/16, titled "Cat Spay and Neuter Voucher Program and Cat Intake Program Bi-Annual Update" be received.

### **BACKGROUND**

#### Cat Spay and Neuter Voucher Program

At the October 27, 2015, Regular Council Meeting, Council approved the renewal of the Cat Spay and Neuter Voucher Program for 2016 and passed the following Resolution (RCM-362/15):

**THAT** the Town of Tecumseh continue the Cat Spay and Neuter Voucher Program (Program) in 2016;

**AND THAT** the total number of vouchers be increased from 75 to 95 vouchers in 2016, with a value of \$50 each and allocated as follows:

- 86 Vouchers for the spay or neuter of Feral Cats, to a maximum of five (5) vouchers per caregiver of feral cats; and
- 9 Vouchers be allocated for the spay or neuter of Owned Cats, to a maximum of three (3) vouchers per household for low income families;

**AND FURTHER THAT** the Vouchers be available early April 2016 and issued on a first come, first serve basis with a 120-day expiry period;

**AND FURTHERMORE THAT** a Media Release is to be issued advising of the 2016 Program, along with a notice in the Shoreline Week, as well as on the Town's website and Social Media (Facebook and Twitter pages);

As recommended by the Deputy Clerk under Report No. 38/15, dated October 5, 2015.

Carried

Subsequently, at the March 22, 2016, Regular Council Meeting, Council passed Resolution (RCM-117/16):

**THAT** the 2016 Cat Spay and Neuter Voucher Program (Program) allow Caregivers of Feral cats to receive up to a maximum of five (5) vouchers, issued on a first come, first serve basis, with a 120-day expiry period;

**AND THAT** the Vouchers for the 2016 Program be made available starting on Tuesday, April 15, 2016;

**AND FURTHER THAT** a Media Release be issued advising of the 2016 Program, along with a notice in the Shoreline Week, as well as on the Town's website and Social Media sites;

As recommended by the Deputy Clerk under Report No. 04/16, dated February 10, 2016.

Carried

#### Cat Intake Program

At the October 27, 2015, Regular Council Meeting, Council passed the following Resolution (RCM-361/15):

**THAT** the Clerk be authorized to execute the Cat Intake Agreement with the Windsor/Essex County Humane Society (WECHS) for 2016 to permit stray cats to be dropped off at a cost of \$10 to the resident and \$20 to the Town for each cat;

**AND THAT** funding for the Cat Intake Program be reduced from \$3,500 to \$2,500 in the 2016 Budget and that funding for the Cat Spay and Neuter Voucher Program be increased from \$3,750 to \$4,750 in the 2016 Budget;

**AND FURTHER THAT** information respecting the renewal of the Cat Intake Program be communicated to residents in the local media, as well as on the Town's website and Social Media (Facebook and Twitter pages) following execution of the Agreement;

As recommended by the Deputy Clerk under Report No. 36/15, dated September 23, 2015.

Carried

During the Budget deliberation on November 23, 2015, Council approved the Corporate Services & Clerks Department budget for Animal Control which included funding in the amount of \$4,750 for a Cat Spay and Neuter Voucher Program and \$2,500 for a Cat Intake Program.

#### COMMENTS

##### Cat Spay and Neuter Voucher Program 2016

The Cat Spay and Neuter Voucher Program for 2016 (Program), was approved for 95 vouchers being offered with a value of \$50 each.

The vouchers for the Program were made available to the public on Friday, April 15, 2016. The Program allows for caregivers of feral cats to receive up to a maximum of five (5) vouchers, issued on a first come, first serve basis, with a 120-day expiry period.

From the initial allotment of 86 Feral Cat Vouchers, 73 were issued, with 13 vouchers remaining. Nine (9) vouchers were made available for Low Income Owned Cats, however, none were issued.

As of, June 30, 2016, 39 out of the 73 Feral Cat Vouchers issued have been redeemed and have had invoices submitted to the Town for payment by the authorized participating Veterinary Hospitals in Essex County. The remaining 34 vouchers will expire on August 13, 2016. Feral Cat Vouchers not redeemed following the April 13, 2016, expiration date will be voided and new Feral Cat Vouchers will



be issued and made available to the public, along with the remaining 13 vouchers. The intent of the Program is to have as many feral cats as possible spayed or neutered to help reduce the population of feral cats in the Town.

The remaining nine (9) Low Income Vouchers for the spay or neuter of Owned Cats will be re-allocated to the Feral Cat Vouchers, due to higher interest in vouchers for Feral Cats by September 1, 2016, in the event no applications are received.

At this writing, it is anticipated that the Program will be under-utilized by the end of 2016. A review of the program's use will be conducted as part of the 2017 Budget process.

#### Cat Intake Program 2016

The Cat intake Program with the Windsor-Essex County Humane Society (WECHS) allows residents to drop off stray cats to the WECHS at a cost of \$10 each. The Town is responsible for payment of the cost of \$20 each to WECHS.

The Agreement with the WECHS for the Cat Intake Program has been in place since 2010. In that time, the Cat Intake Program has proven to be very successful for the Town and has received positive participation from residents.

As of June 30, 2016, the current cost to the Program is \$660.00 based on invoices submitted to the Town for payment by the WECHS.

A summary comparing the number of cats dropped off at the WECHS, as of June 30, 2014, June 30, 2015, and June 30, 2016, is provided below:

<b>Cat Intake Program</b>			
<b>Month</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
January	2	2	1
February	4	1	1
March	3	6	2
April	4	4	12
May	14	4	7
June	30	15	10
<b>Total</b>	<b>57</b>	<b>32</b>	<b>33</b>
<b>Actual</b>	<b>\$1140.00</b>	<b>\$640.00</b>	<b>\$660.00</b>

Based on the historical trend in previous years, the months of September, October and November tend to have a higher rate of cat intakes.

At this writing, it is anticipated that the \$2,500 allocation for the Cat Intake Program will be under-utilized by the end of 2016. A review of the program's use will be conducted as part of the 2017 Budget process.

It is recommended that the Cat Spay and Neuter Voucher Program and Cat Intake Program Bi-Annual Update Report No. 20/16, be received.

## **CONSULTATIONS**

Area Veterinary Hospitals  
Windsor Essex County Humane Society

## **FINANCIAL IMPLICATIONS**

The 2016 P&I Animal Control Budget includes funding in the amount of \$4,750 for the Cat Spay/Neuter Voucher Program and \$2,500 for the Cat Intake Program.

## **LINK TO STRATEGIC PRIORITIES**

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	✓
5.	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	✓

## **COMMUNICATIONS**

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

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Tatiana Dafoe, BA, MA,  
Deputy Clerk

Reviewed by:

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Laura Moy, Dipl. M.M, CMM III HR Professional  
Director Corporate Services & Clerk

Recommended by:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

TD/



## THE CORPORATION OF THE TOWN OF TECUMSEH

### Financial Services Report No. 12/16

**TO:** Mayor and Members of Council

**FROM:** Tom Kitsos, Deputy Treasurer & Tax Collector

**DATE:** July 19, 2016

**DATE TO COUNCIL:** July 26, 2016

**SUBJECT:** 2017 Business Plan & Budget Timetable

---

### **RECOMMENDATIONS**

It is recommended that:

1. The proposed 2017 Business Plan & Budget timetable, as follows, be approved:

Council consultation	September 13, 2016
Public engagement	September 13 to September 30, 2016
Table proposed Business Plan & Budget	November 8, 2016
Council deliberations	TBD week of November 21, 2016
Council deliberations	TBD week of November 28, 2016
Council consideration & adoption	December 6, 2016

### **BACKGROUND**

The purpose of this report is to approve the 2017 Business Plan & Budget timetable.

Included within this timetable is a strategy to encourage public awareness and engagement in the budget process.

#### *Public Engagement*

It is recommended that the Council pre-budget consultation be used as a medium to increase public awareness and engagement in the annual budget process.

Through advertisement in the Shoreline, Town web site and social media, residents will be encouraged to attend the Regular Council Meeting on September 13 to observe the Council consultation and/or visit the Town's web site to view the presentation slide deck and/or request a printed copy of the slide deck at Town Hall. Residents will be able to ask questions and/or provide comments through the Town's web site, social media or through written correspondence from September 13 to September 30.

Posed questions and/or comments along with responses will be posted on the web site, on social media and be available upon request at Town Hall by October 7, allowing Council and Administration an opportunity to consider suggestions and/or concerns in the budget development process.

## **COMMENTS**

### *Proposed Business Plan & Budget Timetable*

Generally, in a non-election year such as 2017, Council and Administration set a timetable that can achieve an adopted budget in December. During election years, such as 2015, Council and Administration set a timetable that can achieve an adopted budget in February. The timetable being proposed for the 2017 operating, lifecycle and reserves budgets is:

Council consultation	September 13, 2016
Public engagement	September 13 to September 30, 2016
Table proposed Business Plan & Budget	November 8, 2016
Council deliberations	TBD week of November 21, 2016
Council deliberations	TBD week of November 28, 2016
Council consideration & adoption	December 6, 2016

The major advantages of adopting the annual budget in December are:

- Departments may proceed with budgeted service delivery and work plan management as early in the year as possible, and
- Allows for earlier variance analysis and thus provides more time to adjust in-year to adverse circumstances which arise

Some disadvantages of adopting the annual budget in December are:

- County and School Board levies will not be known
- ERCA and EWSWA budgets will not be known
- Property assessment impacts will not be known, as the returned roll for property tax purposes is generally received mid-December

In this instance, forecasts based on multi-year trends are used.

Administration recommends Council approve the *Proposed Business Plan & Budget Timetable* seeking adoption in December. Adoption in December allows Council and Administration to confidently commence service/program delivery immediately and fully utilize the budget calendar.

## **CONSULTATIONS**

None

## **FINANCIAL IMPLICATIONS**

None



## **LINK TO STRATEGIC PRIORITIES**

<b>No.</b>	<b>2015-16 Strategic Priorities</b>	<b>Applicable</b>
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	✓
5.	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	✓

## **COMMUNICATIONS**

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

Reviewed by:

---

Tom Kitsos, CPA, CMA, BComm  
Deputy Treasurer & Tax Collector

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Luc Gagnon, CPA, CA, BMath  
Director Financial Services & Treasurer

Recommended by:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment(s):     None

TK



## THE CORPORATION OF THE TOWN OF TECUMSEH

Parks and Recreation Department  
Report No. 21/16

**TO:** Mayor and Members of Town Council

**FROM:** Kerri Rice, Manager Recreation Programs/Events

**DATE:** July 7, 2016

**DATE TO COUNCIL:** July 26, 2016

**SUBJECT:** Tecumseh BIA's Fall Into Health Day Event

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### **RECOMMENDATIONS**

It is recommended:

1. THAT relief be granted from Noise By-law 2002-07, as amended, in order to permit the Tecumseh Business Improvement Area to operate loud speakers or sound amplifying equipment during the following time period: Sunday, September 25, 2016 from 11:00 a.m. to 4:00 p.m. for background music and event announcements;
2. AND THAT the Tecumseh Business Improvement Area be granted an exemption from the Town's Sign By-law starting August 29, 2016 to permit them to advertise the Fall Into Health Day event in consultation with the Parks Department and Planning Department

### **BACKGROUND**

The Tecumseh Business Improvement Area [BIA] is an association of business and property owners who work in partnership with the Town of Tecumseh to foster Tecumseh's retail and service sectors as a successful and increasingly competitive business area. The BIA is a significant contributor to health and welfare of the local economy, civic improvements, and quality of life through various initiatives, community events and strategic promotions such as The Gallery Without Walls Banner Program that celebrates the wealth of creative talent in the area.

In September 2015, the BIA hosted the 1<sup>st</sup> annual Fall Into Health Day at Lakewood Park. The free event provided visitors with the opportunity to connect with top health and wellness vendors, exhibits, expert speakers on various health, wellness and lifestyle topics. The event included live demonstrations, food vendors, physical activities and demonstrations such as Yoga, Nordic Pole Walking, Disc Golf, Tai Chi, Taekwondo, High Impact Exercise, and Stand Up Paddle Boarding.

The objective of the health fair was to:

- Increase health awareness by providing activities, materials, demonstrations and information
- Increase awareness of local, provincial, and national health services and resources
- Motivate participants to make positive health behaviour changes
- Teach self-care practices
- Showcase health and wellness services and products available in the Town of Tecumseh and encourage residents from Windsor/Essex to come to Tecumseh for all their health and wellness needs

## **COMMENTS**

With the success of the 2015 event, the BIA plan to host the 2<sup>nd</sup> annual Fall Into Health Day at Lakewood Park on Sunday, September 25, 2016 from 11:00 a.m. to 4:00 p.m. The event will once again be free to the community.

**OUTDOOR SPECIAL EVENTS POLICY:** Outdoor Special Events Policy No. 85 identifies various types of permitted uses for municipal parks, including festivals and events. This Policy provides Administration with guidelines for the scheduling of events within municipal parks based on scheduled maintenance, programming, and potential impact on the surrounding residents. The Policy addresses factors that impact events such as noise restrictions, road closures, parking, park maintenance and clean-up, use of tents and washroom facilities, electrical requirements, food and alcohol services, smoking and use of smokeless of tobacco restrictions, and the need to complete an Application/Facility Use Agreement.

Administration has reviewed Policy No. 85 as it relates to the request made by the BIA to host the Fall Into Health Day event and has determined that the event is in accordance with the Policy. Therefore, Administration is prepared to execute the Facility Use Agreement accordingly.

**NOISE BY-LAW:** According to By-law No. 2002-07, a by-law respecting the emission of sounds:

*Section 4: No person within the municipality shall emit or cause the emission of sound resulting from any act listed in Table 4-1, hereinafter set out, if clearly audible at a Point of Reception located in an area of the municipality within a prohibited time shown for such an area.*

	<i>Prohibitions Periods of Time</i>		
	<i>Residential Area</i>	<i>Agricultural Area</i>	<i>Commercial Area</i>
<i>4. The sound from or created by any radio, phonography, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such a manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence.</i>	<i>At all times</i>	<i>At all times</i>	<i>At all times</i>
<i>5. The operation of any auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices.</i>	<i>At all times</i>	<i>10:00 p.m. to 8:00 a.m.</i>	<i>10:00 p.m. to 8:00 a.m.</i>

The Fall Into Health Day event requires the use of a sound amplifying system for background music and for event announcements. The BIA has indicated that they will be mindful of the surrounding neighbours and will make every effort to maintain the sound at an acceptable level. The BIA is requesting a waiver of the Noise Bylaw in order that they may utilize sound amplifying equipment throughout the Fall Into Health Day event.

Administration recommends that Noise By-law No. 2002-07 be waived in order that the BIA may proceed with the use of loud speakers or sound amplifying equipment throughout the Fall Into Health Day event.

**SIGN BY-LAW:** According to By-law No. 2004-66, a by-law to regulate and govern signs within the municipality (Sign By-law):

*Section 2.7: Council may upon application from any person, authorize minor variances from this By-law, if in the opinion of Council the general intent and purpose of the By-law are maintained.*

*Section 2.8: The Town may by agreement permit any sign within the Town that does not otherwise comply with the provisions of the By-law.*

*Section 4.2: No person shall erect, display, alter or repair any sign, unless it is in conformity with the provisions of this By-law.*

*Section 4.3: No person shall erect, display, alter or repair any sign without a permit.*

Marketing and advertising is an important component for the success of any event. For the purposes of promoting the Fall Into Health Day event, the BIA is requesting permission to erect temporary signage throughout the community.

According to By-law No. 2004-66, Council may upon application from any person authorize minor variances from this By-law, if in the opinion of Council the general intent and purpose of the By-law are maintained. Administration recommends that the BIA be granted an exemption from the Town's Sign By-law starting August 29, 2016 to allow them to advertise the Fall Into Health Day event and that the location of the signs be determined in consultation with the Parks Department and Planning Department.

## **CONSULTATIONS**

Special Event Resource Team

## **FINANCIAL IMPLICATIONS**

The Parks and Recreation Department will be preparing a Facility Use Agreement for use of Lakewood Park and site servicing requirements in accordance with the Fees and Charges Bylaw.



## **LINK TO STRATEGIC PRIORITIES**

This event supports the Parks and Recreation Master Plan by working with and supporting local community groups and organizations and taking a leadership role to create opportunities for a wide range of sport, recreation and leisure opportunities.

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	✓
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	
5.	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	✓

## **COMMUNICATIONS**

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

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Kerri Rice  
Manager, Recreation Programs/Events

Reviewed by:

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Paul Anthony, RRFA  
Director Parks & Recreation

Recommended by:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment(s):

/kr



**THE CORPORATION OF THE  
TOWN OF TECUMSEH**

**PLANNING AND BUILDING SERVICES  
DEPARTMENT  
Report No. 19/16**

**TO:** Mayor and Members of Council

**FROM:** Chad Jeffery, MA, MCIP, RPP  
Manager, Planning

**DATE:** July 19, 2016

**DATE TO COUNCIL:** July 26, 2016

**SUBJECT:** Site Plan Control Approval  
Briadco Tool and Mold  
5605 Roscon Industrial Drive  
OUR FILE: D11 ON

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**RECOMMENDATIONS:**

It is recommended that:

1. “Overall Site Plan - A1.0” and “Overall Site Service Plan - C1.0”, dated July 7, 2016, as prepared by the Rosati Construction Inc., and attached hereto as Attachments 2 and 3, which depict the construction of a 725 square metre (7,800 square foot) industrial addition, along with associated on-site works, to an existing 2563 square metre (27,591 square foot) industrial building located on the west side of Roscon Industrial Drive (5605 Roscon Industrial Drive), be approved, subject to:
  - i) the Owner depositing with the Town security in the form of cash or letter of credit in the amount of ten thousand dollars (\$10,000) to ensure that all of the services and other obligations of the Owner are completed to the satisfaction of the Town, which cash or letter of credit security deposit shall be returned to the Owner on completion and final inspection of all obligations of the Owner as shown on the aforementioned plans; and
  - ii) storm water retention calculations being approved by the Town

all of which is in accordance with Section 41 of the *Planning Act, R.S.O. 1990*.

**BACKGROUND:**

The subject 1.8 hectare (4.5 acre) property, located at 5605 Roscon Industrial Drive, is situated on the west side of Roscon Industrial Drive, south of its intersection with Blackacre Drive (see Attachment 1). It is currently occupied by a 2563 square metre (27,591 square foot) industrial building that contains a tool and mold industrial operation along with associated offices.

The subject property is subject to site plan control, in accordance with Section 41 of the *Planning Act, R.S.O. 1990*. This property is located in an area of the Town which requires Council approval of the site plan drawing only, without the need for a formal site plan agreement.

In July of 2001, Council approved a site plan drawing which allowed for the construction of the existing industrial development and subsequently approved a 598 square metre (6,440 square foot) addition in July of 2013. Application for site plan approval has now been filed by Rosati Construction Inc. (on behalf of the Owner) to permit an additional expansion to the existing industrial building. Accordingly, site plan and site service drawings have been provided (see Attachment 2, 2A and 3) which depict the proposed expansion and related on-site improvements. More specifically, the drawings depict the:

1. construction of a 725 square metre (7,800 square foot) industrial addition to the rear of the existing building (western side);
2. addition of parking/hard surface areas;
3. installation of stormwater management measures; and
4. installation of an on-site fire hydrant.

### **COMMENTS:**

The proposed development/site plan complies with the Industrial Zone (M1) (see Attachment 3) which applies to the subject property.

An existing buffer strip and berm extends approximately 67 metres (220 feet) along the rear lot line, thereby providing a visual buffer of the industrial operation from the institutional use (St. Charbel Maronite Catholic Church) situated to the immediate west.

Town Administration has reviewed the proposal and does not have any concerns. Administration believes that the proposal is of a good design and is prepared to recommend approval of the site plan drawing. The site plan amendment approval facilitates the construction of the building, and aforementioned on-site improvements. The property will continue to be serviced by municipal water, municipal storm and an on-site septic system.

The applicant has been advised that stormwater management calculations will be required for the site and that they will require the approval of the Town. As is the practice of the Town, a performance security deposit in the amount of \$10,000 (cash or letter of credit) is required as a condition of approval to ensure all performance obligations of the Owner are fulfilled.

On the basis of the foregoing, Town Administration recommends that Council approve "*Overall Site Plan - A1.0*" and "*Overall Site Service Plan - C1.0*", dated July 7, 2016 as prepared by the Rosati Construction Inc., and attached hereto as Attachments 2 and 3.

### **CONSULTATIONS:**

The application was reviewed at recent Planning Staff Review meeting(s) by:

Public Works and Environmental Services

Planning and Building Services Report 19/16  
 Site Plan Control Approval  
 Briadco Tool and Mold  
 5605 Roscon Industrial Drive  
 OUR FILE: D11 ON  
 July 19, 2016

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### **FINANCIAL IMPLICATIONS:**

There are no financial implications.

### **LINK TO STRATEGIC PRIORITIES:**

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	
5.	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	

### **COMMUNICATIONS**

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐



Planning and Building Services Report 19/16  
Site Plan Control Approval  
Briadco Tool and Mold  
5605 Roscon Industrial Drive  
OUR FILE: D11 ON  
July 19, 2016

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This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

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Enrico De Cecco, BA (Hons.), MCIP, RPP  
Junior Planner

Reviewed by:

Reviewed by:

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Chad Jeffery, MA, MCIP, RPP  
Manager, Planning

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Brian Hillman, MA, MCIP, RPP  
Director, Planning and Building Services

Recommended by:

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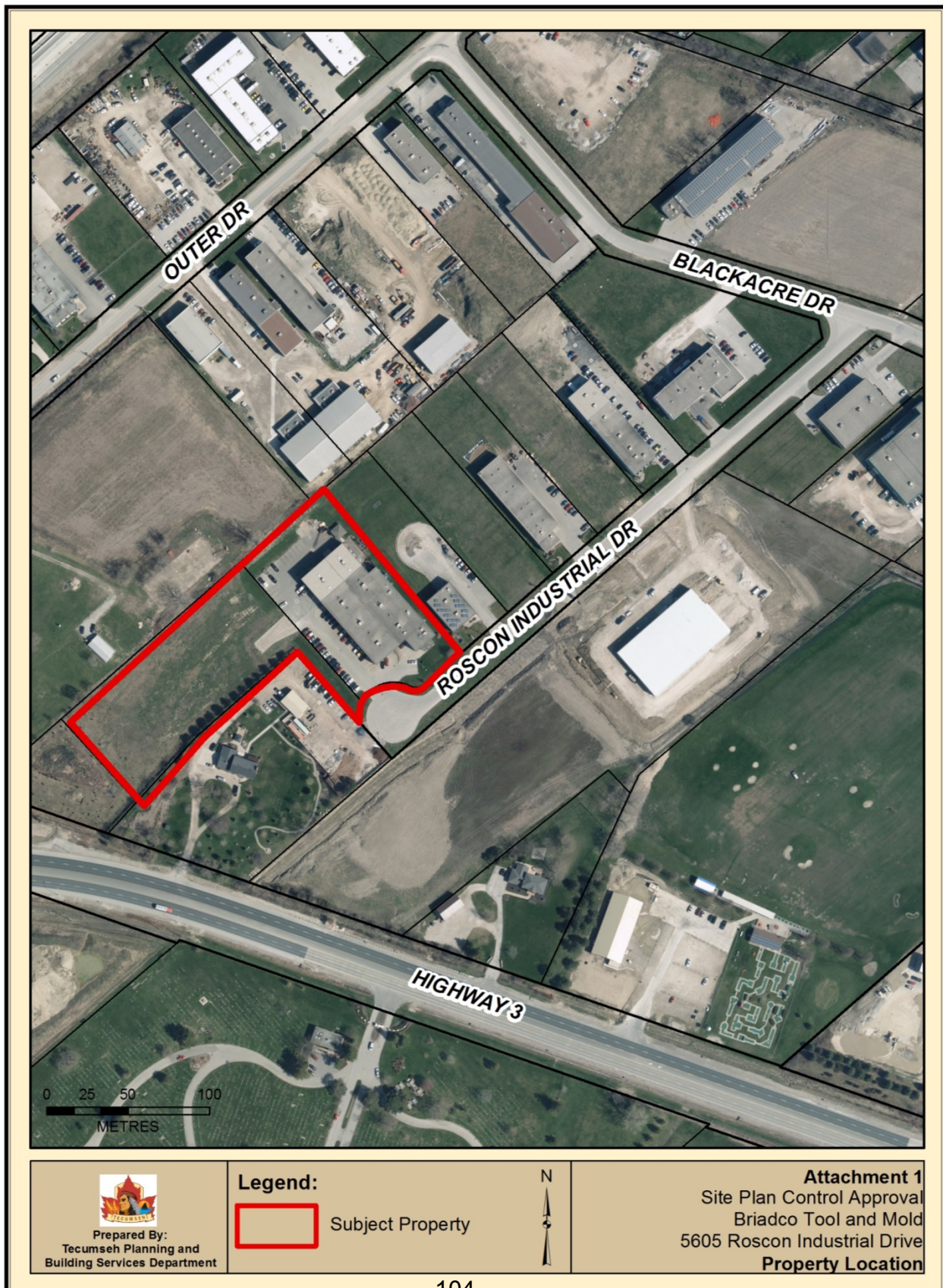
Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

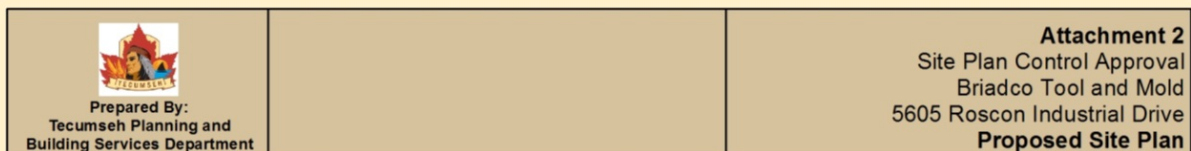
Attachment(s):

1. Subject Property Map
2. Proposed Site Plan
- 2A. Proposed Site Plan – Detail View
3. Proposed Site Services Plan
4. Zoning Map

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Planning and Building Services Report 19/16  
 Site Plan Control Approval  
 Briadco Tool and Mold  
 5605 Roscon Industrial Drive  
 OUR FILE: D11 ON  
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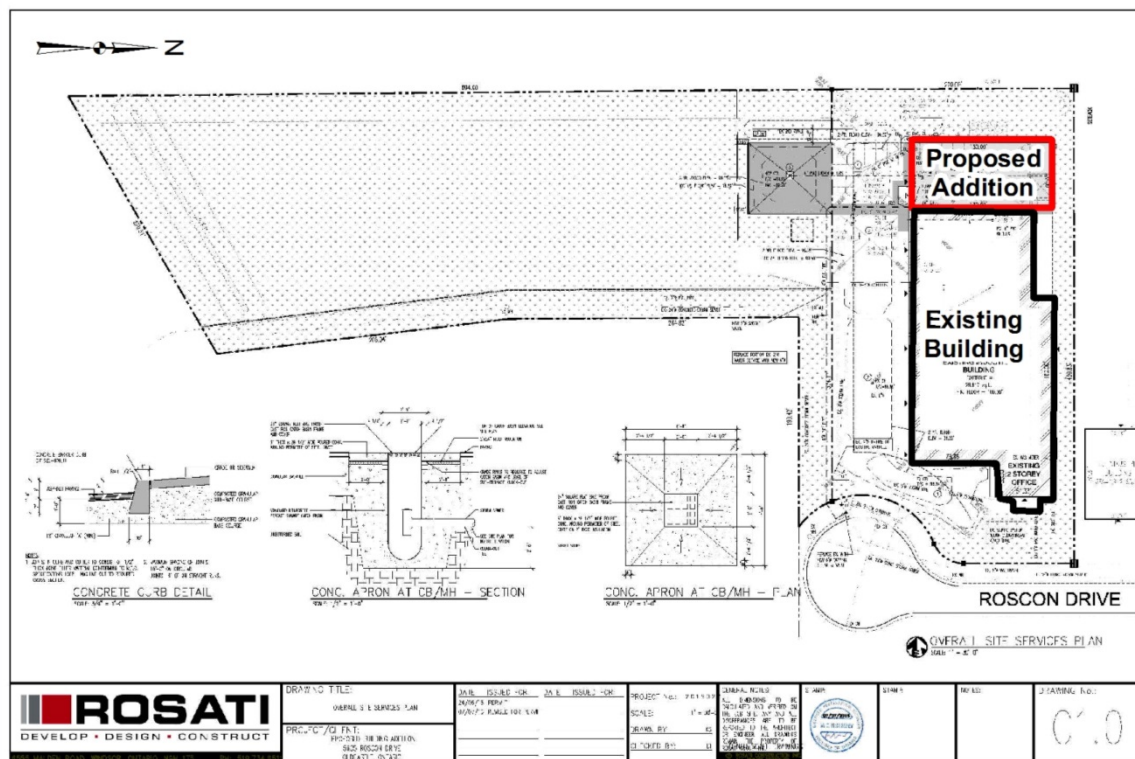








Planning and Building Services Report 19/16  
 Site Plan Control Approval  
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 5605 Roscon Industrial Drive  
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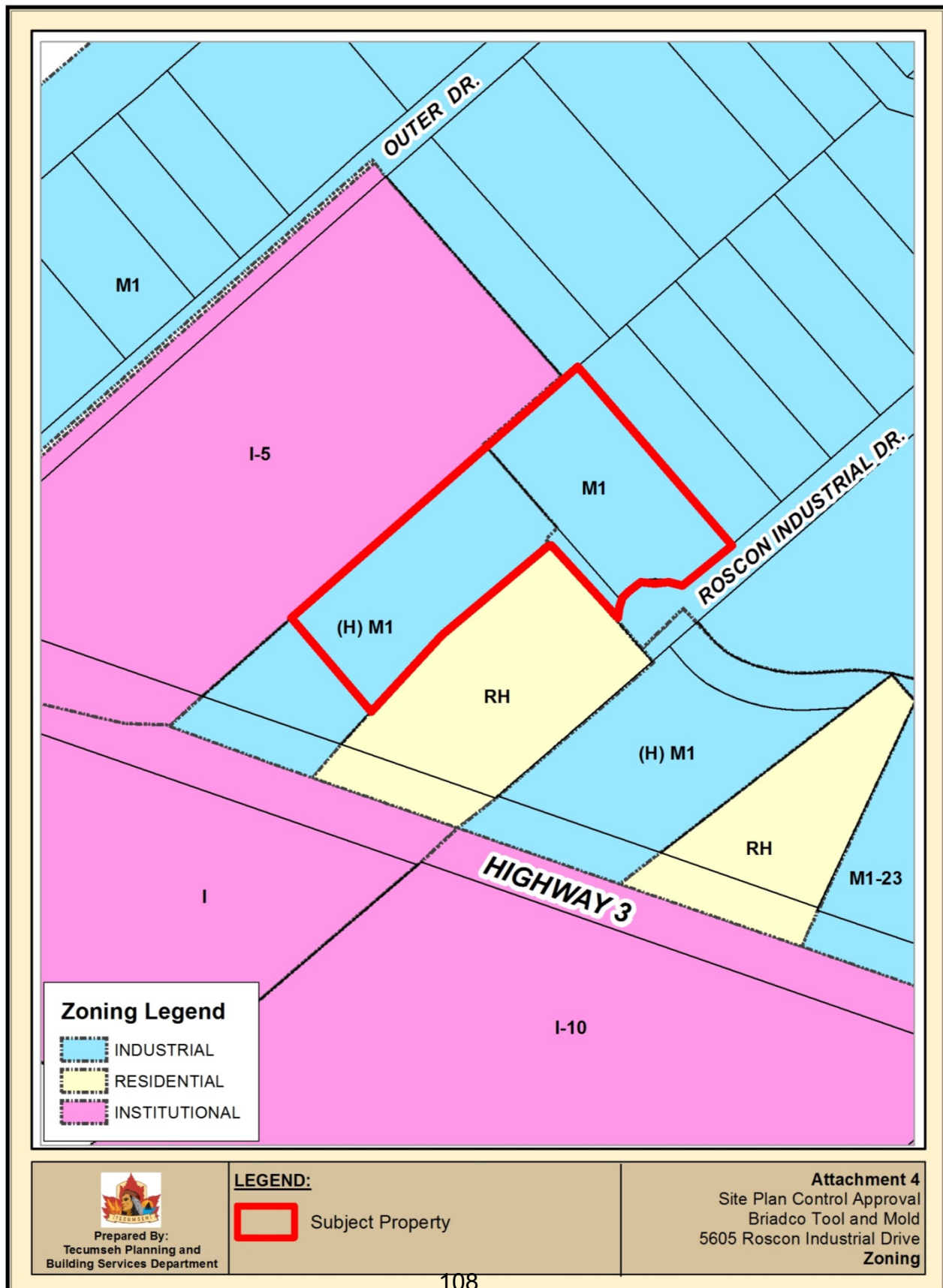


Prepared By:  
 Tecumseh Planning and  
 Building Services Department

**Attachment 3**  
 Site Plan Control Approval  
 Briadco Tool and Mold  
 5605 Roscon Industrial Drive  
 Proposed Site Service Plan



Planning and Building Services Report 19/16  
 Site Plan Control Approval  
 Briadco Tool and Mold  
 5605 Roscon Industrial Drive  
 OUR FILE: D11 ON  
 July 19, 2016





The area encompasses 96 acres and approximately 115 properties with a mix of commercial and residential along with many tracks of underutilized land.

