

Tuesday, April 11, 2017, 7:00 PM  
Tecumseh Town Hall  
[www.tecumseh.ca](http://www.tecumseh.ca)

	<b>Pages</b>
<b>1. CALL TO ORDER - Mayor</b>	
<b>2. MOMENT OF SILENCE</b>	
<b>3. NATIONAL ANTHEM</b>	
<b>4. ROLL CALL &amp; DISCLOSURE OF PECUNIARY INTEREST</b>	
<b>5. COUNCIL MINUTES</b>	
a. Public Council Meeting March 28, 2017 Re: Tecumseh Road Main Street CIP	3 - 5
b. Public Council Meeting March 28, 2017 Re: ZBA 11957 Tecumseh Road	6 - 8
c. Regular Council Meeting March 28, 2017	9 - 16
<b>6. SUPPLEMENTARY AGENDA ADOPTION</b>	
<b>7. DELEGATIONS</b>	
a. Shea Dunn & Triston MacDonald, Sunset Metal Fab Inc. Re: Tecumseh Fire & Rescue Services Wall Sculpture	
b. Anthony Corona, President, Optimist Club of St. Clair Beach Re: Taste of Tecumseh Festival	
<b>8. COMMUNICATIONS FOR INFORMATION</b>	
<b>9. COMMUNICATIONS ACTION REQUIRED</b>	
<b>10. COMMITTEE MINUTES</b>	
a. Senior Advisory Committee March 23, 2017	17 - 18
<b>11. REPORTS</b>	
a. Corporate Services & Clerk	
1. Director Corporate Services & Clerk, Report No. 03/17 Re: Changes to the <i>Municipal Elections Act</i>	19 - 30
2. Director Corporate Services & Clerk, Report No. 05/17 Re: Request for Noise By-Law Exemption - County of Essex Intersection of County Road 22 and County Road 19 [Manning Road]	31 - 34
3. Director Corporate Services & Clerk, Report No. 06/17 Re: Changes to the Wards & Boundaries and Composition of Council	35 - 41

b.	Financial Services	
1.	Director Financial Services & Treasurer, Report No. 03/17 Re: Ontario Infrastructure and Lands Corporation (OILC) Borrowing 2017	42 - 46
c.	Parks & Recreation Services	
1.	Manager Recreation Programs & Events, Report No. 02/17 Re: Taste of Tecumseh Festival 2017	47 - 52
2.	Manager Recreation Programs & Events, Report No. 03/17 Re: Optimist Club's Victoria Day Weekend Fireworks 2017	53 - 56
d.	Planning & Building Services	
1.	Manager Planning Services, Report No. 09/17 Re: Site Plan Control Agreement, Hasan Bahcheli and Emine Bahcheli - 14306 Tecumseh Road	57 - 85
2.	Manager Planning Services, Report No. 10/17 Re: Supply of New Transit Bus Request for Quotation	86 - 91
<b>12.</b>	<b>BY-LAWS</b>	
a.	By-Law 2017-21 Being a by-law to levy a special charge of the Business Improvement Area and to provide for its collection for the year 2017	92 - 93
b.	By-Law 2017-22 Being a by-law to provide for the alteration of the Wards and Ward Boundaries for the Town of Tecumseh	94 - 100
c.	By-Law 2017-23 Being a by-law to alter the composition of the Council for The Corporation of the Town of Tecumseh	101 - 101
<b>13.</b>	<b>UNFINISHED BUSINESS</b>	
a.	Unfinished Business Listing April 11, 2017	102 - 102
<b>14.</b>	<b>NEW BUSINESS</b>	
<b>15.</b>	<b>MOTIONS</b>	
a.	By-Law 2017-24 Being a by-law to confirm the proceedings of the April 11, 2017 regular meeting of the Council of The Corporation of the Town of Tecumseh	103 - 103
<b>16.</b>	<b>NOTICES OF MOTION</b>	
<b>17.</b>	<b>NEXT MEETING</b>	
a.	Tuesday, April 25, 2017 6:00 pm Policies & Priorities Committee  7:00 pm Regular Council Meeting	
<b>18.</b>	<b>ADJOURNMENT</b>	

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

Tecumseh Council meets in public session on Tuesday, March 28, 2017, in the Council Chambers, 917 Lesperance Road, Tecumseh, Ontario at 5:00 p.m.

(PCM 4-1)

**ORDER**

The Mayor calls the meeting to order at 5:03 p.m.

(PCM 4-2)

**ROLL CALL**

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

Also Present:	Acting Chief Administrative Officer/	
	Director Planning & Building Services	- Brian Hillman
	Director Corporate Services & Clerk	- Laura Moy
	Director Financial Services & Treasurer	- Luc Gagnon
	Director Fire Services & Fire Chief	- Doug Pitre
	Director Public Works & Environmental	
	Services	- Dan Piescic
	Deputy Clerk	- Christina Hebert
	Manager Planning Services	- Chad Jeffery
	Manager Engineering Services	- Phil Bartnik

(PCM 4-3)

**PECUNIARY INTEREST**

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

(PCM 4-4)

**INTRODUCTION AND PURPOSE OF MEETING**

The purpose of the meeting is to provide an update on the Tecumseh Road Main Street Community Improvement Plan (CIP) Streetscape Plan and Design Project.

(PCM 4-5)

**DELEGATIONS**

**Tecumseh Road Main Street CIP**

Jill Robertson and Gail Shillingford from DIALOG, along with Laura Herlehy & Flavio Forest from Dillon Consulting Ltd, present their update on the Tecumseh Road Main Street CIP Streetscape Plan and Design Project.

A review of the vision and objectives of the CIP is provided, along with an explanation of the importance of transforming the profile of the Tecumseh Road Main Street in keeping with the CIP vision and creating a distinct, quality destination that builds identity for the Town.

An overview of the design considerations and challenges is presented. It is noted this is an extremely collaborative design process because of the level of coordination required with the multitude of layers and elements that have to be considered, both above and below grade.

The relocation of utilities underground is a significant element of this project. The removal of the wires and burial of the utilities has many benefits, including an

opportunity to achieve a full streetscape with less barriers for pedestrian movement, aesthetic benefits, eliminates clearance constraints related to façade improvements and increase design opportunities. However, the underground utilities require the placement of larger above-ground equipment that will entail strategic placement to avoid impacts to the streetscape and the congested right-of-way requires the acquisition of property to accommodate the proposed utilities.

Additionally, as part of the streetscape improvements, there is an opportunity to incorporate and enhance the design of private interfaces with the public right-of-way. Accessibility will also be addressed as part of these improvements to meet *Accessibility for Ontarians with Disabilities Act* (AODA) requirements.

The roadway at the Lesperance Road and VIA Rail Crossing will be fully reconstructed to address deficiencies, identified through a recent safety assessment of the crossing, related to the approach grades at the crossing. The revised crossing will meet Transport Canada's Rail Regulations. The improvements must be implemented by November 2021.

This project will also include the integration of the policies outlined in the Tecumseh Road CIP document, namely: the consolidation of driveways and access points along Tecumseh Road and Lesperance Road, implementation of a safe pedestrian network and consideration for bike use and need for circulation within the corridor.

An update on the design is illustrated to explain how the community feedback and the utility and design constraints have been taken into consideration. Improvements to the streetscape character including paving, lighting and site furnishings and the Tecumseh Road and Lesperance Road intersection are highlighted. The intended use of Silva cells, an underground modular frame that acts as a growing space for the tree roots which provides soil volume to support large tree growth, is explained.

The Members are advised of the next steps, including engagement with stakeholders, driveway consolidation and reciprocal access, potential land acquisitions and finalizing project costing.

In response to an inquiry, the Director Public Works and Environmental Services confirm the improvements to the intersection of Manning Road and County Road 22 are anticipated to commence shortly and should not interfere with construction works to the Lesperance Road and Via Rail Crossing intersection. He further notes timelines are provided under the safety assessment to carry out the deficiencies identified at the Lesperance Road and VIA Rail Crossing intersection.

It is noted a further evaluation of the phases will be undertaken, including funding for each phase. As well, the project is being carried out with a careful regard to the movement of traffic.

(PCM 4-6)

### **COMMUNICATIONS**

- A. Manager, Engineering Services, Report No. 19/17, Re: Tecumseh Road Main Street CIP – Streetscape Plan and Design Project Update, March 2017

AD

Motion: (PCM-09/17) Moved by Councillor Bill Altenhof  
Seconded by Councillor Brian Houston

**THAT** the Public Works & Environmental Services report titled "Tecumseh Road Main Street CIP – Streetscape Plan and Design, Project Update, March 2017," be received.

Carried

(PCM 4-7)

**ADJOURNMENT**

Motion: (PCM-10/17) Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Andrew Dowie

**THAT** there being no further business to discuss, the March 28, 2017, Public Meeting of the Council of the Town of Tecumseh adjourn at 6:00 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, March 28, 2017, in the Council Chambers, 917 Lesperance Road, Tecumseh, Ontario at 6:00 p.m.

(PCM 5-1)

**ORDER**

The Mayor calls the meeting to order at 6:06 p.m.

(PCM 5-2)

**ROLL CALL**

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

Also Present:	Acting Chief Administrative Officer/	
	Director Planning & Building Services	- Brian Hillman
	Director Corporate Services & Clerk	- Laura Moy (6:12 pm)
	Director Fire Services & Fire Chief	- Doug Pitre
	Director Public Works & Environmental	
	Services	- Dan Piescic
	Deputy Clerk	- Christina Hebert
	Manager Planning Services	- Chad Jeffery
	Manager Engineering Services	- Phil Bartnik (6:32 pm)

(PCM 5-3)

**PECUNIARY INTEREST**

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

(PCM 5-4)

**INTRODUCTION AND PURPOSE OF MEETING**

The purpose of the meeting is to consider proposed Official Plan and Zoning By-law amendments pursuant to the provisions of the Planning Act, R.S.O. 1990. The vacant 0.37 hectare (0.9 acre) subject property is situated on the south side of Tecumseh Road approximately 50 metres west of its intersection with Shawnee Road. The Official Plan currently designates the northern portion of the subject property General Commercial and the southern portion Residential. The proposed Official Plan amendment introduces a site-specific policy pertaining to the General Commercial land use designation that would allow for a five-storey condominium apartment building on the northerly portion of the lot comprising 43 dwelling units and one live-work unit (a dwelling unit that will double as a commercial work space) on the first floor of the building, fronting Tecumseh Road. An associated 65-space on-site parking lot is proposed to occupy the southerly portion of the subject property with access from a driveway proposed along the west side of the property.

The proposed Zoning By-law amendment changes the zoning pertaining to the subject property from "General Commercial Zone (C3)" to "General Commercial Zone (C3-13)". The proposed C3-13 zone would permit the proposed apartment building and establish site-specific zone provisions, such as minimum yard requirements.

(PCM 5-5)

**DELEGATIONS**

The Manager Planning Services presents Planning & Building Services Report No. 02/17 regarding the subject proposed Official Plan and Zoning By-law amendments and proposed residential development. If approved, the Applicant will also need to file for a Site Plan Control approval and Condominium approval.

Carl Bernat, Applicant, along with Jerry Kavanaugh, ADA Architect, and Jim Williams, Real Estate Broker, are present to address any questions from Council.

It is noted by Mr. Williams that the proposed project is in keeping with the Community Improvement Plan (CIP) for the Tecumseh Main Street area and supports the need for affordable residential development.

**Loretta Campeau**

Mr. Paul Mullins, Solicitor, is present on behalf of Ms. Loretta Campeau, the owner of the property to the immediate west of the proposed development. Mr. Mullins notes that her family has owned the property since the 1850s and that although it has been suggested that it has heritage value, it is his opinion that it does not have any of the original features that would warrant designation.

The family is not opposed to the proposed improvements to the downtown area. However, Mr. Mullins states the proposed new multi-storey development will have an impact on the Campeau property, no matter what buffering is offered. He has been authorized by the Campeau Family to submit an application to redesignate, rezone and develop the Campeau property in the same, or comparable, manner as the current application being considered this evening. Mr. Mullins asks that Council take the time to ensure the collateral issues are considered and other property owners do not suffer unnecessary detriment, as a result of the proposed development.

**Jeff Belanger**

Mr. Jeff Belanger of Windsor Essex Community Housing Corporation notes no objection to the proposed development but echoes the concerns expressed by Mr. Mullins regarding the access roadway and potential shared access.

**Nichole Summerfield**

Ms. Nichole Summerfield, a former resident of Tecumseh and specialized speech therapy teacher, feels the development has positive opportunities for families with special needs students to reside in Tecumseh and access the school system.

**Paul & Debbie Whiston**

Paul and Debbie Whiston are ecstatic about the proposed development and improvements to the area and sensitivity to the heritage character.

(PCM 5-6)

**COMMUNICATIONS**

- A. Notice of Public Meeting, Re: ZBA 11957 Tecumseh Road
- B. Manager, Planning Services, Report No. 02/17, Re: Official Plan and Zoning By-Law Amendments, 11957 Tecumseh Road - Proposed Five-Storey/44-Unit Apartment Building

Motion: (PCM-11/17) Moved by Councillor Rita Ossington

Seconded by Councillor Tania Jobin

**THAT** the Communications listed as Items A and B on the March 28, 2017, Public Council Meeting Agenda, be received.

Carried

(PCM 5-7)  
**ADJOURNMENT**

Motion: (PCM-12/17) Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Bill Altenhof

**THAT** there being no further business to discuss, the March 28, 2017, Public Meeting of the Council of the Town of Tecumseh adjourn at 6:46 pm.

Carried

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

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

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

Tecumseh Council meets in regular public session on Tuesday, March 28, 2017, in the Council Chambers, 917 Lesperance Road, Tecumseh, Ontario at 7:00 p.m.

(RCM 5-1)

**ORDER**

The Mayor calls the meeting to order at 7:10 pm.

(RCM 5-2)

**MOMENT OF SILENCE**

The Members of Council and Administration observe a moment of silence.

(RCM 5-3)

**NATIONAL ANTHEM**

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

(RCM 5-4)

**ROLL CALL**

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

Also Present:	Acting Chief Administrative Officer	- Brian Hillman
	Director Corporate Services & Clerk	- Laura Moy
	Deputy Clerk	- Christina Hebert
	Director Financial Services & Treasurer	- Luc Gagnon
	Director Fire Services & Fire Chief	- Doug Pitre
	Director Information & Communication Services	- Shaun Fuerth
	Director Public Works & Environmental Services	- Dan Piescic
	Manager Engineering Services	- Phil Bartnik
	Manager Building Services & CBO	- Michael Voegeli
	Manager Planning Services	- Chad Jeffery

**PECUNIARY INTEREST**

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

(RCM 5-5)

**MINUTES**

Motion: (RCM-88/17) Moved by Councillor Tania Jobin  
Seconded by Deputy Mayor Joe Bachetti

**THAT** the minutes of the March 14, 2017, Public Meeting of Council, as amended, and the minutes of the March 14, 2017, Regular Meeting of Council, both as were duplicated and delivered to the Members, are adopted.

Carried

(RCM 5-6)

**SUPPLEMENTARY AGENDA ADOPTION**

There are no supplementary agenda items.