The CIP establishes a community developed vision and provides a means for planning and promoting development activities to more effectively and efficiently use lands, buildings, and facilities. Its goal is to bring about revitalization and encourage both private and public investment in the CIP Area. To help achieve this vision, the CIP provides for a range of financial incentive programs to registered owners and tenants of lands and buildings within the CIP Area. Attachment 1 contains a table that outlines the financial incentives available for lands in the CIP Area, subject to satisfying various criteria and rules.

One of the financial incentives provided by the CIP is the Development Charges Grant Program. This program provides a one-time grant of an amount equivalent to the Town of Tecumseh Development Charge for the buildings being constructed within the CIP area. Valente Development Corporation ("the Owner") has applied to qualify for this financial incentive for a portion of its 48-unit residential development on Carmelita Court.

#### Subject Property – Plan of Subdivision Approval

On November 28, 2014, the County of Essex, with the support of the Town, approved a Plan of Subdivision for Valente Development Corporation comprising seven semi-detached dwellings, six 3-unit and four 4-unit townhouse dwellings, for a total of 48 dwelling units on a 2.9 hectare (7.1 acre) parcel of land situated between Shawnee Road and Poisson Street, south of Arbour Street. The subject property is located within the Tecumseh Road Main Street Community Improvement Plan area (see Attachment 2).

#### Development Charge Credit

As part of the development of the lands, the Owner demolished multiple institutional buildings that were part of the former St. Anne High School. In accordance with subsection 3.9 "*Reduction of Development Charges Where Redevelopment*" of the Town's Development Charges By-law 2014-68, the Owner received a Development Charge Credit of \$287,588 as a result of the demolition of the former school buildings. The amount was calculated by multiplying the development charge rate established for non-residential development by the square footage of the institutional buildings that were demolished. This credit is now being applied against the applicable development charge for the dwelling units being constructed within the subject subdivision.

To date, the Owner has filed for and received building permits for the construction of 29 of the 48 total dwelling units (four semi-detached dwelling, three 3-unit townhouses and three 4-unit townhouses) on Carmelita Court. Based on the current development charge rates, a total of \$265,672 of the original \$287,588 credit has been used. A balance of \$21,916 remains for the aforementioned credit, which the applicant will ultimately receive upon filing of the appropriate building permit (see Attachment 3).

## **COMMENTS**

### **Proposal**

On July 6, 2016, Town Administration held a pre-consultation meeting with the Owner in order to determine the funds available through the *Development Charges Grant Program* of the CIP for the next phase of development, which is being proposed for the western side of



Figure 2: Rendering of 4-unit Townhouse

Carmelita Court, on Block 1 of Plan of Subdivision 12M-612. The residential units proposed within Block 1, for which incentives under the *Development Charges Grant Program* of the CIP are being sought, include three 3-unit townhouses and one 4-unit townhouse, for a total of 13 units (see Figure 2 above and Attachment 3A).

The second of the two 4-unit townhouses identified for Block 1 has already received building permit, and has had the credit applied to it (as identified in Attachment 3). The development charges for these 13 townhouse units totals \$101,920. Once the remaining Development Charge credit balance of \$21,916 is applied (which equates to 2.8 units of the 13 units subject to the application), the total grant being requested under the *Development Charges Grant Program* of the CIP will be \$80,003.

### **Proposed Grant Details**

Based on the foregoing, the owner has submitted a Financial Incentive Program Grant Application seeking financial incentives under the *Development Charges Grant Program* in the amount of \$80,003. This amount represents the one-time grant equivalent to the calculated Town's Development Charge for the proposed development, as established in the Development Charges By-law and the CIP for this program.

Town Administration has no concerns with the application and recommends that the application be approved and be deemed eligible in accordance with Section 11.3 (5) of the CIP.

### **Next Steps**

Upon Council approval, a letter from the Town to the applicant advising of Council's approval will represent a grant commitment. The CIP establishes the following:

- i) the Owner will be required to pay the full amount of the Development Charges (after all of the Development Charge credit is exhausted) at the issuance of the building permits for the proposed development;

- ii) Upon completion of the proposed development, Town Administration will conduct a final inspection to ensure that the works have been completed in accordance with the details provided in the application and that all requirements of the CIP have been complied with. Once it has been determined that the CIP requirements have been met the aforementioned grant amounts will be refunded back to the Owner;
- iii) the application may be cancelled if work does not commence within a six month period or if the approved works are not completed within a one-year period from the date of Council approval; and
- iv) extensions will be considered on a case by case basis.

## **CONSULTATIONS**

Financial Services

## **FINANCIAL IMPLICATIONS**

The Tecumseh Road CIP provides for Support Programs and Incentives that total \$417,000 per calendar year. The \$417,000 represents the sum of the annual maximum limits per individual incentive program category within the CIP. Actual grant funding available is limited by budget allocations.

The 2016 budget includes CIP grant funding of \$75,000. There is an additional \$40,000 unused budget allocation from each of 2014 and 2015 that has been carried forward, thus totalling \$155,000 in funds available for 2016 in the CIP Reserve. This available funding of \$155,000 has not been allocated to individual incentive program categories within the CIP.

So far in 2016, \$86,259 has been allocated to CIP projects leaving \$68,741 remaining in the CIP financial incentives reserve. If the recommendations of this report are approved an additional \$11,262 in funding is required.

Administration has developed three options for consideration:

### **Option 1 - Provide no new funding for 2016**

Cap the grant at the funds currently available. The Valente Development Corporation would receive \$68,741 of their \$80,003 request and there would be no funds available for other grant applications.

### **Option 2 – Provide funding to fully fund the Valente application**

Fully fund the \$80,003 Valente Development Corporation application; \$68,741 from the balance remaining in the CIP Reserve and \$11,262 from the Tax Rate Stabilization Reserve leaving the CIP grant program with no funds available for the balance of 2016.



### Option 3 – Provide an additional \$150,000 to the CIP Reserve

Fully fund the \$80,003 Valente Development Corporation application through reallocating \$150,000 from the New Lifecycle Issues LC Reserve to the CIP Reserve leaving \$138,738 available for future applications.

There has been considerable interest in the incentive program in this first year. At the time the budget was set, there was great uncertainty with respect to how the program would be received and therefore the allocation was something of a very rough estimate. Given the momentum that has been realized at this early stage in the program, it is deemed vital to continue to fund the program to maximize the up-take in order to realize the benefit and associated goals of the CIP.

Administration has considered the need to fund the CIP grant program weighed against other budget pressures and projects being proposed including the CIP Streetscape Infrastructure Improvement project and the Sportsplex project which have cost estimates of \$18.8M and \$17.6M respectively.

Existing reserves were reviewed to determine if funds were available to provide a one-time top up to the CIP program. The New Lifecycle Issues LC Reserve is set aside to fund initiatives that arise that were not previously anticipated. It is expected that this reserve will have a balance of \$732,000 at the end of 2016. In the absence of a definitive use for these funds Administration is recommending that \$150,000 be used as a one-time bump up to the funds available for CIP grant purposes.

In anticipation of additional applications coming forward in 2016, based on recent enquiries, it is recommended that Council approve Option 3.

Note that the CIP reserve is set so that any current budget allocations not fully expended would be carried forward into 2017 and subsequent years as an allocation to the CIP Reserve. The current annual budget allocation is set at \$75,000 for the years 2017 to 2020. This annual allocation amount will be reviewed for adequacy during the 2017 budget process, having regard to the disbursement of funds over 2016 and relative to other budgetary pressures.

## **LINK TO STRATEGIC PRIORITIES**

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	
5.	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	

## **COMMUNICATIONS**

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

Prepared by:

---

Chad Jeffery, MA, MCIP, RPP  
Manager Planning

---

Enrico De Cecco, BA (Hons.), MCIP, RPP  
Junior Planner

Reviewed by:

Reviewed by:

---

Brian Hillman, MA, MCIP, RPP  
Director, Planning & Building Services

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Luc Gagnon, CPA, CA, BMath  
Director Financial Services & Treasurer

Recommended by:

---

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

ED

Attachment(s):

1. CIP Support Programs and Incentives Summary
2. Property Location in Relation to CIP Study Area
- 2A. Conceptual Plan, Development
3. Site Plan
4. CIP Incentives Financial Summary

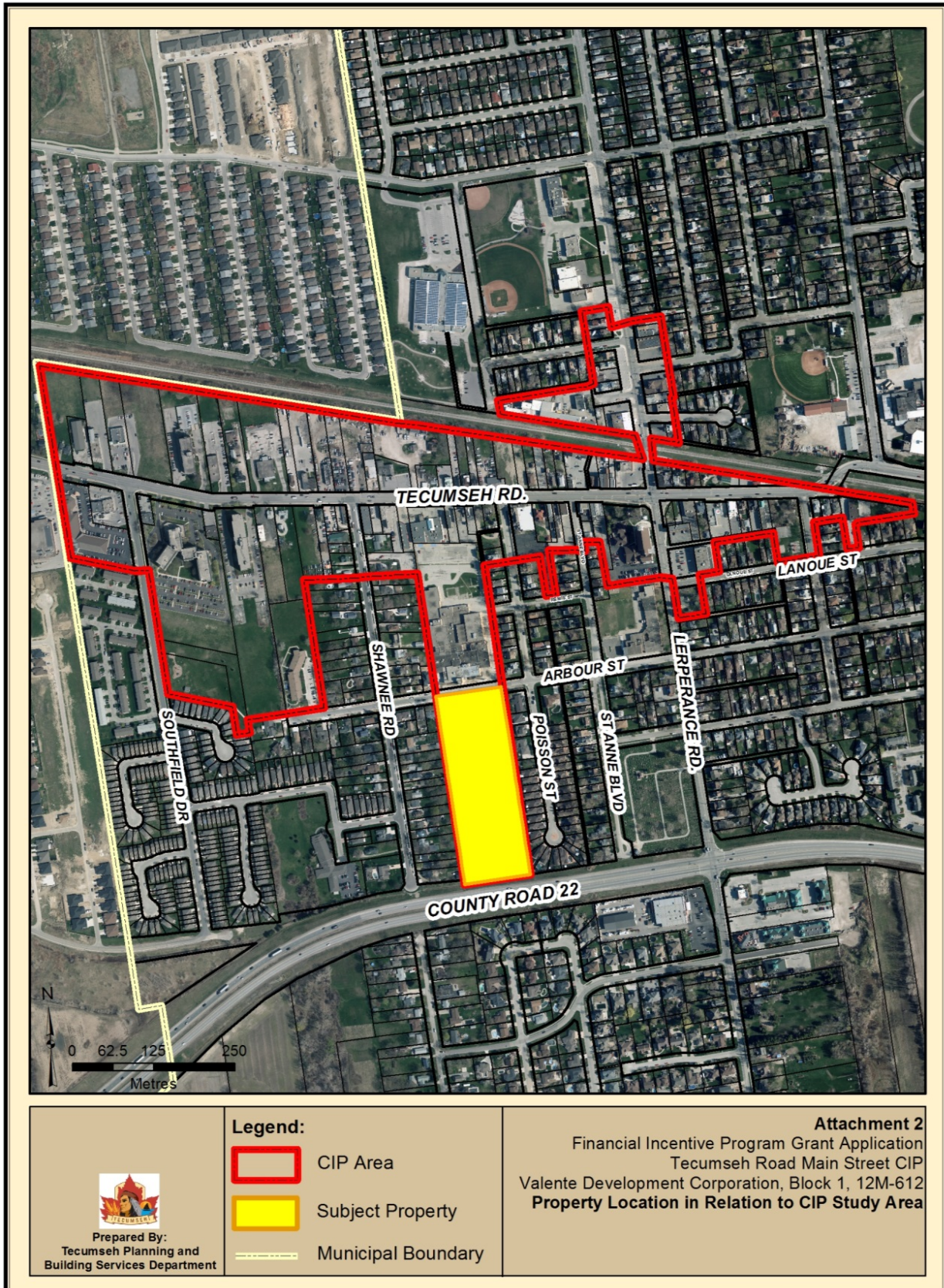
File Name (R:\Tecumseh Road Main Street CIP\D18 CIPFIP\Block 1, Plan 12M-616 - Carmelita Court, Valente Development\Planning Report 20-16 CIP Grant Program West Side of Carmelita Court, Block 1, 12M-616.docx)

**Attachment 1**  
**Financial Incentive Program Grant Application**  
**Tecumseh Road Main Street Community Improvement Plan**  
**West Side of Carmelita Court, Block 1 of 12M-612**  
**Valente Development Corporation**  
**CIP Support Programs and Incentives Summary**

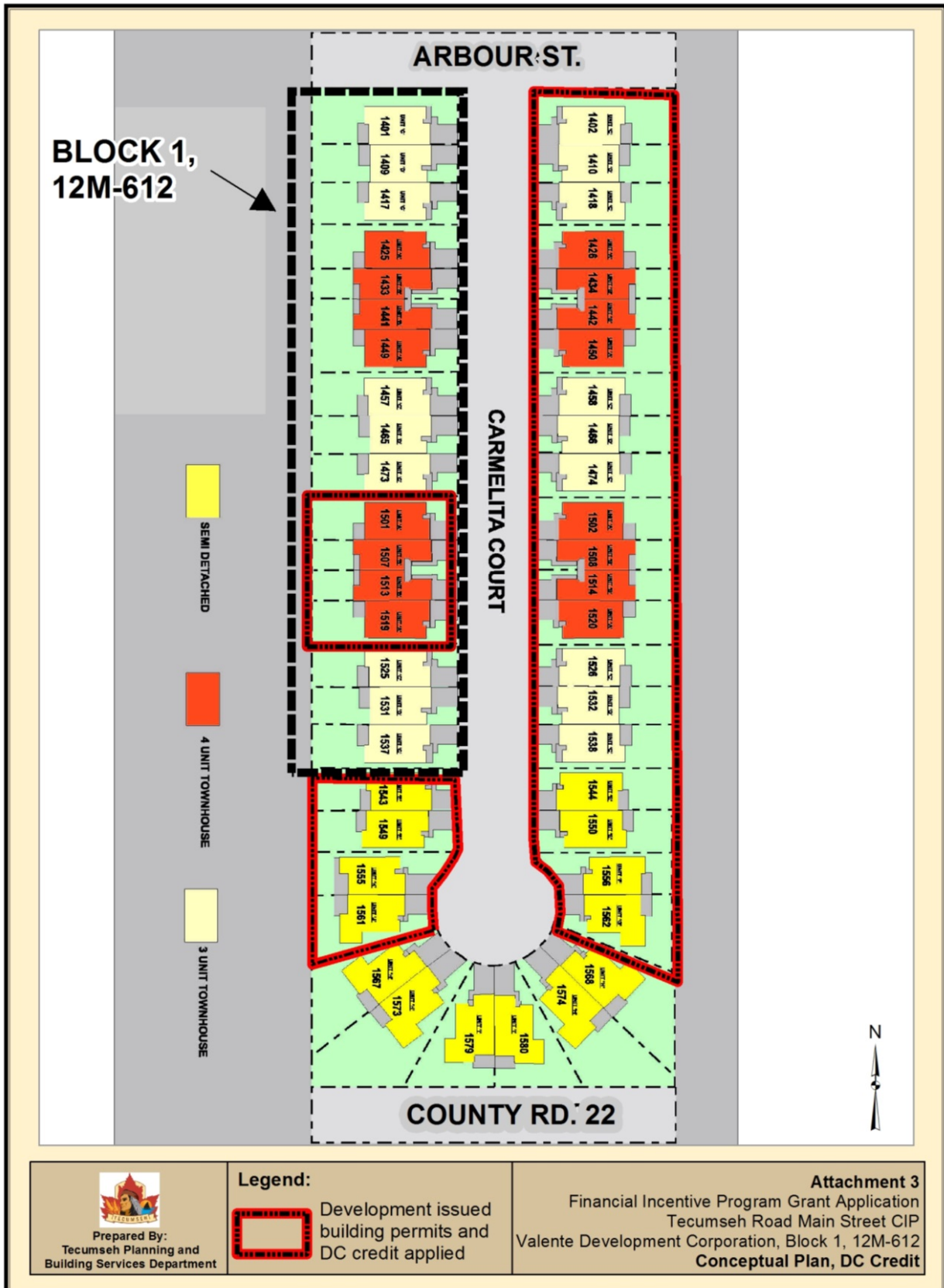
**11.4 SUPPORT PROGRAMS AND INCENTIVES SUMMARY**

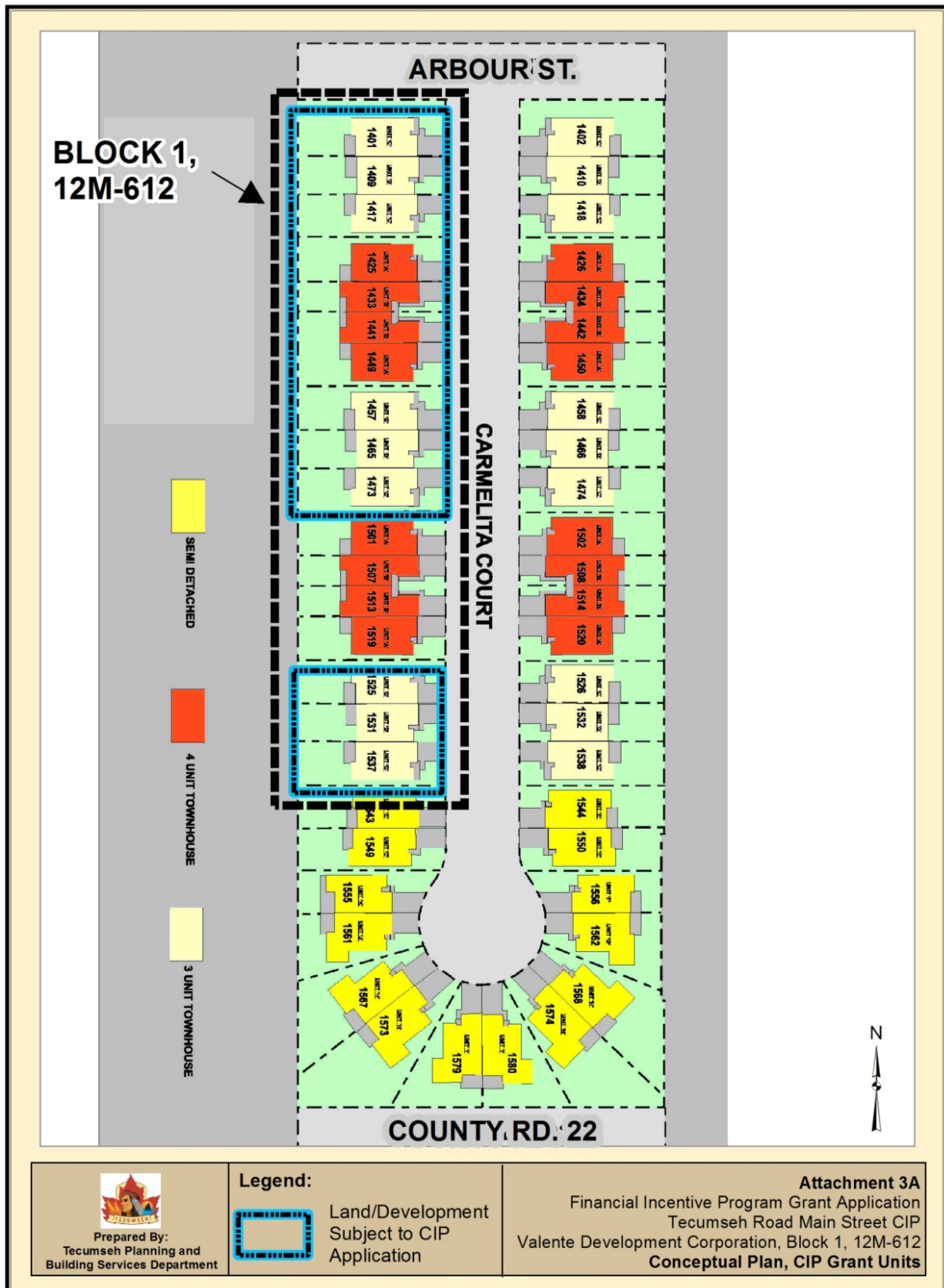
<b>Grant Program</b>	<b>Monetary Incentive</b>	<b>Annual Program Allocation</b>
Planning, Design, and Architectural Grants	Matching grant of 50% of the cost of eligible planning, design and architectural work to a maximum grant of \$3,000 with a maximum of one study per property.	\$15,000
Planning Application and Permit Fee Grant Program	Grant will be provided for 100% of the normal application or permit fees paid by the applicant to a maximum of \$2,000 for approved projects.	\$10,000
Development Charges Grant Program	One-time grant of an amount equivalent to the Town of Tecumseh Development Charge for the buildings being constructed.	\$200,000
Building Façade Improvement Grant Program (BFIP)	Matching grant of 50% of the cost of eligible façade improvements to existing commercial properties to a maximum grant of \$15,000, with a maximum of one grant per property per year. Improvements must cost \$2,000 or greater to be eligible.	\$45,000
Building and Property Improvement Grant Program (BPIG)	Amount to be determined based upon the incremental increase in the municipal taxes that results from the work being completed.	N/A
Building Rehabilitation Loan Program (BRLP)	Loan equivalent to a proportion of the work value and on a matching funds basis, to a maximum of 50% of eligible costs. The maximum loan is \$15,000.	N/A
Residential Grant Program (RGP)	Grant equal to the cost of rehabilitating existing residential units and/or constructing new residential units on the basis of \$30 per square foot of habitable floor space rehabilitated or constructed, to a maximum grant of \$20,000 per unit.	\$100,000
Parking Area Improvement Program (PAIP)	Matching grant of 50% of the cost of eligible parking area improvement work to a maximum grant of \$10,000, with a maximum of one grant per property per year.	\$30,000
Sidewalk Café Grant Program	One-time grant of 50% of the cost, up to a maximum of \$2,000 for the design of a sidewalk café. Additionally, the Town will provide eligible candidates an annual grant of 50% of the costs for related work, up to a maximum of \$2,000.	\$12,000
Mural/Public Art Program	One-time grant of a maximum of \$1,000.	\$5,000











**Attachment 4**  
 Financial Incentive Program Grant Application  
 Tecumseh Road Main Street Community Improvement Plan  
 West Side of Carmelita Court, Block 1 of 12M-612  
 Valente Development Corporation  
**CIP Incentives Financial Summary**

<b>CIP Incentives Summary - July 20, 2016</b>				
<b>Grant Program</b>	<b>Annual Program Allocation</b>	<b>Proposed</b>	<b>Committed</b>	<b>Actual</b>
1. Planning, Design, and Architectural Grants	\$ 15,000	\$ 1,475	\$ 1,475	\$ -
2. Planning Application and Permit Fee Grant Program	\$ 10,000	\$ 2,000	\$ 2,000	\$ -
3. Development Charges Grant Program	\$ 200,000	\$ 160,787	\$ 80,784	\$ -
4. Building Façade Improvement Grant Program (BFIP)	\$ 45,000	\$ -	\$ -	\$ -
5. Residential Grant Program (RGP)	\$ 100,000	\$ -	\$ -	\$ -
6. Parking Area Improvement Program (PAIP)	\$ 30,000	\$ -	\$ -	\$ -
7. Sidewalk Café Grant Program	\$ 12,000	\$ 2,000	\$ 2,000	\$ -
8. Mural/Public Art Program	\$ 5,000	\$ -	\$ -	\$ -
	\$ 417,000	\$ 166,262	\$ 86,259	\$ -
<b>Allocations</b>				
2014	\$ 40,000			
2015	\$ 40,000			
2016	\$ 75,000			
* 2016	\$ 150,000			
Total	\$ 305,000	\$ 138,738	\$ 218,741	\$ 305,000
Shortfall	\$ (112,000)			
* Reallocation of funds request from the New Lifecycle Issues LC Reserve per Planning and Building Services Report No. 20/16				



## THE CORPORATION OF THE TOWN OF TECUMSEH

### Planning and Building Services Department Report No. 21/16

**TO:** Mayor and Members of Council

**FROM:** Chad Jeffery, MA, MCIP, RPP  
Manger, Planning

**DATE:** July 14, 2016

**DATE TO COUNCIL:** July 26, 2016

**SUBJECT:** Redline Revisions to Plan of Condominium  
250 Manning Road - Condominium Development Phase 2  
Gridlock Solutions Inc. (Petretta) / Essex Condominium Corporation No.117  
(County File No. 37-CD-14002)  
OUR FILE: D11 PETMAN

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### **RECOMMENDATIONS**

It is recommended that:

1. The "Redline Revision" to the Plan of Condominium prepared by VSHBB Inc., Roy Simone, O.L.S., dated July 7, 2016 for County of Essex File No. 37-CD-14002 (Owner: Gridlock Solutions Inc.), which amends the description/classification of the 36 underground parking units in Phase 2 from "*Exclusive Use Parking Spaces P1 to P36 (inclusive) – LEVEL A*" to "*Parking Units 1 to 36 (inclusive) – LEVEL A*", and also amends the labelling of each individual parking space, all of which will grant Gridlock Solutions Inc. the ability to sell the parking spaces to any resident of the condominium apartment building rather than assigning them to a specific dwelling unit, which is consistent with the process followed for the condominium apartment building constructed during Phase 1, be supported.

### **BACKGROUND**

#### **Plan of Condominium Approval**

On August 12, 2014, Council supported the granting of Draft Plan of Condominium approval by the County of Essex and advised the County of its support for the Draft Plan of Condominium application filed by Gridlock Solutions Inc. ("the Owner") for a five-storey, 59-unit condominium apartment building on a 1.76 hectare property situated at 250 Manning Road (see Attachment 1). The County of Essex approved the Draft Plan of Condominium application on September 24, 2014. As a condition of the County's Approval, Council entered into a Site Plan Control Agreement with the Owner for the lands on November 25, 2014. The noted condominium apartment building is currently being constructed, in accordance with the requirements of the executed Site Plan Control Agreement.

#### **Redline Revisions to Plan of Condominium**

In June of 2016, the Owner contacted the County of Essex (the Approval Authority for Plans of Condominium) requesting a minor change to the description that was originally applied to the 36

underground parking spaces that are part of the development. The Owner advised the County of Essex that the underground parking spaces were proposed to be offered for sale to any resident in the condominium apartment building, rather than the parking spaces being assigned to specific apartment units. The proposed method of sale is consistent with the first condominium apartment building that was built immediately north-west of the one currently under construction.

In order to facilitate this form of transaction, the Draft Plan of Condominium will need to be “redlined” to relabel the classification of the identified 36 parking spaces from “exclusive” parking spaces to “inclusive” parking spaces, along with relabelling the description of each individual parking space shown on the plan. These changes would need to be approved by the County of Essex. The proposed “redline” revisions are identified in red on the attached revised Plan of Condominium (see Attachments 2 and 2A).

## **COMMENTS**

Similar to the original Plan of Condominium approval process, the County of Essex has requested that Town Council indicate its support of the proposed “redline” revisions by way of formal Council resolution.

Administration does not have any concerns and continues to support the proposed Plan of Condominium along with the proposed redline revisions. The revisions are in keeping with the requirements of the associated Site Plan Control Agreement and the regulations of Zoning By-law 2065. In addition, the proposed “redline” revisions will result in an indoor parking ownership arrangement that is consistent with the approach used in the first condominium apartment building.

Based on all of the foregoing, Administration recommends that Town Council support the redline revisions to the Plan of Condominium (County File No. 37-CD-14002) and the County of Essex be advised accordingly.

## **CONSULTATIONS**

No additional departments have been consulted.

## **FINANCIAL IMPLICATIONS**

There are no financial implications.