(RCM 5-7)

**DELEGATIONS**

**Top 100 Festival Award**

Darren Winger, Regional Advisor, Ministry of Citizenship & Immigration, Ministry of Tourism, Culture and Sport, presents the Top 100 Festival Award for the Tecumseh Corn Festival to both Council and the Corn Festival Committee. Since 2003, the Town has been recognized by Festival Events Ontario as one of the Top 100 Festivals in the Province. Key individuals are also recognized for their dedication, commitment and hard work. This year David Lozinsky is being recognized for all of his efforts.

**Oldcastle Hamlet**

Judy Wellwood-Robson is present on behalf of Friends of Oldcastle Development (FOOD) and she is accompanied by Perry Burford. For the purpose of clarification, they will be referring to the lands as 'Grey Lands' currently designated as Hamlet Development and not referring to the Del Duca Lands currently the subject of an appeal to the Ontario Municipal Board with respect to Zoning and Official Plan Amendments.

Ms. Wellwood-Robson and Mr. Burford provide an overview of the FOOD Group aspirations for sustainable infrastructure, health and wellness and managed growth. The FOOD Group is requesting a more specific designation for the Hamlet Development to residential in the Official Plans and are advocating for a more meaningful say in how the community grows. A history of the first Official Plan and industrial development in the Hamlet area is provided.

It is stated that the FOOD Group's strategic priority for smart growth is to make the Hamlet of Oldcastle an even better place to live, work and invest through a shared vision for the residents and newcomers, to create a strong and stable neighbourhood in which to live. Ms. Wellwood-Robson and Mr. Burford conclude by explaining their proposed smart growth plan.

The Mayor and Members of Council express their appreciation for the well organized and planned presentation.

**Motion:** (RCM-89/17) Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Tania Jobin

**THAT** the presentation and requests made by Friends of Oldcastle Development (FOOD), be referred to Administration for a report and recommendation.

Carried

In response to an inquiry, the Acting Chief Administrative Officer explains the next steps would be to meet with residents regarding their expectations and thoughts, then develop a response and establish a process. In terms of timelines, there is a 2017 work plan currently established for 2017 for Administration, and time will be needed to work on logistics on how to start this process.

(RCM 5-8)

**COMMUNICATIONS****Communications for Information**

- A. Town of Amherstburg, Re: Notice of Statutory Public Meeting to Consider an Official Plan Amendment OPA #4 Breweries in Agricultural Areas
- B. City of Windsor, Re: 2017 Ontario Renovates Program Release

Motion: (RCM-90/17) Moved by Councillor Bill Altenhof  
 Seconded by Councillor Brian Houston

**THAT** Communications – *for Information* A and B as listed on the March 28, 2017, Regular Council Meeting Agenda are received.

Carried

**Communications - Action Required**

- A. Essex Region Conservation Foundation, Re: Golf Tournament - July 20, 2017

Motion: (RCM-91/17) Moved by Councillor Rita Ossington  
 Seconded by Councillor Bill Altenhof

**THAT** the Town's Essex Region Conservation Authority (ERCA) representatives [or alternate Members of Council should they be unable to attend] be authorized to attend the Essex Region Conservation Foundations 29th Annual Golf Tournament, on July 20, 2017, subject to funding in the 2017 budget and the provisions of the Town's Travel and Professional Development Policies.

Carried

(RCM 5-9)

**COMMITTEE MINUTES**

Motion: (RCM-92/17) Moved by Councillor Bill Altenhof  
 Seconded by Councillor Brian Houston

**THAT** the February 8, 2017 and the March 8, 2017 Minutes of the Town of Tecumseh Business Improvement Area Board, as was duplicated and delivered to the Members of Council, are accepted.

Carried

Motion: (RCM-93/17) Moved by Councillor Andrew Dowie  
 Seconded by Councillor Tania Jobin

**THAT** the March 20, 2017 Minutes of the Youth Advisory Committee, as was duplicated and delivered to the Members of Council, are accepted.

Carried

Motion: (RCM-94/17) Moved by Councillor Brian Houston  
 Seconded by Councillor Rita Ossington

**THAT** the March 20, 2017 Minutes of the Heritage Committee, as was duplicated and delivered to the Members of Council, are accepted.

Carried

Motion: (RCM-95/17) Moved by Councillor Brian Houston  
 Seconded by Councillor Tania Jobin

**THAT** the March 20, 2017 Minutes of the Cultural & Arts Advisory Committee, as was duplicated and delivered to the Members of Council, are accepted.

Carried

The Members are advised the Cultural & Arts Advisory Committee is hosting a Soirée Coffee House on Friday, May 12, 2017 at the Tecumseh - l'Essor Arts Centre.

(RCM 5-10)

## **REPORTS**

Acting Chief Administrative Officer, Report No. 04/17 Re: Ward Boundary & Council Structure Review Supplementary Report

Motion: (RCM-96/17) Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Bill Altenhof

**THAT** the StrategyCorp Ward Boundary & Council Structure Supplementary Report [Supplementary Report] be received;

**AND THAT** the Council Ward Structure Option 3D as presented at the March 28, 2017, Meeting of Council be accepted;

**AND FURTHER THAT** a by-law to adopt Option 3D be prepared for consideration at the April 11, 2017, meeting of Council;

As recommended by the Acting Chief Administrative Officer under Report No. 04/17.

Lost

Motion: (RCM-97/17) Moved by Councillor Andrew Dowie  
Seconded by Councillor Rita Ossington

**THAT** the StrategyCorp Ward Boundary & Council Structure Supplementary Report [Supplementary Report] be received;

**AND THAT** the Council Ward Structure Option 3B, be amended as follows and accepted:

### **Ward 1**

Lake St Clair southerly to north of St. Thomas  
City of Windsor easterly to east of Centennial Drive (including both sides of Centennial)

### **Ward 2**

Lake St. Clair southerly to north of VIA Rail line  
East of Centennial Drive and west of Amberly, Meadowland and Harvest to Town of Lakeshore

### **Ward 3**

North of St. Thomas to County Road 22 (including both sides of St. Thomas)

City of Windsor easterly to west of Amberly, Meadowland and Harvest

### **Ward 4**

County Road 22 southerly to Canadian Pacific Railway  
City of Windsor easterly to Town of Lakeshore

### **Ward 5**

Canadian Pacific Railway southerly to Town of Essex  
City of Windsor & Town of LaSalle easterly to Town of Lakeshore

**AND FURTHER THAT** a by-law to adopt Option 3B, as amended, be prepared for consideration at the April 11, 2017, meeting of Council.

Carried

Director Corporate Services & Clerk, Report No. 01/17 Re: 2016 Open and Closed Council Meetings

Motion: (RCM-98/17) Moved by Councillor Rita Ossington  
Seconded by Councillor Tania Jobin

**THAT** Corporate Services & Clerk Report No. 01/17 with respect to Open and Closed Council Meetings held in 2016, be received for information.

As recommended by the Director Corporate Services & Clerk, Report under Report No. 01/17.

Carried

Director Financial Services & Treasurer, Report No. 02/17, Re: Statement of Remuneration and Expenses Paid in 2016

Motion: (RCM-99/17) Moved by Deputy Mayor Joe Bachetti

Seconded by Councillor Brian Houston

**THAT** Financial Services Report No. 02/17 "Statement of Remuneration and Expenses Paid in 2016" is received by Council.

As recommended by the Director Financial Services & Treasurer, under Report No. 02/17.

Carried

Discussion is held on establishing limits on individual Council Member expenses and reporting on information learned at conferences and seminars/workshops.

Mayor Gary McNamara declares a conflict of interest in Planning and Building Services Report No. 07/17 as an affected property owner and refrains from any discussion and voting on the matter.

Director Planning & Building Services, Report No. 07/17, Re: Tecumseh Road Main Street Community Improvement Plan, Financial Incentive Program Grant Application, Development Charges Grant Program, Carmelita Court, Blocks 4 to 6, 12M-616, Valente Development Corporation

Motion: (RCM-100/17) Moved by Councillor Rita Ossington

Seconded by Councillor Bill Altenhof

**THAT** the Grant Application for the Tecumseh Road Main Street Community Improvement Plan Financial Incentive Program, for the lands located on the south end of Carmelita Court (Blocks 4 to 6, 12M-616) comprising a total of six dwelling units, be approved and deemed eligible for the following Financial Incentive(s) in accordance with Section 11.3 (5):

- i) Development Charges Grant Program, for a total amount of \$78,120

toward the construction of three semi-detached residential dwellings on the subject lands, all of which is in accordance with the Tecumseh Road Main Street Community Improvement Plan and Planning and Building Services Report No. 07/17.

As recommended by the Director Planning & Building Services, under Report No. 07/17.

Carried

Manager Building Services & Chief Building Official, Report No.08/17, Re: 2016 Year End By-law Enforcement Report

Motion: (RCM-101/17) Moved by Councillor Bill Altenhof

Seconded by Councillor Andrew Dowie

**THAT** Planning and Building Services Report No. 08/17, "2016 Year End By-law Enforcement Report", be received.

As recommended by the Manager Building Services & Chief Building Official, under Report No. 08/17.

Carried

Administration is asked to include dates relative to the "90 days", in future reports.

Manager Roads & Fleet, Report No. 18/17, Re: West Nile Virus Program - 2017 Funding Status

Motion: (RCM-102/17) Moved by Deputy Mayor Joe Bachetti  
Seconded by Councillor Brian Houston

**THAT** correspondence to the Ministry of the Environment & Climate Change and Pestalto Environmental Products Inc., authorizing the application of larvicides in water bodies such as catch basins and ditches found to contain mosquito species known to transmit the West Nile Virus, be forwarded;

**AND THAT** should funding for the West Nile Virus program not be provided by the Health Unit or Province, and should the cost for the West Nile Virus program exceed the budgeted \$6,000, financing to support the West Nile Virus program be determined through the third quarter variance analysis.

As recommended by the Manager Roads & Fleet, under Report No. 18/17.

Carried

(RCM 5-11)

**BY-LAWS**

Motion: (RCM-103/17) Moved by Councillor Rita Ossington  
Seconded by Councillor Bill Altenhof

**THAT** By-law No. 2017-18 being a by-law to authorize the execution of a Site Plan Control Agreement between The Corporation of the Town of Tecumseh and Beach Grove Golf and Country Club Limited;

**AND THAT** By-law No. 2017-19 being a by-law to authorize the execution of Transfer Payment Agreement with Her Majesty the Queen in right of Ontario as represented by the Minister of Tourism, Culture and Sport under the Ontario 150 Partnership Program.

Be given first and second reading.

Carried

Motion: (RCM-104/17) Moved by Councillor Brian Houston  
Seconded by Councillor Tania Jobin

**THAT** By-law No. 2017-18 being a by-law to authorize the execution of a Site Plan Control Agreement between The Corporation of the Town of Tecumseh and Beach Grove Golf and Country Club Limited;

**AND THAT** By-law No. 2017-19 being a by-law to authorize the execution of Transfer Payment Agreement with Her Majesty the Queen in right of Ontario as represented by the Minister of Tourism, Culture and Sport under the Ontario 150 Partnership Program.

Be given third and final reading.

Carried

(RCM 5-12)

**UNFINISHED BUSINESS**

The Members receive the Unfinished Business listing.

Corn Festival Request For Quotation (RFQ)

A status update is requested for the Corn Festival RFQ for an independent non-profit organization to assume organizational responsibility of the Corn Festival. This matter is to be included on the Unfinished Business Listing.

Town of Lakeshore Signage

An update is inquired on the request for the removal of signage along Manning Road in the Town of Lakeshore.

(RCM 5-13)

**NEW BUSINESS****Ste. Anne's Church**

A request is made for dedicated parking on Tecumseh Road in front of Ste. Anne's Church for hearse parking during funerals.

**Garbage Collection**

A complaint was received from a resident on Meander Crescent whose light bundle of laminate flooring was not picked up. A request is made for clarification on when construction/renovation material will be picked up, or not picked up.

**Railway Crossings**

It is noted that there is a long train on the CP Rail at 5:00 pm which crosses at Lesperance Road and blocks the intersection for a lengthy period of time. The trains crossing Lesperance Road at the CN Rail are also seemingly longer and as a result block that crossing for a long period of time. The Fire Chief is asked to look into this matter and to investigate any potential impacts on emergency response.

**Federal Budget**

The Mayor discusses the officer tax being waived under the new Federal Budget at the next Association of Municipalities of Ontario (AMO) Board meeting. He notes however that AMO is a provincial representative and would likely bring the matter to the attention of the Federation of Canadian Municipalities (FCM).

**Essex Powerlines Corporation Recognition**

At a recent meeting with the Electrical Distribution Association (EDA), Essex Powerlines Corporation and Collus PowerStream received a prestigious award from the EDA for developing software which integrates two utilities to create a more efficient powerlines service.

**Tecumseh Express Night**

Appreciation is expressed to the Circle of 7, Windsor Express and Tecumseh Area Historical Society for the Tecumseh Express Night.

**Canada 150 Celebrations**

A suggestion is put forward to develop a friendly competition on creating a Tecumseh O'Canada video which could be displayed at Council Meetings.

(RCM 5-14)

**MOTIONS**

**Motion:** (RCM-105/17) Moved by Councillor Rita Ossington

Seconded by Councillor Brian Houston

**THAT** the March 28, 2017, meeting of Council be closed to the public at 8:53 p.m., in accordance with Section 239(2)(d) of the *Municipal Act, 2001*, which permits a meeting to be closed to the public if the subject matter being considered is labour relations or employment negotiations.

Carried

**Motion:** (RCM-106/17) Moved by Councillor Tania Jobin

Seconded by Councillor Rita Ossington

**THAT** the March 28, 2017, meeting of Council reconvenes in public session at 9:21 p.m.

Carried

Motion: (RCM-107/17) Moved by Councillor Tania Jobin  
Seconded by Councillor Rita Ossington

**THAT** the terms contained in the collective bargaining agreements and summarized changes in the Confidential Briefing Note prepared by the Director Corporate Services & Clerk, dated March 28, 2017, as reached with CUPE Locals 701.1 [Outside Full-time], 702.2 and 702.5 [Inside Full-time & Part-time] be approved, effective January 1, 2017 through December 31, 2020;

**AND THAT** the Mayor, Chief Administrative Officer and Clerk be authorized to sign the agreements, satisfactory in form and content to the Town's Solicitor.

Carried

Motion: (RCM-108/17) Moved by Councillor Brian Houston  
Seconded by Councillor Bill Altenhof

**THAT** By-law 2017-20 being a by-law to confirm the proceedings of the March 28, 2017, regular meeting of the Council of The Corporation of the Town of Tecumseh be given first, second, third and final reading.

Carried

(RCM 5-15)

**NOTICES OF MOTIONS**

There are no Notices of Motion.

(RCM 5-16)

**NEXT MEETING**

A Court of Revision will be held at 6:30 pm on Tuesday, April 11, 2017, regarding the 7th Concession Drain.

The next Regular Council meeting will be held at 7:00 pm on Tuesday, April 11, 2017.