## **LINK TO STRATEGIC PRIORITIES**

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	
5.	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	

## **COMMUNICATIONS**

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

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Enrico De Cecco, BA (Hons.), MCIP, RPP  
Junior Planner

Prepared by:

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Chad Jeffery, MA, MCIP, RPP  
Manager, Planning

Reviewed by:

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Brian Hillman, MA, MCIP, RPP  
Director, Planning and Building Services

Recommended by:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment(s):

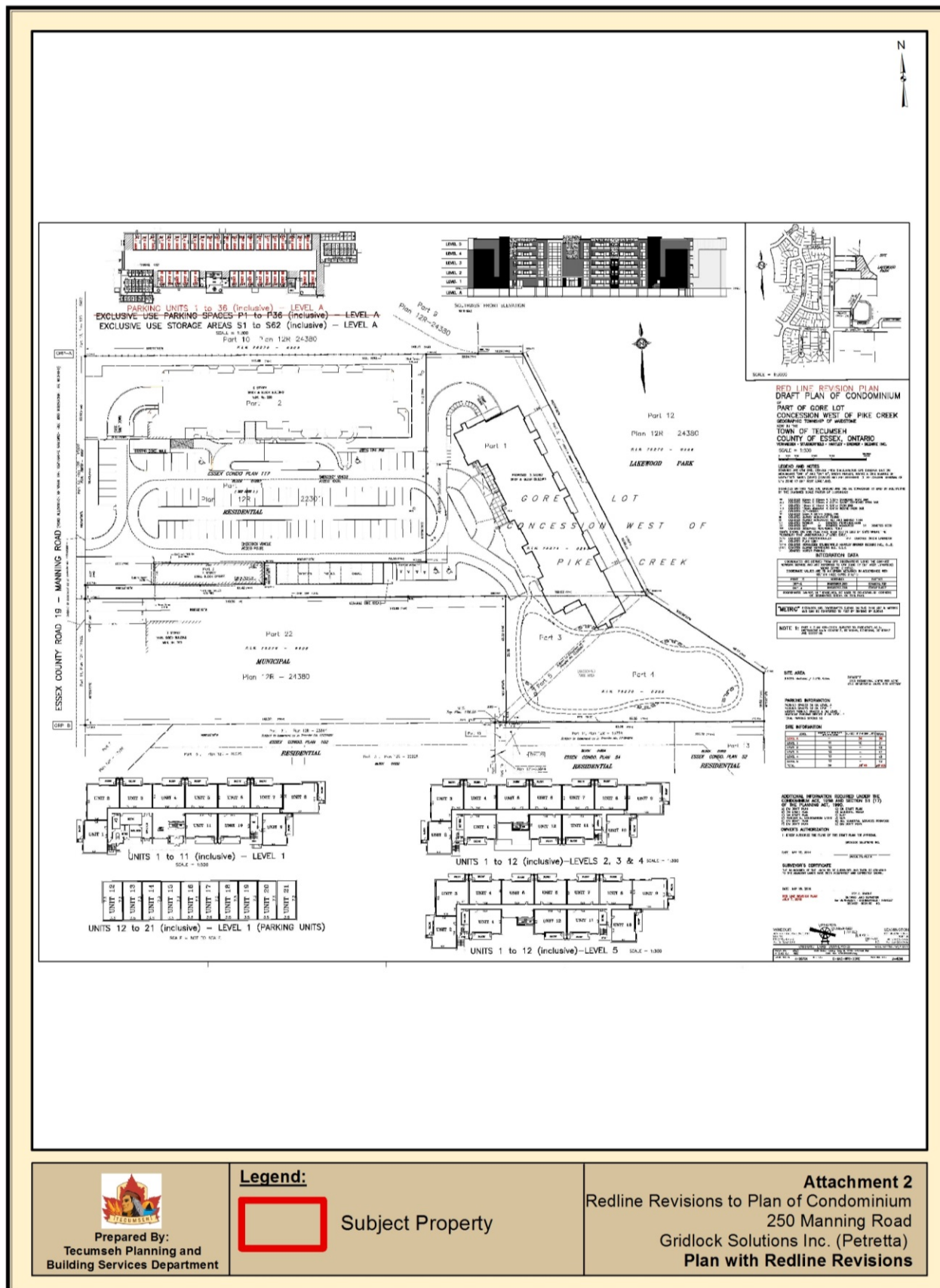
1. Property Location and Surrounding Area Map
2. Plan with Redline Revisions
3. Plan with Redline Revisions, Detail View

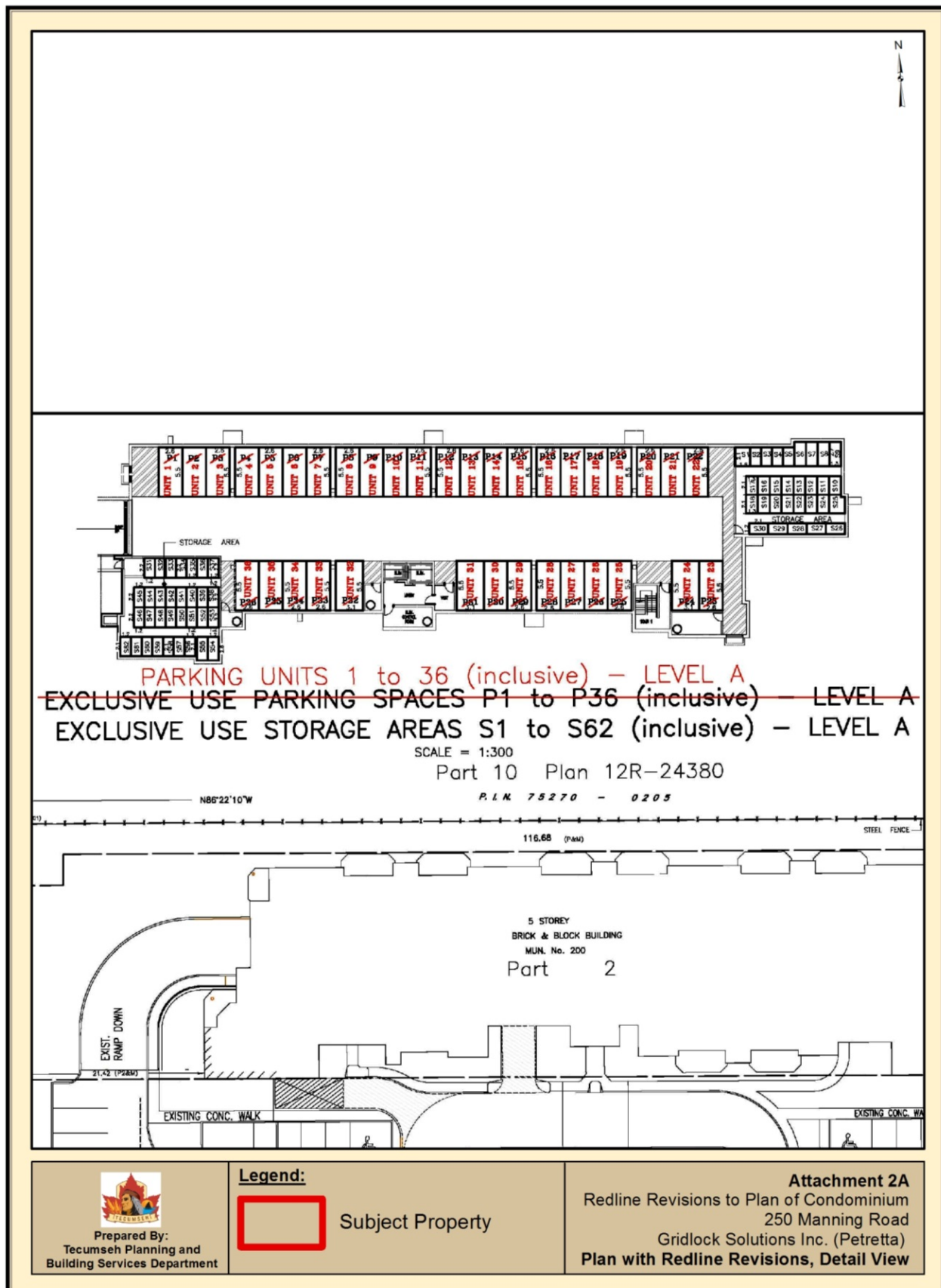
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**THE CORPORATION OF THE  
TOWN OF TECUMSEH**

**Planning and Building Services  
Report No. 22/16**

**TO:** Mayor and Members of Council

**FROM:** Michael Voegeli, Manager of Building Services, Chief Building Official  
Ray Hammond, Facilities Manager

**DATE:** June 24, 2016

**DATE TO COUNCIL:** July 26, 2016

**SUBJECT:** Buildings - Five (5) Year Capital Projects

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**RECOMMENDATIONS**

It is recommended that:

1. The following building component upgrades to Municipal Buildings for 2016 with associated funding be approved:

a) Golden Age Community Centre - Roof Repair	\$	81,000
b) Lacasse Park Baseball Building - Double Door Replacement	\$	5,000
c) Lacasse Park Washroom - Entrance Replacement	\$	5,000
d) Lakewood Park Former Pro Shop – Exterior Work	\$	10,000
e) OPP Station – Roof Repair, Mechanical Unit Replacement & Interior Work	\$	142,000
f) St Mary's Park Equipment Building – Building Replacement	\$	20,000
g) Cada Library - Exterior Work	\$	4,000
<b>TOTAL</b>	<b>\$</b>	<b>267,000</b>

2. Appendix A - Town of Tecumseh 2016-2020 Buildings (5) Year Capital Project Expenditure Forecast be adopted.

**BACKGROUND**

The above noted projects are intended to upgrade existing municipal buildings according to the building lifecycle plan based on expected useful life of major components including roofing, mechanical systems, flooring, interior and exterior work. Visual inspections have been undertaken, for those building components beyond their expected useful life, to confirm the need for the maintenance being recommended.

An inventory of major building structures has been compiled along with an assessment review in order to develop a multi-year maintenance schedule.

Where major upgrades are required, Administration has also looked at building uses to determine if they are still required for effective and efficient service delivery.

## **COMMENTS**

The following buildings have been identified in the Building Lifecycle program as requiring some building component replacement and inspections have confirmed it is appropriate and timely to undertake the works now. Accordingly, the following projects are recommended for completion in 2016:

Golden Age Community Centre	\$ 81,000
<ul style="list-style-type: none"><li>Repair existing roofing system. This building component has reached the assigned 15 year lifecycle. The consultant's report recommends that the roof system be repaired using new technology that is approximately 40 percent cheaper than a total replacement and will extend the life expectancy by an additional 10 -15 years.</li></ul>	
Lacasse Park Baseball Building	\$ 5,000
<ul style="list-style-type: none"><li>Remove and replace double wooden doors. This building component has reached the assigned 25 year lifecycle. At the request of Parks and Recreation Services, this component is to be replaced with metal doors and frames, which will provide better security and reduce overall maintenance.</li></ul>	
Lacasse Park Baseball Washroom	\$ 5,000
<ul style="list-style-type: none"><li>Remove and replace concrete block washroom entrance. Currently the washroom entrance is only accessible from the Park and users of the fenced in ball diamond have to go through a locked gate to get to the washrooms. At the request of Parks and Recreation Services, the entrance is to be modified to only allow direct access from the ball diamond and prohibit access from the park. These washrooms were installed only to service the ball diamond.</li></ul>	
Lakewood Park Former Pro Shop	\$ 10,000
<ul style="list-style-type: none"><li>Exterior work (new soffit, metal fascia and gable siding). Currently the building has weather wood fascia, plywood gable ends and no soffits. At the request of Parks and Recreation Services, the fascia is to be clad with aluminum, gable ends covered with vinyl siding and new aluminum soffits installed. This will improve the overall appearance of the building and reduce maintenance.</li></ul>	
OPP Station	\$ 142,000
<ul style="list-style-type: none"><li>Repair existing roofing system. This building component has reached the assigned 15 year lifecycle. The consultant's report recommends that the roof system be repaired using new technology that is approximately 40 percent cheaper than a total replacement and will extend the life expectancy by an additional 10 -15 years.</li><li>Remove and replace mechanical units, flooring and interior painting. These building components have reached their assigned lifecycle. It is recommended the mechanical units be replaced with more energy efficient units and that the ductwork is balanced to improve airflow. Existing flooring and some interior painting is worn and stained and needs to be replaced.</li></ul>	

St. Mary's Parks Equipment Building \$ 20,000

- Remove and replace entire building. The age of the building is unknown. All of the building components in this building have reached their assigned lifecycle. The current equipment door opening is too small to safely accommodate the tractor. It is recommended that the entire building be replaced to accommodate the current and future needs of the park.

Cada Library \$4,000

- Exterior work (brick repairs). Some brick near the entrance has been damaged by ice and salt from the sidewalk. These bricks need to be replaced.

**Work proposed for 2017 to 2020**

These building components have been identified under the Lifecycle Program as reaching or exceeding their assigned life cycle. An evaluation will be done to determine when these components need to be replaced or repaired. A yearly report with recommendations will be submitted for Council's consideration.

**2017 - \$321,000**

Cada Library \$ 40,000

- Remove and replace mechanical units. These units are original and in need of replacement. These units have had some major break downs in the past few years. These new units will help in reducing electrical consumption and the over carbon footprint, making the entire building more energy efficient and more viable. These units are in constant need of repair. This should reduce the annual maintenance dollars spent on these units.

Tecumseh Town Hall \$ 52,000

- Remove and replace flooring. The original lifecycle of this building targeted the floor covering as due for replacement in this year. With the on-going discussion of the Town Hall being renovated it is recommended that the floor coverings of the building get replaced if and when the office is renovated. It will be an intensive task due to the moving of work stations for a project of this nature.

Fire Hall Number 1 \$83,000

- Remove and replace roof system. In the roof study that was completed it was also recommended that this building's roof be re-evaluated again in 2017 to get a true indication of the need for replacement. If this roof's life can be extended it will be noted in future reports

Lacasse Park Grandstand \$ 10,000

- Condition assessment engineering study. The integrity of this grandstand needs to be evaluated to mitigate the risk of injury or possible failure. It is recommended hiring an engineer to confirm their structural condition

Lacasse Water Services Building	\$136,000
<ul style="list-style-type: none"> <li>Remove and replace roof system. Roofing is original and was targeted for replacement in 2011. A survey at that time was completed and it was determined this roof can last a few more years. In the present assessment it was noted that this roof would be ready for similar repairs as the Golden Age and OPP station roofs of 2016.</li> </ul>	
<b>2018 - \$72,000</b>	
Lacasse Public Works Garage	\$72,000
<ul style="list-style-type: none"> <li>Remove and replace roof system, mechanical units, flooring, interior painting and exterior work. The roof study of 2016 recognized this roof to be re-evaluated in 2017 with an estimated replacement or repair date of 2018. The recommendations will be followed and a detailed explanation of the roof system will be examined and corresponding work will take place. Interior and exterior works are due for upgrades at that time i.e. brick repointing and interior painting completed.</li> </ul>	
<b>2019 - \$64,000</b>	
Green Acres Park Community Centre	\$28,500
<ul style="list-style-type: none"> <li>Remove and replace flooring. Flooring is targeted for replacement in the original lifecycle data. As years pass it will be determined exactly what type of replacement or repairs will be required prior to 2019. Corresponding report will follow.</li> </ul>	
St. Mary's Park Washroom/Shelter	\$5,100
<ul style="list-style-type: none"> <li>Remove and replace roof system, interior painting and exterior work. Roofing was targeted in the original lifecycle data. This roof will require repairs or repainting. Prior to 2019 a detailed report will determine exactly what repairs should be undertaken.</li> <li>Interior and exterior works was originally targeted in lifecycle data. The building is quite old and will require upgrades at that time.</li> </ul>	
Golden Age Community Centre	\$16,000
<ul style="list-style-type: none"> <li>Remove and replace flooring. The floor covering gets abused quite extensively through seniors moving tables and chairs from storage. The floor is maintained daily through a janitor and facility staff strip and wax this floor once a month.</li> </ul>	
McCord Storage Barn	\$14,400
<ul style="list-style-type: none"> <li>Remove and replace roof system. Roofing was targeted for replacement from 2016 study. Another investigation will occur prior to 2019 to determine the actual severity of repair or replacement need for this building.</li> </ul>	

## 2020 - \$305,000

Tecumseh Town Hall

\$305,000

- Remove and replace roof system, mechanical units, interior painting and exterior work. The 2016 roof study indicated this roof will be in need of repair at this time. If the renovations have taken place prior to 2020 some of the repairs to the roof may have been taken care of at that time.
- Heating/cooling units. Were installed in 2005 with 15 expected year lifecycle. The replacement of these units would reduce energy consumptions due to the advances in technology over the 15 years of the life of these units. As part of the Green Energy goals and objectives to lower our carbon foot print this will greatly enhance our reduction for this particular building.
- Interior finish (painting, wallpaper etc.) If no interior work has been completed with expected renovations, the interior of this building will be in need of upgrades. An investigation prior to this work being completed will determine the extent of the work to be needed.

## CONSULTATIONS

Parks and Recreation Services  
 Financial Services

## FINANCIAL IMPLICATIONS

Net funds are typically funded from the Building Lifecycle Reserve. The attached table outlines the status of the reserve. Administration recommends funding for the aforementioned renovation and repairs, in the amount of \$267,000, be provided from the Building Lifecycle Reserve.

There is no change to operation requirements related to the proposed projects.

## LINK TO STRATEGIC PRIORITIES

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	✓
5.	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	



## **COMMUNICATIONS**

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

Prepared by:

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Michael Voegeli, CBCO  
Manager, Building Services, Chief Building Official

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Ray Hammond, RRFO, CARPT  
Facilities Manager

Reviewed by:

Reviewed by:

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Brian Hillman, MA, MCIP, RPP  
Director, Planning and Building Services

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Paul Anthony, RRFA  
Director, Parks and Recreation Services

Reviewed by:

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Luc Gagnon, CPA, C.A, BMath  
Director Financial Services & Treasurer

Recommended by:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment: Appendix A – 2016 - 2020 Park Development (5) year Capital Project Expenditure Forecast

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## Appendix A

### Town of Tecumseh - 2016 - 2020 Buildings (5) year Capital Expenditure Forecast

	2016	2017	2018	2019	2020
Opening Balance	\$586,405	\$484,405	\$328,405	\$421,405	\$522,405
Budget allocation	\$165,000	\$165,000	\$165,000	\$165,000	\$165,000
Transfer from capital reserve					
Funds Available	\$751,405	\$649,405	\$493,405	\$586,405	\$687,405

Total Committed	\$0	\$0	\$0	\$0	\$0
Balance Uncommitted	\$751,405	\$649,405	\$493,405	\$586,405	\$687,405
Proposed - Lifecycle Expenditure	\$267,000	\$321,000	\$72,000	\$64,000	\$305,000
Balance available	\$484,405	\$328,405	\$421,405	\$522,405	\$382,405

#### Lifecycle Expenditure Forecast

Golden Age Community Centre Roof Replacement	\$81,000				
Lacasse Baseball Building Double Door	\$5,000				
Lacasse Baseball Park Washroom Renovation	\$5,000				
Lakewood Park Former Pro shop Repairs	\$10,000				
OPP Roof Replacement HVAC Upgrades Interior Upgrades	\$142,000				
St. Mary's Parks Equipment Building Replacement	\$20,000				
Cada Library Repairs	\$4,000				
Cada Library HVAC Replacements		\$40,000			
Town Hall Interior Floor Replacement		\$52,000			
Fire Hall #1 Roof Repair		\$83,000			
Lacasse Baseball Grandstand Engineering Study		\$10,000			
Water Services Building Roof Repair and Interior Work		\$136,000			
Lacasse Public Works Garage Roof Repair and Interior Work			\$72,000		
Green Acres Community Centre Floor Replacement				\$28,500	
St Mary's Washroom Building Roofing Repair and Upgrades				\$5,100	
Golden Age Centre Floor Covering Replacement				\$16,000	
McCord Storage Barn Roof Repair or Replacement				\$14,400	
Town Hall Roofing and HVAC Replacement or Repairs					\$ 305,000
	\$ 267,000	\$ 321,000	\$ 72,000	\$ 64,000	\$ 305,000



## THE CORPORATION OF THE TOWN OF TECUMSEH

### Planning and Building Services Report No. 23/16

**TO:** Mayor and Members of Council

**FROM:** Chad Jeffery, MA, MCIP, RPP  
Manager, Planning

**DATE:** July 21, 2016

**DATE TO COUNCIL:** July 26, 2016

**SUBJECT:** Town of Tecumseh New Official Plan  
Parks and Open Space Discussion Paper, July 2016  
OUR FILE: D08 TNOP

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### **RECOMMENDATIONS**

It is recommended that:

1. Planning and Building Services Report No. 23/16 and the document attached thereto entitled "*Tecumseh New Official Plan Process, Parks and Open Space Discussion Paper, July 2016*", as prepared by the Planning and Building Services Department, be received; and
2. The document entitled "*Tecumseh New Official Plan Process, Parks and Open Space Discussion Paper, July 2016*", be made available for agency and public consultation review.

### **BACKGROUND**

As part of the development of the Town's new Official Plan, Council received and endorsed a report entitled "*Tecumseh 2030, New Official Plan Process: Planning Context and Issues Report*". This report was the first in a series of discussion papers that will form the basis for and guide policy development in the new Official Plan. It provided background and contextual information and identified relevant issues and emerging trends that would need to be addressed.

The attached Discussion Paper, "*Tecumseh New Official Plan Process, Parks and Open Space Discussion Paper, July 2016*", is the 11<sup>th</sup> in the series of 12 discussion papers and follows the Transportation Discussion Paper that was received by Council in June of 2016.

### **COMMENTS**

#### **Background on Parks and Open Space in Tecumseh**

Parks and open space lands are generally owned by the Town and provide recreational opportunities, provide physical linkages and contribute to aesthetic value in a community. Other

terms used synonymously or in relation to parks and open space include recreation space, green space, natural space and parkland. Public parklands provide opportunities for social interaction, recreation, leisure, sporting activity, exercise, rest and relaxation. It's important that all neighbourhoods have equal access to good quality parkland that creates a sense of place and enhances feelings of social attachment and cohesion, identity and belonging for all ages.

Good quality parklands are valuable community assets that require well-considered planning, design and management to achieve optimal levels of amenity and functional performance. While initial establishment costs may be high, the long-term return to today and tomorrow's communities is beyond measure. They are an important component in satisfying the public's desire to achieve a healthy lifestyle.

To achieve this, it's important to plan and design more diverse, well-distributed, well-connected parkland that meets different community needs, provides spaces suited for different purposes and functions and encourages higher levels of usage and positive social interaction for people of all ages and abilities.

Parklands are important community assets that help keep us healthy, active and socially connected. To maintain these valuable assets, it is important that parklands being planned now continue to meet the needs of current and future generations through user-focused, sustainable design and efficient use of resources.

Public parkland enhances urban amenity and provides landscapes that can positively impact community health and social connectivity, biodiversity, local water quality and water management, air quality and mitigation of the urban heat island effect.

Parkland refers to land that has been reserved for the purpose of formal and informal sport and recreation. It can also include the preservation of natural environments but for the purpose of this paper, only those lands with access for recreation purposes are considered parkland.

Public parklands include places with conservation and heritage value, and natural landscape features that can engender a unique sense of place. Parkland for sport and recreation may include sporting fields and physical activity spaces; open areas with picnic, playground and barbeque facilities; and quiet places to rest and reflect.

In order to achieve community benefits, it is important that all those involved in parkland planning and design understand the common functions of parklands within urban and regional areas.

*The Parks and Open Space Discussion Paper:*

- identifies trends, emerging policy issues and factors that influence parks and open space within the Town;
- provides a summary of the current distribution, size and state of parks in Tecumseh;
- describes the existing policy context at the various levels of government;
- identifies key planning issues and possible policy approaches related to parks and open space; and



- invites input/comments from the public and other stakeholders.

### Summary of Trends

Through the preparation of the *Parks and Open Space Discussion Paper*, a number of key trends were identified, summarized as follows:

#### **1. Demographic Changes**

Key demographic trends (some are societal trends while others are more directly related to the Town) will affect future planning related to parks and recreation, including an aging population that is contrasted against the town having a significant number of households with children (compared to the provincial average); an increase in the general population becoming much more conscious of their health than previous generations and increases in walking and running among citizens.

#### **2. Health**

Research consistently documents positive links between human contact with nature and health and well-being. Strong evidence shows that when people have access to parks, they exercise more. Regular physical activity has been shown to increase health and reduce the risk of a wide range of diseases, including heart disease, hypertension, colon cancer and diabetes.

#### **3. Livable Communities**

Parks and public spaces are identified as key elements in placemaking for their contributions to urban greening, aesthetically pleasing spaces, enlivened streets, and healthy, social communities. Evidence shows that having a park, playground or green space within walking distance of one's home is associated with better health, and this holds true regardless of age, income, or cultural background. Research also shows that residents of neighborhoods with greenery in common spaces are more likely to enjoy stronger social ties.

Residents looking to relocate, and developers seeking to invest in a community, increasingly identify positive benefits to being in close proximity to parks and open space. Quality of life can also be a factor in where businesses decide to locate. Whether by necessity or by choice, and supported by current research, for the foreseeable future people will be spending more time in their local communities. This raises expectations for access to community facilities, public parks, open spaces, and natural areas. Providing these in existing, built-up urban areas - some of which are anticipated to receive increased densities - or in new compact urban communities, will necessitate consideration of how different types of public spaces, including small, urban squares and linear greenways can fulfill the social and recreational function of traditional parks.

#### **4. Sustainability**

Maintaining healthy ecosystems requires management and enhancement of the entire urban forest toward a sustainable state, including woodlands and other natural areas; vegetation in parks and open spaces; and street trees. Specific to parks and open space, sustainable practices can include the strategic location of new parks and linkages to protect and

enhance ecosystem functions; urban greening and naturalization strategies; considering environmentally friendly alternatives in the design and management of parks and facilities; and, developing multi-purpose, rather than single-purpose facilities.

## **5. Economic**

The real estate market consistently demonstrates that many people are willing to pay a larger amount for a property located close to parks and open space areas than for a home that does not offer this amenity. Numerous studies have shown that parks and open space increase the value of neighboring residential property and growing evidence points to a similar benefit on commercial property value. The availability of park and recreation facilities is an important quality-of-life factor for corporations choosing where to locate facilities and for well-educated individuals choosing a place to live.

Repeated studies over the years have confirmed that people prefer to buy homes close to parks, open space, and greenery. A park often becomes one of a municipality's signature attractions, a prime marketing tool to attract tourists and businesses. Parks help shape city identity and give residents pride of place (think Lakewood Park, Lacasse Park, McAuliffe Park and St. Mary's Park). Organized events held in public parks-arts festivals, athletic events, food festivals, musical and theatrical events-often bring substantial positive economic impacts to their communities, bringing customers to local restaurants and stores.

## **6. Accessibility**

Accessible public spaces make it easier for people with disabilities to move through and use the environment. The concept of accessibility is typically associated with the *Accessibility for Ontarians with Disabilities Act (AODA)* and the associated Accessibility Standards that are intended for implementation, including the *Design of Public Spaces in the Built Environment* document released in 2012. The AODA standards influence the way in which new parks, municipal buildings, and associated public spaces will be designed.

In its broadest sense, however, accessibility can cover a considerable range of factors including affordability, physical accessibility, and geographic distribution combined with connectivity. Parks and natural areas can provide no or low cost individual and family-oriented activities that support a self-scheduled lifestyle and interests such as family picnics; bird-watching or hiking on trails; communal gardening; or dog-walking/socializing in leash-free areas.

## **7. Trails**

Trails are the pathways that connect a community. They are found within parklands and open space and also play an integral role in connecting neighbourhoods to these areas. They are integral in keeping communities healthy through action. In a time where noise, pollution and stress are commonplace, connecting to the land brings us a sense of peace and enlightenment. In addition to their role in providing recreational opportunities, trails provide many other advantages to a community:

- **Health** – as with parks and open Space, trails play a vital role in our well-being. Trails support an active lifestyle that improves health.

- **Economic** - trails have the potential to attract tourists thereby creating jobs and injecting money into local economies. Canadians are taking shorter vacations, closer to home, thereby spending on local restaurants, accommodations, retail purchases and day trips. It has been demonstrated that trails also increase property values.
- **Strong Communities** - trails strengthen the social fabric of a community. Because of their linear design, trails act as a meeting place for communities. As a result, trails promote family unity as well as strengthen friendships and neighbor relations. They are places where entire families, friends and neighbors can gather and recreate together safely. Neighborhood trails can improve pride in a community in other ways as well.
- **Environmental** - hiking and walking trails have played and can play an important role in the environmental movement. They can act as active means of teaching people about the natural environments they often are found in, thereby instilling appreciation and respect in them from the people visiting. Hiking and walking trails promote passive involvement in the environments around us and awareness of their importance.
- **Transportation** - active transportation can enhance, protect and restore the natural environment, while the walker reaps various health and fitness benefits. Active transportation can contribute to national and global commitments for pollution prevention and reduction of greenhouse gas emissions responsible for climate change. Bicycling and walking can help to alleviate some of the negative effects of intense motorization, including traffic congestion, air pollution excessive noise, and destruction of the environment.

### Policy Context

There are a range of overarching policy documents and practices currently in place that affect parks and open space planning including:

- The Provincial Policy Statement, County of Essex Official Plan and the three existing local Official Plans (Tecumseh, St. Clair Beach and Sandwich South);
- Three Secondary Plans (Manning Road Secondary Plan, Maidstone Hamlet Secondary Plan and Tecumseh Hamlet Secondary Plan (draft)) and the Tecumseh Road Main Street CIP, all of which provide more detailed policies related to the provision and design of parks, open space and multi-purpose pathways;
- The Tecumseh Strategic Master Plan for Parks and Recreation Services, December 2010; and
- Landscape and Urban Design practices.

### Key Recommendations

The *Parks and Open Space Discussion Paper* includes the following key recommendations:

- Parks and open space policies need to be incorporated into the new Official Plan that provide a common and consistent policy approach Town-wide while having regard to more specific design issues as enunciated in a number of Secondary Plans;
- Updated parkland dedication policies to be consistent with current *Provincial Policy Statement* policies and *Planning Act* requirements;
- Incorporate appropriate parks and multi-use pathway policies from the Town's Parks and Recreation Master Plan related to:
  - Parkland Provisioning Standards;
  - Cash-in-Lieu of Parkland;
  - Parkland Acquisition;
  - Parks Design; and
  - Trail Design and Connectivity;
- Identify the future location of proposed parks and trails consistent with the various Secondary Plans and the Parks and Recreation Master Plan to ensure the long-term objectives with respect to the location and size of parks are met as well as ensuring the protection of the various corridors for the ultimate development of an appropriate trail network over time;
- Incorporate design criteria policies (in the Urban Design Guidelines section) for parks, recreation facilities and trails.

### Public Consultation

As an integral component of the Tecumseh New Official Plan process, the *Parks and Open Space Discussion Paper* will be posted on the Town's website and be made available to the public and local stakeholders. Once the remaining discussion papers are received by Council, an open house will be held to consider the range of issues identified and to receive stakeholder input into the formulation of the new Official Plan. In addition, a statutory public meeting will be held in accordance with the *Planning Act*. The public process/open house sessions will help confirm the relevancy of the issues identified in the discussion papers and will provide an opportunity to consider any other issues that are important to the community.

## **CONSULTATIONS**

### Parks and Recreation

## **FINANCIAL IMPLICATIONS**

There are no financial implications.

## **LINK TO STRATEGIC PRIORITIES**

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	✓
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	
5.	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	

## **COMMUNICATIONS**

Not applicable ☐

Website ☒ Social Media ☐ News Release ☐ Local Newspaper ☐



This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

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Chad Jeffery, MA, MCIP, RPP  
Manager, Planning

Reviewed by:

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Brian Hillman, MA, MCIP, RPP  
Director, Planning and Building Services

Recommended by:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment(s):        1.    Tecumseh New Official Plan Process, Parks and Open Space  
   Discussion Paper, July 2016

File Name (R:\TECUMSEH 2030, NEW OFFICIAL PLAN\NEW OFFICIAL PLAN DISCUSSION PAPERS\Transportation\Planning  
Report 15-16 - Council Receipt of Transportation Discussion Paper, June 2016.docx)



# Tecumseh New Official Plan Process

## ***Park and Open Space Discussion Paper***

***July 2016***



**Prepared By:**  
**Planning and Building Services Department**  
**Town of Tecumseh**

# Tecumseh New Official Plan Process

## *Parks and Open Space Discussion Paper*

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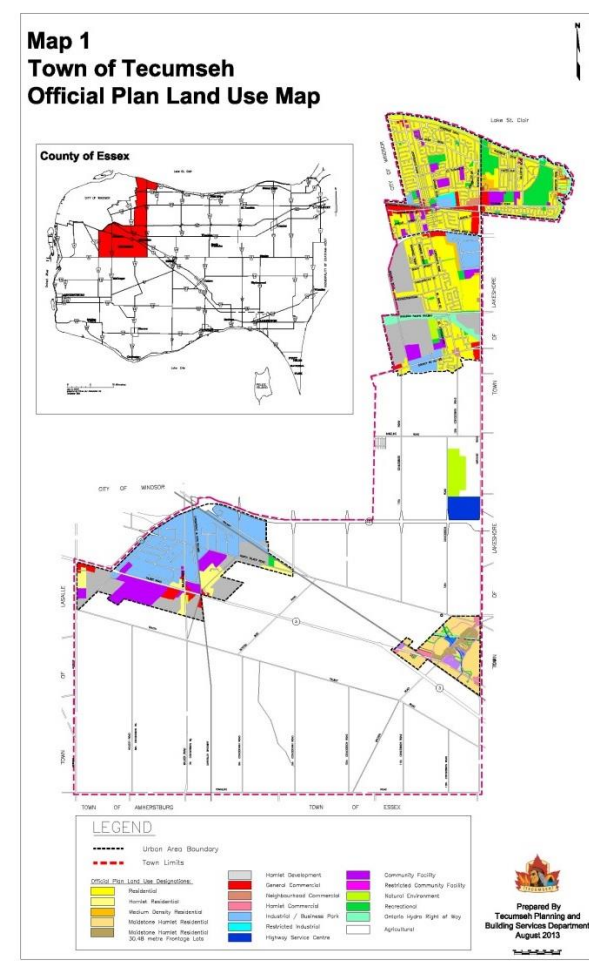


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## 1.0 INTRODUCTION

## 1.1 Background



The following series of discussion papers will form the background and basis for the new Official Plan:

- Growth Management/Structure Plan
- Agricultural and Rural Issues
- Community Improvement Planning
- Urban Design
- Natural Heritage Features
- Commercial Development
- Housing and Residential Intensification
- Employment Lands
- *Parks and Open Space*
- Transportation
- Sustainability

These discussion papers will be presented to the public for consultation, deliberation, sharing of ideas and articulation of a desired policy direction for the future. The discussion papers and the related public consultation process will provide the basis for and guide the development of the new Official Plan. The resulting Official Plan will be a combination of policy direction from the top-down (Province/County) and local input from the ground-up, identifying the challenges, opportunities and goals for the Town over the 20-year planning horizon.