(RCM 5-17)

**ADJOURNMENT**

Motion: (RCM-109/17) Moved by Councillor Andrew Dowie  
Seconded by Councillor Bill Altenhof

**THAT** there being no further business the March 28, 2017 regular meeting of Council now adjourn at 9:23 pm.

Carried

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Gary McNamara, Mayor

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Laura Moy, Clerk

## MINUTES OF A MEETING OF THE SENIOR ADVISORY COMMITTEE FOR THE TOWN OF TECUMSEH

A meeting of the Senior Advisory Committee (SAC) for the Town of Tecumseh was held on Thursday, March 23, 2017, in the Council Chambers at Town Hall, 917 Lesperance Road, Tecumseh at the hour of 6:00 p.m.

(SAC 3-1)

### **ORDER**

The Vice-Chair calls the meeting to order at 6:00 p.m.

(SAC 3-2)

### **ROLL CALL**

Members Present:	Chair	- Doug Drouillard
	Member	- Dara Pfeifer O'Connor
	Member	- Don Crowder
	Member	- Nancy Tennant
	Member	- Michelle Phillion
	Vice-Chair	- Paul Morand

Also Present: Deputy Clerk - Christina Hebert

Absent:

(SAC 3-3)

### **DISCLOSURE OF PECUNIARY INTEREST**

None Reported.

(SAC 3-4)

### **DELEGATIONS**

None.

(SAC 3-5)

### **COMMUNICATIONS**

#### **Minutes**

a) Senior Advisory Committee Meeting held February 23, 2017

Motion: (SAC 08/17) Moved by Member Nancy Tennant  
Seconded by Member Michelle Phillion

**THAT** the Minutes of the Senior Advisory Committee meeting held February 23, 2017, be approved.

Carried

(SAC 3-6)

### **REPORTS**

None.

(SAC 3-7)

### **UNFINISHED BUSINESS**

#### **Seniors Community Grant Program**

The Deputy Clerk confirms the application for the Seniors Community Grant Program was submitted, in support of a proposed pilot partnership project with Life After Fifty.

The Committee will be kept apprised as further information becomes available.

In response to a query, the Members are reminded that all projects approved under the Program must have a start date of June 15, 2017 or later, and the project must be completed by March 31, 2018. Given the project start date, it is anticipated that a response to the application will be received prior to the beginning of June.

#### **Canadian Association of Retired Persons (CARP) Update**

The Deputy Clerk advises Administration met with Larry Duffield, Chair of CARP Windsor-Essex Chapter No.7. Mr. Duffield was unable to make a presentation regarding CARP's services this evening due to scheduled holidays, however arrangements will be made for Mr. Duffield to attend a future SAC meeting. In advance of the presentation, Mr. Duffield provided the Members with copies of CARP's Zoomer magazine for their information and interest.

2017 Project Planning – Workshops

Further to the Committee's discussion held late last year, Community Safety Officer, Karen Sinnaeve, is still interested in partnering with SAC on education and awareness initiatives to increase community safety and well-being affecting the senior population in the Town. For example, the campaign can include a presentation(s) on phone scams targeting seniors and other safety concerns.

The Members also suggest the following topics: teaching seniors methods of defending themselves during a dangerous situation, and how to identify and remove themselves from dangerous situations and door-to-door salespersons.

To assist with transportation issues, it is recommended the workshops be held at the apartments on Tecumseh Road, subject to their agreement, as well as an open public venue such as the Tecumseh Arena or Golden Age Club.

The Committee would provide light refreshments at the workshops.

Administration will coordinate details with Community Safety Officer Karen Sinnaeve.

(SAC 3-8)

**NEW BUSINESS****Senior Services Directory**

Member Don Crowder proposes the Committee compile a list of senior services offered in Windsor-Essex County to showcase what services/organizations are available to seniors in the areas of health and wellness, social, well-being, etc.

He suggests the senior services could be organized into a directory, made available on the Town's website.

It is further suggested, as future endeavour, that a 'trade show' for seniors could be organized with the area services/organizations.

The Members will begin research for the directory.

(SAC 3-9)

**NEXT MEETING**

The next meeting of the Senior Advisory Committee will be held Thursday, April 27, 2017 at 6:00 p.m.

(SAC 3-10)

**ADJOURNMENT**

Motion: (SAC-09/17) Moved by Member Dara Pfeifer O'Connor  
Seconded by Member Michelle Phillion

**THAT** there being no further business, the March 23, 2017, meeting of the Senior Advisory Committee be adjourned at 7:08 p.m.

Carried

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Doug Drouillard, Chair

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Paul Morand, Vice-Chair



## THE CORPORATION OF THE TOWN OF TECUMSEH

Corporate Services & Clerk  
Report No. 03/17

**TO:** Mayor and Members of Council

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

**DATE OF REPORT:** February 14, 2017

**DATE TO COUNCIL:** April 11, 2017

**SUBJECT:** Changes to the *Municipal Elections Act*

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### **RECOMMENDATIONS**

It is recommended that:

1. Corporate Services & Clerk Report No. 3/17 titled "Changes to the *Municipal Elections Act*" be received for information.

### **BACKGROUND**

The *Municipal Elections Act, 1996*, (MEA) prescribes a four year term of office for a municipality's elected officials in the Province of Ontario. A municipal election is conducted on the fourth Monday in October of an election year allowing voters to elect their Mayor, Councillor, and School Board Trustee(s) to represent them for the new term of office. The next municipal election is Monday, October 22, 2018.

In September of 2014, the Minister of Municipal Affairs and Housing was mandated by the Premier of Ontario to undertake "a review of the *Municipal Elections Act* after the 2014 municipal election....ensure that the act meets the needs of communities, and that it provides municipalities with the option of using ranked ballots in future elections, starting in 2018, as an alternative to first-past-the-post" [2014 Mandate Letter: Municipal Affairs and Housing/Ontario].

Input for the Provincial review of the MEA was received from a wide range of stakeholders including the Association of Municipalities of Ontario (AMO), the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), members of the general public, and Municipal Clerks. Ministry officials met with Clerks and election administrators, ranked ballot advocates, an academic expert, and voting technology vendors over the course of three meetings to discuss possible challenges associated with the implementation of ranked ballots in Ontario municipal elections. The 60-day consultation period of the review occurred between May 27, 2015 and July 27, 2015.

On June 9, 2016, *Bill 181, The Municipal Elections Modernization Act, 2016*, (Bill 181) came into force making significant changes to the MEA with the most significant change being the option for municipal councils to use ranked ballot elections in Ontario municipal elections. The corresponding *Ontario Regulation 310/16, Municipal Elections Act* came into effect on September 16, 2016.

In November 2016, the Ontario Government tabled Bill 68, *Modernizing Ontario's Municipal Legislation Act*, (Bill 68) which will introduce a series of reforms to the *Municipal Act*, *Municipal Conflict of Interest Act*, as well as the *Municipal Elections Act*. The proposed reforms to the MEA, if approved, would include:

- the lame duck period will be shortened, and the start of a new council term will now be November 15<sup>th</sup>
- a change of the individual contribution limit from \$750 to \$1,200 (this will place it in-line with the provincial limit), and
- impose new formula-based limits on self-finance campaigns, with a maximum limit of \$25,000.

The Standing Committee began considering Bill 68 Tuesday, April 3, 2017.

## **COMMENTS**

The revisions to the MEA, as a result of Bill 181, will change many aspects of municipal elections in Ontario municipalities and how elections are conducted by municipal clerks. These changes will affect voters, candidates running for office and election administration.

The changes were intended to address issues that arose during the 2014 Municipal and School Board Elections across Ontario including:

- Lack of regulation for third party advertising;
- Challenges with compliance and enforcement of election rules;
- Lack of clarity related to campaign financing;
- The length of the campaign period; and
- Areas where the MEA could be updated and modernized.

The significant changes to the legislation may be grouped under the following major categories and will be discussed in turn:

1. Election calendar;
2. Nomination period and process;
3. Campaign finance;
4. Third party advertising;
5. Ranked ballots;
6. Clerk's authority;
7. Election signs and advertising;
8. Recounts; and
9. Other Changes.

## 1. Election Calendar

There are several key dates that have been changed, or added, as a result of the amendments to Bill 181 and are illustrated in the table below:

Change	Old Legislation	New Legislation
By-law – Use of Alternative Voting Methods	June 1, 2018	May 1, 2017
By-law – Use Ranked Ballots	N/A	May 1/July 1, 2017
Clerk's policies/procedures for voting/alternative voting	June 1, 2018	December 31, 2017
Clerk determines single or batch elimination – ranked ballots	N/A	December 31, 2017
Approval of Ballot Questions - Approved by Council By-law - Ordered by upper-tier/minister	180 days prior June 1, 2018	March 1, 2018 May 1, 2018
Nominations – 3 <sup>rd</sup> party advertiser registration open	January 2, 2018	May 1, 2018
Use of Corporate Resources Policy	N/A	May 1, 2018
Nomination Day	Sept 14, 2018	July 27, 2018
Close of 3 <sup>rd</sup> party advertiser registration	N/A	October 19, 2018

## 2. Nomination Period and Process

The Nomination Period now begins on May 1<sup>st</sup> and will run until the fourth Friday in July (July 27, 2018). The nomination period is now thirteen (13) weeks instead of the previous (37) weeks.

Candidates will be required to obtain twenty-five (25) endorsement signatures from eligible electors. The endorsement signatures are required to be provided at the time a candidate files his/her nomination paper. A person providing an endorsement must be eligible to vote for the office on the day that the person endorses the nomination. Individuals will be permitted to endorse more than one nomination.

Bill 181 has also been amended to clearly indicate that a candidate is eligible to be nominated for an office in any ward of the municipality and not just the ward in which they reside. While this is not a change, given the number of inquiries the Ministry had received about this matter, Bill 181 was amended to clarify that a candidate may run in a ward in which they do not live.

Bill 181 initially included identifying volunteer firefighters as employees and therefore ineligible to run for or hold office unless the volunteer firefighter was on a leave of absence or had resigned. An amendment was introduced to remove this provision.

## 3. Campaign Finance

In May of 2016, Bill 181 was revised to prohibit contributions from corporations and trade unions that hold bargaining rights for employees in Ontario. As a result of the revision to the legislation, this ban applies to all Ontario municipalities and no action is required by the Town of Tecumseh (Town) to ban such contributions.

It is important to note that money, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the person's direction, are deemed to be contributions under the legislation. This means that all in-kind contributions, or discounted pricing for goods and services by corporations or trade unions will be prohibited, such as space, equipment, advertising, brochures, signs, printing, website design/hosting, food, etc.

Candidates will be required to inform contributors of the contribution limits. A contributor is limited to a total of \$750 to any one candidate in an election (except in the case of the office of Mayor of the City of Toronto) and \$5,000 to two or more candidates for office on the same council or local board.

Candidates will no longer be required to open a bank account, if they do not receive contributions or incur expenditures related to their campaign.

After the 2018 Municipal Election, campaign deficits will not be carried forward from the previous election campaign.

A new spending limit for parties and expressions of appreciation after Voting Day will be implemented. The specific amount of the spending limit is to be set out in a regulation.

In terms of a candidate's campaign financial statements, a candidate will be permitted to resubmit a financial statement to correct an error, until the filing deadline. The nomination filing fee will only be refunded if a financial statement is filed on time. If a candidate does not file his/her financial statement on time and is willing to pay a \$500 late filing fee, the candidate will be provided an additional thirty (30) day period to file the financial statement. A candidate exercising this option will not be refunded his/her nomination filing fee.

As soon as possible after April 30, 2019, the Clerk will be required to provide a report and make it available on the municipality's website, setting out all candidates in an election and indicating whether each candidate complied with financial reporting requirements.

The Clerk will be required to review all of the financial statements received and identify whether any contributor appears to have exceeded any of the contribution limits. The Clerk will also be required to report to the Compliance Audit Committee, as soon as possible after the filing deadline, regarding contributions made to candidates and third party advertisers in excess of the established limits. Within thirty (30) days of receiving the report, the Compliance Audit Committee must consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

#### **4. Third Party Advertising**

The amendments to the MEA will establish regulations related to third party advertisers. Third party advertising will be defined as "an advertisement in any medium that has the purpose of promoting or supporting or opposing a candidate or a "yes" or "no" answer to a question on the ballot".

Although Bill 181 initially included references to supporting or opposing an issue, this portion of the definition was removed to reflect concerns of charities and organizations about being subjected to the third party framework, if the group was undertaking public outreach/advocacy during a campaign (examples might include advocacy related to environmental concerns or affordable housing).

Third party advertising also does not include:

- an advertisement by or under the direction of a candidate;
- where no expenses are incurred by the person/entity in relation to the advertisement; or
- when given or transmitted by an individual to employees, by a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees.

Individuals, corporations or trade unions will be eligible to be third party advertisers, if they formally register with the Clerk. The following are not permitted to register as a third party advertiser:

- municipal election candidates;
- a federal political party registered under the *Canada Elections Act* (Canada) or any federal constituency association or registered candidate at a federal election endorsed by that party;
- a provincial political party, constituency association, registered candidate or leadership contestant registered under the *Election Finances Act*; and
- the Crown in right of Canada or Ontario, a municipality or local board.

Should a third party promote, support or oppose a candidate, or a yes or no to a question on the ballot, between May 1<sup>st</sup> and the Friday before Voting Day (October 19, 2018), the third party must file a registration with the Clerk, using a prescribed form along with a declaration of qualification. A fee will not be applicable for the registration. Third party advertisers may register in multiple municipalities but it is a campaign for each, with its own spending limit.

Third party advertisers must be registered at the time an advertisement appears and the ad must contain the name of the registered third party, the municipality where the third party is registered and a telephone number, mailing address or email address at which the third party may be contacted regarding the ad.

Similar to candidate advertising, a broadcaster/publisher will be prohibited from causing an advertisement to appear if they have not been provided in writing with the information above. The broadcaster/publisher is required to retain records of the above, a copy of the ad or a means of reproducing it and the charge made for its appearance, for four years after the date of the ad appearing. The broadcaster/publisher must permit the public to inspect the records regarding the transaction during normal business hours.

The Clerk is required to be satisfied that the individual, corporation or trade union is qualified to be registered and that the notice of registration complies with the MEA as amended. If the Clerk is satisfied that conditions have been met, he or she signs the registration and the date of Clerk's signature is deemed the date that third party is registered. If the Clerk is not satisfied, he or she is required to reject the registration. The Clerk's decision is final.

Third party advertisers have similar campaign finance provisions as candidates. Contributions will not be able to be made or accepted unless the party is registered as a third party or made or accepted outside of the campaign period. Contributions may be made by an individual, corporation, trade union, registered third party or the spouse of a registered third party. Contributions are not permitted to exceed a total of \$750/registered third party or \$5,000 to two or more registered third parties. These limits do not apply to the third party itself.

Expenses will be subject to a maximum expense limit, calculated by the Clerk. Expenses are not permitted unless the party is registered as third party when the expenses are incurred and the ad appears. Third party advertisers will be required to record expenses and file a financial statement. The Clerk is required to review contributions and report apparent contraventions, similar to the new provision for candidate contributions. Third party advertisers will be subject to similar penalties as candidates for financial statement defaults.

Municipalities may require the following to remove or discontinue the advertising:

- a person who contravened the provisions for third party advertisers or caused/permitted the contravention; or
- the owner or occupier of the land on which the contravention occurred.