This discussion paper deals with Parks and Open Space. Parks and open space lands are generally owned by the Town and provide recreational opportunities, provide physical linkages and contribute to aesthetic value in a community. Other terms used synonymously or in relation to parks and open space include recreation space, green space, natural

open space includes recreation space, green space, natural space and parkland. For clarity and common understanding, this paper uses the term parks and open space to clarify its focus is on active and passive recreation and not natural heritage which is addressed under a separate discussion paper.

Public parklands provide opportunities for social interaction, recreation, leisure, sporting activity, exercise, rest and relaxation. It's important that all neighbourhoods have equal access to good quality parkland that creates a sense of place and enhances feelings of social attachment and cohesion, identity and belonging for all ages.



Good quality parklands are valuable community assets that require well-considered planning, design and management to achieve optimal levels of amenity and functional performance. While initial establishment costs may be high, the long-term return to today and tomorrow's communities is beyond measure. They are an important component in satisfying the public's desire to achieve a healthy lifestyle.

To achieve this it's important to plan and design more diverse, well-distributed, well-connected parkland that meets different community needs, provides spaces suited for different purposes and functions and encourages higher levels of usage and positive social interaction for people of all ages and abilities.

## **1.2 Purpose and Scope**

The purpose of this discussion paper is to:

- Identify trends, emerging policy issues and factors that influence parks and open space within the Town;
- provide a summary of the current distribution, size and state of parks in Tecumseh;
- describe the existing policy context at the various levels of government;
- Identify key planning issues and possible policy approaches related to parks and open space; and
- Invite input/comments from the public and other stakeholders.



## 2.0 TRENDS AND FACTORS INFLUENCING PARKS AND OPEN SPACE

### 2.1 Importance and Function of Parks and Open Space

Parklands are important community assets that help keep us healthy, active and socially connected. To maintain these valuable assets, it is important that parklands being planned now continue to meet the needs of current and future generations through user-focused, sustainable design and efficient use of resources.

Public parkland enhances urban amenity and provides landscapes that can positively impact community health and social connectivity, biodiversity, local water quality and water management, air quality and mitigation of the urban heat island effect.

Parkland refers to land that has been reserved for the purpose of formal and informal sport and recreation. It can also include the preservation of natural environments but for the purpose of this paper, only those lands with access for recreation purposes are considered parkland.

Public parklands include places with conservation and heritage value, and natural landscape features that can engender a unique sense of place. Parkland for sport and recreation may include sporting fields and physical activity spaces; open areas with picnic, playground and barbeque facilities; and quiet places to rest and reflect.

In order to achieve community benefits, it is important that all those involved in parkland planning and design understand the common functions of parklands within urban and regional areas.

Various parkland functions that must be considered during all stages of parkland provision include:

- Sport and recreation: providing for a range of formal (organized sport and structured activity) and informal (exercise, play and socializing) recreation activities;
- Culture and heritage: preserving places with significant heritage or cultural connections (both colonial and Aboriginal);
- Environmental conservation: protecting wildlife habitat and maintaining ecological linkages;
- Landscape and buffer zones: enhancing the visual appeal of urban landscapes, providing green buffers and softening of the built environment;
- Physical linkages: linking larger areas of open space, natural features and community facilities through walkable and bikeable corridors and greenways;
- Environmental quality: ameliorating the impact of urban heat island effect and improving air quality; and
- Water quality: filtering stormwater and run-off and providing buffer zones for watercourses and wetlands.

### 2.2 Demographic Changes

The Town of Tecumseh's demographic profile is important to determine future parks, facilities and program needs. By understanding the current and future demographics, the Town can identify the types and scope of parks, facilities and programs that are required to fulfill the community needs over the life the Official Plan. The



following key demographic features (some are societal trends while others are more directly related to the Town) provide a context for the Town's provision of parks and recreation needs:

- Town population trends show an increasing proportion of older adults and a steady or slightly declining under-twenty age group;
- Five percent of Town residents are considered new Canadians and/or visible minority populations as defined by Census Canada (compared to 19% for the Province of Ontario). Therefore, there is limited demand for nontraditional recreation facilities such as cricket fields;
- Higher than average income indicates potential to purchase higher levels of parks and recreation services, if they were to be offered by the Town;
- There are a significant number of households with children (compared to the provincial average) supporting the provision of children, youth and family recreation facilities and programs;
- Demographic trends indicate that the general population is much more conscious of their health than previous generations;
- There is an increase in the number of participants in health and fitness clubs, sports clubs, and fitness events like the triathlons, "Tough Mudders", etc.; and
- There is a trend towards an increase in the number of people out walking and running in the streets for their recreation.

All of the above are all clear indicators that health and fitness are increasingly important to the Town's residents. Exercise is cited as a preventative measure for almost every known life-threatening disease. People are retiring earlier and living longer and, therefore, have much more time to devote to recreational activities. Many of these people are retiring to locations that can offer the amenities that facilitate this active lifestyle.

This growth in the aging population results in an associated growth in the popularity of lower impact activities like walking, cross-country skiing, hiking, etc., as compared to competitive sports. Walking has become among the top-three recreational activities in Canada and is often the exercise recommended in medical journals, fitness magazines and so on for all people wishing to enhance their health.

As a result of these trends and considering the fact that many rural roads and urban streets were not designed with sidewalks, people have been forced to walk on the streets and roadways around their homes. The need for new trail and park development has become clear as these trends have grown more apparent. As well, it is indicative of a greater need for the use of universal design during the development planning stages.

By providing active living opportunities and areas for all ages, the Town is contributing to a healthy lifestyle that will pay benefits in a healthier, fitter population; lower incidence of disease and subsequently decreased medical costs; decreased automobile traffic and parking problems; and, an increase in the number of amenities for residents and tourists alike.

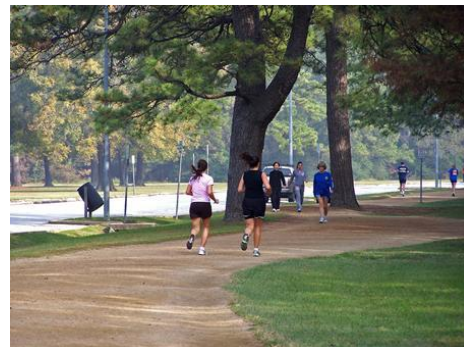
## **2.3 Health**

Research consistently documents positive links between human contact with nature and health and well-being. Strong evidence shows that when people have access to parks, they exercise more. Regular physical activity has been shown to increase health and reduce the risk of a wide range of diseases, including heart disease,



hypertension, colon cancer and diabetes. Physical activity also relieves symptoms of depression and anxiety, improves mood and enhances psychological well-being. Beyond the benefits of exercise, a growing body of research shows that contact with the natural world improves physical and psychological health.

The Ministry of Health and Long Term Care describes healthy public policy as “characterized by an explicit concern for health and equity in all areas of policy, and by accountability for health impact. The main aim of healthy public policy is to create a supportive environment to enable people to lead healthy lives. Such a policy makes healthy choices possible or easier for citizens. It makes social and physical environments health enhancing. This concept points to the increasing integration of different policy objectives and places municipal parks, opens space, trails and recreation within the realm of health-enhancing services.”



Parks, open space and trails provide the infrastructure for a public health approach to eliminating sedentary lifestyles, obesity, and related health problems. The more time young children spend outdoors, the higher their activity levels. Parks and recreation programs can offer children and youth opportunities that may help with self-identity and a sense of belonging as an antidote to social alienation, vandalism, violence and the social costs associated with these issues.

Parks connect older adults to other people and the community-at-large, which is key to psychological and emotional well-being. Physical activity helps individuals maintain their physical and mental health as they age and is important to maintaining independence. Convenient walking trips from home to destinations such as stores, parks, and trails and the perception of having safe and aesthetically pleasing surroundings for walking and ready access to green spaces are associated with increased physical activity levels among older people.

## 2.4 Liveable Communities

Directing growth to achieve healthy, liveable and sustainable communities is mandated by the Provincial Policy Statement. Parks and open space are significant contributors to realizing these objectives. Green spaces build community. ‘Placemaking’, a longstanding philosophy attributed to such notable urban planners as Jane Jacobs, takes a multi-faceted approach to the planning, design and management of public spaces to create good public spaces that are meaningful to the community and promote people’s health, happiness, and well-being. Parks and public spaces are identified as key elements in placemaking for their contributions to urban greening, aesthetically pleasing spaces, enlivened streets, and healthy, social communities. Evidence shows that having a park, playground or green space within walking distance of one’s home is associated with better health, and this holds true regardless of age, income, or cultural background. Research also shows that residents of neighborhoods with greenery in common spaces are more likely to enjoy stronger social ties.

Residents looking to relocate, and developers seeking to invest in a community, increasingly identify positive benefits to being in close proximity to parks and open space. Quality of life can also be a factor in where businesses decide to locate. Whether by necessity or by choice, and supported by current research, for the foreseeable future people will be spending more time in their local communities. This raises expectations for access to community facilities, public parks, open spaces, and natural areas. Providing these in existing, built-up urban areas - some of which are anticipated to receive increased densities - or in new compact urban communities, will necessitate consideration of how different types of public spaces, including small, urban squares and linear greenways can fulfill the social and recreational function of traditional parks. Safe, accessible, cycling and walking routes to destinations enable people to integrate physical activity into their daily routine (i.e., active transportation), or as a recreational activity. To the extent that they can replace vehicular travel – trails,



cycling paths and bike routes can also reduce car travel and its associated negative impacts (e.g. air pollution, respiratory problems, traffic congestion).

## 2.5 Sustainability

The over-arching theme of sustainability requires a social shift in thinking about traditional patterns of urban growth and living, and embracing our role as environmental stewards. Effective management of natural areas provides for continuation of the multiple benefits they provide to residents. These may include improved air quality, safe drinking water, and flood protection as well as protecting the intrinsic and ecological health of the watershed. There is increasing demand not only for recreation access to open space areas, but also for responsible land stewardship and assigning priority to ecological/environmental protection over recreation uses, where needed.



Maintaining healthy ecosystems requires management and enhancement of the entire urban forest toward a sustainable state, including woodlands and other natural areas; vegetation in parks and open spaces; and street trees. In recognition of the economic and environmental value of the urban forest to present and future generations, a number of municipalities across Canada are undertaking urban forest management plans. These studies inventory and evaluate the current state, recommend protection, enhancement, and management strategies, and inform policies and by-laws. Specific to parks and open space, sustainable practices can include the strategic location of new parks and linkages to protect and enhance ecosystem functions; urban greening and naturalization strategies;

considering environmentally friendly alternatives in the design and management of parks and facilities; and, developing multi-purpose, rather than single-purpose facilities.

Trees more effectively and less expensively manage the flow of stormwater runoff than do concrete sewers and drainage ditches. Runoff problems occur because settlement areas are covered with impervious surfaces such as roads, sidewalks, parking lots, and rooftops, which prevent water from soaking into the ground. Trees intercept rainfall, and unpaved areas absorb water, slowing the rate at which it reaches stormwater facilities. Sustainable design of neighbourhoods and parks includes landscape and site design measures to reduce storm water runoff and pollutants through the use of permeable pavement, bioswales and other low-impact design measures; conserving energy and water by using drought and pest resistant native species; and improving air quality, providing shading and cooling, and increasing forest cover by planting native trees and other vegetation.

Communities that support and encourage sustainable design are also changing to green technologies in the maintenance of indoor/outdoor facilities and parks. These include selective use of green products, right-sizing and utilization of low-emission vehicles, consideration for sustainable materials and life cycle costing in the choice of products and materials used in design and construction, and employing sustainable practices in routine park maintenance activities such as reducing mowing limits to increase the extent of natural areas.

## 2.6 Economic

The real estate market consistently demonstrates that many people are willing to pay a larger amount for a property located close to parks and open space areas than for a home that does not offer this amenity. Numerous studies have shown that parks and open space increase the value of neighboring residential property and growing evidence points to a similar benefit on commercial property value. The availability of park and recreation facilities is an important quality-of-life factor for corporations choosing where to locate facilities and for well-educated individuals choosing a place to live.





Repeated studies over the years have confirmed that people prefer to buy homes close to parks, open space, and greenery. A park often becomes one of a municipality's signature attractions, a prime marketing tool to attract tourists and businesses. Parks help shape city identity and give residents pride of place (think Lakewood Park, Lacasse Park, McAuliffe Park and St. Mary's Park). Organized events held in public parks-arts festivals, athletic events, food festivals, musical and theatrical events-often bring substantial positive economic impacts to their communities, bringing customers to local restaurants and stores.



## 2.7 Accessibility

Accessible public spaces make it easier for people with disabilities to move through and use the environment. The concept of accessibility is typically associated with the *Accessibility for Ontarians with Disabilities Act (AODA)* and the associated Accessibility Standards that are intended for implementation, including the *Design of Public Spaces in the Built Environment* document released in 2012. The AODA standards influence the way in which new parks, municipal buildings, and associated public spaces will be designed.

In its broadest sense, however, accessibility can cover a considerable range of factors including affordability, physical accessibility, and geographic distribution combined with connectivity. The various accessibility factors, therefore, are increasingly reflected in municipal policy and all of those relate to parks and recreation infrastructure. The mandate of municipalities includes ensuring all residents have affordable access to recreation services, and parks. Parks and natural areas can provide no or low cost individual and family-oriented activities that support a self-scheduled lifestyle and interests such as family picnics; bird-watching or hiking on trails; communal gardening; or dog-walking/socializing in leash-free areas.

## 2.8 Trails

Trails are the pathways that connect a community. They are found within parklands and open space and also play an integral role in connecting neighbourhoods to these areas. They are integral in keeping communities healthy through action. In a time where noise, pollution and stress are commonplace, connecting to the land brings us a sense of peace and enlightenment. In addition to their role in providing recreational opportunities, trails provide many other advantages to a community:

- **Health** – as with parks and open Space, trails play a vital role in our well-being. Trails support an active lifestyle that improves health. Physical activity helps prevent heart disease, diabetes, osteoporosis, obesity, colon cancer and depression<sup>1</sup>. An increase in physical activity can save millions in health care spending. Physical activity also reduces stress and improves mental health. Trails are exceptionally well suited to helping citizens become more physically active, are readily accessible and inexpensive to use. They are found in a variety of attractive settings and can provide moderate activity or challenging outdoor adventure. They can provide physical activity for the widest range of people, including persons with disabilities, children and youth, the elderly and others who are known to be less physically active.
- **Economic** - trails have the potential to attract tourists thereby creating jobs and injecting money into local economies. Canadians are taking shorter vacations, closer to home, thereby spending on local restaurants, accommodations, retail purchases and day trips. It has been demonstrated that trails also increase property values. A home near a trail can offer a pleasing view, recreational opportunities and a chance to get in touch with nature. Studies have found that properties located near trails generally sell for five to 32 percent more than those farther away.



- **Strong Communities** - trails strengthen the social fabric of a community. Because of their linear design, trails act as a meeting place for communities. As a result, trails promote family unity as well as strengthen friendships and neighbor relations. They are places where entire families, friends and neighbors can gather and recreate together safely. Neighborhood trails can improve pride in a community in other ways as well. A trail that runs through a community often leads to the residents and business owners showing their "best side" by cleaning or fixing up their property. A popular and well-managed trail can also serve as a focal point for a community for special events and a gathering place. These activities can lead to greater interaction between residents and improve the cohesion of a community. Trail projects help build partnerships among private companies, landowners neighboring municipalities, local government, and advocacy groups. Each trail contains elements of local character and regional influence, and reflects the hard work, enthusiasm, and commitment of individuals, organizations, elected officials, and agencies. All are able to take pride in having worked together to successfully complete a trail project. In addition, when residents are encouraged to become involved in a trail project, they feel more connected to the community.
- **Environmental** - hiking and walking trails have played and can play an important role in the environmental movement. They can act as active means of teaching people about the natural environments they often are found in, thereby instilling appreciation and respect in them from the people visiting. Hiking and walking trails promote passive involvement in the environments around us and awareness of their importance.
- **Transportation** - active transportation can enhance, protect and restore the natural environment, while the walker reaps various health and fitness benefits. Active transportation can contribute to national and global commitments for pollution prevention and reduction of greenhouse gas emissions responsible for climate change. Bicycling and walking can help to alleviate some of the negative effects of intense motorization, including traffic congestion, air pollution excessive noise, and destruction of the environment.

## 2.9 Trends and Policy Recommendations – Tecumseh Strategic Master Plan for Parks and Recreation Services, December 2010

From the Situational Analysis Report of the Strategic Master Plan for Parks and Recreation Services, December 2010, a series of trends and strategies were identified that established a foundation upon which the Master Plan was based. The following excerpts represent the key trends and strategic themes that emerged from the research phase of this project:

- Demographic shifts over the last fifteen years will result in more mature adults and a stable or declining youth population. The future of youth services should focus on existing or slightly declining population volumes;
- The Windsor Essex region will continue to become a more diverse ethno-cultural community. From a leisure services perspective, this population creates challenges regarding communications, the variety of interests, an increasing interest in soccer and reduced interest in activities without a history in their country of origin, such as ice-based sports, baseball, fitness and heritage considerations;
- There will be a continuing demand for access to ice-based sports, based on increases in female, disabled, and adult leagues;
- There will be an increasing demand for soccer facilities based on the low cost of participation, aerobic activity and connection to the immigrant population that comprises 5% of Tecumseh's population;



- Notwithstanding declining trends in baseball participation in the Province, the Windsor Essex region remains a strong baseball area related to the strong history of baseball activity in the region, an extended playing season and proximity to the United States;
- Municipalities over the next twenty years will have an increasing stewardship role in the protection, conservation and day-to-day management of a variety of environmental areas. Future consideration of this role should be investigated;
- The healthy community's movement emphasizes the creation of safe neighbourhoods, environmental conservation and improved initiatives in physical health and fitness. Parks and recreation has a significant role to support the healthy community initiative in terms of trails, parks and related community facilities and their connectivity;
- The general focus of parkland acquisition and development will be on the larger community parks to provide a greater range of services and opportunities than are available in smaller neighbourhood parks. Future direction for parks acquisition should ensure a balance of neighbourhood and community parks distributed in proportion to population residing in the northerly urban area and rural area of the Town. This will help to provide reasonable access to parks and recreation for all residents.



## 3.0 CURRENT STATE OF PARKS AND RECREATION IN TECUMSEH

### 3.1 General

The Town of Tecumseh has a wide range of parks and open spaces/facilities comprising urban and rural parks which, together with natural environment areas, offer both active and passive recreation opportunities. The Town has a total of 40 parks encompassing an area of 139.98 hectares (1.5 % of the total Town area) including the recently acquired Lakewood Park North, Lakewood Park South and the 57 hectare Fairplay Woods natural heritage area. In the northerly urban area where the majority of the Town's population resides (Tecumseh, St. Clair Beach, Tecumseh Hamlet), there are 86.8 ha of parkland representing 5.1% of the area.

The Town enjoys access to Lake St. Clair, several community-wide recreation facilities and a developing multi-purpose trail system. These parks and facilities offer parks and recreation opportunities for residents and visitors alike, contributing to the high quality of life that Tecumseh has to offer.

This parkland has been divided into three different parkland classifications: community parks, neighbourhood parks and specialized parks. The location of these parks is illustrated on Map 2 and an inventory including their area and the amenities they include is contained in Table 1.

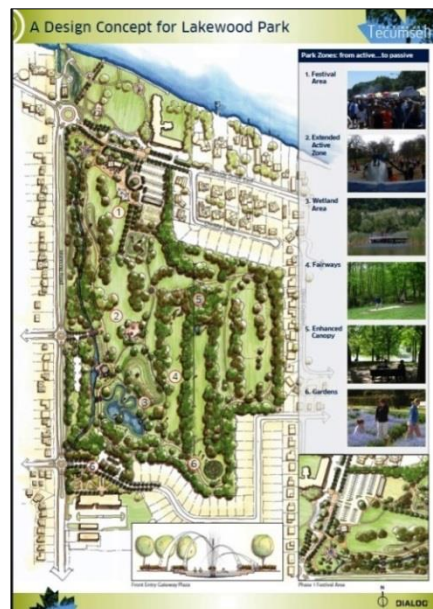
### 3.2 Community Parks

Community Parks are large park venues designed to service between 8000 to 10,000 residents within a service radius of 1.6 to 2.6 kilometres. The preference is to locate community parks on arterial or collector roads with a minimum area of 4.0 hectares. These parks serve identified communities and can attract visitors from other areas of the Town and region.

The Town currently has nine community parks. Six of these parks are located in the northern urban area of the Town, north of County Road 22:

- Lakewood Park South;
- Lacasse Park;
- Tecumseh Centre Park;
- Green Acres Park;
- Buster Reaume Park;
- L'Essor Soccer Fields.

One community park (McAuliffe Park) is located in the northern urban area but south of County Road 22. The two remaining community parks (St. Mary's and Weston Park) are located in the southern rural area of the Town.





### 3.3 Neighbourhood Parks

Neighbourhood parks are intended to serve defined neighbourhood areas usually with an area of 0.5 to 2.0 hectares. Typically they serve up to 5,000 residents within a 0.4 to 0.8 km radius. The Town currently has 18 neighbourhood parks. All of these parks are located in the northern and central urban areas of the Town, north of County Road 42.



### 3.4 Specialized Parks

Specialized parks generally comprise small access points located on the Lake St. Clair shoreline or specialized park uses such as the Town's Dog Park. These park areas are typically less than 0.5 hectares and provide passive recreation opportunities that may include trails, conservation areas and watercourses. The Town currently has 15 specialized parks. The majority of these parks (13 of 15) are located in the northern area of the Town, north of County Road 22. One specialized park, Fairplay Woods, is located in the southern rural area of the Town and is 49 hectares. It is considered specialized due to its principle role as a natural heritage area and has limited access through an unopened right-of-way that is used as a trail by residents. The other specialized park, the Oldcastle Heritage Park, is located in the Oldcastle Hamlet.



The combined parkland provisioning across the Town for community and neighbourhood parks is 3.4 hectares per 1,000 residents. This number compares favourably to the park provisioning in the Greater Toronto Area of between 2.0 and 2.2 hectares per 1,000 population. When specialized parks are included, the total parkland provisioning across the Town is 5.6 hectares per 1,000 residents. This ratio compares favourably to communities such as Lakeshore, Waterloo and Stratford where the range is 5.2 to 5.7 hectares per 1,000 population. In addition to municipal lands, the community has access to public institutional and Essex Region Conservation Authority lands totalling 41.5 hectares or 1.6 hectares of land per 1000 population.







<b>Table 1</b>		
<b>Town of Tecumseh Parkland Inventory</b>		
<b>Park Name</b>	<b>Size (ha)</b>	<b>Amenities Offered</b>
<b>Community Parks</b>		
Buster Reaume Park	3.26	Park, baseball, playground
Green Acres Park	7.35	Park, soccer, baseball, tennis, playground, picnic, pavilion
Lacasse Park	9.13	Park, baseball, picnic, pavilion, playground, pool/splash pad, tennis
Lakewood Park South	26.3	Park
L'Essor Soccer Fields	3.93	Park, soccer
McAuliffe Park	8.02	Park, soccer, baseball, tennis, picnic, pavilion, concessions, playground
St. Mary's Park	2.55	Park, soccer, baseball, picnic, concessions, playground
Tecumseh Centre Park	5.70	Park, hockey/skating, fitness classes, skateboard, baseball, picnic, pavilion, playground, concessions
Weston Park	3.63	Park, soccer, baseball, tennis, basketball, picnic, pavilion, concessions, playground
<b>Total: 9 Parks</b>	<b>69.84 ha</b>	
<b>Neighbourhood Parks</b>		
Abraham Cole Park	0.92	Park, playground
Arrowhead Park	0.49	Park, basketball, playground
Ballargeon Park	0.86	Park, playground
Brenda Park	0.27	Park
Carling Park	2.01	Park, baseball, picnic, pavilion, playground
Century Park	0.62	Park, soccer, basketball, playground
Cranbrook Park	0.17	Park, basketball, picnic, playground
Dorset Park	0.54	Park, basketball, pavilion, picnic, playground
Dresden Park	0.63	Park, basketball, pavilion, picnic, playground
Gerry Lesa Park	0.85	Park, basketball, playground
Little River Park	1.26	Park, baseball, basketball, picnic, pavilion, playground
Little Turtle Park	0.10	Park
Peace Park	0.75	Park, playground, basketball
Piqua Park	0.91	Park, baseball, picnic, playground
Rocheleau Park	1.74	Park, soccer, basketball, picnic, playground
Shawano Park	1.40	Park, baseball, pickle ball, picnic, playground
Southfield Park	1.06	Park, basketball, picnic
Ticonderoga Park	0.41	Park, basketball, picnic, playground
<b>Total: 18 Parks</b>	<b>14.99 ha</b>	
<b>Specialized Parks</b>		
Brighton Beach Park	0.07	Park
Chippewa Park	0.34	Park, picnic, pavilion
East St. Louis	0.14	Park, Pumping Station
Edgewater Park	0.08	Park
Fairplay Woods	49.0	Woodlot/Natural Area



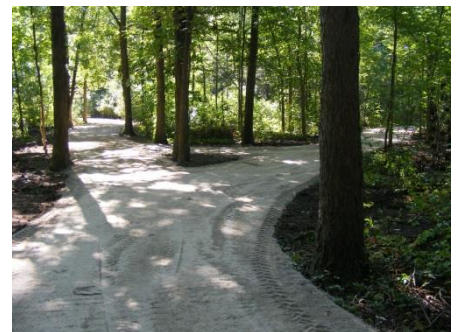
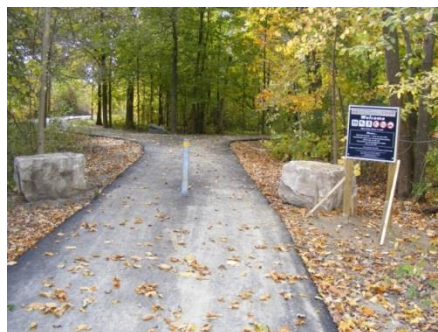
Lakewood Park North	2.85	Park
Manning Road	0.21	Park, Pumping Station
Oldcastle Heritage Park	0.55	Park
Peter Cecile Park	0.23	Park
St. Mark's Beach Park	0.16	Park
Star of the Lake Park	0.10	Park
Sculley Beach Park	0.14	Park
Tecumseh BIA Park	0.03	Park
Tecumseh Dog Park	1.1	Dog Park
West St. Louis	0.18	Park, Pumping Station
<b>Total: 15 Parks</b>	<b>55.18 ha</b>	
<b>Grand Total: 42 Parks</b>	<b>140.01 ha</b>	

### 3.5 Trails/Multi-Use Pathways

Trails or multi-use pathways are shared-use facilities accommodating cyclists and a range of pedestrians including walkers, joggers, in-line skaters, wheelchairs, and other non-motorized forms of recreation. They are preferred by individuals who do not want to travel on the road, enjoy exercise, and seek access to natural areas. They can take many forms including:

- Footpaths with natural surfacing
- Multi-use tracks with manufactured surfaces
- Walkways, boardwalks and sidewalks
- Utility corridors or former rail lines

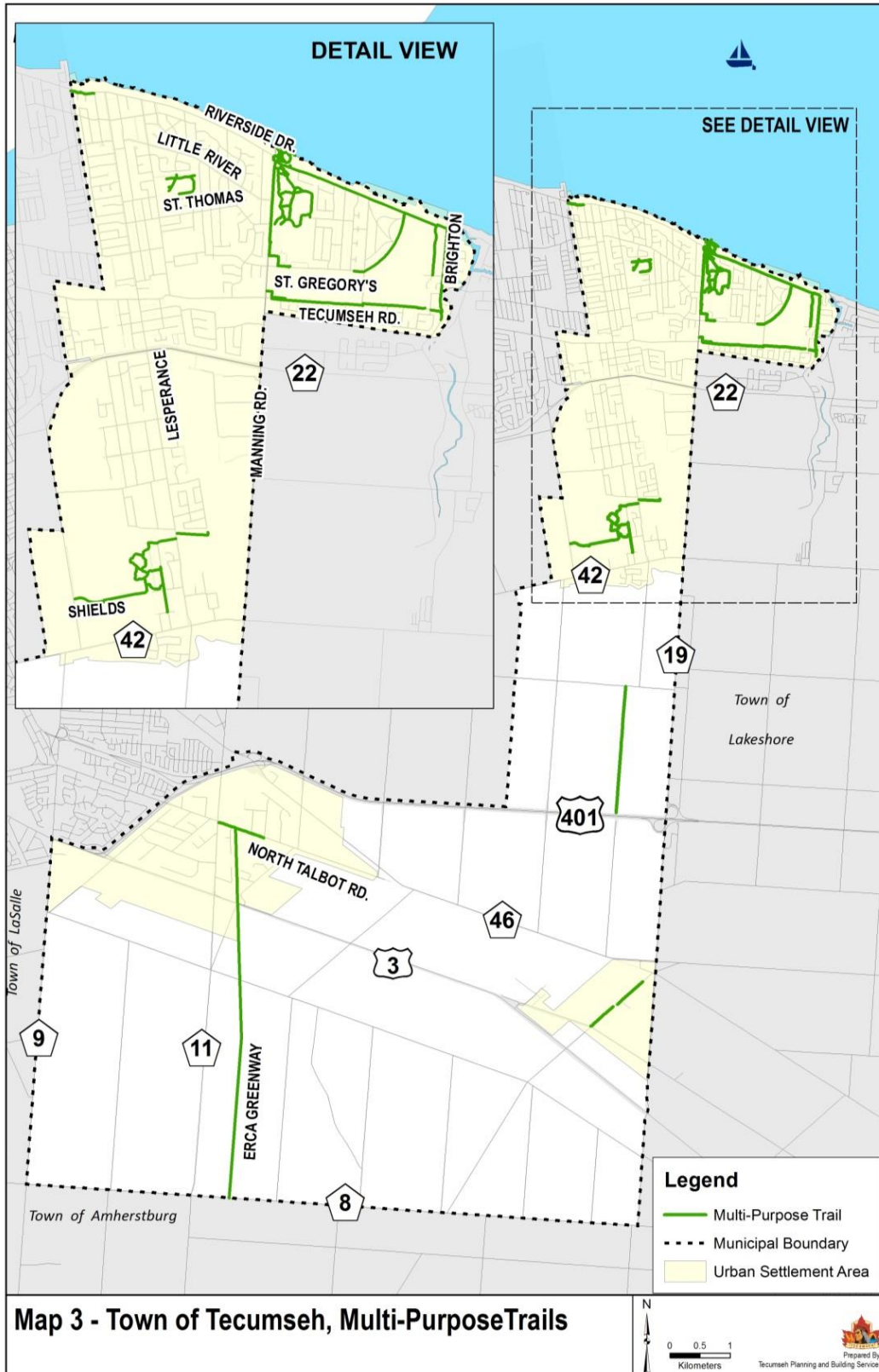
For the purposes of this report, the focus is on recreational trails. Trails for transportation purposes are dealt more comprehensively in the Transportation Discussion Paper June 2016.



Map 3 depicts the existing recreational trail network in the Town of Tecumseh. There are a total of 27 kilometres of recreational trails within the Town that are owned and maintained by the Town and or Essex Region Conservation Authority. Some of these trails are hard surfaced to provide for a variety of recreational uses and occasional vehicular traffic for maintenance purposes. There are a variety of recreational trails throughout the Town, primarily within and/or leading to larger Community Parks such as Lakewood Park, McAuliffe Park and Lacasse Park. A key feature of the former Village of St. Clair Beach (Ward 2) is a multi-purpose pathway that circumnavigates the community. It is therefore not only useful for recreational purposes but for transportation purposes as well.







## 4.0 GOVERNMENT POLICY CONTEXT AND KEY PLANNING ISSUES

This Section provides a detailed review of the current government policy environment related to Parks and Open Space.

### 4.1 The Planning Act

#### 4.1.1 Parkland Dedication

Sections 42 and 51.1 of the *Planning Act* prescribe the parkland dedication requirements for development as part of a site plan and draft plan of subdivision approval process, respectively. Under these sections, a municipality may require a parkland dedication of 2% of the land for commercial or industrial developments and 5% of the land for residential developments. If land has previously been conveyed under Section 42 or Section 51.1, a municipality cannot obtain additional land unless the redevelopment will increase the overall density of the development or unless commercial or industrial land is proposed to be redeveloped for other purposes (i.e. residential). This is the standard rate that has traditionally been used for greenfield development. Alternatively, a municipality may require land to be conveyed for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or less should a municipality choose to do so.

The *Planning Act* also allows a municipality to require the payment of money (“cash-in-lieu of parkland dedication”) to the value of the land otherwise required to be conveyed for parkland dedication. The rates are the same as those used where actual parkland is being dedicated, meaning that commercial or industrial development would pay 2% the value of the land while residential development would pay 5% the value of the land. The *Planning Act* was recently changed to provide a new alternative cash-in-lieu rate of 1 ha for every 500 units. This change was made to help incent acquisition of land for parks (rather than collecting money), particularly in areas where significant redevelopment is occurring and there are more immediate demands for actual parkland.

Policies for parkland dedication must be included in the new official plan along with the passage of an associated by-law.

#### 4.1.2 Sustainable Development

The *Planning Act* now contains tools for municipalities to encourage energy efficient building and neighbourhood design. With respect to Parkland and Open Space issues, Section 42 (6.2 and 6.3) of the *Planning Act* allows a municipality to meet sustainability objectives set out in the Official Plan in redevelopment scenarios by requiring the proponent to provide on-site “green enhancements” (i.e. a green roof) in lieu of parkland dedication payments when no land is available to be conveyed. However, a condition of using Section 42 involves the establishment of Official Plan policies outlining the Town’s sustainability objectives and design requirements. These policies would then form the basis upon which to require “green enhancements” in lieu of cash or parkland dedication in situations where no land is available.

### 4.2 Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The 2014 Provincial Policy Statement (PPS) issued under the *Planning Act* identifies that healthy active communities should be promoted by the use of the following policy.

*“1.5 Public Spaces, Recreation, Parks, Trails and Open Space*





1.5.1 Healthy, active communities should be promoted by:

- a) *planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
- b) *planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;*
- c) *providing opportunities for public access to shorelines; and*
- d) *recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.”*

### 4.3 County of Essex Official Plan 2014

The following policies from the County Official Plan have relevance to the planning, development and maintenance of parks and open space in the Town of Tecumseh:

*“1.5 Goals for a Healthy County*

- f) *To provide a broad range of ... leisure opportunities for a growing and aging population.*
- k) *To link wildlife habitat and natural heritage areas to each other, human settlements to other human settlements and people to nature.*
- s) *To support the creation of interesting and accessible public places to generate activity and vitality and attract people and business to Essex County communities.*
- t) *To recognize the importance of cultural heritage resources within the County by encouraging their identification, conservation, protection, restoration, maintenance, and enhancement.”*

Under Section 2.2 Growth Management, the County OP states that *“it is the fundamental policy of this Plan to promote healthy and diverse communities where County residents can live, work and enjoy recreational opportunities.”*

*“2.8.4 Active Transportation*

- e) *During the review of development applications, local municipalities will require the integration of pedestrian and cycling linkages to ... trails, parks and municipal facilities, where feasible and appropriate.*

### 3.2 SETTLEMENT AREAS

#### 3.2.2 Goals

- b) *To support and promote healthy, diverse and vibrant settlement areas within each of the seven Essex county municipalities where all county residents, including special interest and needs groups can live, work and enjoy recreational opportunities.*



- d) *To promote the creation of public places within all neighbourhoods that foster a sense of community pride and well-being and create sense of place.*

### 3.2.6 General Settlement Area Policies

- a) *Local Official Plans are encouraged to establish land requirement needs based on the provision of sufficient land for ... recreational, open space ... to accommodate growth projected for a time horizon of up to 20 years.*

### 3.3.3 Specific Agricultural Policies

#### 3.3.3.1 Permitted Uses

- f) *Passive recreational uses such as pedestrian trails.*

## 3.4 Natural Environment

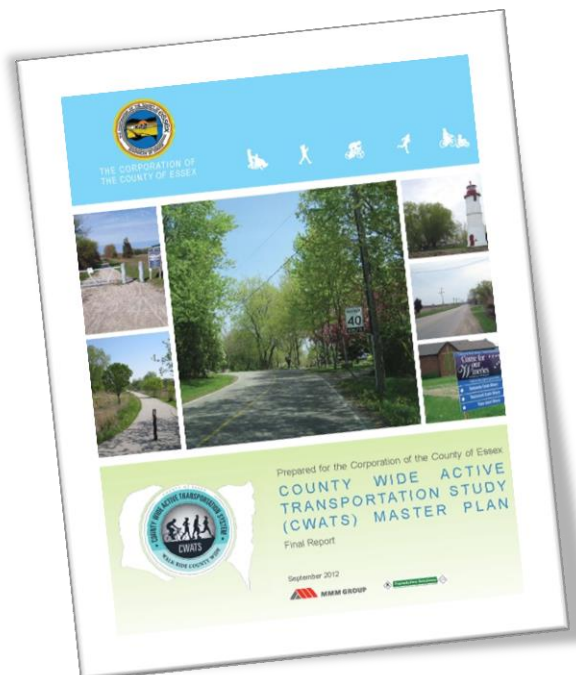
### 3.4.6 General Policies

- b) *... municipalities are also encouraged to undertake the following in consultation with the relevant Conservation Authority:*
  - i) *Cooperate in identifying and protecting inter-municipal natural connections regarding multi-purpose (recreational/utility/natural) connections and linkages which cross municipal boundaries."*

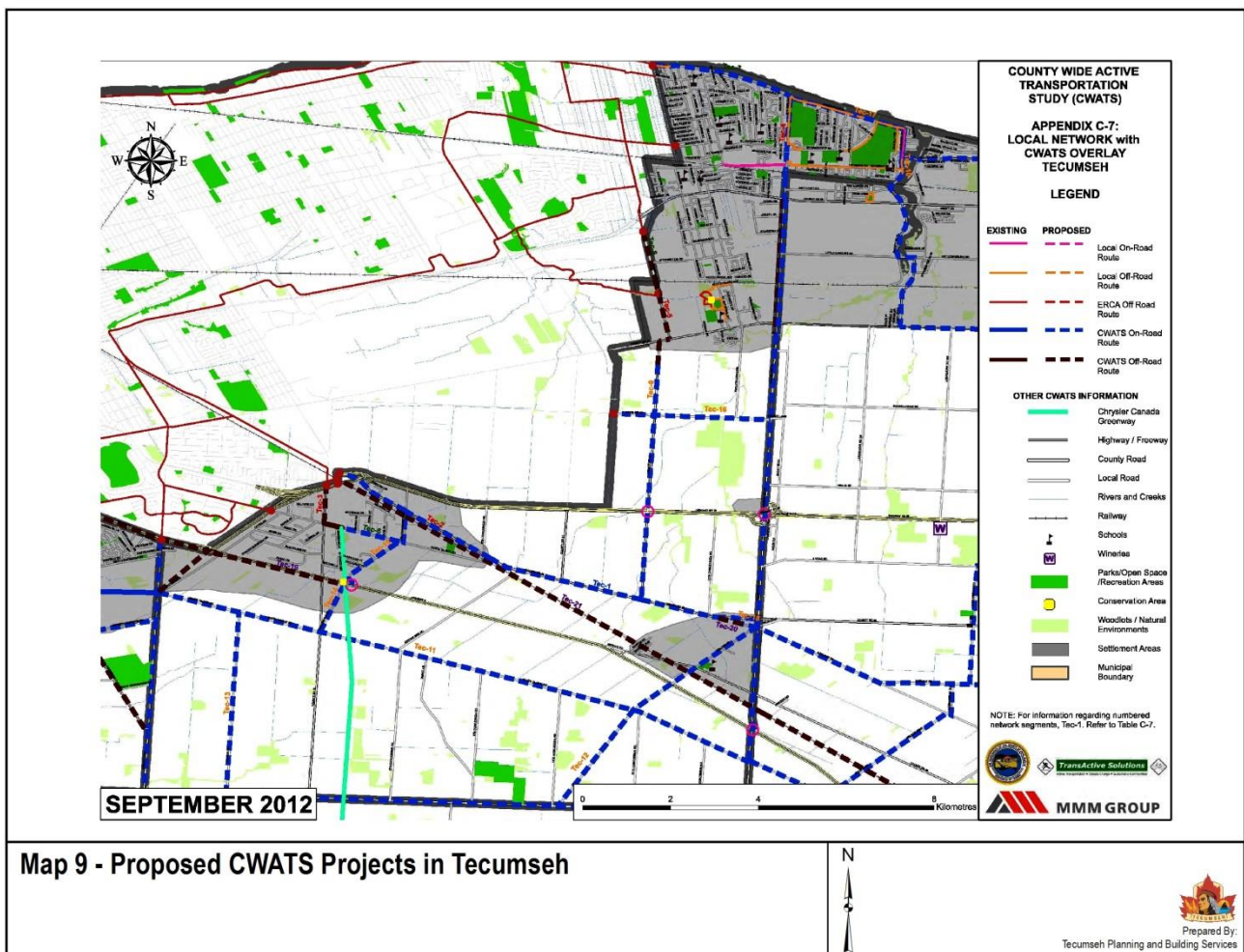
## 4.4 County Wide Active Transportation Study Plan (CWATS Plan)

The County Wide Active Transportation Study Plan (CWATS Plan) was adopted by County Council in 2012, prior to which it was endorsed by Tecumseh Council. The CWATS Plan is intended to be implemented over a 20-year planning horizon and proposes the introduction of a new active transportation network across the County comprising on-road bike lanes, paved shoulders, signed routes along existing roads and multi-use pathways. The document identifies the preferred location of these facilities and the approximate timing of their construction. In addition, the document contains technical design guidelines for all types of active transportation facilities and network amenities and includes a proposed cost sharing formula. This formula allocates the plan's implementation costs between the County of Essex, the seven lower-tier municipalities, the Essex Region Conservation Authority and the Ministry of Transportation.

Working together with local municipalities, and with other Community Groups, the CWATS Plan's goal is to improve conditions for pedestrians and cyclists in the region and to help more people accept active transportation is a valid way to move from place to place. It is important to promote active transportation



through the integration of walking, cycling and other non-auto related travel modes. The CWATS Plan foresees an increasing demand for facilities that support and foster active modes of transportation.



It is important that the Town's active transportation systems integrate with those identified in CWATS.

## 4.5 Municipal Official Plans

A summary of the current Official Plan policy frameworks guiding the implementation of parks and open space in the Town of Tecumseh is provided below:

### 4.5.1 Tecumseh Official Plan

#### Introduction

The Tecumseh Official Plan provides basic guidance on the establishment of recreational areas. An excerpt of the relevant policies follows (in *italics*).



*“The general principles to be considered in the development and control of Recreational areas are as follows:*

- a) The uses permitted shall be limited to conservation, recreation, agriculture or similar uses, such as private or public parks, golf courses and associated recreational activities, together with accessory uses which may include the residence of the owner or caretaker.*
- b) No buildings of a permanent nature shall be permitted in any area subject to periodic flooding, except buildings, such as, restrooms or shelters.*
- c) Where recreation or conservation projects are designed for public or private use, adequate automobile parking areas shall be established and access points to parking areas and to all recreational areas shall be located in such a way that the road pattern provides for the adequate movement of vehicular and pedestrian traffic with the minimum of danger.*
- d) Where new development is proposed on a site, part of which has physical or environmental hazards, then such hazard lands shall not necessarily be acceptable as part of the 5 percent dedication for Recreation under the Planning Act. All lands dedicated to the Town of Tecumseh shall be conveyed in a physical condition acceptable to the municipality. Where an open water course is involved, adequate space shall be provided for maintenance and operations*
- e) No fill of any kind shall be placed in or removed from any area subject to periodic flooding or physical limitation without the written consent of the Department of the Environment.*
- f) Recreational areas shall be zoned in a separate classification in the implementing Restricted Area By-law.”*

#### Summary

The foregoing policies are standard policies that do not provide specific goals for a municipality's recreational opportunities. Therefore, a review and update of the policies is warranted.

#### **4.5.2 St. Clair Beach Official Plan**

##### Introduction

The St. Clair Beach Official Plan identifies both goals and policies for recreational areas. Excerpts of the relevant policies follow (in italics).

##### *“4.4.1 Goals*

*The following goals are established for the Parks and Open Space designation:*

- a) To ensure that the Village maintains an adequate supply of parks and open space;*
- b) To establish a footpath system linking public open spaces in the community.*

##### *4.4.2 Policies*

*The following policies shall apply to those lands designated ‘Parks and Open Space’ on Schedule ‘A’ of this Plan:*





- a) *The predominant use of land designated 'Parks and Open Space' shall be for parks and public or private recreational uses, including golf courses and accessory commercial uses;*
- b) *Indoor recreational facilities shall only be permitted as accessory uses to the major outdoor recreational uses, the general intent of this Plan being to keep these areas open and free from buildings and structures except those which are incidental and accessory to the parks and open space uses;*
- c) *It shall be the policy of Council to acquire additional parkland in suitable locations where appropriate and to link public open spaces through the establishment of a footpath system;*
- d) *The municipality will continue to support the development and maintenance of recreational facilities, the acquisition, beautification and maintenance of public open space and the development of recreational programs in accordance with community needs and availability of resources."*

### Summary

The current St. Clair Beach Official Plan policies establish the importance of having recreational open space areas/parks linked to each other by public walking paths.

### **4.5.3 Sandwich South Official Plan**

#### Introduction

The Sandwich South Official Plan identifies both goals and policies for land designated Recreational. An excerpt of the relevant policies follows (in italics).

#### *"3.10.1 Goals*

*The following goals are established for the Recreational area:*

- i) *to ensure that the township maintains an adequate supply of parks, open space and recreational facilities to meet the needs of its residents;*
- ii) *to ensure that recreational uses are located in suitable locations so as to maximize their accessibility to area residents and minimize their conflicts with other uses.*

#### *3.10.2 Policies*

*The following policies shall apply to those lands designated "Recreational" on the Land Use Schedules of this Plan:*

- i. *the permitted uses shall include indoor and outdoor, public and private recreational uses such as parks, playgrounds, golf courses, arenas and clubs. Wherever possible, recreational uses serving the community at large should be part of a multi-use, larger, more visible and adaptable facility and/or site;*
- ii. *it shall be the policy of Council to acquire additional parkland, as funds are available, in order to generally maintain a standard of 4 hectares of parkland per 1,000 population. Of this 4 hectare standard, Council will attempt to allot 20 percent for neighbourhood parks, 30 percent for community parks and 50 percent for passive open space. For the purpose of achieving this*





*standard, the areas designated Natural Environment in this Plan shall be included in the passive open space calculation;*

- iii. wherever possible, new neighbourhood parks should be sited adjacent to elementary school sites or other complementary land uses to encourage a sharing or joint-use of facilities and programs;*
- iv. Council supports the reuse of abandoned railway right-of-ways for recreational uses, such as walking, cycling and other physical and leisure activities that do not include motorized vehicles. The permitted uses within these corridor areas shall include public and private recreational uses, in keeping with the Essex Region Conservation Authority approved management plan. Existing Major Utility Corridors and Multi-Purpose Linear Corridors as shown on Schedules "A-1" and "A-3" of this Plan should also be considered for these types of recreational uses;*
- v. new recreational development may be subject to site plan control pursuant to Section 41 of the Planning Act, R.S.O. 1990;*
- vi. all development in the Recreational designation shall be in accordance with the land division policies contained in Section 4 of this Plan."*

### Summary

The current Sandwich South Official Plan policies establish the importance of joint-use facilities and conversion of abandoned railway rights-of-way, however, a review of the policies is warranted such that new policies are developed that provide consistency Town-wide.

## **4.6 Secondary Plans**

### **4.6.1 Tecumseh Hamlet Secondary Plan**

The Town is currently finalizing the Tecumseh Hamlet Secondary Plan. Subsequent to a lengthy public consultation process, a draft was received by Council which is awaiting finalization relative to a number of traffic and stormwater issues. Regardless, the draft document includes sections on General Open Space Policies and Parkland Acquisition. The draft Open Space policies in this Secondary Plan are much more robust, detailed and comprehensive than the current policies within the Town's three existing Official Plans. There is also a strong emphasis on landscape and urban design principles within the draft Secondary Plan and warrant consideration in this Discussion Paper. It is anticipated that this Secondary Plan and associated policies will be incorporated in the new Official Plan at the time of its adoption. The relevant excerpts from this draft Plan are as follows:

#### **"7.3 GENERAL OPEN SPACE POLICIES**

*The Open Space policies are intended to ensure a high quality public realm environment for the Hamlet. The policies define an open space framework that links outdoor spaces through the creation of new parks, green streets, natural greenway corridors, and multi-use paths and trails and to create a unique, beautiful, and healthy public realm environment. An open space framework also provides guidance and direction for future investment in new parks, trails, streetscapes, sidewalks, and green spaces. The Open Space Policies are the first step in creating a more comprehensive and complete open space system.*



The policies of this section provide direction regarding the distribution and allocation of parks and open space in the Hamlet, and should be read in conjunction with Section 6.3 - Open Space / Parks land use designation. The policies of the Hamlet Secondary Plan regarding park typologies and the percentage of required parkland is consistent with the Town of Tecumseh Parks and Master Plan 2010.

It is the intent of the Plan to:

- Provide a range of park types, recreation facilities, and open spaces in the Hamlet and their equitable distribution across the community to ensure access to a diversity of recreation opportunities within a five minute walking radius to surrounding neighbourhoods.
- Provide beautiful, high quality, unique open spaces with active and passive elements within all parks, as appropriate, to meet the recreation needs of all ages and interests. Opportunities for art and innovative design should be considered for all park and open spaces.
- Provide trails/paths throughout the green corridors, public parks, and greenways that are continuous, accessible, well-linked, and facilitate movement throughout the Tecumseh Hamlet.
- Identify and secure active transportation connections between new and existing parkland and open space areas and new and existing neighbourhoods via a complete trails network, including pedestrian and bike trails and enhanced streetscapes, to be implemented during the development approval process. These connections should include pedestrian amenities such as generous sidewalks, lighting, garbage facilities, bike facilities, wayfinding signage, and places to sit.
- Undertake public realm improvements to existing Hamlet open spaces to enhance the character and recreational amenity of the open space network within the Hamlet, supplemented with new parks throughout the Tecumseh Hamlet Secondary Plan.
- Protect and enhance natural heritage lands as important natural and managed landscapes.
- To create a park and open space network that supports the Essex County Active Transportation Master Plan.
- To ensure that McAuliffe Woods Park remains a well-connected and accessible key open space amenity for the Hamlet, is well-connected to the surrounding existing and new neighbourhoods, and is enhanced to provide a diversity of year-round activities, while respecting its heritage significance.
- Encourage the use of existing and planned open spaces for cultural and community events.

#### 7.4 SPECIFIC OPEN SPACE POLICIES – THE PARK AND OPEN SPACE HIERARCHY

The following section describes the Park and Open Space Hierarchy, as defined in the Town of Tecumseh Parks Master Plan 2010, which include: Community Parks, Neighbourhood Parks, Parkettes, Greenway Linkages and Corridors, and Green Streetscapes, as well as the character and function of proposed new parks in accordance with the Vision for this Secondary Plan.

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*Civic parks, neighbourhood parks, parkettes, multi-use trail corridors, greenway corridors, and green streetscapes define the Hamlet Open Space System, which is connected by a complete trails network. The park system also establishes a connected and accessible neighbourhood fabric. The open space system, considered holistically, plays an important role in providing essential open space amenities to support a healthy, unique, and diverse community environment, and in enhancing the larger Tecumseh open space system.*

#### **7.4.1 Community Parks**

*Community Parks are intended to accommodate the highest intensity of recreational use and level of facility development. These parks generally include parkland with a range of facilities, irrigated sports fields, and other major facilities such as recreation centres. Community parks are large park venues designed to service between 8,000 to 10,000 residents within a service radius of 1.6 to 2.6 kilometres. The preference is to locate community parks on arterial or collector roads with a minimum area of 4.0 hectares (10 acres) (Refer to Town of Tecumseh Parks Master Plan).*

##### **7.4.1.1 The McAuliffe Woods Park and Expansion**

*As part of the Town's current initiative, the McAuliffe Park will undergo future enhancements to include a neighbourhood park expansion, the connection of Shields Street east west through the park, and the repurposing of existing park uses and features to create a community amenity that is more in keeping with the changing needs and demographics of the Hamlet.*

*Policies that apply:*

- Expand the park west along Shields Street by adding a neighbourhood park component to create additional passive recreational space. Provide a range of uses and elements including soft and hard landscaping, innovative and unique children's playground, youth play facilities, public art, and other features such as water that can be enjoyed by all.*
- Link the park to the Tecumseh Vista Academy School by an enhanced Shields streetscape greenway.*
- Protect and conserve the existing natural wood lot (See Section 8.0 for management of the woodlot).*
- Provide new pathways and trails through the park encourage walkability, and to connect to new development areas and to trails proposed in this Secondary Plan, as well as to new pathways proposed within the Essex County Active Transportation Plan 2010.*
- Create a pedestrian priority zone for the extent of Shields Street that runs through the park. Provide enhanced paving, and streetscape and gateway elements within this zone to integrate the roadway within a park context, reducing the amount of asphalt, and mitigate the speed of vehicular traffic through the park.*
- Create a gateway feature at the east and west entrances of Shields Street within the park.*
- Provide youth oriented play areas such as a skateboard park.*
- The Town of Tecumseh should work with the Windsor-Essex Public School Board and Separate School Board to create a detailed Park Master Plan for the McAuliffe Park.*

#### **7.4.2 Neighbourhood Parks**

*Neighbourhood Parks are intended to provide outdoor recreation and leisure opportunities at the neighbourhood level, and should be designed, programmed and furnished to meet the day-to-day open space needs. In general, neighbourhood parks are anticipated to contain playground structures geared to toddlers and young children, general use open space, seating, lighting, and other parks elements that serve a wide range of demographics and functions. These parks are the neighbourhood focal points, and should function as the place where residents converge and interact on a day-to-day basis, where children and youth play, and where seniors stroll for exercise, all within close proximity to home.*



#### 7.4.2.1 The Gouin Common

*The Gouin Common is a 0.7-hectare park (1.7 acres) is a unique neighbourhood park for the Hamlet as it is situated within the commercial “town centre”. The park is envisioned as the primary public gathering space within the Gouin Street Commercial Village. The park is intended to function as the main civic recreational space for the community, defining the terminus of the commercial Main Street. The park must also function as a neighbourhood open space to service the surrounding higher density residential community.*

*Provide high quality urban park environment with soft and hard surfaced spaces to permit a range of flexible and informal day-to-day recreational activities for children and families.*

- *As a key primary destination, a higher percentage of hard surfaces should be considered to accommodate civic events such as festivals, community gatherings, social events, and street related events such as parades.*
- *To ensure maximum utilization and presence in the commercial node, the park should have a high level of transparency and direct access from Main Street. The park should be a continuum of the main street fabric and promenade having animated uses such as restaurants, cafes and market venues in close proximity.*
- *“Green” the park – provide an adequate amount of trees to provide shade and weather protection, and to contribute to the urban canopy of the Hamlet.*
- *Provide a strong bold design feature, such as art or water, as the view terminus to the Main Street and to increase the park presence, visibility, uniqueness, and attractiveness.*
- *Provide flexible recreational space to accommodate and integrate community facility use and programs.*
- *Provide generous passageways through the park, as well as seating areas, and pedestrian-scaled street lighting.*
- *Provide universal access and safe crossing to the park, as well as connections to all surrounding commercial uses and neighbourhoods.*

#### 7.4.2.2 Other Neighbourhood Parks

*In addition to the park described above, the Secondary Plan envisions a number of other Neighbourhood Parks to be provided as the central focus for all new residential development.*

- *Existing parks should be enhanced where possible, with additional trees, landscaping and furnishings to be in keeping with the overall open space vision of this Plan.*
- *Design the parks with enough flexibility to accommodate special or additional programming, such as community gatherings, and special events.*
- *Provide high quality materials, innovative design, and the newest technology in play facilities.*
- *Provide high visibility all around with clear views in and throughout.*
- *Provide adequate lighting and signage for ease of use, wayfinding, and access.*

#### 7.4.3 Greenway Linkages and Trails





Greenway Linkages are multi-use pedestrian and cycling pathways and trails along existing and new open space corridors and include the Tecumseh- Windsor Greenway, the Banwell Greenway, the Hydro Corridor Greenway, and the C.P. Rail Corridor Greenway. The multi-use linkages are intended to provide universally accessible shared-use trail facilities for cyclist, walkers, joggers, and wheelchairs. The Greenway Linkages build on the multi-use path recommendations and policies of the Town of Tecumseh Parks Master Plan 2010. In addition to the Greenway Linkages, the Secondary Plan provides additional trail connections through all new parks and open spaces to create a comprehensive and connected trails network.

- All development shall implement the requirements of the Town of Tecumseh Parks Master Plan 2010, and the Active Transportation Master Plan.
- The new trails and open space linkages proposed in this Secondary Plan should expand and enhance the Town of Tecumseh's Active Transportation Master Plan. (Schedule 9: Trails and Paths Framework)
- All existing and proposed parks and public open spaces should be connected to, and made accessible, by the new trail network.
- Design of the multi-use paths in terms of surface treatments for the trails must consider universal accessibility as a priority, but must also take into consideration the character of the corridor and the sensitivity of natural heritage features.



#### 7.4.3.1 The Tecumseh-Windsor Greenway

The Tecumseh-Windsor Greenway is corridor that runs along a natural east west streambed drainage watercourse, which is enhanced in the Plan as one of the main greenway linkages that connect the McAuliffe Woods Park to the Banwell multi-use trail. The corridor provides an open space focus for new residential development in the southern Hamlet area. The south edge of the park is fronted by a new neighbourhood street and residential development, providing visibility and ease of access along the corridor.

- Create a unique treed landscape that incorporates a multi-use pathway along both sides of the existing stream feature, connecting the McAuliffe Woods Park to the Banwell Road Greenway, the heritage cemetery, and the Windsor municipal boundary.
- Naturalize the existing stream feature.
- Provide opportunities for seating and heritage interpretation plaques or wayfinding signage to convey the historic evolution of the natural feature and topography, and other features such as the cemetery.
- Provide pedestrian scaled lighting, and multiple entrance and connections through the corridor to create a safe and attractive environment.





#### 7.4.3.2 The Banwell Road Greenway

*This plan recommends the creation of the Banwell Road Greenway, which is proposed as a 11 metre treed corridor that extends the length of the east side of Banwell Road from the Gouin Street gateway to County Road 42, and the east and west side of the roadway from the C.P. Rail Corridor to County Road 42. The greenway has three primary functions: to provide a green, attractive interface to a major arterial to create a more pedestrian friendly and urban environment; to create an attractive and useable green buffer for adjacent residential development planned to front the roadway; and to create a major green trail that links the north and south Hamlet communities. It is recommended that the Town acquire an additional 5 metres of land along the eastern boundary, and 7 metres of land along the western boundary of the 30 metre Banwell Road right-of-way, in order to accommodate the proposed Greenway. The process for acquiring land is identified in (Section 7.5 - Parkland Acquisition).*

- *Create a treed urban multi-use trail with a double row of street trees on either side of the road, with a generous central pathway that accommodates pedestrian, bicycle, and wheelchair movement in either direction.*
- *The pathway should have a paved surface with directional and lane markings.*
- *Residential development fronting the trail should have front door and pathway access onto the trail.*
- *Provide fifteen metres in depth to the six-lane portion of the greenway north of the railway to create a significant buffer from Banwell Road.*
- *Provide ten metres in depth to the four-lane portion of the greenway south of the railway to provide a significant green frontage for new residential development, but to also allow for clear visibility of the new neighbourhood frontages along Banwell Road.*
- *The character of the landscape should be treed but manicured (mowed grass) to provide high visibility from Banwell Road and therefore, a feeling of comfort and safety for the greenway.*
- *Pedestrian scaled lighting in conjunction with street lighting, wayfinding signage, and seating should be provided as part of the streetscape furnishing.*
- *Amenities such as bike locks should be considered at key recreational or commercial junctures such as at the entryway to the Gouin Street Commercial Village; at the Tecumseh- Windsor Greenway intersection; and at the Plaza Commercial Node.*

#### 7.4.3.3 The Hydro Corridor Greenway

*The Hydro Corridor Greenway provides a great opportunity for trail use and the ability to establish an extensive east west connection through the Hamlet, from Manning Road to the Windsor municipality, and especially connecting the most easterly neighbourhood to the rest of the central Hamlet area.*

- *Provide a continuous paved pathway through the corridor with directional and lane markings, signage and wayfinding, and pedestrian scaled lighting.*
- *Refer to the Town of Tecumseh's Active Transportation Master Plan for additional amenities proposed for the Hydro Corridor.*

#### 7.4.3.4 The C.P. Railway Greenway

*The C.P. Rail Greenway is located north of the rail corridor and provides a connection to the Banwell Road Greenway, to the central green street linkage north, across the rail corridor to the central green street linkage south, and to McAuliffe Woods Park.*

- *Provide a continuous paved trail connection along the greenway with treed landscaping, directional and lane markings, signage and wayfinding, and pedestrian scaled lighting.*



## 7.5 PARKLAND ACQUISITION

Over the next twenty years, the population of Tecumseh is projected to increase by 9,160 permanent residents, and expected to accommodate the largest proportion of the County population growth by 2026. By current County standards, an additional 9 hectares of parkland may be required based on a rate of 1 hectares per 1000 people for neighbourhood parks. However, it is important to note that the provision of park and recreation facilities is not solely related to the provision of physical space. There also needs to be a diversity and equitable distribution of park and recreation facilities throughout the community.

The Tecumseh Hamlet Secondary Plan designates 8.7 hectares of neighbourhood park land that the Town acquire as identified in this Secondary Plan on the basis of .73 hectares per 1000 persons. Additional parks may be created through designating portions of the stormwater management facilities identified on Figure 7: Open Space Framework. This land would be in addition to the McAuliffe Woods Park, which is currently a public park.

### 7.5.1 Park Calculations

The total park and open space requirement in relation to total proposed development is based on:

- Total people = 12,000
- Park requirement based on .73 hectares per 1000
- Total proposed park space achieved in the Vision = 8.7 hectares (Neighbourhood Parks) - Figure 7: Open Space Framework

Additional open space opportunities:

- Trails, Greenway Corridors, and Stormwater Management Facilities

### 7.5.2 Policies for Parkland Acquisition

- Require parkland dedication for residential development and redevelopment equivalent to 5 percent of the subject land area.
- Consider cash-in-lieu of parkland dedication under the following circumstances:
  - The required dedication fails to provide an area of suitable size, location, and shape for parkland development to the satisfaction of the Town;
  - The required dedication would render the remainder of the site unsuitable or impractical for development;
  - The area within which the development is proposed is well served by existing park and open space areas and no further areas are required; and
  - The Town is pursuing other parkland initiatives for community or Town facilities that would benefit from cash-in-lieu of parkland dedication.
- Require that the land accepted for parkland dedication can achieve the Town's requirements for the type and quality of parkland to be provided, and is consistent with the goals, policies, and objectives of this Plan.
- The Town shall generally accept as part of the minimum parkland conveyance, lands required for drainage purposes, stormwater management facilities, connecting walkways, lands susceptible to flooding, hazard lands, wetlands, buffer areas including top-of-bank setbacks, land designated Natural Heritage, Greenway, or other lands unsuitable for development, if and only if these lands contribute to the quality of parkland to be provided, and is consistent with the goals, policies, and objectives of this Plan."