## **5. Ranked Ballots**

In the past, municipalities were required to conduct elections using the plurality or first-past-the-post system, where the candidate who receives the highest number of votes wins. This system does not require a certain percentage of votes to be achieved to win a contest.

Municipalities are being provided the option to pass a by-law to use ranked ballots to elect members of council starting in 2018. It is not an option for school board elections, at this time. Ranked ballots allow a voter to rank candidates in order of preference, instead of just voting for one candidate in the traditional first-past-the-post system.

Ranked ballots are used (but called by different names) in approximately 10 municipalities in the United States, in various places in Europe and the United Kingdom and in Canada for political party leadership races. Ranked ballot elections have not been implemented in any municipal, provincial or federal elections in Canada, to date.

### Ranked Ballots By-law Authority and Consultation Requirements

If a by-law is passed by a Council to implement a ranked ballot election, ranked ballots would be required to be used to elect all of the members of Council. The by-law may specify the maximum number of rankings that an elector may make and may provide a different number of maximum rankings for each office. If the by-law does not specify the maximum number of rankings, the default maximum is three as set out in *Ontario Regulation 310/16*. If ranked ballots are authorized for a regular election, ranked ballots must also be used in any by-elections that are held to fill council vacancies during the council term.

Before passing a by-law, a lower-tier municipal council is required to give consideration to the following matters:

- the public interest;
- the costs to the municipality of conducting the elections;
- the availability of technology, such as voting equipment and vote counting equipment and software, for conducting the elections; and
- administrative practices and procedures that would be required to conduct the elections.

The following election principles not articulated in the MEA, but taken from the Factum of the Intervenor, Attorney General of Ontario in the recount application for *Montgomery vs. City of Toronto* in 1998 are also recommended for consideration in relation to ranked ballots:

- the secrecy and confidentiality of the voting process is paramount;
- the election shall be fair and non-biased;
- the election shall be accessible to the voters;
- the integrity of the voting process shall be maintained throughout the election;
- there is to be certainty that the results of the election reflect the votes cast; and
- voters and candidates shall be treated fairly and consistently.

In addition, before passing a by-law, a lower-tier municipality such as the Town, would be required to hold an open house to provide the public with information and the opportunity to ask questions about:

- how elections would be conducted, including a detailed description of vote counting;
- the estimated costs of conducting the election;
- any voting and vote-counting equipment that is being considered for use in the election; and
- any alternative voting method being considered for use in the election.

A municipality must also hold a public meeting to allow the public to speak to Council about the proposed by-law. The public meeting must be held at least fifteen (15) days after the open house is held. Notice of both the open house and public meeting must be issued thirty (30) days prior to each event. The by-law must be passed no later than May 1<sup>st</sup> in the year before the year of the election [ie: May 1, 2017 for the 2018 election]. If a by-law is not passed before May 1<sup>st</sup> then it does not take effect until the 2022 municipal election.

While a referendum is not required for a municipality to move from the first-past-the-post system to ranked ballots, it could form part of the municipal public consultation process. Some individuals feel that a referendum would be an important provision as it is a change to how the electors will vote. Others argue that municipalities have the authority to change the vote casting/counting method without a requirement for a referendum and that elected officials in Canada are elected to make decisions, rather than ask the electorate what decision is to be made. The last Ontario referendum related to electoral reform resulted in the majority of voters choosing to maintain a first-past-the-post system. However, the referendum alternative was not specifically a ranked ballot system.

#### Ranked Ballots Vote Counting and Reporting Requirements

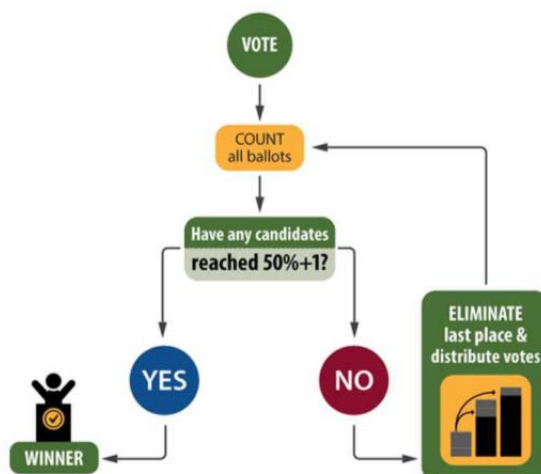
The general rules regarding what can appear on a ballot set out in the MEA would continue to apply to ranked ballots. In addition, ballots used in a ranked ballot election would also be required to contain the following information:

- the number of candidates to be elected for each office;
- instructions to the voter on how to mark the ballot to rank their preferences; and
- the maximum number of preferences that may be ranked on the ballot for each office.

In a single member ranked ballot election, each voter ranks the candidates on the ballot from most preferred to least preferred. The Clerk then calculates the threshold to be elected (50% plus one). If a candidate receives more than the threshold, the candidate is elected and voting ends.

If none of the candidates receive enough votes to meet or exceed the threshold, the candidate with the lowest number of votes is eliminated and the ballots of each voter who voted for the candidate with the fewest first place votes are distributed to the voters' second choice. The Clerk then determines whether any candidate now meets or exceeds the threshold. If none of the candidates has received enough votes, the process of eliminating the candidate with the lowest number of votes and redistributing their votes is repeated until a candidate has enough votes to meet or exceed the threshold and is elected.

The following image provided by the Ministry of Municipal Affairs outlines the process:



There may be multiple rounds of voting prior to a candidate being declared elected or the winner. As a result, the elected candidate in a race may not be determined on election night. Depending on the process prescribed by the Province and the votes cast, it may take several days for results to be determined in any particular race.

In addition to declaring the candidates who have been elected, the Clerk will be required to also report the following information to the public:

- the number of ballots cast;
- the number of ballots that were declined or rejected;
- the threshold for each office;
- the number of votes each candidate received in the first round of vote counting; and
- the results of each round of vote counting, including the number of votes received by each remaining candidate and the number of exhausted ballots.

#### Impact of a Ranked Ballot Election

In May of 2016, AMCTO appeared before the Ontario Government Standing Committee on Finance and Economic Affairs to provide comments on Bill 181 and it was at that time they indicated “significant apprehension amongst election administrators about moving from first-past-the-post to ranked ballots”.

From a survey conducted by AMCTO in April of 2016 only 4% of election administrators indicated they were likely to recommend using ranked ballots in the 2018 municipal election. These same administrators also indicated that if their council decided in favour of using ranked ballots for the 2018 municipal election 51% were not prepared.

“Any Ontario municipality that transitions from first-past-the-post to ranked ballots in 2018 will need to invest heavily in new technology and ballot design, significantly update voting equipment, upgrade their IT infrastructure, and substantially expand their communications and voter education efforts. In 2018 ranked ballots are also only an option for municipal elections and not school boards, which means that a municipality would have to run two types of elections, ranked ballots for council and first-past-the-post for school boards.” [Source AMCTO (April 2016) Bill 181 Survey]

At the January 24, 2017, Special Meeting of Council the following resolution was passed (SCM-3/17):

***THAT*** the Town of Tecumseh continue with the first-past-the-post method of voting.

#### **6. Clerk’s Authority**

In the past, a by-law was required to establish advance voting dates and hours and reduced hours of voting at long term care facilities and hospitals. The Clerk will be provided the authority to determine these matters which will permit greater flexibility in responding to unforeseen circumstances that may arise throughout the election.

The Clerk will be provided with the authority to remove a person’s name from the Voters’ List if the Clerk is satisfied that the person has died (without an application to change the Voters’ List). The Clerk will also be able to remove a deceased person’s name from the Voters’ List without a hearing, when an application has been filed.

The Clerk will be able to decide whether candidates are permitted to file financial statements electronically and any conditions or limits associated electronic filing. Previously, a municipal Council was required to pass a by-law to provide for electronic filing and the conditions/limits.

## **7. Election Signs and Advertising**

An election campaign advertisement will be defined as an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a candidate.

Landlords and condominium corporations will no longer be able to prohibit their tenants from displaying campaign signs in their own unit. The condominium corporation/landlord will have the right to establish reasonable conditions related to the size or type of sign. Landlords and condominium corporations will still be able to prohibit the display of signs in relation in common areas of the building.

Any election campaign advertisement purchased by or under the direction of a candidate, will be required to identify the candidate. Candidates must also provide publishers/broadcasters with the candidate's name, as well as the name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate.

Broadcasters and publishers will be prohibited from causing an election campaign advertisement to appear if the candidate's name, as well as the name, business address and telephone number of the individual who deals with the broadcaster or publisher hasn't been provided. In addition, broadcasters and publishers will be required to retain records of the information, a copy of the ad or means of reproducing it and the cost of the advertisement, for four years after the date of appearance and permit inspection of the records by the public at any time during normal business hours.

If a contravention of the provisions related to election campaign advertising occur, municipalities will have the authority to require the person who contravened the provision or the owner or occupier of land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

## **8. Recounts**

In the previous version of the legislation, the ability to conduct a recount was limited to three circumstances:

1. Where the counting of ballots resulted in a tie vote;
2. Where the Council, local board or Minister decides a recount is required when a resolution is passed within 30 days of the Clerk's declaration of the official results; and
3. Where an elector's request for a recount has been granted by the Superior Court of Justice.

Recounts are more often conducted where a count is conducted by hand or where the mark(s) on a ballot is/are questionable in terms of which candidate was selected by the elector.

The new legislation will provide Council with the authority to adopt a policy which dictates when recounts will be conducted in circumstances other than those permitted by the MEA. A by-law adopting the policy must be passed on or before May 1 in the year of the election.

While a small number of Ontario municipalities had previously developed recount policies with defined thresholds for a close vote, even if a particular set of results met the policy parameters, the matter required Council approval prior to the recount commencing. The change in the legislation would allow for a "close vote" recount to be conducted if it fell within the policy parameters, without Council being required to respond within the thirty (30) day window of the Clerk declaring the official results.

Some argue that adopting a "close vote" policy would eliminate the need for Council to respond to calls for a recount within the (30) day window of the Clerk declaring the official results of an election as the specific circumstances for a recount would already be determined. However, Council could still receive a request for a recount which falls outside of the policy and Council would still be required to decide upon these types of requests.

## **9. Other Changes**

The amendments to the legislation included a number of other changes that may be of interest, including but not limited to:

- Prohibiting a person who is in control of an apartment building, condominium building, non-profit housing cooperative or gated community from preventing a candidate, or his or her representative, from campaigning between 9:00 a.m. and 9:00 p.m. at the doors to the apartments, units or houses;
- Requiring the Clerk to prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and make the plan available to the public before Voting Day (and instead of presenting the post-election report to Council, making it publicly available);
- Prohibiting persons from taking a photograph or making a video recording of his or her marked ballot or showing a marked ballot to anyone;
- Creating a new offence for any offer, promise or agreement intended to convince an individual to register, withdraw, or avoid becoming a candidate;
- Requiring original signatures only for nominations and proxies;
- Establishing both a minimum and maximum number of days before Nomination Day and Voting Day in a by-election;
- Clarifying the requirements associated with Compliance Audit Committee meetings and decisions; and
- Eliminating the requirement for the use of registered mail related to notifying candidates of financial statement filing requirements and penalties.

As discussed in this report, the Province of Ontario recently made significant legislative changes to the MEA effective for the 2018 municipal election. The most significant change is the introduction of ranked ballot legislation in which municipal councils in Ontario now have the option to adopt a ranked ballot electoral system for their municipality. To date, all municipal councils in Ontario who have considered ranked ballots for their municipality have voted against the adoption of a bylaw with respect to ranked ballot elections in their municipality for the 2018 municipal election.

Further changes may be made to the MEA under Bill 68 currently being considered by the Provincial Government. A further report to Council regarding the legislative reforms being considered will be presented at a later date.

## **CONSULTATIONS**

AMCTO  
Ministry of Municipal Affairs

## **FINANCIAL IMPLICATIONS**

There are no financial implications for the Town resulting from the recommendation to receive the administrative report regarding the changes to the MEA. The changes to the legislation may require additional staff time or resources to address. Staff will identify the implications through a specific report or the budget process, depending on the magnitude of the financial implication.

## **LINK TO STRATEGIC PRIORITIES**

<b>No.</b>	<b>2017-18 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:

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Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

LM



## THE CORPORATION OF THE TOWN OF TECUMSEH

Corporate Services & Clerk  
Report No. 05/17

**TO:** Mayor and Members of Council

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

**DATE OF REPORT:** March 27, 2017

**DATE TO COUNCIL:** April 11, 2017

**SUBJECT:** Request for Noise By-law Exemption - County of Essex  
Intersection of County Road 22 and County Road 19 [Manning Road]

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### **RECOMMENDATIONS**

It is recommended that:

1. The Corporation of the County of Essex be granted an exemption from the Town's Emission of Sounds By-law No. 2002-07, as amended, for the six (6) month period of May 1, 2017, through to and including October 31, 2017, during the hours of 8:00 pm to 7:00 am to facilitate the reconstruction/widening of the intersection of County Road 19 and County Road 22 to improve the capacity and safety of the intersection.

### **BACKGROUND**

The County of Essex (County) under correspondence dated March 20, 2017 [\[Appendix 1\]](#), is requesting an exemption from the Town's Emission of Sounds By-law No. 2002-07, as amended (Noise By-law) to facilitate the reconstruction/widening of the intersection of County Road 19 and County Road 22 to improve the capacity and safety of the intersection. The exemption is requested for an eight (8) month period commencing May 1, 2017 and ending December 31, 2017.

To expedite the improvements, the County's contractor will need to work during the early morning hours and late night hours. The County is requesting an exemption from the Noise By-law for the purpose of supporting construction activities and the operation of heavy construction. The proposed construction activities at the intersection **do not** require:

- Driving piles,
- Demolition hammers,
- Batch plant for material production, nor
- Material crushing.

### **COMMENTS**

The Noise By-law provides under Table 4-1, Part 15 that sounds resulting from the operation of any equipment in connection with construction are prohibited between the hours of 8:00 p.m. and 7:00 a.m. in all residential, agricultural and commercial areas.

Paragraph 6 of the Noise By-law allows for persons to make application to Council for an exemption from the by-law's provisions with respect to any source of sound, or vibration, for which they may be prosecuted. Council may, by resolution, grant the exemption, together with any additional terms or conditions deemed appropriate. The exemption from Council may not exceed six (6) months.

Council has approved requests for exemptions to the Noise By-law in prior years to help the progress of improvements to area highways. Concerns that may be expressed by area residents and/or property owners are monitored.

It is recommended that an exemption to the Noise By-law be granted to the County of Essex for the six (6) month period of May 1, 2017, through to and including October 31, 2017, between the hours of 8:00 p.m. and 7:00 a.m. to facilitate improvements to the intersection of County Roads 19 and 22.

In the event an extension to the exemption period granted becomes necessary, the County may submit a further request seeking a subsequent exemption.

It is further recommended that complaints and/or concerns from area residents, businesses or property owners be monitored during the exemption period.

## **CONSULTATIONS**

Public Works and Environmental Services Department  
OPP

## **FINANCIAL IMPLICATIONS**

There are no financial implications.

## **LINK TO STRATEGIC PRIORITIES**

No.	2017-18 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.	✓

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## **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:

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

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Dan Piescic, P.Eng.  
Director Public Works & Environmental  
Services

Recommended by:

---

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment:

1. County of Essex letter dated March 20, 2017

LM

## Appendix 1



Office of the Transportation Services Director  
Tom Bateman, P.Eng.,  
County Engineer

March 20, 2017

Corporation of the Town of Tecumseh  
917 Lesperance Road  
Tecumseh, ON N8N 1W9

Attention: Ms. Laura Moy  
Director Corporate Services and Clerk

Re: Noise Exemption Request  
Intersection of County Road 22 and County Road 19

Dear Ms. Moy:

The County of Essex is planning to improve the capacity and safety of the intersection at County Roads 22 and 19 through a reconstruction/widening project. The works are expected to start in May 2017 and the scope of work will require all of the 2017 Construction Season.

To expedite the improvements, the successful bidder will need to work during the early morning hours and late night hours.

This memo serves to request an exemption to the noise bylaw for the purpose of supporting construction activities and the operation of heavy construction equipment. The duration of the noise bylaw exemption is from May 1 to December 15, 2017.

The proposed construction activities at the site **do not** require:

- Driving piles
- Demolition hammers
- Batch plant for material production
- Material crushing plant

If you require additional information, please do not hesitate to contact Mr. Peter Bziuk, Manager Design and Construction Services at [pbziuk@countyofessex.on.ca](mailto:pbziuk@countyofessex.on.ca).

Sincerely,



Tom Bateman, P.Eng.  
County Engineer

Cc: Peter Bziuk, Manager Design and Construction Services  
Chris Patten, Dillon Consulting



## THE CORPORATION OF THE TOWN OF TECUMSEH

Corporate Services & Clerk  
Report No. 06/17

**TO:** Mayor and Members of Council

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

**DATE OF REPORT:** March 30, 2017

**DATE TO COUNCIL:** April 11, 2017

**SUBJECT:** Changes to the Wards & Boundaries and Composition of Council

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### **RECOMMENDATIONS**

It is recommended:

1. That Corporate Services Report No. 06/17 regarding Ward Boundary Changes & Alteration of the Composition of Council dated April 11, 2017, be received; and that
2. By-law No. 2017-22, being a by-law to provide for changes to the Wards & Boundaries for the Town of Tecumseh, be adopted; and further that
3. Notice of passing of By-law No. 2017-22 be given in accordance with Section 222(3) of the *Municipal Act, 2001* in the Essex Free Press, Shoreline Week, on the Town's website and social media; and further that
4. By-law No. 2017-23, being a by-law to provide for changes to the composition of the Council for the Town of Tecumseh, be adopted.

### **BACKGROUND**

In June 2016, the Town of Tecumseh (Town) retained StrategyCorp Inc. (StrategyCorp) to conduct a Ward Boundary and Council Structure Review (Review).

The Review considered:

- the size, shape and number of wards;
- the composition of Council;
- Ward, or at large, elections for Councillors;
- ranked ballot voting; and
- alternative voting methods.

At Council's Regular Meeting held on December 14, 2016, StrategyCorp presented their Interim Report on the Review. Several options were identified for consideration, based on feedback received during the stakeholder outreach process. At the meeting, discussion took place on a number of the options presented in the Interim Report. The Interim Report was tabled to allow Council to consider the options developed and to contemplate their preference for discussion and decision at a later meeting.

A Final Report was prepared by StrategyCorp and presented to Council at a Special Meeting, open to the public, held on January 24, 2017. The Final Report provided recommendations on:

- ward boundaries,
- ranked ballot voting, and
- voting methods.

Several options were identified in the Final Report in relation to the ward boundaries and structure of Council. At the January 24, 2017, Special Meeting of Council, the following resolution (SCM-02/17) was passed:

***THAT the January 2017 Final Report on the Ward Boundary and Council Structure Review, as prepared by StrategyCorp., be received; and***

***THAT Option 3B of the January 2017 Final Report on the Ward Boundary and Council Structure Review be accepted for the 2018 Municipal Election.***

As part of Council's direction, StrategyCorp was asked to provide more information in a Supplementary Report related to:

- the effect of moving from 2031 to 2026 as the period for assessing "effective representation," and
- the creation of a new Option 3(c), which makes "minor tweaks" to the boundaries proposed in Option 3(b).

Acting Chief Administrative Officer Report No. 04/17 together with StrategyCorp's Supplementary Report were presented to Council on March 14, 2017. The reports were deferred to the next following meeting when all Members of Council would be present.

On March 28, 2017, Council gave consideration to the Supplementary Report, along with the Acting Chief Administrative Officer's Report No. 04/17. At the meeting, Council passed the following resolution (RCM –97/17):

***THAT the StrategyCorp Ward Boundary & Council Structure Supplementary Report [Supplementary Report] be received;***

***AND THAT the Council Ward Structure Option 3B, be amended as follows and accepted:***

***Ward 1***

*Lake St Clair southerly to north of St. Thomas*

*City of Windsor easterly to east of Centennial Drive (including both sides of Centennial)*

***Ward 2***

*Lake St. Clair southerly to north of VIA Rail line*

*East of Centennial Drive and west of Amberly, Meadowland and Harvest to Town of Lakeshore*

***Ward 3***

*North of St. Thomas to County Road 22 (including both sides of St. Thomas)*

*City of Windsor easterly to west of Amberly, Meadowland and Harvest*

***Ward 4***

*County Road 22 to southerly to Canadian Pacific Railway*

*City of Windsor easterly to Town of Lakeshore*

***Ward 5***

*Canadian Pacific Railway southerly to Town of Essex*

*City of Windsor & Town of LaSalle easterly to Town of Lakeshore*

***AND FURTHER THAT a by-law to adopt Option 3B, as amended, be prepared for consideration at the April 11, 2017, meeting of Council.***

A map of the amended Option 3B is attached as [Appendix 1](#). The amended Option 3B, now referred to as “Option 3B\*\*”, as Revised March 28, 2017”, has been reviewed by StrategyCorp. StrategyCorp advises that they “have analyzed the Option from the perspective of the Effective Representation test using the same method that we have considered other options....In our view, Option 3(b)\*\* would meet the Effective Representation test.” StrategyCorp’s Supplementary Report is attached as [Appendix 2](#).

## **COMMENTS**

### Ward Boundary Changes

The *Municipal Act, 2001*, in Section 222, authorizes a local municipality to divide or re-divide the municipality into wards, or to dissolve the existing wards.

Within fifteen (15) days after a by-law is passed under Section 217, the municipality is to give notice of the passing of the by-law to the public specifying the last date for filing a notice of appeal.

Within forty-five (45) days after a by-law is passed under Section 217, the Minister, or any other person, or agency, may appeal to the Ontario Municipal Board (OMB) by filing a notice of appeal with the municipality setting out the objections to the by-law and the reasons in support of the objections.

Within fifteen (15) days after the last day for filing a notice of appeal, the municipality must forward any notices of appeal to the OMB. The Board shall hear the appeal and may, despite any Act, make an order affirming, amending or repealing the by-law.

In accordance with the *Municipal Act, 2001*, the by-law comes into force on the day the new council of the municipality is organized following,

1. the first regular election after the by-law is passed, if the by-law is passed before January 1 in the year of the regular election and,
  - a. no notices of appeal are filed,
  - b. notices of appeal are filed and are all withdrawn before January 1 in the year of the election, or
  - c. notices of appeal are filed and the Board issues an order to affirm or amend the by-law before January 1 in the year of the election; or
2. the second regular election after the by-law is passed, in all other cases except where the by-law is repealed by the OMB.

Subject to the above-described appeals and decision-making by the OMB, the by-law comes into force on the day the new council is organized following a regular election and that election is conducted as if the by-law was already in force.

By-law No. 2017-22 has been prepared to authorize the changes to the ward boundaries and to increase the number of wards from four (4) to five (5), as directed by Council in (RCM-97/17) at their March 28, 2017 Regular Meeting.

Notice of adoption of the passing of By-law No. 2017-22 must be given within fifteen (15) days of adoption in accordance with Section 222(3) of the *Municipal Act, 2001*, specifying the last date for filing a notice of appeal.

If By-law No. 2017-22 is adopted at the April 11, 2017 meeting of Council, the earliest dates to publish in the Essex Free Press and Shoreline Week are Thursday, April 20 and Friday, April 21, respectively.

The Minister, or any other person, or agency, would have until Monday, June 5, 2017 to appeal to the OMB by filing a notice of appeal with the Clerk setting out the objections to By-law No. 2017-22 and the reasons in support of the objections.

In the event an appeal is submitted, it will be sent to the OMB within fifteen (15) days after the last day for filing a notice of appeal (June 5, 2017). The OMB will hear the appeal and may, despite any Act, make an order affirming, amending or repealing the by-law. If By-law No. 2017-22 is affirmed, or amended, by the OMB prior to January 1, 2018, it will come into force on the day the new council is organized following the 2018 Municipal Election. If By-law No. 2017-22 is affirmed, or amended, after January 1, 2018, it will come into force on the day the new Council is organized in 2022. If By-law No. 2017-22 is repealed by the OMB, there will be no change to the ward boundaries and composition of Council for the 2018 Municipal Election.

### Composition of Council

The *Municipal Act 2001*, in Section 217, authorizes a local municipality to change the composition of its council subject to the following rules:

1. There shall be a minimum of five (5) members, one (1) of whom shall be the head of council.
2. The members of council shall be elected in accordance with the *Municipal Elections Act, 1996*.
3. The head of council shall be elected by general vote.
4. The members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards.
5. The representation of a local municipality on the council of an upper-tier municipality shall not be affected by the by-law of the local municipality under this section.

A by-law passed under Section 217 does not come into force until the day the new council is organized,

- after the first regular election following the passing of the by-law; or
- if the by-law is passed in the year of a regular election before voting day, after the second regular election following the passing of the by-law.

The regular election held immediately before the coming into force of a by-law is to be conducted as if the by-law was already in force.

By-law No. 2017-23 has been prepared which would maintain the current Council composition of seven (7) members and changes the election of one (1) Councillor for each of the five (5) Wards, reflective of the ward boundary changes set out in By-law No. 2017-22. The Mayor and Deputy Mayor will continue to be elected at-large.

The rules associated with Section 217 of the *Municipal Act, 2001*, giving municipalities the authority to change the composition of their councils, are more straightforward. Unlike section 222, there is no right of appeal to the OMB, however, given By-law No. 2017-23 is dependent on the ward boundary changes under By-law No. 2017-23, it would be appealable to the OMB.

## **CONSULTATIONS**

StrategyCorp  
Chief Administrative Officer  
Director Information & Communication Services  
Director Planning & Building Services

## **FINANCIAL IMPLICATIONS**

The cost of providing notice of the adoption of By-law Nos. 2017-22 and 2017-23 has been included in the 2017 Budget.

In the event the By-laws are appealed to the OMB, legal and consultant costs will be incurred to defend the matter.

## **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

Reviewed by:

Reviewed by:

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

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Shaun Fuerth, B.C.S.  
Director Information & Communication Services

Recommended by:

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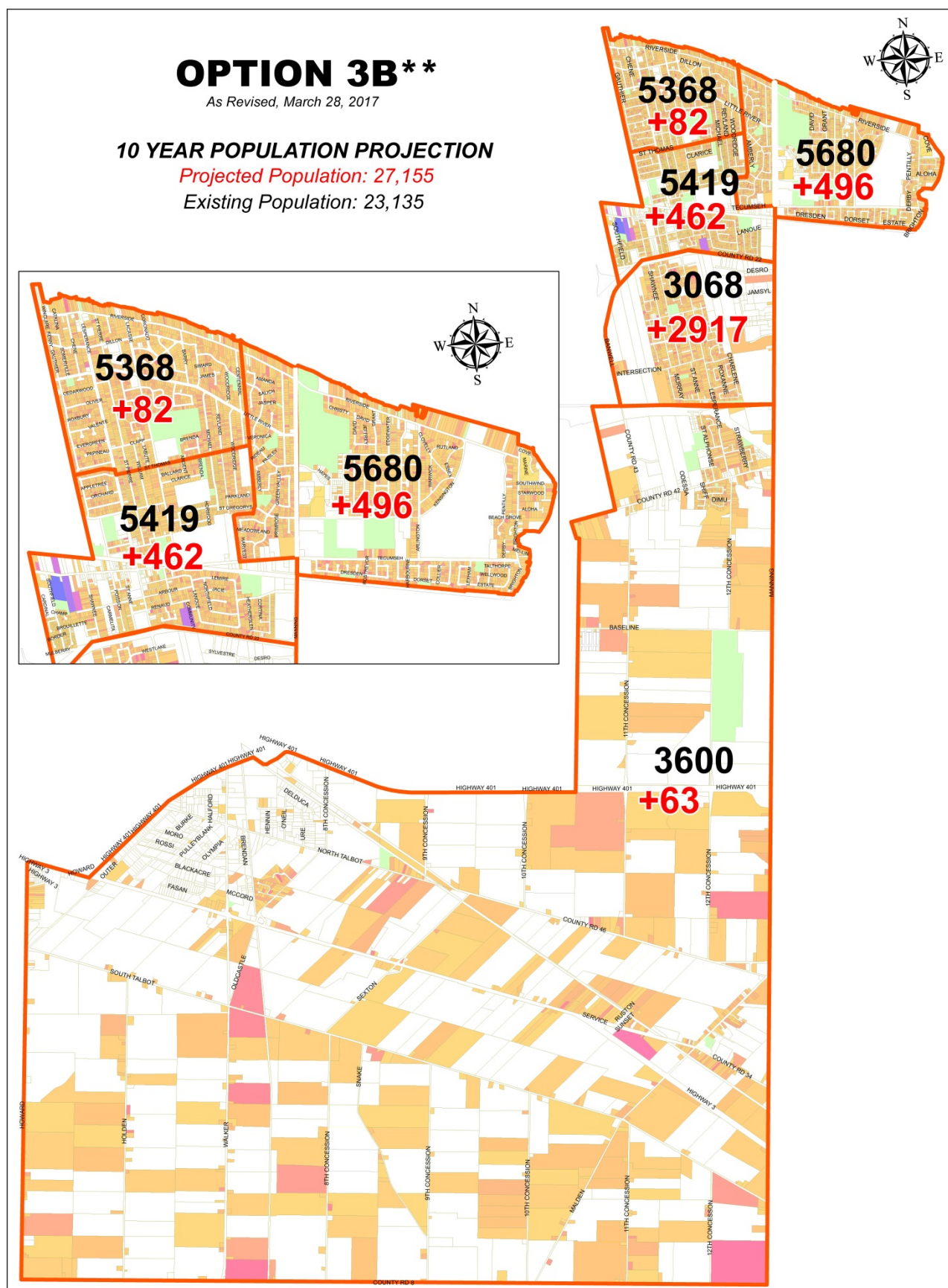
Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachments:

1. Ward Boundary Changes Option 3B, as amended March 28, 2017
2. StrategyCorp, Ward Boundary Review – Supplementary Report, April 5, 2017

LM

## Appendix 1





## THE CORPORATION OF THE TOWN OF TECUMSEH

Financial Services  
Report No. 03/17

**TO:** Mayor and Members of Council

**FROM:** Luc Gagnon, Director Financial Services & Treasurer

**DATE OF REPORT:** April 4, 2017

**DATE TO COUNCIL:** April 11, 2017

**SUBJECT:** Ontario Infrastructure and Lands Corporation (OILC) Borrowing 2017

---

### **RECOMMENDATIONS**

It is recommended that:

1. Borrowing upon 1.86% (estimated) 5 year amortizing debenture in the Principal amount of \$196,800 for the financing of Dumouchelle/Outer Sanitary Sewer construction costs for 2017 be approved.