## 4.6.2 Manning Road Secondary Planning Area

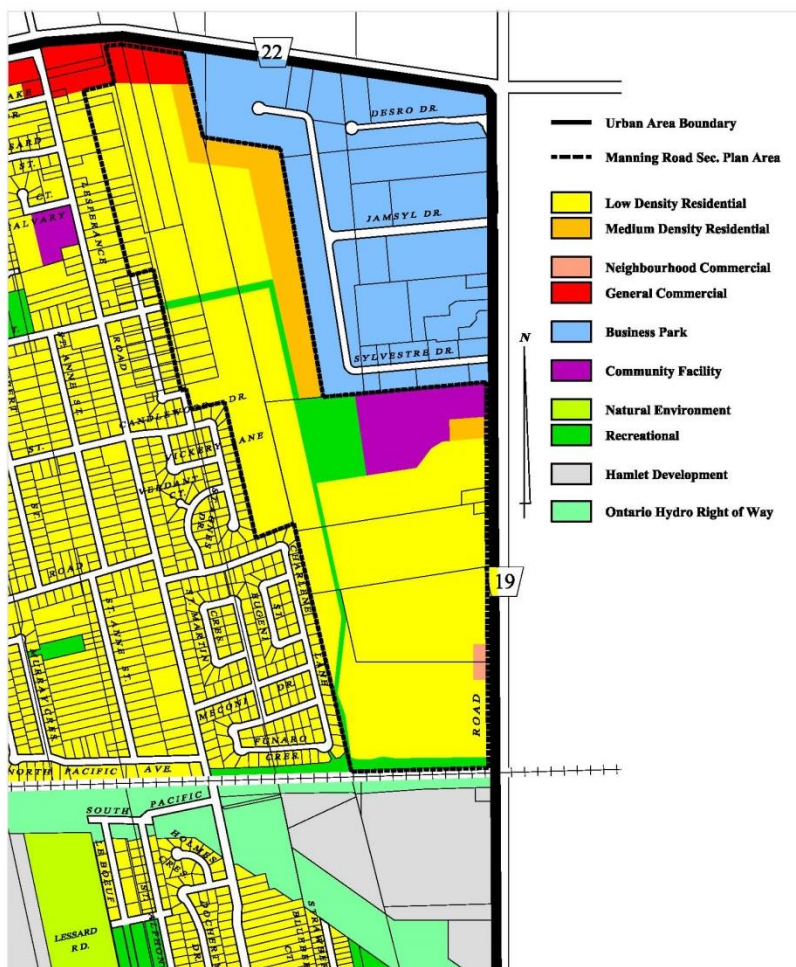
The Manning Road Secondary Plan (MRSP) was prepared in 1996 and provided the basis for the development of land use policies for this area in the current Sandwich South Official Plan which was approved in 1998. The MRSP depicts a centralized park with frontage on two new interior roads. This centralized park is proposed to be



connected via a recreational trail to an easterly extension of Gouin Street to the north and runs southerly to the CP Railway and linking to the trail in Abraham Cole Park that ultimately links to McAuliffe Park trails.

The MRSP recommends that future parks and open space areas should be designed in accordance with the following principles:

- They should provide for a greater flexibility in programming and use in order to meet changing needs which will evolve over time;
- Active recreational facilities should be sited at strategic locations which are visible and readily accessible to the neighbourhood/hamlet they are intended to serve. This, in turn, will promote safe and convenient pedestrian and vehicular access for all residents affected;
- Every effort possible should be made to promote the protection, linkage and enhancement of remaining natural areas, and new wetland and woodlot features should be created to provide the necessary passive open space areas and much needed wildlife habitat areas;
- An integrated bikeway/walkway system should be an integral part of all future neighbourhoods. Community resources such as local service clubs, environmental and school volunteer groups, and other interested ratepayers or organizations should be contacted to seek their support and financial assistance for the development and maintenance of such a system within the Tecumseh Hamlet and the Manning Road Secondary Plan area. This new linear park system should be capable of being integrated with a regional “greenway” system.



Recent work undertaken by the Town relative to the adopted MRSP Area-Specific Development Charges By-law and associated Section 42 Park By-law has proceeded on the basis of the development of an approximate 10 acre centralized park in keeping with the foregoing policy objective and consistent with the current Official Plan land use policies and designations.

#### 4.6.3 Maidstone Hamlet

A community-based Secondary Plan process was previously undertaken by the Town in order to formulate a comprehensive land use and servicing policy framework and concept plan to facilitate the development of a coordinated, properly serviced and livable community in Maidstone Hamlet. The policies and land use designations were ultimately incorporated into the Official Plan by amendment, which was approved by the Ministry of Municipal Affairs in 2007.





The Official Plan includes a number of Guiding Community Planning Principles for the Maidstone Hamlet Secondary Plan regarding parks and trails, along with a detailed concept plan showing the approximate location and size of existing and future parks along with a proposed trail network. The relevant policy excerpts are as follows:

*“1.5.6 Maidstone Hamlet Secondary Plan*

*(b) Guiding Community Planning Principles*

*In addition to having regard to the Provincial Policy Statement, a number of broad planning principles and design issues became evident as a result of the public consultation process undertaken with the community. Two key planning principles that arose from the Visioning Sessions are:*

- that the overall future design of Maidstone Hamlet should attempt to recognize and preserve the patterns and character revealed in the existing community; and*
- that key elements and patterns of the existing rural landscape be incorporated into the future design of the hamlet*

*These broad principles are to be achieved as development proceeds in the hamlet by incorporating the following key design elements and ensuring the fulfillment and realization of a community vision that applies the following specific principles throughout the hamlet and within individual developments:*

- **Linked Open Space System:** The Pike Creek, the Ontario Hydro corridor, a number of tree lines along with stormwater management requirements provide the opportunity to create more naturalized spaces throughout the hamlet which may serve as the focus of a linked open space system. The Ontario Hydro corridor may service as a the major east-west open space spine for a trail system linked to the Pike Creek and other open space areas;*
- **Importance of ‘Quality of Life’ and ‘Sense of Place’:** An abundance of trees (tree-lined streets and trails), open spaces and uncluttered pedestrian ways greatly influence a community’s appearance, physical character, livability and “feel”. This combined with linked neighbourhoods and a network of streets, sidewalks and multi-purpose trails provide opportunities for exercise, socializing and interaction of citizens and an improved quality of life and sense of place;*

*(c) Preferred Concept Plan*

*A preferred conceptual road pattern and land use pattern for Maidstone Hamlet was presented in Discussion Paper No. 2 and is generally incorporated into the Official Plan as Schedules “A-3” and “C-1”. The principle components of the preferred concept plan, which shall be achieved as individual developments are designed, reviewed and approved, are summarized below and are designated and/or shown conceptually on Schedules “A-3” and “C-1” of the Official Plan. It is noted that in some instances land consolidation and/or mutual cooperation between abutting, developable lands will be required in order properly achieve the following:*

- i) new municipal parkland totalling 9.71 hectares, including one 4.05 hectare parcel for community parkland adjacent to an existing woodlot and 1.78 hectares strategically located adjacent to existing recreational facilities (Diocese lands and St. Mary School property), along with a number of smaller neighbourhood parks, has been provided for. The 4.05 hectare community park is strategically located adjacent to an existing woodlot. There are opportunities for some areas to be naturalized, or used for tot-lots or provide picnic areas or rest-stations along the trail system.*



Smaller parkland areas provide the starting point for the multipurpose trail system while also providing a central open space feature in individual neighbourhoods;

- ii) open space areas that are linked by an integrated multipurpose trail system. Approximately 9 kilometres of new trail facilities have been provided for to ensure safe and convenient movement around the hamlet for cyclists and pedestrians while exposing users to a range of open space settings and destinations. The trail is intended to linkage between various residential areas and commercial areas and community facilities. Accordingly, the trails are intended to have a number of potential destinations in addition to providing opportunities for recreation and social interaction. Sidewalks on local streets will interconnect with the trail system;



- iii) Pike Creek, to the greatest extent possible, to remain a natural, undisturbed watercourse, with a 15.24 metre “protective” corridor to either side. Future maintenance of the creek will be achieved from this linear area, which would preferably be of public ownership. Trails are to be integrated along the Pike Creek along with ‘regional’ stormwater management features;
- iv) a core of open space features extending from the northwest to the southeast;
- v) use of ‘regional’ type stormwater management facilities, that also provide a visual amenity and passive recreational opportunities and are an integral component of the multipurpose trail;
- vi) provide single-loaded roads at key locations to provide:
- benefit to whole community of open space features;
  - “eyes of community” watching open space areas;
  - creating focal points/places of interest and sense of openness throughout the community;
  - sight lines from intersecting streets opening upon open space, thus defining the character of the community;





A breakdown of the land use components and their areas on the preferred concept plan follows:

**Land Use Components (Park and Trail related only)**

Diocese Parkland	1.29 hectares
St. Mary's School Parkland	1.29 hectares
New Municipal Parkland	10.03 hectares
Multipurpose Trail	8.85 kilometres"

**4.7 Tecumseh Road Main Street Community Improvement Plan (CIP)**

In January of 2016, the Town adopted the Tecumseh Road Main Street CIP. The purpose of the CIP is to help revitalize and transform the traditional “main street” and surrounding community into a unique, vibrant mixed-use destination. One of the primary objectives of the Tecumseh Road Main Street CIP is to provide a welcoming public realm environment that is attractive and inviting. The policy excerpts from the CIP that have relevance to the development of Parks and Open Space policies are as follows:

**“9.2 THE PUBLIC REALM**

*One of the primary objectives of the Plan is to provide a welcoming public realm environment that is attractive, inviting, liveable, and provides a diverse range of opportunities for people to meet, gather, socialize, stroll, eat, shop, and play. The entirety of Tecumseh Road is envisioned as a local and regional community gathering place and should be designed accordingly. The open spaces, the sidewalks and the street should be designed to encourage pedestrian-oriented activity and retail activity to flourish. Tecumseh Road should reflect the highest quality in design that responds to a renewed identity and character of place, and in creating a vibrant urban setting. In addition to a renewed Main Street, new public open spaces are identified in the Plan, which include neighbourhood parks, trails, community facilities, and green streets that form a connected open space system.*

*The system of parks is fundamental to creating a healthy, sustainable, urban environment, expanding the urban green canopy, creating a diversity and range of community amenities, and increasing the amount of outdoor recreation space. The parks and open spaces proposed for the Tecumseh Road CIP area are intended to provide a focus for social interaction, for civic functions and events, and for recreation. Public open spaces will be developed through municipal capital improvement programs and parkland acquisition programs. The Plan recommends that public open spaces are implemented through the private redevelopment process, whereby new open spaces will be developed and conveyed to the Town for parkland and streetscape purposes, as necessary to be determined by the Town.*

*The following Public Realm Plan (Figure 20) and policies, identify recommended open spaces and public realm enhancements, and describe the intended function for each open space that will collectively contribute to the visual and physical quality of the area. In addition, the Tecumseh Road Streetscape Improvement Plan provides more detailed guidance regarding the organization and design treatment of streetscape improvements within the CIP area.*





### 9.2.1 Key Community Destination Areas

#### 9.2.1.1 Tecumseh-Lesperance Heritage Node

Development of the public realm within this node includes enhancement of the St. Anne's Church Landscape, the east public parkette, the Lesperance-Tecumseh Road intersection, the Museum Plaza, and the North Lesperance Heritage Plaza (refer to Figure 21 for locations).





FIGURE 21: KEY COMMUNITY DESTINATION AREAS

### *St. Anne's Church Public Square, Lesperance Parkette, and Tecumseh/ Lesperance Road Intersection*

- *Enhance the St. Anne's Church landscape as a publicly accessible square for community and church events, and to define the south entryway into the Tecumseh Road CIP area.*
- *Design the east parkette along the south east corner of Tecumseh/Lesperance Roads as an extension of St. Anne's Church open space using continuity in design.*
- *Enhance the portion of Lesperance Road between the open spaces using special paving and similar furnishing and landscaping to create a larger open space amenity.*
- *Tighten the Tecumseh / Lesperance intersection to create shorter crossing distances and a more pedestrian friendly environment by removing the pedestrian islands within the intersection.*
- *Develop the corners with new built form to clearly define and frame the intersection and open spaces, and to create a tight street environment. The design of corner buildings should allow for additional plaza space and opportunities for additional landscaping or public art.*
- *Design the intersection with special paving to create a clearly distinct and recognizable pedestrian priority zone with safe pedestrian crossing.*
- *All buildings that frame the intersection must be of landmark stature with gateway building articulation and main entrances that define and animate the corners, the open spaces, and the intersection.*





### *The Museum Park/Plaza*

- *Create a new urban park and plaza setting for the museum buildings, allowing for some hard surfaced areas as flexible event space for uses such as a weekend market, for areas to sit, and for outdoor art display.*
- *Provide an opportunity to maintain a retail/ eatery presence. The built form must reflect high quality design as a gateway feature for the east entrance to the Tecumseh Road CIP area.*
- *Provide a tree canopy and pedestrian-scaled lighting to create a comfortable park environment during the day and in the evenings to extend the use of the plaza.*
- *Design the plaza as an expansion of the recently enhanced Ticonderoga Park, linked by enhanced street paving treatments and common design and furnishing elements such as trees, benches and special paving to create a unique and attractive easterly gateway and destination for the corridor.*

### *North Lesperance Heritage Plaza*

- *Enhance the existing retail node north of Tecumseh Road at First Street and Lesperance Road, celebrating the existing heritage buildings with a new publicly accessible plaza as an important northerly community destination.*
- *Enhance the central space with high quality landscaping to create an attractive pedestrian oriented plaza and an improved fronting condition for existing and new commercial/retail uses such as outdoor café space, retail display space, and flexible public event space.*
- *Improve pedestrian access, connections, and visibility to the plaza from Tecumseh Road with new street enhancements along Lesperance in keeping with the recommended improvements to the Tecumseh/Lesperance Road intersection. Establish continuity in streetscape design that connects the plaza to the Tecumseh/Lesperance St. Anne's Church Public Square and the Lesperance Parkette public destination.*
- *Reconfigure the front yard parking to an on-street parking scenario along Lesperance Road North (see the North Lesperance Civic Promenade recommended improvements) to enable the development of the plaza.*

### *North Lesperance Civic Promenade*

- *Create a pedestrian promenade within the right-of-way of the heritage streetcar route that extends from the Tecumseh Road and Lesperance Road intersection north to McNorton Street.*
- *The promenade should function as a multi-use trail, accommodating pedestrians and cyclists and should be framed by a row of large canopy street trees on either side of the trail, pedestrian-scaled lighting, benches, and high quality landscaping and paving treatments.*
- *The cross-section should include a 3.0 metre shared pedestrian and bicycle pathway.*
- *The promenade should function as an important pedestrian corridor, connecting and engaging the north Lesperance Heritage Plaza and buildings, other heritage buildings, and enhanced open spaces of the civic buildings along route.*

### *9.2.1.2 Central Main Street Node and Pedestrian Spine*

#### *Torino's Plaza*

- *Create a new centrally located and highly attractive urban plaza to function as a main community destination and draw for the centre of the Tecumseh Road CIP area.*



- *Design the plaza to be urban in character, with high quality materials, having a majority of hard surfaced areas for flexible use such as event space, for art shows, temporary art display, water activity, and to encourage spontaneous street activity and animation such as busking.*
- 
- *Design the plaza to be highly visible and accessible from the street and other pedestrian pathways and linkages. Link the plaza particularly to the north-south Pedestrian Spine that connects to the St. Anne's School redevelopment site south and to the new Railway Square Parkette and bridge north.*
- *Create a comfortable and safe environment with tree or awning shelter, places to sit and socialize, and pedestrian-scaled lighting.*
- *Design the plaza and fronting streetscape to engage and incorporate existing adjacent and fronting heritage building assets to create a distinct heritage node.*
- *The Plaza should be framed by existing and new mixed-use buildings to define and animate the space.*
- *There are a number of factors that need to be addressed to achieve this enhancement, including improvement and reconfiguration of vehicular circulation and access, and parking arrangements within the area that maintains the current parking functionally for existing and future proposed uses.*

#### *The North-South Pedestrian Spine*

- *Create a new north-south pedestrian spine with a new pedestrian bridge across the VIA Railway Tracks, to function as a dedicated pedestrian passageway, linking a series of open spaces, amenities, and neighbourhoods north and south. The function of the spine is significant as it will span from the new St. Anne's School residential development in the south, to the neighbourhoods north of the VIA Railway tracks, connecting the new St. Anne's Community facility, Torino's Plaza, Tecumseh Road Main Street, a new neighbourhood open space along the VIA Railway tracks, the existing dog park and community sports facility, and the new mixed commercial development north of the tracks.*
- *Enhance the new north-south pedestrian spine with special paving, landscaping, sitting areas, and wayfinding signage and lighting to create a safe, comfortable pedestrian and bicycle passage that connects the central pedestrian amenities.*

#### *Railway Square and Pedestrian Bridge*

- *Create a new open space and pedestrian bridge along the railway corridor as a terminus for the north-south pedestrian spine. The new open space should function as a neighbourhood amenity for residential development north of Main Street.*
- *Provide a new pedestrian bridge connection, accessed from the square, to the neighbourhoods and public amenities north of the VIA Railway as an opportunity to re-connect the Tecumseh Road CIP area to residential areas north of Tecumseh Road.*
- *Development of the park should be enhanced with heritage interpretive plaques or commemorative plaques telling the story of the early origins of the Town and its railway history.*
- *The park design should be of high quality and contiguous to the network of open spaces that are part of the north-south pedestrian spine, using similar design language throughout.*
- *The park should include a mix of hard and soft landscaping features, pedestrian-scaled lighting, benches and public art or other feature to enhance the square as a focal open space terminus and gateway to the north neighbourhood.*

#### *9.2.1.3 Higher Density Residential Neighbourhood Open Spaces*

##### *Southfield Park*





- Enhance the existing neighbourhood park as the main recreational feature for the higher density neighbourhood and a new park amenity for the community.
- All new development must front the park with addresses and front doors facing the park.
- The park should be highly accessible with new street connections and pedestrian passageways that link the park to the neighbourhood and to Main Street.
- The park should be designed to cater to all age groups, and be flexible enough to accommodate day-to-day use and spontaneous activity.
- The design of the park should satisfy, at a minimum, the requirements for a neighbourhood park category in the Town of Tecumseh Parks and Recreation Master Plan.

#### *North Neighbourhood Parkette*

- Create a new parkette as part of the north neighbourhood development west with a trail link along the rail corridor for increased access.
- The parkette should be highly visible from Main Street, with a clear view corridor along the new Southfield Drive Street extension.
- Design of the park should be of high quality and should provide flexible recreational space for day-to-day use and spontaneous activity.

#### *9.2.2 Private Open Space*

##### *Tecumseh Road Main Street Private Open Space*

*There are a number of private open spaces and landscaped areas along Main Street that are part of existing residential frontages or municipal building frontages such as the Tecumseh Hydro Building that contribute to the overall public realm and streetscape even though public access may be restricted. Many of the open spaces are part of the garden landscape of identified heritage character properties as identified in the Plan. These spaces provide the opportunity to further enhance and beautify Main Street, and in many cases, provide an opportunity to celebrate and identify the heritage assets, creating a unique design language for the corridor.*

- The design of all private open space fronting onto Main Street should be in keeping with the design and quality of the Tecumseh Road Main Street enhancements that are recommended in this Plan.
- Where existing setbacks allow, additional street tree planting (a double row) should be provided to create a 'green' streetwall to support the built form in framing the street and providing a continuous frontage.
- The landscapes of the existing heritage buildings should be designed as a series of 'gardens along Main Street' with colourful landscaping, opportunities for art, and heritage signage.
- Where public access is permitted, the addition of benches should be considered within the setbacks to encourage animation and use of the open space.

##### *New Residential Development and Community Facility Open Spaces*

*These spaces are important to creating healthy living environments, animation of community facilities, and contribute to the overall tree canopy and enhancement of the overall public realm environment.*

- Wherever possible, future development such as higher density development and community facilities such as the St. Anne's development block should provide a balance of built form to open space (see built form guidelines).
- Private amenity space should be provided in the interior of residential blocks with visible mid-block pedestrian connections to the street.



- *Publicly accessible outdoor amenity space should be provided as part of the former St. Anne's School redevelopment and should be connected to the pedestrian path and trail system.*
- *These areas should be enhanced with special paving materials, lighting, and landscaping.*

### 9.2.3 The Trails Network

*The Trails Network defines the overall pedestrian and cycling circulation system for the Tecumseh Road CIP area and includes sidewalks, pathways, and trails. The following are recommendations for new trails and connections.*

- *Provide visible, safe, and accessible pedestrian connections from the neighbourhood to Main Street and throughout the CIP area.*
- *All new trails should be linked to the existing trail system to create a complete trails network for the CIP area and the Town, and should be identified by a wayfinding signage.*
- *Provide mid-block connections between buildings where possible to increase pedestrian connectivity and circulation throughout the CIP area, and especially to Main Street.*
- *The lane that connects rear surface parking for commercial use should be considered part of the pedestrian and cycling trail system to increase the access and movement permeability through the area.*
- *Provide high quality design and universal accessibility as a priority in the development of all sidewalks and of pathways to buildings and open spaces.*
- *All trail development shall be in keeping with the requirements of the Town of Tecumseh Parks and Recreation Master Plan 2010.*
- *All existing and proposed parks and public open spaces should be connected to, and made accessible, by the new trail network.*

### 9.2.4 Green Streets

*The notion of "green streets" refers to developing a strong urban canopy for the Town and creating a healthy and beautiful environment in which to live. Creating green streets is a key component of the public realm, as it creates beautiful pedestrian friendly streetscapes, provides important visual links, enhances the overall walking, cycling, and vehicular experience, and creates visible connections within Tecumseh and to surrounding areas.*

- *Street trees should be provided on all streets within the Tecumseh Road CIP area, especially along key corridors as identified in Figure 22: Green Streets.*
- *The Town's should apply sustainable urban street tree practices to allow for the longevity of trees in order to create a continuous mature street tree canopy over time.*
- *Streets such as Tecumseh Road Main Street and Lesperance Road that function as pedestrian priority areas and/or are key connectors to parks and open spaces and to other major roadways should be enhanced with streetscape and landscape treatments. These streets are an important wayfinding component of the open space network and contribute to defining a unique and distinct character of place."*

## 4.8 "Healthy People, Healthy Places" Principles

In recent years, Tecumseh Council and Administration have embraced the principles that are contained in the "Healthy Places, Healthy People, Smart Choices for the Windsor-Essex Region of Ontario" document developed by the local Inter-Municipal Planning Consultation Committee. The incorporation of these core principles into local and regional decision-making studies, policies and development guidelines assists in achieving a desirable and sustainable community that promotes healthy lifestyles.



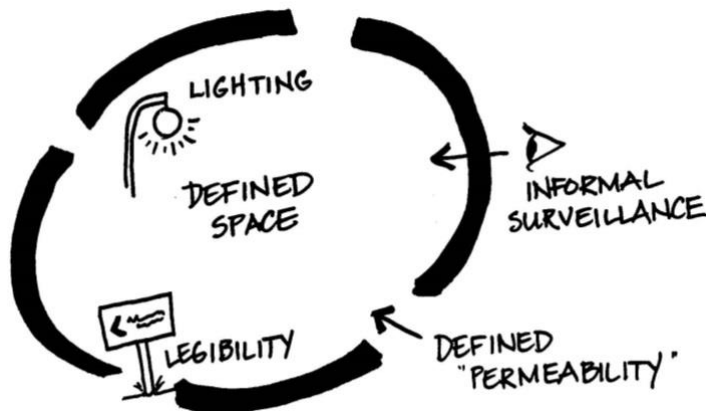
Community planning professionals from across the Windsor-Essex Region have come together to prepare and sign the “Healthy People, Healthy Places” policy document. This document provides a statement of principles to guide public policy, to stimulate informed public debate, and to build a coalition of like-minded professionals in all sectors of the community including the urban planning, engineering, architecture, health care, education and public administrative disciplines, to improve the quality of life for inhabitants of our region and for future generations.

Mixed use, compact, pedestrian-oriented neighbourhoods designed for people, are the building blocks of healthy, active and vibrant communities. Parks situated closer to where people live is an identified goal, so that they are easily accessible by foot, bicycle and transit. Parks and public places that foster a sense of community pride and well-being and create a sense of place should be maintained within all neighbourhoods of the Town.

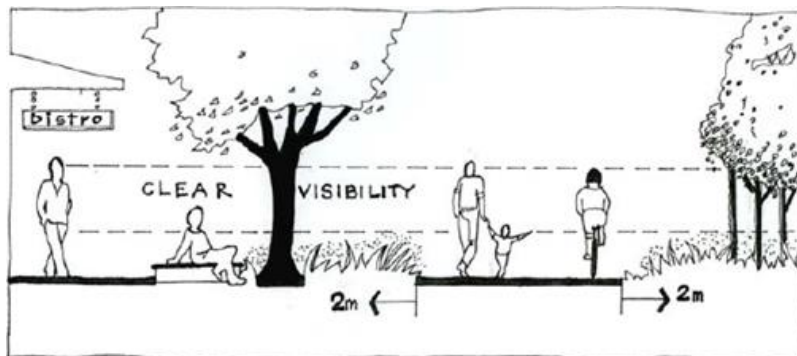
## 4.9 Crime Prevention through Environmental Design (CPTED)

Crime Prevention Through Environmental Design (CPTED) is a design concept based on the idea that proper design and effective use of a built environment can lead to a reduction in a person's hesitation to use a specific area and the potential for that area to have incidences of crime. Through proper design, the physical environment can be modified to produce or induce behavioural effects that will reduce the fear and incidences of crime. There are three primary CPTED design strategies:

- i) Natural Surveillance;
- ii) Natural Access Control; and
- iii) Territorial Reinforcement through natural forms of surveillance and access control.



An example of CPTED would be the placement of recreational activities within parks at strategic areas in order to maintain a safe critical intensity of people. For CPTED benefits to be maximized, they should be implemented at the planning stages of a park's design/redesign.



During site visits in preparation of the Master Plan a number of parks were identified with fencing between the street and the park itself. This fencing provides controlled access and egress from defined points of the park, theoretically decreasing the risk of children running on to abutting streets beyond identified entrance points. However, this fencing at the same time created an enclosure that separated the recreation activities from the community.

The current principles of safe park design encourage eyes on the park where there is good visibility and access through the entire park. Based on changing design principles the Master Plan recommended that fencing be removed between the streets and the parks to provide improved access, visibility and aesthetics for these sites. In addition, signage could be improved to identify park venues, add directions for pathways and establish rules for



park use. Other identified design improvements included lighting, increased street frontage and amenity features.

Significant street frontage for parks has become a vital objective. This is contrary to some design decisions in the past that seemed to relegate park location and design to the remnant piece of undevelopable land that was then commonly accessed by narrow links to adjacent roads and completely surrounded by housing. This approach, for CPTED purposes and a variety of other reasons, is no longer an acceptable form of park design.

#### **4.10 Strategic Master Plan for Parks and Recreation Services, December 2010**

In most municipalities, parks and recreation programming is guided by a Parks and Recreation Master Plan which forecasts needs based on population growth projections and other factors, and which in turn informs the development of policies and standards, some of which may be included in a Town's Official Plan.

In 2007 the Town initiated the preparation of the Strategic Master Plan for Parks and Recreation Services. A need for the Master Plan was based on the changing demographics in the Town, new trends in recreation and parks services, and consideration of community and government initiatives on healthy and active communities. The focus of the Parks and Recreation Services Strategic Master Plan is on parks, multiuse pathways and open space strategies, community facilities with respect to the ice arena and the outdoor pool, and programming activities offered by the Town. The Master Plan's directions and recommendations were focused on the period from 2010 through 2030. The Parks and Recreation Master Plan, completed in 2010, addressed Provincial Policy Statement directives as it relates to parks and recreation matters and recommended appropriate policies for the new Official Plan. It also recommended park facilities, sizes and locations and linkages needed to support the needs of the existing and future neighbourhoods within the Town. The purpose of the Master Plan was to:

1. Identify park development and the outdoor/indoor recreation facilities needs within the Town of Tecumseh for a 20 year horizon; and
2. Determine appropriate and fiscally-achievable action plans and strategies, complete with priorities and timing to meet these needs.

The Master Plan included comprehensive research/review of the Town's:

- Population profile and projections;
- Existing policies and plans;
- Existing recreation parks, facilities and programs (including participation profiles);
- Relevant Official Plan policies and related planning documents; and
- Service delivery and organizational resourcing.

In addition, a random 306 unit survey of Tecumseh households focusing on parks and recreation participation patterns, future perspectives and awareness was conducted. Nineteen focus group sessions, public meetings and interviews with various stakeholders were held. From this, conclusions and strategic themes were identified.

Key findings from the aforementioned survey included 61% of respondents indicating Tecumseh did a good or excellent job in providing recreation facilities and programs that meet the needs of residents. Specifically, the results identified that:

- 40% of adults indicated they had used or participated in activities located in Tecumseh parks over the previous year;
- 65% of households with children used a park within the Town for activities in the previous year;





- Tecumseh Arena, Tecumseh Public Library, and the Tecumseh Leisure Pool had awareness rates of over 80%;
- Tecumseh Arena had a 93% “good to excellent” satisfaction rating while the majority of other facilities had an over 80% “good to excellent” rating;
- 80% of respondents supported increased investments in future additional recreation facilities including programming and trails for walking/cycling;
- Two thirds of the respondents agreed that Tecumseh should increase access points to the waterfront; and
- When asked to provide their own ideas for future recreation, facility and programs for Tecumseh, an indoor pool stood out amongst the ideas presented with one in five respondents volunteering this idea.

#### **4.10.1 Master Plan Recommendations of Policies for Incorporation in the New Official Plan**

##### **Parks Recommendations:**

- 1) That the Town adopt the parkland classification for community, neighbourhood and specialized parks along with the criteria identified in the Master Plan.
- 2) That the Town adopt the following parkland provision standards:
  - a. Neighbourhood parks – 1.0 hectares per 1,000 population
  - b. Community Parks – 2.0 hectares per 1,000 population
  - c. Specialized Parks and Open Space – 3.5 hectares per 1,000 population
- 3) That the Town include the following recommended land acquisition standards in the updated Official Plan policies:
  - Acquire lands suitable for parks and other recreational purposes as provided for in the Planning Act through plan of subdivision, consent and development approval practices;
  - All conveyances shall be provided in accordance with the criteria and provisions as set out in the Parks and Recreation Master Plan at the following rates:
    - The conveyance for development of commercial and industrial lands shall be 2% of the land;
    - The conveyance for residential and all other purposes shall be at 5% of the land or one hectare of land for each 300 dwelling units permitted whichever of the two is greater;
    - Council may acquire lands above these rates where there is a demonstrated community interest and financial resources to obtain additional parkland.
- 4) Where the Town elects to accept cash-in-lieu of land dedication and where the parkland provision standards of the Master Plan have been fulfilled, the owner shall pay the money required in a value that is equal to the land conveyed under the following circumstances:
  - Where the parcel of land is generally less than 0.2 hectares and is not of suitable shape or location appropriate for public parkland;
  - When using the guidelines established in the Parks and Recreation Master Plan, it is determined that the established parks and recreation facilities in the area of development are sufficient to serve any future projected increase in population;
  - The determination of the value of land shall be in accordance with either Section 42 or Section 51 of the Planning Act as amended.





- 5) That the Town establish the following parks:
  - A community park be established in the Central District, as identified in the Official Plan, for the area east of Lesperance road and north of the CP Railway (Manning Road Secondary Planning Area);
  - A community park be established in the Rural District, as identified in the Official Plan, in Maidstone Hamlet;
  - Parkland be acquired in each quadrant of the Tecumseh Hamlet Secondary Plan area as determined through the Secondary Plan process, ensuring there is adequate parkland in the Hamlet;
  - That a multi-use pathway or sidewalks be developed linking existing and new parks.
- 6) That the Town assess opportunities for the purchase of surplus school lands from both the Public and Separate School Boards with a view to retaining and/or expanding parkland for existing and future populations in under-serviced areas of the Town.
- 7) That the Town of Tecumseh continue to:
  - Remove fencing between the street and neighbourhood and community parks to provide better access, visibility and improved aesthetics for these parks.
  - Improve the quality of parks design along streets by tree planting, signage and related improvements.
- 8) That the Town take the following actions with respect to municipally-owned lands on the Lake St. Clair shoreline:
  - Retain the existing road allowance/pump stations along Lake St. Clair shoreline for passive recreation, lake viewing and related activities.

#### **Multi-Use Pathway Recommendations:**

- 1) To provide for multi-use pathways and sidewalks that are multi-use in purpose and designed to provide recreational, environmental and health enjoyment for residents and visitors.
- 2) To coordinate the development of a multi-use pathways and sidewalks system with the Transportation Master Plan.
- 3) That the Town prioritize the extension of the Ganatchio Trail as a multi-use pathway, along Riverside Drive through the Town of Tecumseh to the Town of Lakeshore, connecting with Lakewood Park.
- 4) That the Chrysler Canada Greenway be connected through a multi-use pathway extending northerly of the City of Windsor boundary at Walker Road and Highway 401 by extending westerly along North Talbot Road and northerly along Walker Road;
- 5) That the Town work with other agencies to facilitate the introduction of a multi-use pathway connecting the Windsor-Essex Parkway multi-use pathway with the Chrysler Canada Greenway.
- 6) That the Town consider alternative routes to connect the residential community north of County Road 42 and McAuliffe Woods to Fairplay Woods.
- 7) That the Town enter into discussion to optimize the use of off-road pathway systems through Ontario Hydro corridors, where appropriate.



- 8) That the Town consider the acquisition of rail lines, that are declared surplus, for use as a multi-use pathway in addition to other municipal purposes.
- 9) That a multi-use pathway system be established around stormwater management ponds.
- 10) That Fairplay Woods have a hiking and walking trail system established in it through a site-based master planning process.
- 11) That a multi-use pathway system be established and maintained in all major parks in the Town including Lacasse, McAuliffe Woods and Green Acres Park.
- 12) That the creation of a multi-use pathway be provided in new subdivisions that facilitate the completion of and connection to the network identified on Maps 1, 2 and 3 (see Appendix A).
- 13) That the on-road pathway system be designed for the purpose of connecting multi-use off-road pathways, parks, schools and other significant institutional venues/destinations in the Town in a safe and convenient manner.
- 14) That the Official Plan contain policies and identify multi-use pathways in the preferred locations on map schedules, in accordance with the pathway locations identified in the Strategic Master Plan for Parks and Recreation Services.

#### **4.11 Policy Gaps**

- Provide consistent, common policies that apply Town-wide;
- Ensure that the policies in new Official Plan are consistent with the Parks and Recreation Master Plan, unless modifications are deemed necessary;
- Update the policies in both the environment and open space sections, specifically related to deleting outdate references, reflecting any new policy initiatives by the PPS and Parks and Recreation Master Plan;
- Introduce policies supporting the objective that an open space network will be designed to provide access to a variety of recreational opportunities, and to facilitate this access by providing pathway connections between open spaces;
- Place more emphasis on the connectivity aspect of open space linkages and the potential benefit from an ecosystem connection perspective.



## 5.0 CONCLUSIONS/RECOMMENDATIONS

This Discussion Paper has presented information on the background of parks and open space in the Town of Tecumseh. It reviewed the current status of park facilities in the Town, identified trends and issues and summarized the range of policies currently guiding parks and open space features. On the basis of the preceding information and analysis, it is recommended that the following policy issues be addressed in the Town's new Official Plan:

- 1) Parks and open space policies need to be incorporated into the new Official Plan that provide a common and consistent policy approach Town-wide while having regard to more specific design issues as enunciated in a number of Secondary Plans;
- 2) Updated parkland dedication policies to be consistent with current *Provincial Policy Statement* policies and *Planning Act* requirements;
- 3) Incorporate appropriate parks and multi-use pathway policies from the Town's Parks and Recreation Master Plan related to:
  - a. Parkland Provisioning Standards;
  - b. Cash-in-Lieu of Parkland;
  - c. Parkland Acquisition;
  - d. Parks Design; and
  - e. Trail Design and Connectivity.
- 4) Identify the future location of proposed parks and trails consistent with the various Secondary Plans and the Parks and Recreation Master Plan to ensure the long-term objectives with respect to the location and size of parks are met as well as ensuring the protection of the various corridors for the ultimate development of an appropriate trail network over time;
- 5) Incorporate design criteria policies (in the Urban Design Guidelines section) for parks, recreation facilities and trails.



## How to Provide Input

Send your comments by regular mail, fax, e-mail or by visiting the Town's website.

By mail:

Att. Tecumseh Official Plan  
Agricultural and Rural Issues Discussion Paper  
Town of Tecumseh  
Planning Department  
917 Lesperance Road  
Tecumseh, ON  
N8H 2J4

By fax: (519) 735-6712

By e-mail: [cjeffery@tecumseh.ca](mailto:cjeffery@tecumseh.ca) or [bhillman@tecumseh.ca](mailto:bhillman@tecumseh.ca)

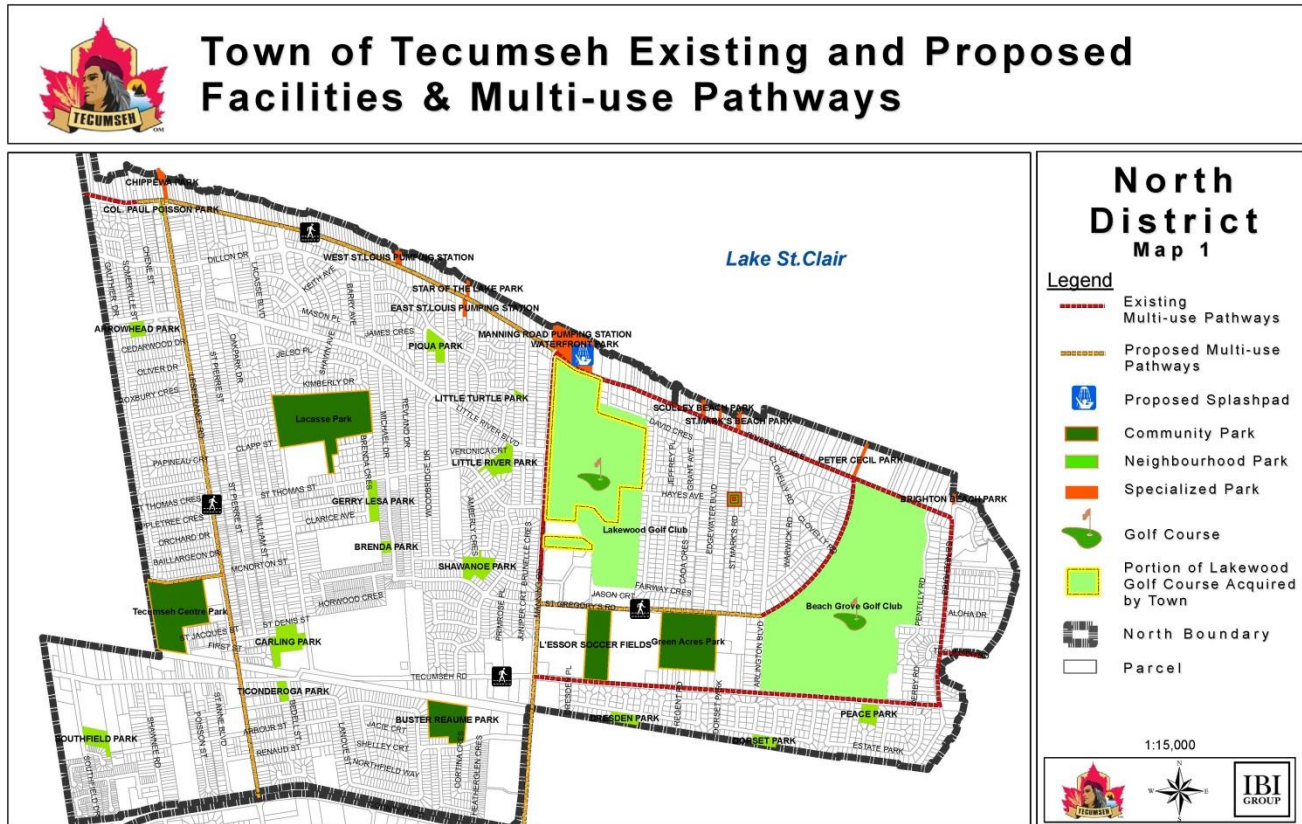
Go to: [www.tecumseh.ca/officialplan](http://www.tecumseh.ca/officialplan) to register your comments using the on-line form. Register your contact information at the same time to receive notification of upcoming consultation events.





## Appendix A

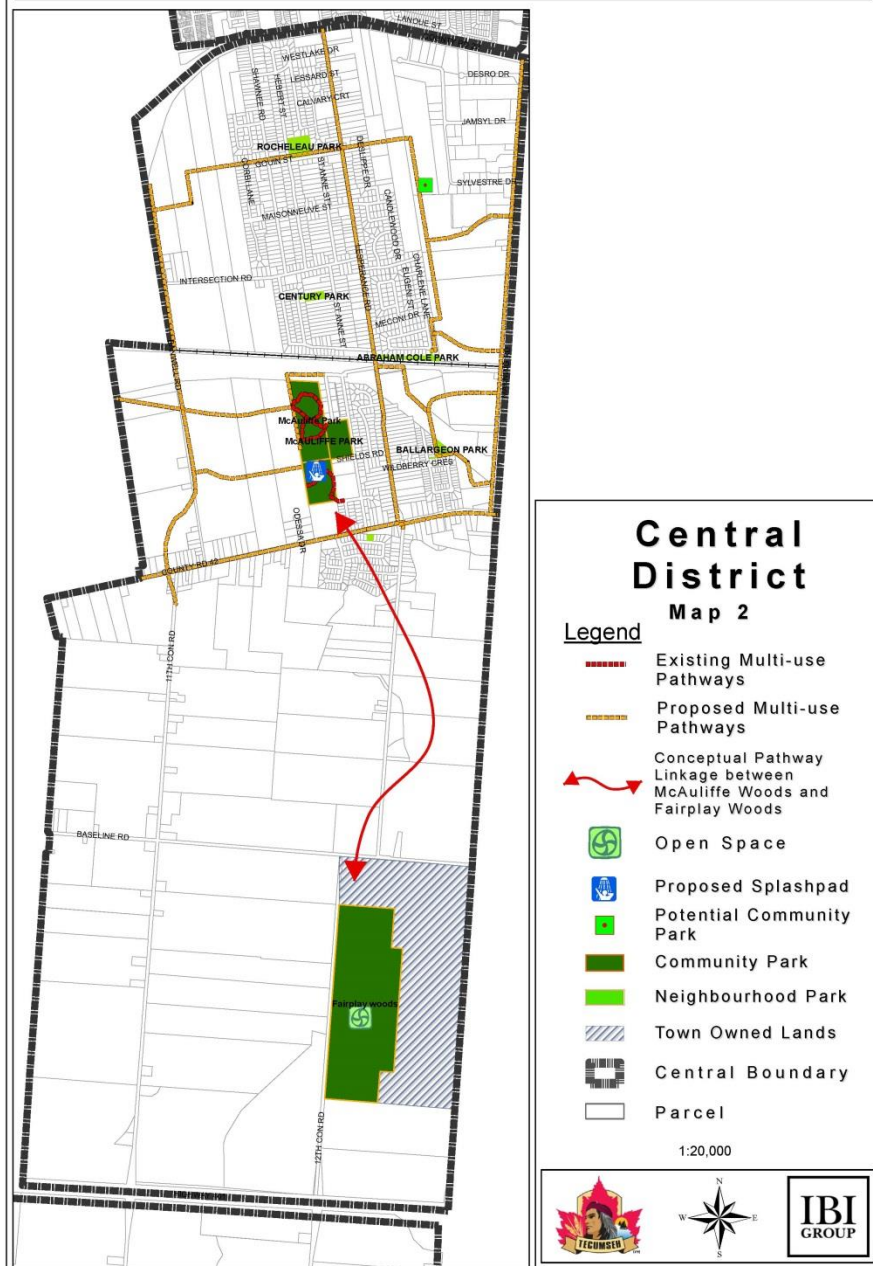
### Maps 1 to 3 from the Town of Tecumseh Strategic Master Plan for Parks and Recreation Services, December 2010







## Town of Tecumseh Existing and Proposed Facilities & Multi-use Pathways





## Town of Tecumseh Existing and Proposed Facilities & Multi-use Pathways





## THE CORPORATION OF THE TOWN OF TECUMSEH

Public Works & Environmental Services  
Report No. 15/16

**TO:** Mayor and Members of Council

**FROM:** Dan Piescic, P.Eng., Director, Public Works & Environmental Services

**DATE:** July 8, 2016

**DATE TO COUNCIL:** July 26, 2016

**SUBJECT:** LAS Sewer and Water Line Warranty Coverage for Residential Homeowners

---

### **RECOMMENDATIONS**

It is recommended that:

1. The Local Authorities Service (LAS) Sewer and Water Line Warranty Program offered to homeowners by Service Line Warranties of Canada (SLWC), be endorsed.
2. The program availability be promoted through the Town's various communications resources including the Town's website and social media.
3. The Mayor and Clerk be authorized to execute an agreement with Service Line Warranties of Canada, satisfactory in form to the Town's Solicitor, to use the Town's name, Logo and property information to promote the Program.

### **BACKGROUND**

#### **Sewer and water line warranty coverage for residential homeowners**

Residential property owners are responsible for the maintenance of the buried water and sewer lines that run from the public (main) connection (located in the Town's right-of-way) to the exterior of their home (private property). When these lines break, leak or clog, the homeowner is often surprised to learn that it is not a municipal responsibility to make repairs, and their insurance will not cover the cost of this expensive repair. One of these services is the Local Authorities Service (LAS) Sewer and Water Line Warranty Program.

Local Authority Services (LAS) is a wholly owned not-for-profit subsidiary of the Association of Municipalities of Ontario (AMO), and is a provider of various services to Ontario municipalities and the broader public sector. Over 381 Ontario municipalities are currently participating in one or more LAS services.

The new LAS-endorsed Sewer and Water Line Warranty Program provides residents the opportunity for a low cost warranty program that will help repair, replace, or restore this critical infrastructure, which is often perceived as the municipality's responsibility. As such, it helps the municipality address a 'no win' political issue.

As an LAS preferred service partner, Service Line Warranties of Canada (SLWC) is willing to offer this warranty program to any Ontario municipality, large or small, with a standard rate structure for its residents. The low rates are made possible through LAS' influence and the buying power of the Ontario municipal sector.

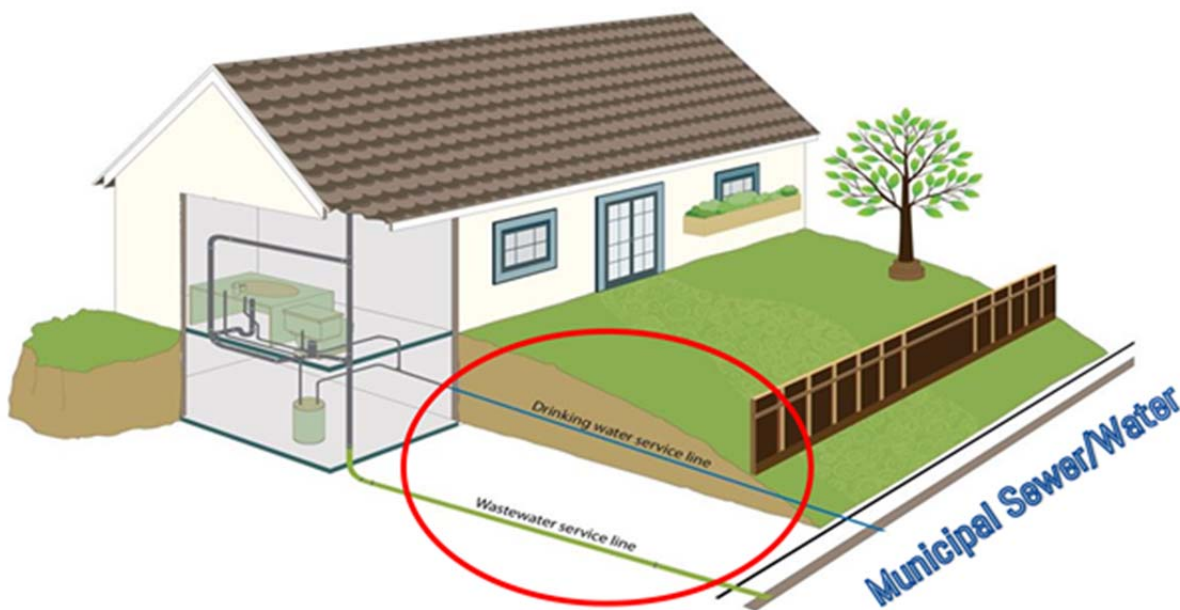
## **COMMENTS**

Many homeowners do not realize that they are responsible for the sewer and water lines (circled in red below) that run from outside their home to the municipal connection. Unfortunately, these lines can fail due to age, tree root invasion, ground settling and other causes. The repairs can cost hundreds or thousands of dollars out-of-pocket.

There is a general misperception that when a line breaks it is the responsibility of the municipality to repair. The Municipality's obligation is to repair the line from the main to the municipal connection, usually at the property line. The homeowner is responsible from the service connection at the property line to the residents' home. The endorsement of this program would give the general public a greater understanding of their responsibility regarding the sewer and water lines.

- A leaking, clogged or broken sewer line may contaminate soil, damage personal property and a home's foundation and may pose a public health hazard.
- Cracks in the water supply line can make it so a family is unable to do basic things like wash dishes, do the laundry or take a shower.

Timely repair is important. If a homeowner's lines are covered by a warranty program such as the Service Line Warranties of Canada (SLWC) warranty, when the leak, clog or break in the line is discovered, the homeowner can contact SLWC, who will dispatch a plumber to the residence to make a timely repair.



### About the SLWC Sewer and Water Line Warranty Service

To participate in this program, all that is required is the municipality's endorsement of the program model, which allows SLWC to effectively market the program to your residential property owners. There is, however, no cost to the municipality.

With the SLWC program model, all work is performed by licensed, local contractors, to ensure a timely response with adherence to any local code requirements.

#### Highlights

- 200+ municipalities participating across North America
- 100,000 claims processed
- Over 97% claim approval rating

### Pricing and Program Coverage

The cost of this warranty program to the homeowner is minimal.

The standard program costs available to any municipality under the LAS program are as follows:

Area	Warranty Type	Monthly Cost	Single Annual Payment
Southern Ontario	External Water Line	\$ 5.00	\$ 55.00
	External Sewer Line	\$ 5.75	\$ 64.00
	<b>Total (Annual)</b>	<b>\$ 129.00</b>	<b>\$ 119.00</b>

The program provides protection from the point of entry at the home to the municipal responsibility for the following amounts:

- External Water Line Coverage = \$5,000
- External Sewer Line Coverage = \$8,000

As part of the endorsement by the Town, the Town would be required to enter into an agreement with SLWC to permit the use of the Town's name, Logo and property information by SLWC for marketing purposes and in return SLWC would remit to the Town five percent of the revenue from the warranty products collected.

Should Council endorse this program, property owners will be notified through various communication resources such as mail and advertising by SLWC and promotion of the program on the Town's website and through social media.

It is recommended that:

1. The Local Authorities Service (LAS) Sewer and Water Line Warranty Program offered to homeowners by Service Line Warranties of Canada (SLWC), be endorsed.
2. The program availability be promoted through the Town's various communications resources including the Town's website and social media.
3. The Mayor and Clerk be authorized to execute an agreement with Service Line Warranties of Canada, satisfactory in form to the Town's Solicitor, to use the Town's name, Logo and property information to promote the Program.



## **CONSULTATIONS**

Local Authority Services  
Chief Administrative Officer

## **FINANCIAL IMPLICATIONS**

There is no cost for the Municipality's involvement in the program. This program would help homeowners manage the risk of failure of these service lines with added protection if their insurance does not cover these expenses.

In return for permitting SLWC to use of the Town's name, Logo and property information by SLWC for marketing purposes SLWC would remit to the Town five percent of the revenue from the warranty products collected. At this time, an estimate the quantum of this revenue to the Town is not known. It would be dependent on the success of the participation in this program.

## **LINK TO STRATEGIC PRIORITIES**

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	✓
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	✓
5.	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	✓

## **COMMUNICATIONS**

Not applicable ☐

Website ☒ Social Media ☒ News Release ☐ Local Newspaper ☐

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

---

Dan Piescic, P.Eng.  
Director, Public Works & Environmental  
Services

Recommended by:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment(s): None



## THE CORPORATION OF THE TOWN OF TECUMSEH

### Public Works & Environmental Services Report No. 42/16

**TO:** Mayor & Members of Council

**FROM:** Denis Berthiaume, Manager, Water & Wastewater

**DATE:** July 21, 2016

**DATE TO COUNCIL:** July 26, 2015

**SUBJECT:** Source Protection Municipal Implementation Fund Amending Agreement  
No. 2 – Additional Flexibility of Activities and Timelines

---

### **RECOMMENDATIONS**

It is recommended:

1. That the Mayor and Clerk be authorized to execute Amendment No. 2 to a Grant Funding Agreement under the 2013-14 Source Protection Municipal Implementation Fund, satisfactory in form to the Town's Solicitor, between The Corporation of the Town of Tecumseh and Her Majesty the Queen in Right of Ontario as represented by the Minister of the Environment and Climate Change, to provide additional flexibility of eligible activities and timelines to carry-out any of the Town's eligible activities.

### **BACKGROUND**

Ontario is committed to protecting drinking water from source to tap. The *Clean Water Act*, 2006 enables communities to protect their drinking water sources through the preparation of collaborative, locally developed, science-based Source Protection Plans. Source Protection Plans (SPP) are to contain policies for the protection of Drinking Water Sources and implementers of the SPP policies need to be ready for implementation of Plan policies by mid-2014.

On November 1, 2013, the Ministry of the Environment and Climate Change launched Ontario's Source Protection Municipal Implementation Fund, which will distribute \$13.5 million to 189 eligible municipalities over three years. A total of \$250,346 was announced for municipalities within the Essex Region Source Protection Area.

#### **Essex Region Source Protection Plan**

The Source Protection Plan for the Essex Region Source Protection Area was approved by the Ministry of Environment and Climate Change. This plan, effective October 1, 2015, sets out policies that will protect the water sources that supply our municipal drinking water systems.

The plan was developed by the Essex Region Source Protection Committee and its municipal and community partners. The plan is a requirement of Ontario's *Clean Water Act*, which was passed as a response to the Province's inquiry into the Walkerton drinking water tragedy. The Source Protection Plan was developed over several years and is based on technical studies, collaborative policy development, and extensive public consultation. The process was guided by a Source Protection

Committee made up of representatives from municipalities, business, industry, landowners, and other stakeholders.

“We are proud of the work of the Source Protection Committee in reaching this goal,” said Tom Fuerth, Chair of the Source Protection Committee. “Collaboration with our local stakeholders, municipal partners and the Ministry resulted in policies designed to protect sources of municipal water supply. The science-based process will provide ongoing protection by recognizing and minimizing the risk to water supply sources from land use activities. We look forward to continuing with our partners into the future to enhance the protection of existing and future sources of drinking water.”

Policies in the Source Protection Plans include a variety of approaches to manage and prevent risks to municipal drinking water. These approaches include education and outreach, the development of risk management plans, land use planning, and monitoring. These policies will help to keep contaminants out of our rivers and lakes that are sources of municipal drinking water.

The source protection planning process is directed and funded by the Ontario Ministry of the Environment and Climate Change in conjunction with municipalities. Local Conservation Authorities provide additional technical, communications and administrative support for the source protection planning process.

### **Quick Facts**

- Municipal drinking water supplies in the Essex Region are all drawn from the Great Lakes system – the Detroit River, Lake Erie and Lake St. Clair.
- There are seven municipal water treatment plants (WTPs) in the region and an additional plant in Wheatley which serves part of the Municipality of Leamington.
- When completed, watershed-based source protection plans will protect more than 450 municipal drinking water sources across Ontario.
- Ontario has provided more than \$200 million for source protection planning since 2004.

### **COMMENTS**

In 2013 the Town of Tecumseh received Source Protection Municipal Implementation Funds (SPMIF) from the Ministry of the Environment and Climate Change (MOECC) in the amount of \$30,000 to help alleviate the costs of Source Water implementation including Risk Management Services and/or the installation of road signage. In December 2014, the Town of Tecumseh and other municipalities in Essex Region who received SPMIF entered into a collaboration agreement to work together towards implementation. This agreement resulted in an additional \$15,000 for each municipality including Tecumseh, bringing Tecumseh’s total provincial funding to \$45,000. These funds were initially to be spent by December 2015 and any unused funds were to be returned to the MOECC.

An Amending Agreement, dated September 23, 2015, was entered between the Parties to extend the term of the Agreement to March 31, 2017 [By-law No.2015-69].

Administration has subsequently applied for, and been granted, additional flexibility of eligible activities and timelines under SPMIF.

To help support source protection implementation efforts, the MOECC has approved the following additional measures under SPMIF:

- Travel, Meals and Accommodations (to support appointed RMOs)
- Equipment (in support of conducting inspections and preparing RMPs)
- Training (to support appointed RMOs)

- Non-Lead Implementing Body Responsibilities (to support collaborating opportunities)
- Mutually Beneficial Funding Opportunities (to support further collaboration opportunities)
- Three-Month Spending Extensions (to provide additional time)

It is recommended that Council authorize the Mayor and Clerk to execute the Amendment No. 2 to the Grant Funding Agreement under the 2013-14 Source Protection Municipal Implementation Fund (attached) and provide signed copies to the MOECC before the deadline of July 28, 2016.

**Table 1**

<b>RISK MANAGEMENT PLAN DEVELOPMENT</b>								
	PROGRAM DEVELOPMENT	RISK MANAGEMENT				SUB-TOTALS	CORPORATE SERVICES	TOTALS
Municipality	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
Peelee Island	\$7,790.97	\$1,441.13	\$0.00	\$159.25	\$153.72	\$9,735.5	\$1,266	\$11,001.1
<b>Totals</b>	<b>\$70,118.75</b>	<b>\$134,985.38</b>	<b>\$28,822.50</b>	<b>\$16,084.25</b>	<b>\$12,912.48</b>	<b>\$270,584.06</b>	<b>\$35,175.93</b>	<b>\$305,759.98</b>

## **CONSULTATIONS**

ERCA  
Director Financial Services & Treasurer  
Director Corporate Services & Clerk

## **FINANCIAL IMPLICATIONS**

In addition to the Town's estimated share of the risk management costs for each of the three years, there may be a nominal additional annual amount (likely less than \$1,000) for unforeseen costs for public education and outreach regarding source water protection. Unused funds not spent must be returned to the MOECC.



## **LINK TO STRATEGIC PRIORITIES**

No.	2015-16 Strategic Priorities	Applicable
1.	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.	✓
2.	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.	✓
3.	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.	✓
4.	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.	✓
5.	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.	✓

## **COMMUNICATIONS**

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by senior Administration as indicated below and recommended for submission by the CAO.

Prepared by:

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Denis Berthiaume, ORO  
Manager Water & Wastewater

Reviewed by:

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Dan Piescic, P.Eng.  
Director Public Works & Environmental  
Services

Reviewed by:

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Luc Gagnon, CPA, CA, BMath  
Director Financial Services & Treasurer

Reviewed by:

---

Laura Moy, Dipl. M.M., CMMIII HR Professional  
Director Corporate Services & Clerk

Recommended by:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachments:

1. SPMIF Grant Funding Extension

DB

**AMENDMENT NO. 2**  
**to a Grant Funding Agreement under the**  
**2013-14 Source Protection Municipal Implementation Fund (SPMIF\_1314\_182)**

**THIS AMENDMENT NO. 2** made in duplicate, as of the 6<sup>th</sup> day of July 2016,

**B E T W E E N:**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**  
as represented by the Minister of the Environment and Climate Change

(the “**Province**”)

- and -

**The Corporation of the Town of Tecumseh**

(the “**Municipality**”)

**WHEREAS** the parties entered into a grant funding agreement under the Source Protection Municipal Implementation Fund dated as of December 13, 2013 for the Municipality to build municipal capacity to implement source protection plans and support sustainable, local actions to protect drinking water (the “**Agreement**”);

**AND WHEREAS** the parties entered into Amendment No. 1 as of September 23, 2015 to extend the term of the Agreement, add an additional report and include new timelines;

**AND WHEREAS** pursuant to Section 20.2 of the Agreement, the parties may amend the agreement in writing;

**NOW THEREFORE** in consideration of the contractual relationship between the Municipality and the Province referred to above and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, the Municipality and the Province hereby acknowledge, agree and undertake as follows:

1. Unless otherwise specified in this Amendment No. 2, capitalized words and phrases have their prescribed meaning as set out in the Agreement.

2. The Agreement is amended as follows:
- 2.1 The following definitions are added to Section 1.1, Definitions, in alphabetical order:

**“Lower Tier Municipalities”** as defined by the *Municipal Act, 2001* means a municipality that forms part of an upper-tier municipality for municipal purposes. Within regions, they are responsible for providing certain local services that are not provided by the regional municipality. Within counties, they are responsible for providing a wider range of local services since counties as upper-tier municipalities provide less local services than regions.

**“Ministry”** means the Ontario Ministry of the Environment and Climate Change presided over by the Province. When “Ministry” is referred to in this Agreement, the reference is to the “Ministry” as the regulator.

**“RMI”** means a risk management inspector appointed under Part IV of the *Clean Water Act, 2006*.

**“RMO”** means a risk management official appointed under Part IV of the *Clean Water Act, 2006*.

**“SPMIF”** means the Province's Source Protection Municipal Implementation Fund.

**“Upper Tier Municipality”** as defined by the *Municipal Act, 2001* means a municipality of which two or more lower-tier municipalities form part for municipal purposes

- 2.2 Section A.2.2 (Project Objectives) is deleted and replaced with the following:  
The objectives of the Project are for the Municipality to use the Funds to implement, or prepare to implement, one or more of the significant drinking water threat policies set out below in an approved source protection plan, or proposed source protection plan, that has been submitted to the Ministry for approval, provided that:
- i. The implementation of the policy is the responsibility of the Municipality; or
  - ii. The implementation of the policy provides source protection implementation benefits to the Municipality, the Municipality's stakeholders, the Municipality's watershed, and/or the Municipality's Lower Tier Municipalities.

Significant drinking water threat policies are limited to:

- (a) Policies for the purpose of Part IV of the *Clean Water Act, 2006* to address significant drinking water threats ;

- (b) Policies that govern *Planning Act* decisions to address significant drinking water threats;
- (c) Policies that establish education and outreach programs to address significant drinking water threats; or
- (d) Policies that specify other types of actions the Municipality is required to take to address significant drinking water threats.