### **BACKGROUND**

Council passed By-law 2011-103 North Talbot Road Outlet Sewer, Charges and Connection Bylaw which imposed a charge upon property owners benefitting from the provision of sanitary sewers in the North Talbot Road Sanitary Sewer Outlet Area.

Subsequently, Council approved borrowing up to \$4,000,000 from the Ontario Infrastructure and Lands Corporation for the financing of the North Talbot Road Sanitary Sewer Outlet Area construction costs for the period 2012 – 2018. (By-law 2012-17)

Property owners are to be charged an interest rate of cost of borrowing plus 0.75% for five year debentures. For those assessed owners where a five year term would cause undue hardship, the term would be extended to 10 years at an interest rate of cost of borrowing plus 1.25%. (RCM-99/12)

Borrowing to date is \$1,058,100 and \$197,000 for five and ten year debentures respectively for a total of \$1,255,100 of the authorized \$4,000,000.

### **COMMENTS**

Total recovery for the Dumouchelle/Outer works is \$430,565 from twenty (20) property owners. Nine (9) of the property owners have requested debenturing a total of \$196,762 over a five (5) year period. This represents 45.7% of the total recovery.

Administration therefore recommends issuing five year debentures to the OILC in the amount of \$196,800.

### Annual Repayment Limit (ARL)

As part of the original OILC applications, the Treasurer advised Council the impact the borrowing would have on the ARL. The updated calculation of the ARL (see attached) shows that the proposed borrowings do not exceed the Updated Limit and continue to be in line with expectations. The approval of the Ontario Municipal Board under the Ontario Municipal Board Act (Ontario), as amended, is not required.

### OILC Debentures

Through a review of financing options, Administration has determined the best available rates are through OILC. All debentures issued by the Town since 2005 have been with OILC as their rates have proven to be lower than other available sources.

The current estimated five (5) year debenture rate offered by OILC is 1.86%. The actual rate may vary based on market conditions at the time of issuance.

### **CONSULTATIONS**

None

### **FINANCIAL IMPLICATIONS**

The total amount required for the financing of Dumouchelle/Outer Roads Sanitary Sewer Extension construction costs for 2017 is \$196,800.

Net income interest generated over the term of this debt issuance will be used to offset legal and administrative costs. This amount is expected to be \$1,500 for 2017. Total net interest income generated over the term of the five year debentures is estimated at \$4,500.

## **LINK TO STRATEGIC PRIORITIES**

No.	2017-18 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:

---

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

Recommended by:


---

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment(s):     1. Annual Debt Repayment Limit

LG

Attachment 1

<b>THE CORPORATION OF THE TOWN OF TECUMSEH</b>	
<b>Annual Debt Repayment Limit Update Calculation</b>	
<b>(see Ontario Regulation 403/02 Section 4)</b>	
<b>As of September 19, 2016</b>	
	<b>2017</b>
<b>Repayment limit per most recent MMAH calculation 1.0</b>	<b>\$ 5,246,953</b>
<b>Annual amount payable for long-term debt issued since last fiscal year end</b>	
SS NTR debt issued re Brendan/Binder	\$ 14,167
<b>2.0</b>	<b>\$ 14,167</b>
<b>Annual amount payable for long-term debt discharged since last fiscal year end</b>	
<b>3.0</b>	<b>\$ -</b>
<b>Subtotal 4.0 = 1.0 - 2.0 + 3.0</b>	<b>\$ 5,232,786</b>
<b>Annual amount payable for approved projects to be financed by long-term debt but not yet issued</b>	
2013-2018 Part XII Charges North Talbot Road - 5yr	\$ 490,045
2013-2018 Part XII Charges North Talbot Road - 10yr	\$ 85,843
<b>5.0</b>	<b>\$ 575,888</b>
<b>Estimated annual amount of principal &amp; interest to be payable for debt per S 408 (4)</b>	
<b>6.0</b>	<b>\$ -</b>
<b>Any amount recognized by the treasurer as annually payable for financial obligations</b>	
<b>7.0</b>	<b>\$ -</b>
<b>Updated Debt Repayment Limit 8.0 = 4.0 - 5.0 - 6.0 - 7.0</b>	<b>\$ 4,656,898</b>
	
<b>I, Luc Gagnon, Treasurer of the Corporation of the Town of Tecumseh do hereby certify this to be the Annual Debt Repayment Limit Update Calculation as at April 4, 2017</b>	



## THE CORPORATION OF THE TOWN OF TECUMSEH

Parks & Recreation Department  
Report No. 02/17

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

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

**DATE OF REPORT:** February 28, 2017

**DATE TO COUNCIL:** April 11, 2017

**SUBJECT:** Taste of Tecumseh Festival 2017

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### **RECOMMENDATIONS**

It is recommended that:

1. The Optimist Club of St. Clair Beach be authorized to sell and serve alcoholic beverages for consumption by patrons at Lakewood Park from Friday, June 16, 2017 through to and including Saturday, June 17, 2017, subject to compliance with the provisions of the Town's Municipal Alcohol Risk Management Policy 31 for the purposes of hosting the 2017 Taste of Tecumseh Festival; and that
2. The Optimist Club of St. Clair Beach be granted an exemption from the Town's Sign By-law starting May 1, 2017 to permit them to advertise the Taste of Tecumseh Festival in the following areas: BIA Parkette, Tecumseh Recreation Complex & Arena, Lakewood Park, Poisson Parkette, Lacasse Park, Chippewa Park and Green Acres Park, provided that the signs do not impede traffic sight lines; and further that
3. Relief be granted from the Noise By-law No. 2002-07, as amended, in order to permit the Optimist Club of St. Clair Beach to operate loud speakers or sound amplifying equipment during the 2017 Taste of Tecumseh Festival for the purposes of musical entertainment and event announcements on Friday, June 16, 2017 and Saturday, June 17, 2017 from 5:00 p.m. to 1:00 a.m.

### **BACKGROUND**

Since 2015, the Optimist Club of St. Clair Beach [Optimist Club] has hosted an event titled *A Taste of Tecumseh Food and Wine Festival* at Lakewood Park. The event is a licensed event that includes live musical entertainment. The Optimist Club restricts entrance to the event to only those ages 19 and over.

The Taste of Tecumseh Festival is the major fundraising initiative for the Optimist Club. The funds raised at this event are used to support community initiatives such as the annual Victoria Day Fireworks display, the Family Fun Fair event, Free Recreational Skates and Swims, as well as a major contribution towards the Recreational Funding program that assists low-income families with registration fees for sports and recreational programs.

## **COMMENTS**

Administration has met with representatives from the Optimist Club to review its plans for the 2017 Taste of Tecumseh Event. According to the Optimist Club, the event will proceed as follows:

**Wednesday, June 14 and Thursday, June 15, 2017** - Optimist Club will be coordinating volunteers to oversee and conduct the event layout and set-up during which time tents and equipment will be erected, including an entertainment stage and sound system. In addition, various food and beverage vendors will be arriving to set up services for the event operations. Required inspections, including Building, Fire, and Health Unit will be completed prior to the festival's operating hours.

**Friday, June 16 and Saturday, 17, 2017** - The Festival operating hours will be:

Friday, June 16, 2017	5:00 p.m. to 1:00 a.m.
Saturday, June 17, 2017	5:00 p.m. to 1:00 a.m.

**Sunday, June 18 and Monday, 19, 2017** – Optimist Club will be coordinating volunteers to clean up Lakewood Park to restore it to its original condition for public use. The Parks Department will inspect the site the afternoon of Monday, June 19, 2017. If during the inspection the condition of the park is deemed to be unacceptable, Parks Department staff will be scheduled to clean the site and the labour will be invoiced to the Optimist Club.

### **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 Optimist Club to host the Taste Of Tecumseh Festival and has determined that the event is in accordance with the Policy. Therefore, Administration is prepared to execute the Facility Use Agreement accordingly.

### **Special Event Resource Team:**

A meeting with representatives from the Town, Alcohol and Gaming Commission of Ontario [AGCO], Tecumseh OPP and the Optimist Club took place on February 27, 2017 to review opportunities to improve and reduce the risk of the event as it relates to serving alcohol and increase security at the event. The Optimist Club has incorporated the recommendations discussed at the meeting into the event Security Plan and is prepared to implement the plan at the event.

The Special Event Resource Team [SERT] includes representatives from the AGCO, OPP, Fire & Rescue Services, Planning & Building, Parks and Recreation, and Health Unit. Administration circulated the proposed event plans including the Security Plan to the Town's Special Event Resource Team members for review and comment.

SERT has reviewed and accepted the Optimist Club's event plans.

### **Municipal Alcohol Policy:**

According to Policy No. 31, Municipal Alcohol Risk Management Policy:

*Section 3.1: Selling or consumption of alcohol on municipal property is ONLY permitted in conjunction with festivals or events where the organizers must:*

- I. rent a Town facility and adhere to the Facility Rental Agreement*
- II. obtain a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario (AGCO)*
- III. adhere to all terms and conditions in this policy and the Liquor License Act of Ontario and*
- IV. submit an approved Safety Plan*

*Section 3.3: The only Town facilities available for events that include the sale or consumption of alcohol include:*

**Municipal Arena**

*Mezzanine (Room Capacity 75)  
Centre Ice Room (Room Capacity 200)  
Horwood Room (Room Capacity 50)*

**St. Clair Beach Optimist Community Centre**

*A Room (Room Capacity 50)  
B Room (Room Capacity 50)*

**Tecumseh Golden Age Club**

*Auditorium (Room Capacity 148)*

*Note: Tecumseh Town Council may change the designation of any municipal Park, Facility, or Street by resolution at its discretion.*

As part of the 2017 Taste of Tecumseh Festival, the Optimist Club is requesting permission to set up a licensed area within Lakewood Park for the purpose of selling, serving and consuming alcoholic beverages. Town Administration has provided the Optimist Club with a copy of the Municipal Alcohol Risk Management Policy No. 31, as well as information related to obtaining a Special Occasion Permit from the AGCO. The Optimist Club has met with representatives from the AGCO to review opportunities to improve and reduce the risk of the event as it relates to serving alcohol and increase security at the event. The Optimist Club has incorporated the recommendations discussed at the meeting into the event Security Plan and is prepared to implement the plan at the event.

According to the Municipal Alcohol Risk Management Policy, Council may change the designation of any municipal Park Facility, or Street by resolution at its discretion. Administration recommends that subject to compliance with the provisions of the Town's Municipal Alcohol Risk Management Policy, the Optimist Club be authorized to sell, serve and consume alcoholic beverages at Lakewood Park from Friday, June 16, 2017, through to and including Saturday, June 17, 2017.

### **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 festival, the Optimist Club is requesting permission to erect temporary signage in following the areas: BIA Parquette, Tecumseh Recreation Complex & Arena, Lakewood Park, Poisson Paquette, Lacasse Park, Chippewa Park and Green Acres Park.

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 Optimist Club be granted an exemption from the Town's Sign By-law starting May 1, 2016 to allow them to advertise the Taste of Tecumseh Festival provided that the signs do not impede traffic sight lines. The Optimist Club will be required to remove the temporary signs no later than June 20, 2017.

#### **Noise By-Law:**

According to By-law No. 2002-07, a by-law respecting the emission of sounds (Noise By-law):

*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 Optimist Club requires the use of a sound amplifying system for its evening stage entertainment / music and for event announcements. The Optimist Club has indicated it is aware of the surrounding neighbourhood and will make every effort to maintain the sound at an acceptable level. The Optimist Club is requesting a waiver of the Noise By-law in order that they may utilize sound amplifying equipment throughout the event operating hours.

Administration recommends that relief be granted from the Noise By-law No. 2002-07, as amended, in order to permit the Optimist Club to operate loud speakers or sound amplifying equipment during the Taste of Tecumseh Festival during the following time periods: Friday, June 16, 2017 from 5:00 p.m. to 1:00 a.m. and Saturday, June 17, 2017 from 5:00 p.m. to 1:00 a.m.

## **CONSULTATIONS**

Tecumseh OPP  
Tecumseh Fire Chief  
Tecumseh Fire Prevention Officer  
Alcohol and Gaming Commission of Ontario

## **FINANCIAL IMPLICATIONS**

### Park and Equipment Rental Fees:

In accordance with the Fees and Charges Bylaw, the rental fee for the use of Lakewood Park is \$1,750 (Special Event 2 day). Additional fees for site servicing will be applied according to the Fees and Charges Bylaw.

### Tecumseh OPP Resources:

The Optimist Club is responsible for any costs associated for OPP resources. The Tecumseh OPP will invoice the Optimist Club directly.

## **LINK TO STRATEGIC PRIORITIES**

No.	2017-18 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:

---

Kerri Rice  
Manager, Recreation Programs/Events

Reviewed by:

Reviewed by:

---

Paul Anthony, RRFA  
Director Parks & Recreation

---

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

Recommended by:

---

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment(s): 1.

KR



## THE CORPORATION OF THE TOWN OF TECUMSEH

Parks and Recreation Department  
Report No. 03/17

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

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

**DATE OF REPORT:** March 20, 2017

**DATE TO COUNCIL:** April 11, 2017

**SUBJECT:** Optimist Club's Victoria Day Weekend Fireworks 2017

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### **RECOMMENDATIONS**

It is recommended that:

1. The rental fees associated with the use of the Optimist Community Centre and Green Acres Park for the Optimist Club of St. Clair Beach's 2017 Victoria Day Fireworks Display, at a cost of \$191 be waived; and that
2. The fees associated with the fireworks permit as regulated under By-law Number 2013-50, a by-law to regulate the sale and use of fireworks, at a cost of \$50, be waived; and further that
3. The Ontario Provincial Police schedule officers to walk through the park the evening of the fireworks display.

### **BACKGROUND**

This is the 40<sup>th</sup> year that the Optimist Club of St. Clair Beach [Optimist Club] has organized activities during the Victoria Day weekend. This event is free to the community and generates little to no revenue for the Optimist Club. Prior to amalgamation, the former village of St. Clair Beach assisted the Optimist Club with this community event to help minimize costs and the Town of Tecumseh has since continued to assist with the event by waiving permit fees. Events held in prior years have occurred without incident.

The Optimist Club has advised Administration that it plans to host its annual Victoria Day Weekend Fireworks display on Sunday, May 21, 2017 with a rain-date scheduled for Monday, May 22, 2017. The Optimist Club has requested Council's continued support through the waiver of fees associated for the use of the Optimist Community Centre, Green Acres Park pavilion and fireworks permit as well as arranging for the presence of Ontario Provincial Police [OPP] in the park to assist with the expected attendance and associated vehicles the evening of the event.