2.3 Schedule “B” (Eligible Costs and Activities) is deleted in its entirety and replaced with the following:

## **SCHEDULE “B”**

### **ELIGIBLE COSTS AND ACTIVITIES**

#### **B.1 Eligible Activities**

The Municipality may only spend the Funds on the following eligible activities that are undertaken by the Municipality, or that are undertaken on the Municipality’s behalf, between December 13, 2013 and March 5, 2017 that are directly related to the following:

##### Risk management

- a) Establishing and enforcing risk management plans under Part IV of the *Clean Water Act, 2006*;
- b) Communication with landowners affected by policies pertaining to Part IV of the *Clean Water Act, 2006*;
- c) Refining the number of threats within the Municipality pertaining to Part IV of the *Clean Water Act, 2006*;

##### Land use policies

- d) Implementing the Municipality’s municipal land-use planning policies related to activities that are identified as significant drinking water threats;

##### Education and outreach

- e) Implementing education and outreach policies to address significant drinking water threats, including:
  - a. Installation of municipal road signs indicating areas of a wellhead protection area or an intake protection zone where significant threat policies apply;



### Other activities

- f) Working with the local source protection authority and local source protection committee to understand the Municipality's requirements under the source protection plan;
- g) Developing and/or modifying the Municipality's business processes in order to implement significant drinking water threat policies;
- h) Establishing processes for information sharing among municipalities and source protection authorities;
- i) Developing a reporting framework for the Municipality that aligns with the collection of data under Section 65 of Ontario Regulation 287/07, made under the *Clean Water Act, 2006*;
- j) Other activities the Municipality undertakes to fulfill its requirements to implement significant drinking water threat policies, including:
  - a. Establishing a mandatory septic re-inspection program for vulnerable areas delineated in approved assessment reports; and,
  - b. Installation of road signs indicating areas of a wellhead protection area or an intake protection zone where significant threat policies apply.
- k) Activities identified in subsections B.1 (a) through (j) for another municipality with a current agreement under the SPMIF, provided that such activities:
  - a. Will provide source protection implementation benefits to the Municipality, the Municipality's community (Upper Tier Municipality and/or Lower Tier Municipalities), and/or the Municipality's watershed; and
  - b. Are not ineligible under the other municipality's own SPMIF agreement.

### **B.2 Ineligible Activities**

The following activities are not eligible for funding under the Agreement and the Municipality may not spend the Funds on the following:

- a) Refining the number of threats within the Municipality not pertaining to Part IV of the *Clean Water Act, 2006*;
- b) Threat refinement work already funded by the Province through source protection authorities;
- c) Activities that are already funded through another program, funding body, partners, or other means;

- d) Activities that are funded by the SPMIF through an agreement between the Province and another municipality;
- e) Fulfilment of the Municipality's responsibilities as a property owner undertaking activities identified as significant drinking water threats;
- f) Fulfilment of the Municipality's responsibilities under other legislation (e.g., Building Code), except as noted in Section B.1(j)(a), including;
  - a. Establishment of a septic re-inspection program for areas delineated through other legislation (i.e. *Lake Simcoe Protection Act, 2008*);
  - b. Establishment of a discretionary septic re-inspection program for areas where an activity is not considered a significant drinking water threat under the source protection framework; and,
- g) Activities not related to fulfilling the Municipality's requirements to implement significant drinking water threat policies specified in an approved source protection plan, or proposed source protection plan that has been submitted to the Ministry for approval.

### **B.3 Eligible Costs**

The eligible costs listed below must be directly related to the source protection implementation activities outlined in Section B.1:

- a) Municipal staff salaries and benefits for time spent working on the Project (such as hiring or re-assigning Municipal staff to serve as RMOs and RMIs as specified under the *Clean Water Act, 2006*; or administrative support required to establish and/or maintain the Risk Management Office);
- b) Fees incurred for contracted professional services from professionals, technical personnel, consultants, and contractors for work on the Project (such as hiring a consultant to support the RMO in determining appropriate measures the Municipality should include in a risk management plan);
- c) Printing and distribution costs related to education and outreach programs and activities necessary to implement a source protection plan;
- d) Purchase and/or production costs of municipal road signs indicating areas of a wellhead protection area or an intake protection zone where significant threat policies apply;
- e) Transportation (including mileage), meals and accommodation for an appointed RMO/RMI to attend Ministry legislated RMO/RMI training; and, mileage for an appointed RMO/RMI to undertake negotiating risk management plans;
  - a. The amount from the Funds used for transportation, meals and

accommodation must be calculated according to the rates in the Ontario Government's Travel, Meal and Hospitality Expenses Directive (<https://www.ontario.ca/document/travel-meal-and-hospitality-expenses-directive>) that is current as of the date that the expense is incurred;

- b. Transportation will be by the most practical and economical method; tickets (e.g. train, airplane) purchased must be for economy/coach class and when renting a vehicle, the Funds may only be used for a compact model or its equivalent unless approval for a different model is obtained from the Province prior to rental;
- c. Accommodation will be in a standard room; the Funds may not be used for hotel suites, executive floors or concierge levels.
- d. Meals refer to the provision of food or beverages, subject to the limitations below:
  - i. The Municipality may only use the Funds for food and beverage if it is collecting and retaining itemized receipts that verify the expenditure. The Funds may not be used for:
    - 1. non-meal food and beverages;
    - 2. alcohol; or
    - 3. meals when the travel period is less than 5 hours, calculated from the time the appointed RMO/RMI leaves their normal place of business (or reasonable alternative origin) to the time the RMO/RMI or returns to the normal place of business (or reasonable alternative destination);
- f) Equipment purchased for an appointed RMO/RMI to undertake negotiating risk management plans;
  - a. Costs for equipment are limited to a maximum of 10% of the Municipality's Maximum Funds;
  - b. Eligible equipment would include items listed in the Ministry of the Environment and Climate Change legislated RMO/RMI training (i.e. industrial personal property entry equipment and biosecurity protocol equipment)
- g) Training (registration fees for courses) for an appointed RMO/RMI, directly related to negotiating risk management plans (such as training on the *Nutrient Management Act*);
  - a. Costs for training are limited to a maximum of 10% of the Municipality's Maximum Funds; and,
- h) Any other expense approved by the Province, for which the Province has provided Notice to the Municipality.

For clarity, should the Municipality collaborate with one or more other municipalities to get a "bulk rate" for a similar expense, the bulk rate does not have to be allocated equally between all municipalities. However, the Municipality's share of the bulk rate cannot be any more than it would have paid for its own expense in the absence of a

bulk rate and the Municipality may be required by the Province to verify this cost.

#### **B.4 Ineligible Costs**

The following costs are not eligible for funding under the Agreement and the Municipality may not spend the Funds on the following:

- a) Travel, meals, accommodation and hospitality;
  - a. Penalties incurred for non-cancellation of guaranteed hotel reservations; and
  - b. Except as noted in Section B.3(e);
- b) Overhead (such as rent, utilities, human resources services, office supplies);
- c) Capital (such as vehicles, office furniture, computers, software licenses, etc.) and equipment;
  - a. Except for municipal road signs indicating areas of a wellhead protection area or an intake protection zone where significant threat policies apply as noted in Section B.3(d); and
  - b. Except for equipment as noted in Section B.3(f);
- d) Training (including staff and contracted professional services associated with training);
  - a. Except as noted in Section B.3(g);
- e) Land expropriation or purchase;
- f) Incentives or compensation for property owners; and
- g) Costs for establishing risk management plans if costs have been or will be recovered from property owners.

- END OF ELIGIBLE COSTS AND ACTIVITIES -

- 2.4 The chart in Schedule “D” (Reports) is deleted in its entirety and replaced with the following:

<b>Name of Report</b>	<b>Due Date</b>
Collaboration Statement (if applicable)	December 12, 2014
Progress Report 1	December 12, 2014
Progress Report 2	December 11, 2015
Progress Report 3	August 26, 2016
Final Report	March 5, 2017
Other Reports as specified from time to time	On a date or dates specified by the Province.

3. This Amendment No. 2 shall be in force from December 13, 2013 and shall have the same expiry or termination date as the Agreement.
4. All other terms and conditions of the Agreement and Amendment No. 1 shall remain in full force and effect unchanged and unmodified.
5. This Amendment No. 2 shall enure to the benefit of and be binding upon the Municipality and the Province and each of their administrators, permitted successors and permitted assigns, respectively.



6. This Amendment No. 2 may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. To evidence its execution of an original counterpart, a party may send a copy of its original signature on the execution page hereof to the other party by facsimile or other means of recorded electronic transmission (including in PDF) and such transmission with an acknowledgement of receipt shall constitute delivery of an executed copy of this Amendment.

**IN WITNESS WHEREOF** the parties have executed this Amendment No. 2 as of the date first written above.

**HER MAJESTY THE QUEEN in Right of Ontario**  
as represented by the Minister of the Environment and Climate Change

---

Name: Heather Malcolmson  
Title: Director  
Source Protection Programs Branch

Pursuant to delegated authority.

**The Corporation of the Town of Tecumseh**

---

Name: Gary McNamara  
Title: Mayor

---

Name: Laura Moy  
Title: Director, Staff Services/Clerk

We have authority to bind the Municipality.

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW NUMBER 2016-57

Being a by-law to amend By-law 85-18,  
the Town's Comprehensive Zoning  
By-law for those lands in the former  
Township of Sandwich South

**WHEREAS** By-law No. 85-18 is the Town's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Tecumseh, for lands situated within the former Township of Sandwich South;

**AND WHEREAS** the Council of the Corporation of the Town of Tecumseh deems it necessary and in the best interest of proper planning to further amend By-law No. 85-18;

**AND WHEREAS** the Provincial Policy Statement (2014) requires the remnant land from a surplus dwelling consent be zoned so as not to allow a residential dwelling on the remnant parcel;

**AND WHEREAS** the Committee of Adjustment granted provisional consent to application B/11-16 for the creation of one surplus dwelling lot with a condition that the remnant lands be zoned so as not to allow a residential dwelling;

**AND WHEREAS** this By-law conforms to the Official Plan in effect for the Town of Tecumseh for lands in the former Township of Sandwich South;

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:**

1. **THAT** Schedule "A", Map 13, to By-law 85-18, as amended, is hereby further amended by changing the zoning classification for those lands depicted on Schedule "A" attached hereto and forming part of this by-law from "Agricultural Zone (A)" to "Agricultural Zone (A-26)";
2. **THAT** By-law 85-18, Section 15, Agricultural Zone (A) Regulations, as amended, is hereby further amended by the addition of a new subsection 15.3.26 to immediately follow subsection 15.3.25 and to read as follows:

"15.3.26      Defined Area A-26 as shown on Schedule "A", Map 13 to this By-Law.

a)      Permitted Uses

Uses permitted in the Agricultural Zone (A) as established in subsection 15.1.1, with the exception of the following uses which shall be prohibited:

- i)      single family residential uses;
- ii)     household occupation or agricultural household occupation.

b)      Permitted Building and Structures

- i) Buildings and structures for the uses permitted in subsection 15.3.26 a);
- ii) Accessory buildings and structures for the uses permitted in subsection 15.3.26 a).

c) Zone Provisions

All lot and building requirements shall be in accordance with subsections 15.1.3 to 15.2.3, inclusive, of this By-law.”

3. **THAT** this By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990*.

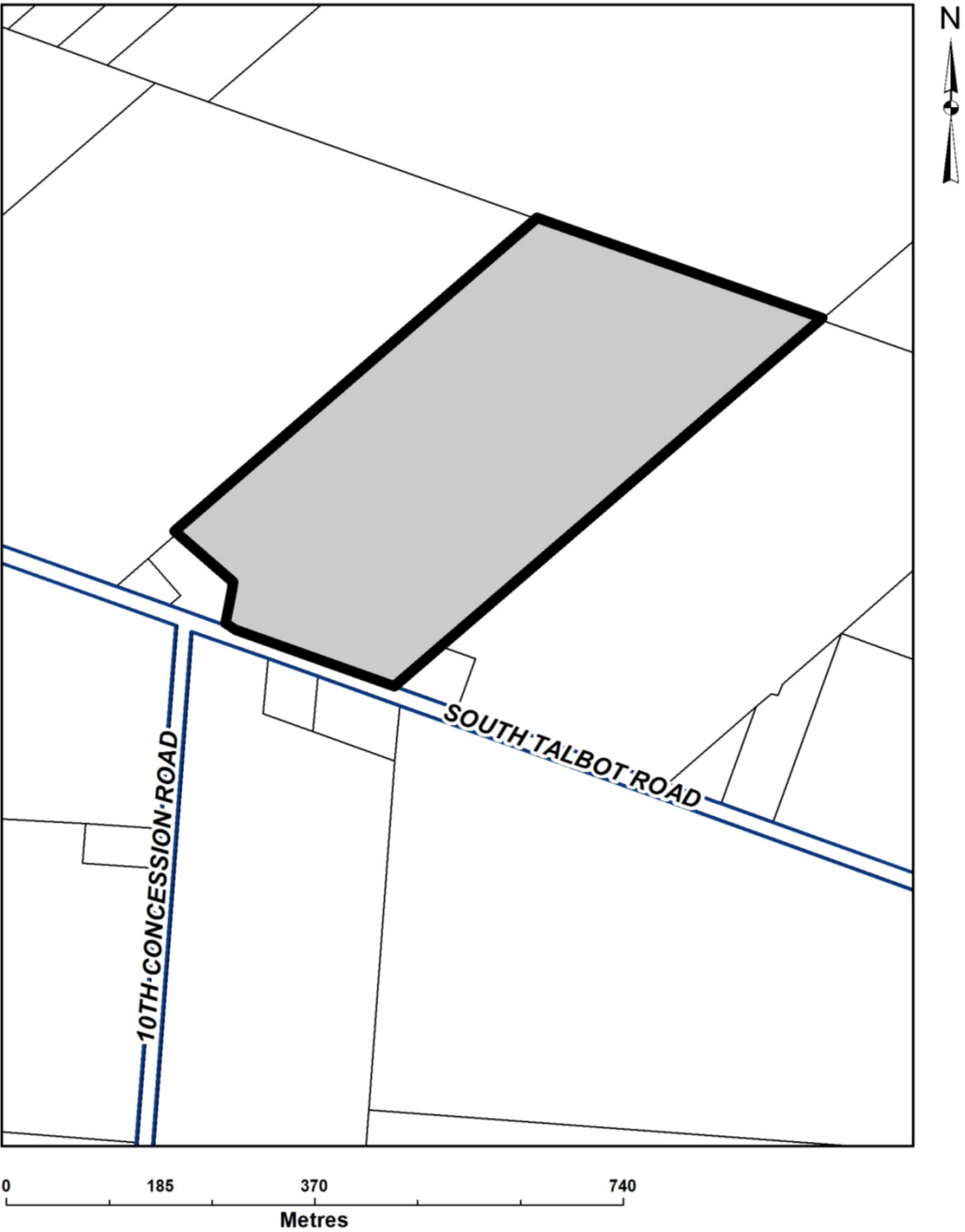
**READ** a first, second, and third time, and finally passed this 26<sup>th</sup> day of July, 2016.


“SEAL”

\_\_\_\_\_  
Gary McNamara, Mayor

\_\_\_\_\_  
Laura Moy, Clerk

SCHEDULE "A"  
7258 SOUTH TALBOT ROAD  
CONCESSION STR, PT. S. 1/2 LOT 295  
TOWN OF TECUMSEH



 Change from "A" to "A-26"

This is Schedule "A" to By-law No. 2016-57.  
Passed the 26 th day of July 2016

Signed

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**THE CORPORATION OF THE TOWN OF TECUMSEH**

**BY-LAW NUMBER 2016-58**

Being a by-law to authorize the execution of an Amendment to the Grant Funding Agreement between The Corporation of the Town of Tecumseh and Her Majesty the Queen in Right of Ontario as represented by the Minister of the Environment and Climate Change (Source Protection Municipal Implementation Fund)

**WHEREAS** the parties entered into a grant funding agreement under the Source Protection Municipal Implementation Fund, dated as of December 13, 2013, for the Municipality to build municipal capacity to implement source protection plans and support sustainable local actions to protect drinking water;

**AND WHEREAS** the parties entered into Amendment No. 1 as of September 23, 2015, to extend the term of the Agreement, add an additional report and include new timelines;

**AND WHEREAS** pursuant to Section 20.2 of the Agreement, the parties may amend the agreement in writing;

**AND WHEREAS** under Section 5 of the *Municipal Act 2001*, S.O. 2001 c.25, the powers of a municipality shall be exercised by its Council by by-law;

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

- 1. **THAT** the Mayor and the Clerk be and they are hereby authorized and empowered on behalf of The Corporation of the Town of Tecumseh, to execute a second Amending Grant Funding Agreement between The Corporation of the Town of Tecumseh and Her Majesty the Queen in Right of Ontario as represented by the Minister of the Environment and Climate Change, dated the 6<sup>th</sup> day of July, 2016, a copy of which Amending Grant Funding Agreement is attached hereto and forms part of this by-law and to do such further and other acts which may be necessary to implement the said Grant Funding Agreement.
- 2. **AND THAT** this by-law shall come into force and take effect upon on the date of the third and final reading thereof.

**READ** a first, second and third time and finally passed this 26th day of July, 2016.

“SEAL”

\_\_\_\_\_  
Gary McNamara, Mayor

\_\_\_\_\_  
Laura Moy, Clerk



**AMENDMENT NO. 2**  
**to a Grant Funding Agreement under the**  
**2013-14 Source Protection Municipal Implementation Fund (SPMIF\_1314\_182)**

**THIS AMENDMENT NO. 2** made in duplicate, as of the 6<sup>th</sup> day of July 2016,

**B E T W E E N:**

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**  
as represented by the Minister of the Environment and Climate Change

(the “**Province**”)

- and -

**The Corporation of the Town of Tecumseh**

(the “**Municipality**”)

**WHEREAS** the parties entered into a grant funding agreement under the Source Protection Municipal Implementation Fund dated as of December 13, 2013 for the Municipality to build municipal capacity to implement source protection plans and support sustainable, local actions to protect drinking water (the “**Agreement**”);

**AND WHEREAS** the parties entered into Amendment No. 1 as of September 23, 2015 to extend the term of the Agreement, add an additional report and include new timelines;

**AND WHEREAS** pursuant to Section 20.2 of the Agreement, the parties may amend the agreement in writing;

**NOW THEREFORE** in consideration of the contractual relationship between the Municipality and the Province referred to above and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, the Municipality and the Province hereby acknowledge, agree and undertake as follows:

1. Unless otherwise specified in this Amendment No. 2, capitalized words and phrases have their prescribed meaning as set out in the Agreement.

2. The Agreement is amended as follows:
- 2.1 The following definitions are added to Section 1.1, Definitions, in alphabetical order:

**“Lower Tier Municipalities”** as defined by the *Municipal Act, 2001* means a municipality that forms part of an upper-tier municipality for municipal purposes. Within regions, they are responsible for providing certain local services that are not provided by the regional municipality. Within counties, they are responsible for providing a wider range of local services since counties as upper-tier municipalities provide less local services than regions.

**“Ministry”** means the Ontario Ministry of the Environment and Climate Change presided over by the Province. When “Ministry” is referred to in this Agreement, the reference is to the “Ministry” as the regulator.

**“RMI”** means a risk management inspector appointed under Part IV of the *Clean Water Act, 2006*.

**“RMO”** means a risk management official appointed under Part IV of the *Clean Water Act, 2006*.

**“SPMIF”** means the Province's Source Protection Municipal Implementation Fund.

**“Upper Tier Municipality”** as defined by the *Municipal Act, 2001* means a municipality of which two or more lower-tier municipalities form part for municipal purposes

- 2.2 Section A.2.2 (Project Objectives) is deleted and replaced with the following:  
The objectives of the Project are for the Municipality to use the Funds to implement, or prepare to implement, one or more of the significant drinking water threat policies set out below in an approved source protection plan, or proposed source protection plan, that has been submitted to the Ministry for approval, provided that:
- i. The implementation of the policy is the responsibility of the Municipality; or
  - ii. The implementation of the policy provides source protection implementation benefits to the Municipality, the Municipality's stakeholders, the Municipality's watershed, and/or the Municipality's Lower Tier Municipalities.

Significant drinking water threat policies are limited to:

- (a) Policies for the purpose of Part IV of the *Clean Water Act, 2006* to address significant drinking water threats ;

- (b) Policies that govern *Planning Act* decisions to address significant drinking water threats;
- (c) Policies that establish education and outreach programs to address significant drinking water threats; or
- (d) Policies that specify other types of actions the Municipality is required to take to address significant drinking water threats.

2.3 Schedule “B” (Eligible Costs and Activities) is deleted in its entirety and replaced with the following:

## **SCHEDULE “B”**

### **ELIGIBLE COSTS AND ACTIVITIES**

#### **B.1 Eligible Activities**

The Municipality may only spend the Funds on the following eligible activities that are undertaken by the Municipality, or that are undertaken on the Municipality’s behalf, between December 13, 2013 and March 5, 2017 that are directly related to the following:

#### Risk management

- a) Establishing and enforcing risk management plans under Part IV of the *Clean Water Act, 2006*;
- b) Communication with landowners affected by policies pertaining to Part IV of the *Clean Water Act, 2006*;
- c) Refining the number of threats within the Municipality pertaining to Part IV of the *Clean Water Act, 2006*;

#### Land use policies

- d) Implementing the Municipality’s municipal land-use planning policies related to activities that are identified as significant drinking water threats;

#### Education and outreach

- e) Implementing education and outreach policies to address significant drinking water threats, including:
  - a. Installation of municipal road signs indicating areas of a wellhead protection area or an intake protection zone where significant threat policies apply;

### Other activities

- f) Working with the local source protection authority and local source protection committee to understand the Municipality's requirements under the source protection plan;
- g) Developing and/or modifying the Municipality's business processes in order to implement significant drinking water threat policies;
- h) Establishing processes for information sharing among municipalities and source protection authorities;
- i) Developing a reporting framework for the Municipality that aligns with the collection of data under Section 65 of Ontario Regulation 287/07, made under the *Clean Water Act, 2006*;
- j) Other activities the Municipality undertakes to fulfill its requirements to implement significant drinking water threat policies, including:
  - a. Establishing a mandatory septic re-inspection program for vulnerable areas delineated in approved assessment reports; and,
  - b. Installation of road signs indicating areas of a wellhead protection area or an intake protection zone where significant threat policies apply.
- k) Activities identified in subsections B.1 (a) through (j) for another municipality with a current agreement under the SPMIF, provided that such activities:
  - a. Will provide source protection implementation benefits to the Municipality, the Municipality's community (Upper Tier Municipality and/or Lower Tier Municipalities), and/or the Municipality's watershed; and
  - b. Are not ineligible under the other municipality's own SPMIF agreement.

### **B.2 Ineligible Activities**

The following activities are not eligible for funding under the Agreement and the Municipality may not spend the Funds on the following:

- a) Refining the number of threats within the Municipality not pertaining to Part IV of the *Clean Water Act, 2006*;
- b) Threat refinement work already funded by the Province through source protection authorities;
- c) Activities that are already funded through another program, funding body, partners, or other means;

- d) Activities that are funded by the SPMIF through an agreement between the Province and another municipality;
- e) Fulfilment of the Municipality's responsibilities as a property owner undertaking activities identified as significant drinking water threats;
- f) Fulfilment of the Municipality's responsibilities under other legislation (e.g., Building Code), except as noted in Section B.1(j)(a), including;
  - a. Establishment of a septic re-inspection program for areas delineated through other legislation (i.e. *Lake Simcoe Protection Act, 2008*);
  - b. Establishment of a discretionary septic re-inspection program for areas where an activity is not considered a significant drinking water threat under the source protection framework; and,
- g) Activities not related to fulfilling the Municipality's requirements to implement significant drinking water threat policies specified in an approved source protection plan, or proposed source protection plan that has been submitted to the Ministry for approval.

### **B.3 Eligible Costs**

The eligible costs listed below must be directly related to the source protection implementation activities outlined in Section B.1:

- a) Municipal staff salaries and benefits for time spent working on the Project (such as hiring or re-assigning Municipal staff to serve as RMOs and RMIs as specified under the *Clean Water Act, 2006*; or administrative support required to establish and/or maintain the Risk Management Office);
- b) Fees incurred for contracted professional services from professionals, technical personnel, consultants, and contractors for work on the Project (such as hiring a consultant to support the RMO in determining appropriate measures the Municipality should include in a risk management plan);
- c) Printing and distribution costs related to education and outreach programs and activities necessary to implement a source protection plan;
- d) Purchase and/or production costs of municipal road signs indicating areas of a wellhead protection area or an intake protection zone where significant threat policies apply;
- e) Transportation (including mileage), meals and accommodation for an appointed RMO/RMI to attend Ministry legislated RMO/RMI training; and, mileage for an appointed RMO/RMI to undertake negotiating risk management plans;
  - a. The amount from the Funds used for transportation, meals and



accommodation must be calculated according to the rates in the Ontario Government's Travel, Meal and Hospitality Expenses Directive (<https://www.ontario.ca/document/travel-meal-and-hospitality-expenses-directive>) that is current as of the date that the expense is incurred;

- b. Transportation will be by the most practical and economical method; tickets (e.g. train, airplane) purchased must be for economy/coach class and when renting a vehicle, the Funds may only be used for a compact model or its equivalent unless approval for a different model is obtained from the Province prior to rental;
- c. Accommodation will be in a standard room; the Funds may not be used for hotel suites, executive floors or concierge levels.
- d. Meals refer to the provision of food or beverages, subject to the limitations below:
  - i. The Municipality may only use the Funds for food and beverage if it is collecting and retaining itemized receipts that verify the expenditure. The Funds may not be used for:
    - 1. non-meal food and beverages;
    - 2. alcohol; or
    - 3. meals when the travel period is less than 5 hours, calculated from the time the appointed RMO/RMI leaves their normal place of business (or reasonable alternative origin) to the time the RMO/RMI or returns to the normal place of business (or reasonable alternative destination);
- f) Equipment purchased for an appointed RMO/RMI to undertake negotiating risk management plans;
  - a. Costs for equipment are limited to a maximum of 10% of the Municipality's Maximum Funds;
  - b. Eligible equipment would include items listed in the Ministry of the Environment and Climate Change legislated RMO/RMI training (i.e. industrial personal property entry equipment and biosecurity protocol equipment)
- g) Training (registration fees for courses) for an appointed RMO/RMI, directly related to negotiating risk management plans (such as training on the *Nutrient Management Act*);
  - a. Costs for training are limited to a maximum of 10% of the Municipality's Maximum Funds; and,
- h) Any other expense approved by the Province, for which the Province has provided Notice to the Municipality.

For clarity, should the Municipality collaborate with one or more other municipalities to get a "bulk rate" for a similar expense, the bulk rate does not have to be allocated equally between all municipalities. However, the Municipality's share of the bulk rate cannot be any more than it would have paid for its own expense in the absence of a

bulk rate and the Municipality may be required by the Province to verify this cost.

#### **B.4 Ineligible Costs**

The following costs are not eligible for funding under the Agreement and the Municipality may not spend the Funds on the following:

- a) Travel, meals, accommodation and hospitality;
  - a. Penalties incurred for non-cancellation of guaranteed hotel reservations; and
  - b. Except as noted in Section B.3(e);
- b) Overhead (such as rent, utilities, human resources services, office supplies);
- c) Capital (such as vehicles, office furniture, computers, software licenses, etc.) and equipment;
  - a. Except for municipal road signs indicating areas of a wellhead protection area or an intake protection zone where significant threat policies apply as noted in Section B.3(d); and
  - b. Except for equipment as noted in Section B.3(f);
- d) Training (including staff and contracted professional services associated with training);
  - a. Except as noted in Section B.3(g);
- e) Land expropriation or purchase;
- f) Incentives or compensation for property owners; and
- g) Costs for establishing risk management plans if costs have been or will be recovered from property owners.

- END OF ELIGIBLE COSTS AND ACTIVITIES -

- 2.4 The chart in Schedule “D” (Reports) is deleted in its entirety and replaced with the following:

<b>Name of Report</b>	<b>Due Date</b>
Collaboration Statement (if applicable)	December 12, 2014
Progress Report 1	December 12, 2014
Progress Report 2	December 11, 2015
Progress Report 3	August 26, 2016
Final Report	March 5, 2017
Other Reports as specified from time to time	On a date or dates specified by the Province.

3. This Amendment No. 2 shall be in force from December 13, 2013 and shall have the same expiry or termination date as the Agreement.
4. All other terms and conditions of the Agreement and Amendment No. 1 shall remain in full force and effect unchanged and unmodified.
5. This Amendment No. 2 shall enure to the benefit of and be binding upon the Municipality and the Province and each of their administrators, permitted successors and permitted assigns, respectively.

6. This Amendment No. 2 may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. To evidence its execution of an original counterpart, a party may send a copy of its original signature on the execution page hereof to the other party by facsimile or other means of recorded electronic transmission (including in PDF) and such transmission with an acknowledgement of receipt shall constitute delivery of an executed copy of this Amendment.

**IN WITNESS WHEREOF** the parties have executed this Amendment No. 2 as of the date first written above.

**HER MAJESTY THE QUEEN in Right of Ontario**  
as represented by the Minister of the Environment and Climate Change

---

Name: Heather Malcolmson  
Title: Director  
Source Protection Programs Branch

Pursuant to delegated authority.

**The Corporation of the Town of Tecumseh**

---

Name: Gary McNamara  
Title: Mayor

---

Name: Laura Moy  
Title: Director, Staff Services/Clerk

We have authority to bind the Municipality.

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW NUMBER 2016-59

Being a by-law to authorize a by-election for the office  
Councillor Ward 2

**WHEREAS** a vacancy in the office of Councillor Ward 2 was declared by the Council of The Corporation of the Town of Tecumseh at their regular meeting held on June 28, 2016, in accordance with Section 262(1) of the *Municipal Act, 2001*;

**AND WHEREAS** pursuant to Section 263 (1) of the *Municipal Act, 2001* if a vacancy occurs in the office of a member of council, the municipality shall fill the vacancy by appointing a person who has consented to accept the office if appointed; or require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*;

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

1. **THAT** a by-election be held to fill the vacancy in the office of Councillor Ward 2 for The Corporation of the Town of Tecumseh.
2. **AND THAT** this by-law shall come into force and take effect upon on the date of the third and final reading thereof.

**Read** a first, second and third time and finally passed this 26<sup>th</sup> day of July, 2016.

---

Gary McNamara, Mayor

“SEAL”

---

Laura Moy, Clerk



**UNFINISHED REGULAR COUNCIL BUSINESS**

	Meeting Date	RCM	Subject	Action/Direction	Depart.	Status/Action Taken
18/14	Oct 14, 2014 PCM		Sea Containers	Report on the use of Sea Containers for consideration of a broader by-law.	Planning	
20/14	Dec 9, 2014		County Rd 34 Hamlet	Administration is asked to look into property ownership and to work with the owners on opportunities for alternate service arrangements.	PWES/ Clerks	In progress

Meeting Date: July 26, 2016

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW NUMBER 2016-60

Being a by-law to confirm the proceedings of the  
**July 26, 2016** regular meeting of the Council of The  
Corporation of the Town of Tecumseh

**WHEREAS** pursuant to Section 5(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council; and

**WHEREAS** pursuant to Section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

**WHEREAS** it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Tecumseh at this Session be confirmed and adopted by by-law.

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:**

1. **THAT** the actions of the Council of The Corporation of the Town of Tecumseh in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other action passed and taken by the Council of The Corporation of the Town of Tecumseh, documents and transactions entered into during the **July 26, 2016**, meeting of Council, are hereby adopted and confirmed, as if the same were expressly embodied in this By-law.
2. **THAT** the Mayor and proper officials of The Corporation of the Town of Tecumseh are hereby authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Town of Tecumseh during the said **July 26, 2016**, meeting referred to in paragraph 1 of this By-law.
3. **THAT** the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of The Corporation of the Town of Tecumseh to all documents referred to in said paragraph 1.

**Read** a first, second and third time and finally passed this 26<sup>th</sup> day of July, 2016.

---

Gary McNamara, Mayor

"SEAL"

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Laura Moy, Clerk