## **COMMENTS**

### **OUTDOOR SPECIAL EVENTS POLICY:**

Administration has confirmed that the proposed Victoria Day Weekend Fireworks display event is in accordance with the Outdoor Special Events Policy, Policy #85. As such, Facility Use Agreements have been prepared and will be forwarded to the Optimist Club.

### **FIREWORKS BY-LAW:**

According to By-law No. 2013-50, a by-law to regulate the sale and use of fireworks (Fireworks By-law):

- 4. (a) No person shall hold a Fireworks Display without first having obtained a permit approved and signed by the Fire Chief to do so.*
- 4. (b) The Fire Chief may issue a permit for a Fireworks Display to any responsible person provided that such Fireworks Display shall be held at the time and the place set out in the permit and under the direct supervision of the applicant therefor.*
- 4. (c) All Fireworks Displays shall be held at a safe distance from all streets, highways, buildings or other structures, and the person holding such a display shall take every reasonable precaution for the safety of the public and shall provide such firefighting equipment as may be directed by the Fire Chief.*
- 4. (d) A permit issued under this section may be revoked at any time by the Fire Chief in the event of non-compliance with the provision of this By-law.*
- 4. (e) The amount of the fee payable upon application for a permit under this section shall be \$50.00, or such amount as Council may determine from time to time by resolution.*

The Optimist Club has informed Administration that they have again secured the services of K & H Distributing to coordinate and ignite the fireworks display. K & H Distributing will be required to submit a letter to the Fire Department confirming the fireworks display along with applicable insurance documentation. Any persons involved in the discharge and transportation of material for the display must be currently licensed by the Explosive Division, Energy, Mines and Resources Canada and all Regulations set out by that agency must be strictly adhered to.

### **NOISE BY-LAW:**

According to By-law No. 2002-07, a by-law respecting the emission of sounds (Noise By-law):

*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>1. The detonation of fireworks or explosive devices not used in construction</i>	<i>At all times except for the celebrations of Victoria Day, the birthday of the reigning Sovereign, Canada Day (July 1<sup>st</sup>), the American Independence Day (July 4<sup>th</sup>) and New Year's Eve (December 31<sup>st</sup>)</i>		<i>At all times</i>

### **PARK SECURITY:**

In discussions with Tecumseh OPP, two (2) officers and four (4) auxiliary officers are traditionally scheduled to work on the evening of the fireworks to provide security in the park and plan to do so again for 2017. Typically, the event occurs without incident and any minor issues have been responded to immediately by the onsite OPP.

## **CONSULTATIONS**

Tecumseh OPP  
Tecumseh Fire and Rescue Services

## **FINANCIAL IMPLICATIONS**

Traditionally, Council has waived the user fees associated with the community centre and park pavilion rental to assist the Optimist Club with the annual fireworks display event. The cost associated for the use of the community centre and park pavilion is \$191.

According to By-law Number 2013-50, a by-law to regulate the sale and use of fireworks, a \$50 fee payable upon application for a permit is required. Traditionally, Council has waived the permit fee for the fireworks display to assist the Optimist Club with the annual fireworks display.

According to the Tecumseh OPP, two officers and four auxiliary officers will be scheduled to walk through the park the evening of the fireworks display to address any issues or concerns that arise. This attributes to overtime costs, estimated at \$700. Typically, these overtime costs have already been blended into the operating budget.

Total cost including foregone revenues is approximately \$941.

In the event that Tecumseh Fire and Rescue Services determine that their presence is required for the fireworks display, additional costs will be incurred. These costs will be invoiced directly by Tecumseh Fire and Rescue to the Optimist Club unless otherwise directed by Town Council.

## **LINK TO STRATEGIC PRIORITIES**

No.	2017-18 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:

---

Kerri Rice  
Manager, Recreation Programs/Events

Reviewed by:

Reviewed by:

---

Paul Anthony, RRFA  
Director Parks & Recreation

---

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

Recommended by:

---

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

Attachment(s): 1.

KR



## THE CORPORATION OF THE TOWN OF TECUMSEH

Planning and Building Services  
Report No. 09/17

**TO:** Mayor and Members of Council

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

**DATE OF REPORT:** April 6, 2017

**DATE TO COUNCIL:** April 11, 2017

**SUBJECT:** Site Plan Control Agreement  
Hasan Bahcheli and Emine Bahcheli  
14306 Tecumseh Road  
OUR FILE: D11 BRI

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### **RECOMMENDATIONS**

It is recommended that:

1. A by-law authorizing the execution of the *Hasan Bahcheli and Emine Bahcheli* site plan control agreement, satisfactory in form to the Town's Solicitor, which allows for the construction of a new 887 square metre (9,550 square foot) commercial plaza, along with associated on and off-site works, on a 0.3 hectare (0.8 acre) parcel of land, located on the north-east corner of the Tecumseh Road/Brighton Road intersection (14306 Tecumseh Road), be adopted, subject to the completion of the following prior to the Town's execution of the Agreement:
  - i) The Owner executing the site plan control agreement;
  - ii) The Owner posting security for performance pursuant to paragraph 6.1 of the agreement; and
  - iii) The requisite stormwater management report being approved by the Town and the Essex Region Conservation Authority;
2. The Mayor and Clerk be authorized to execute the site plan agreement, as attached hereto and/or in such modified version as may be approved by the Town's solicitor prior to execution and such further documents as are called for by the site plan agreement approved above including, but not limited to, the execution of the acknowledgement/direction required to register the site plan agreement on title to the lands and such other acknowledgement/directions for any related transfers or real property registrations contemplated by the site plan agreement;
3. The giving of notice of intent to pass a by-law to remove the Holding (H) symbol in accordance with the provisions of the Planning Act for the subject lands to change the zoning from "Holding General Commercial Zone (H) C1-7" to "General Commercial Zone (C1-7)" upon execution of the site plan control agreement by the Owner, be authorized.

## **BACKGROUND**

In 2008, Council adopted an Official Plan amendment that redesignated the subject property from a “Residential” and “Commercial” designation to a “Commercial” land use designation with a site specific policy that required any future building on the property to be oriented towards Brighton and Tecumseh Roads in order to provide for a street-related commercial development that created a more pedestrian-friendly built form. In addition, Council approved a Zoning By-law amendment which rezoned the subject property to “Holding General Commercial Zone (H)C1-7”. The C1-7 zone permits a range of commercial uses such as restaurants, general/professional offices and clinics, while prohibiting drive-through facilities and other auto-related commercial uses. It also establishes lot and yard requirements that would facilitate a development that would conform to the aforementioned Official Plan policies.

The Holding (H) Zone established that only existing uses would be allowed until such time as a site plan control agreement was executed for the redevelopment of the property.

Based on the foregoing, an application for site plan control agreement has been filed by Mr. Hasan Bahcheli (“the Owner”) for the construction of a new 887 square metre (9,550 square foot) commercial plaza, along with associated on and off-site works, on a 0.3 hectare (0.8 acre) parcel of land, located on the north-east corner of the Tecumseh Road/Brighton Road intersection (14306 Tecumseh Road) (see Attachment 1). These lands are subject to site plan control in accordance with Section 41 of the *Planning Act, R.S.O. 1990*. The subject property is currently occupied by a single-unit detached dwelling, fronting onto Brighton Road and a 140 square metre (1,500 square foot) commercial building immediately to the south of the dwelling, fronting onto Tecumseh Road. These structures will be demolished to facilitate the proposed development.

Specifically, the proposed site plan drawing (see Attachment 2) depicts:

1. The aforementioned 887 square metre (9,550 square foot) commercial building at the south-western end of the property in order for the building to be oriented along both the frontages of Brighton Road and Tecumseh Road. Each commercial unit within the building will have entrances opening onto Brighton Road, while the parking lot will be situated to the rear of the building. In addition, an outdoor patio is proposed abutting the building along Tecumseh Road;
2. The associated asphalted 48-vehicle parking area and two access driveways from Brighton Road and Tecumseh Road;
3. Landscaped buffering consisting of fencing and various tree plantings along the northern and eastern lot lines in order to provide enhanced buffering to the residential and commercial uses that abut to the immediate north and east respectively;
4. The north-south asphalt trail will continue to extend along the east side of Brighton Road.

The Owner has also provided an architectural rendering illustrating the proposed commercial development (see Attachment 3).

## **COMMENTS**

### **Zoning**

As noted above, the subject property is zoned “Holding General Commercial Zone (H)C1-7” in the St. Clair Beach Zoning By-law 2065 (see Attachment 4). The C1-7 zone will permit the future uses proposed for the property. Once the “Holding” symbol is removed from the property by way of Council resolution/by-law, the proposed development, as depicted on the site plan, will comply with the C1-7 zoning regulations that will be in effect for the property.

### **Site Plan Design**

The applicant and its consulting team have worked very closely with Town Administration in finalizing the site plan design for this development. The site plan agreement establishes the buildings and works to be constructed on the subject property, including paved parking and access areas, lighting, stormwater management features and landscaping. The location of the driveways are consistent with the traffic impact study that was completed by the former owner in conjunction with the processing of the Official Plan and Zoning By-law amendments, that were ultimately adopted by Council. The proposed commercial development’s design achieves the objectives of the site-specific design policies established in the St. Clair Beach Official Plan and Zoning By-law for this property. Based on the foregoing, the location and layout of the new building, access points, parking areas, internal vehicular routes, landscaping features and site services are of a sound design and supported by Town Administration.

### **Servicing**

The proposed new development will be serviced by municipal water, sanitary and stormwater services. Stormwater is proposed to be managed through on-site stormwater management works that address both quality and quantity. The applicant has been advised that the approval of a Stormwater Management Report by the Town and ERCA will be required prior to the issuance of a building permit to commence construction on the commercial development.

### **Holding (H) Symbol Removal**

As noted above, the previous rezoning process required the execution of a site plan control agreement that met the aforementioned Official Plan policies related to this property. Based on all of the foregoing, it is appropriate to remove the Holding (H) symbol from the subject lands.

### **Summary**

Town Administration has reviewed the proposed development and the associated on-site improvements and does not have any concerns. The draft agreement, as prepared by Mr. Edwin Hooker, Town Solicitor, with the site plan, site service plan and elevations attached thereto as Schedules “B”, “C”, and “D” respectively, has been attached (see Attachment 5). As is the practice of the Town, a 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 execute the aforementioned site plan control agreement and authorize the giving of notice of intent to pass a by-law to remove the Holding (H) symbol in accordance with the provisions of the Planning Act.

### **CONSULTATIONS:**

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

Director, Public Works and Environmental Services  
Manager, Engineering Services

### **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **LINK TO STRATEGIC PRIORITIES**

No.	2017-18 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:

---

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

---

Chad Jeffery, MA, MCIP, RPP  
Manager Planning

Reviewed by:

---

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

Recommended by:

---

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

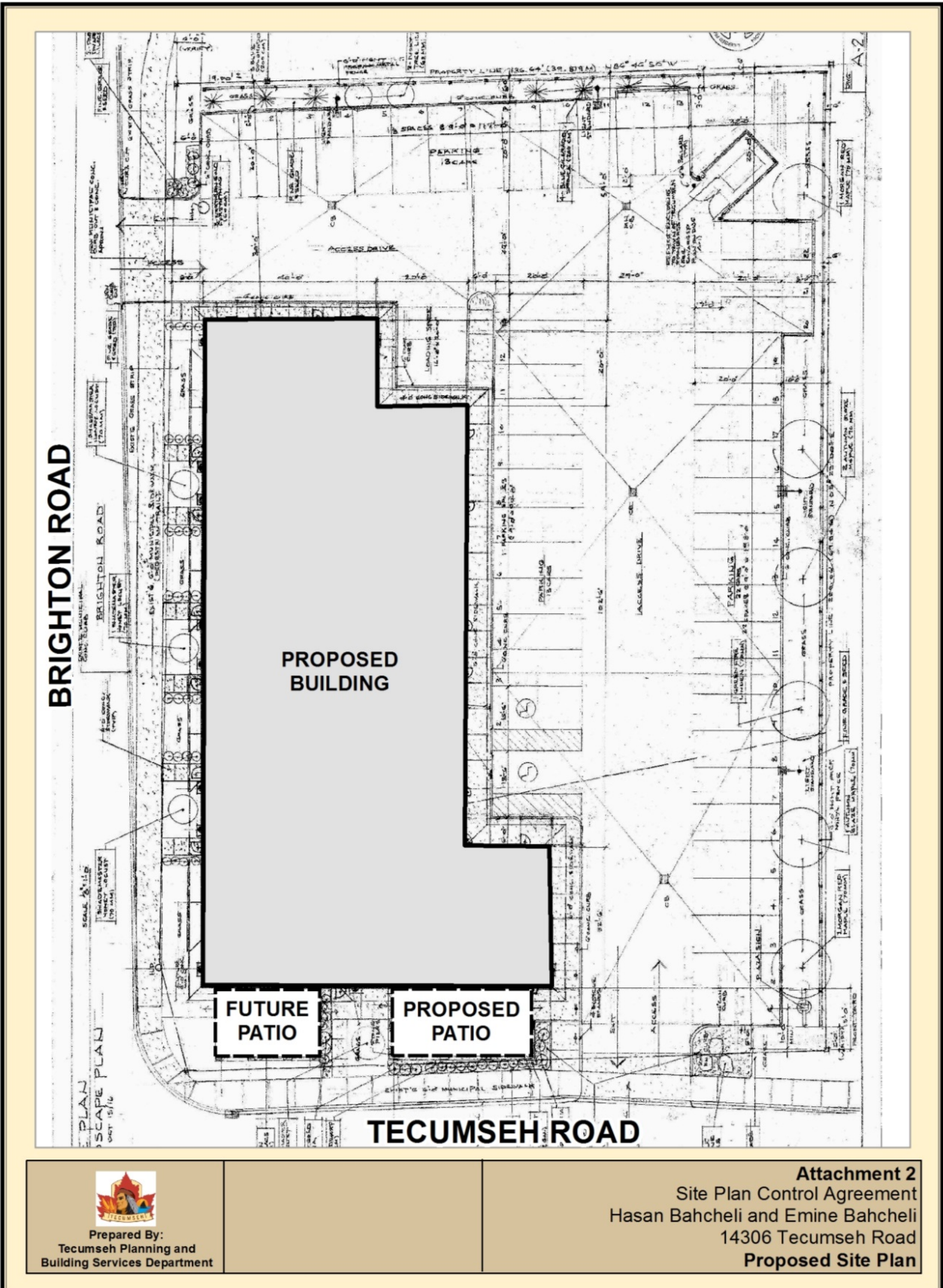
CJ/ed

Attachment(s):

1. Location Map
2. Proposed Site Plan, Detail View
3. Proposed Architectural Rendering
4. Zoning Map
5. Site Plan Control Agreement

File Name (R:\SITE PLAN CONTROL APPLICATIONS\Site Plan Control Reports to Council\Planning Report 09-17 - D11 BRI - 14306 Tecumseh-Brighton Road Commercial Plaza.docx)

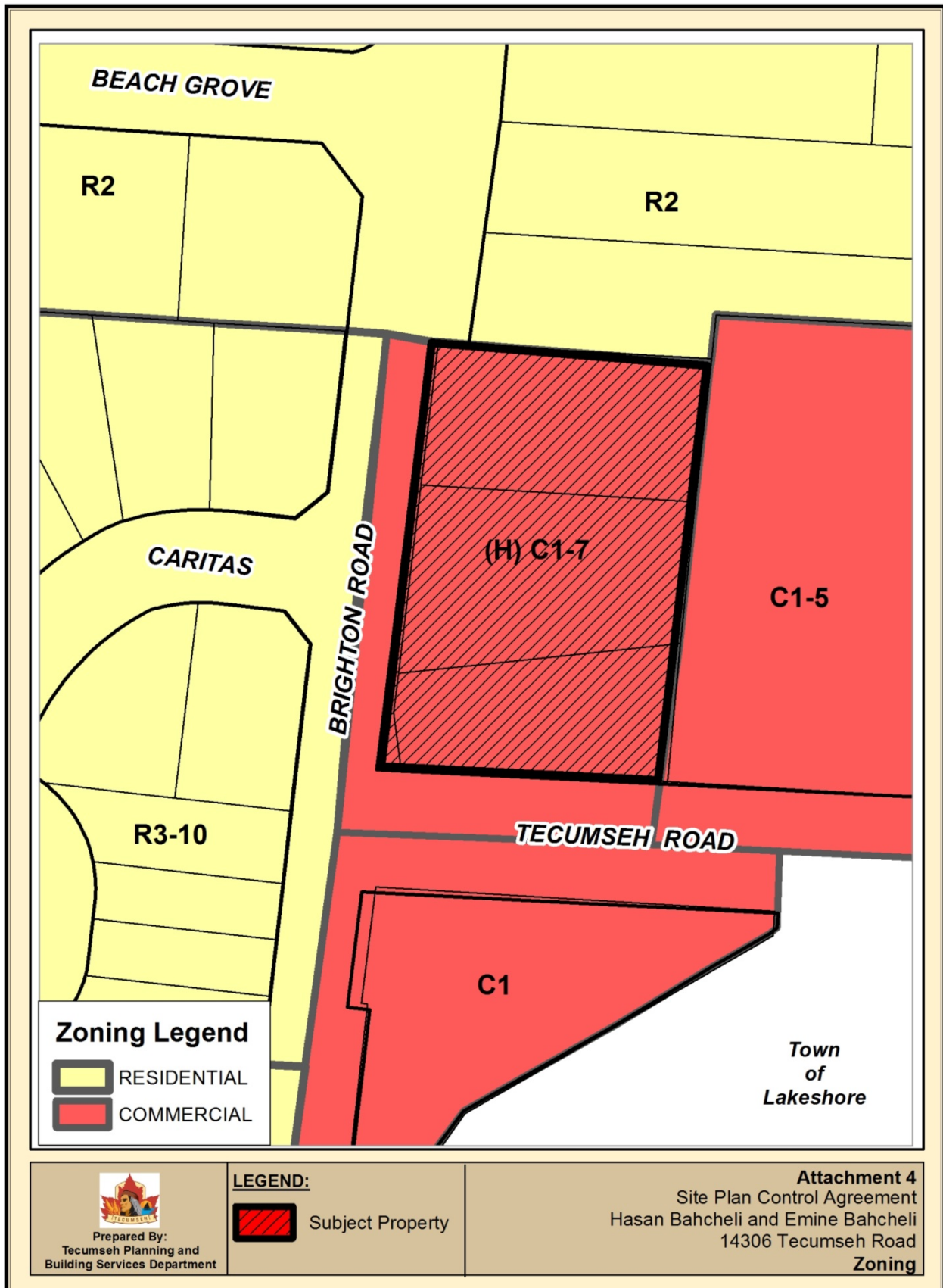




Prepared By:  
 Tecumseh Planning and  
 Building Services Department

**Attachment 2**  
 Site Plan Control Agreement  
 Hasan Bahcheli and Emine Bahcheli  
 14306 Tecumseh Road  
**Proposed Site Plan**





## **SITE PLAN CONTROL AGREEMENT**

Between:

**The Corporation of the Town of Tecumseh**

- and -

**Hasan Bahcheli and Emine Bahcheli**

**PREPARED BY:**

**WOLF HOOKER PROFESSIONAL CORPORATION**

Barristers & Solicitors  
72 Talbot Street North, Suite 100  
Essex, Ontario  
N8M 1A2

## **INDEX TO ARTICLES**

### **RECITALS**

#### **ARTICLE 1 – MUNICIPALITY CONSULTANTS**

- 1.1 – Municipality to Retain

#### **ARTICLE 2 - THE OWNER AGREES**

- 2.1 - Owner Agrees
  - 2.1.1 - Owner to Provide
  - 2.1.2 - Construction and Maintenance
  - 2.1.3 - The Development
  - 2.1.4 - Plans
    - 2.1.4.1 Criteria
    - 2.1.4.2 Preparation of Plans
    - 2.1.4.3 Lot Grading Plan
    - 2.1.4.4 Drainage Plan
    - 2.1.4.5 Reference Plan
    - 2.1.4.6 Elevation Plans
  - 2.1.5 – Engineer
  - 2.1.6 – Services
    - 2.1.6.1 - Stormwater Management
    - 2.1.6.2 – Sanitary Sewers
    - 2.1.6.3 - Water Services
    - 2.1.6.4 - Electrical Services
    - 2.1.6.5 - Underground Telephone and Gas
    - 2.1.6.6 – Notification and Permits
    - 2.1.6.7 - Co-ordination of Services
  - 2.1.7 - Traffic Signs
  - 2.1.8 – Entrances
  - 2.1.9 - Repair
  - 2.1.10 - Dirt and Debris
  - 2.1.11 – Address Sign
  - 2.1.12 – Environmental Laws
  - 2.1.13 – Noise By-Laws
  - 2.1.14 – Local Improvements / Drainage Act
  - 2.1.15 – Parking, Driveways and Loading Areas
  - 2.1.16 - Snow Removal
  - 2.1.17 - External Lighting
  - 2.1.18 – Signs
  - 2.1.19 - Refuse Collection

#### **ARTICLE 3 - TIMING**

- 3.1 – Conditions
  - 3.1.1 - Conditions Precedent
  - 3.1.2 - Conditions Subsequent
- 3.2 - Buffer Area
- 3.3 - Completion

#### **ARTICLE 4 - PAYMENTS**

- 4.1 - Costs
- 4.2 - Development Charges

#### **ARTICLE 5 - CONVEYANCES**

- 5.1 - Easements
- 5.2 - Road Widening

#### **ARTICLE 6 - SECURITY**

- 6.1 - Performance
- 6.2 – Release of Security
- 6.3 - Construction Liens
- 6.4 - Indemnity and Insurance

#### **ARTICLE 7 - DEFAULT**

- 7.1 - Stop Work
- 7.2 - Municipality May Complete

#### **ARTICLE 8 - REGISTRATION AND CONSENTS**

- 8.1 - Registration and Enforcement
- 8.2 - Consent
- 8.3 - Mortgagees

#### **ARTICLE 9 - MISCELLANEOUS**

- 9.1 - Communication
- 9.2 - Time of Essence
- 9.3 - Waiver
- 9.4 - Further Assurances
- 9.5 - Headings
- 9.6 - Successors and Assigns
- 9.7 - Gender
- 9.8 - Severability
- 9.9 - Entire Agreement
- 9.10 - Execution in Counterparts
- 9.11 - Jurisdiction
- 9.12 - Assignment
- 9.13 - True Copy
- 9.14 – Schedules
- 9.15 – Contra Proferentem Rule Not Applicable
- 9.16 – Independent Legal Advice

#### **SCHEDULES**

- Schedule “A” - The Lands
- Schedule “B” - Site Plan
- Schedule “C” – Site Services Plan
- Schedule “D” – Elevation Plan

**SITE PLAN CONTROL AGREEMENT**

**THIS AGREEMENT** made in triplicate this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**B E T W E E N:**

**THE CORPORATION OF THE TOWN OF TECUMSEH,**  
hereinafter called the "**Municipality**" or "**Town**"

**OF THE FIRST PART**

-and-

**HASAN BAHCHELI AND EMINE BAHCHELI**  
hereinafter called the "**Owner**"

**OF THE SECOND PART**

**HEREINAFTER** collectively referred to as the "**Parties**"

***RECITALS***

**WHEREAS** the Owners, own certain lands situated within the corporate limits of the Municipality, said lands being more particularly described in Schedule "A" hereto (the "Lands");

**AND WHEREAS** the Municipality has enacted a by-law designating the Land as a site plan control area, pursuant to Section 41(2) of The Planning Act, R.S.O 1990, c.P.13 and amendments thereto;

**AND WHEREAS** where site plan control is in effect, Section 41 of The Planning Act, R.S.O. 1990, c.P.13 and amendments thereto, states that the approval of plans by Municipal Council is required prior to development of the Lands, and that the Municipality may require the Owners to enter into an Agreement with the Municipality respecting certain prescribed matters;

**AND WHEREAS** as a condition of agreeing to development, the Municipality has requested the Owner enter into a Site Plan Agreement;

**AND WHEREAS** the Owner covenants and agrees to develop the Lands in accordance with this agreement;

**AND WHEREAS** the proposed development of the Lands is in accordance with the Official Zoning Plan and Zoning By-Law of the Municipality as of the date of this Agreement;

**WITNESSETH** that in consideration of these presents, and other good and valuable consideration, the Parties hereto mutually covenant, promise and agree as follows:

**ARTICLE I**  
**MUNICIPALITY CONSULTANTS**

**1.1 MUNICIPALITY TO RETAIN**

In addition to persons in the employ of the Municipality, the Municipality shall retain the following professionals:

- a) a consulting/professional civil engineer registered with the Professional Engineers of Ontario (the "Municipality's Engineer"), for the purpose of reviewing all plans, specifications, engineering documents, contracts, details, elevations and other relevant information as well as the occasional inspection of the construction, repair and maintenance of the Services;
- b) the Municipality's solicitor for the purpose of reviewing all necessary legal matters incidental to the development of the Lands, including, without limiting generality, the preparation of this agreement together with all other documentation required by the Municipality to give effect to this Agreement and/or the development of the Lands;

**ARTICLE 2**  
**THE OWNER AGREES**

**2.1 OWNER AGREES**

The Owners jointly and severally make the following covenants, all of which shall be carried out at the Owner's expense:

**2.1.1 Owner to Provide**

The following facilities, works or matters shall be provided by the Owner to the satisfaction of and at no expense to the Municipality: all buildings, landscaping, fencing, parking, storage and access areas, lighting, walkways, garbage disposal facilities, grading and provision for storm, surface and waste water in accordance with the attached site plan set out in Schedule "B" (the Site Plan) and Schedule "C" (the Site Services Plan) in accordance with all the applicable provisions of the Municipality's By-Laws;

**2.1.2 Construction and Maintenance**

The Owners agree that the development of the Lands shall be constructed and forever maintained in accordance with the Site Plan and Site Services Plan;

**2.1.3 The Development**

The owners shall construct, install and provide the facilities and works required in and for the development at its own expense and in accordance with the Site Plan and other provisions of the Agreement.

**2.1.4 Plans**

**2.1.4.1 Criteria**

All plans, construction, installation, facilities and works shall be completed in accordance with:

- a) Sound engineering practice;
- b) The criteria laid down by governmental authorities having jurisdiction including, without limiting the generality of the foregoing, the Municipality, the Corporation of the County of Essex, the Essex Power Corporation or Ontario Hydro Corporation (whichever is the applicable hydro authority), the Ministry of the Environment and Energy, the Ministry of

- Transportation and the Essex Region Conservation Authority (ERCA);
- c) Such criteria as approved by Council of the Municipality.

#### 2.1.4.2 Preparation of Plans

The Owner shall, at its own expense and prior to issuance of a building permit:

- a) prepare the Site Plan delineating the Owner's plans for the development of the Lands, which site plan shall be subject to the approval of the Municipality. It is hereby acknowledged that the Site Plan and Site Services Plan required to fulfil this condition have been prepared and approved, and are attached hereto as Schedule "B" and "C", respectively;
- b) prepare and submit to the Municipality all plans for off-site and on-site Services not detailed or fully described in the Site Plan, which plans shall also be subject to approval of the Municipality; and
- c) provide to the Municipality all requisite copies of the Site Plan and the said plans for Services as may be required by the Municipality.

#### 2.1.4.3 Lot Grading Plan

The Owner further agrees, if required by the Municipality's Chief Building Official, and/or ERCA to submit to the satisfaction of the Chief Building Official and/or ERCA, a lot grading plan covering the subject lands for their approval prior to the issuance of any building permits. The Owner also agrees to have the approved elevation as per the lot grading plan verified by an Ontario Land Surveyor at the following stages of construction:

- (a) Prior to the pouring of footings (top of forms elevation); and
- (b) Following completion of construction;

Where the finished grade of lot deviates from the original lot grading plan presented to and accepted by the Municipality's Chief Building Official and/or ERCA, the Owner shall either submit a new lot grading plan to the satisfaction of the Municipality's Chief Building Official and/or ERCA or regrade the lands to the elevations indicated on the original lot grading plan.

#### 2.1.4.4 Drainage Plan

The Owner shall provide for grading and drainage of the subject lands all in accordance with a Drainage Plan and the Engineering Data. Drainage facilities and requirements shall be constructed and installed contemporaneously with the construction of the development. The Owner shall supply, construct or install all facilities and works necessary to connect the Owner's drainage system to the Municipality's storm sewer system, and shall pay to the Municipality any connection charges associated therewith.

#### 2.1.4.5 Reference Plan

The Owner, at the Owner's expense, shall engage a registered Ontario Land Surveyor to prepare, submit and register a Reference Plan, which must delineate the all of the Lands. The Owner, at the Owner's expense, shall initially provide Two (2) copies and (1) diskette of the Plan. All files are to be projected to North American Datum (NAD 83) UTM Zone 17 Geographic Coordinate System. The Owner at the Owner's expense shall provide additional copies of the subdivision plan in the required format upon the request of the Town. Any additional Reference Plans required to describe any portion of the Lands for which an interest (in fee simple or otherwise) is to be conveyed by the Owner shall be prepared, registered and copies supplied to the Municipality in the manner indicated above and at the expense of the Owner.

#### 2.1.4.6 Elevation Plans

The owner shall construct the building in accordance with the elevation plans annexed hereto and marked Schedule "D". The owner further agrees to maintain the building for so long as it exists in accordance with said plans.

#### 2.1.5 Engineer

The Owner shall employ at its expense a Consulting Engineer to:

- a) Design and submit drawings with respect to all services required (herein "the Engineering Data").
- b) Visit the site as required by the Municipality and inspect all services, etc.
- c) Submit to the Municipality (and all other authority having jurisdiction) "as-built" details and elevations.

#### 2.1.6 Services

##### 2.1.6.1 Stormwater Management

The Owner agrees that stormwater management measures shall be applicable to the development of the Lands, in a manner which is in accordance with the provisions of The Drainage Act, R.S.O. 1990, c.D.17 and amendments thereto, and to the satisfaction of the Municipality's Engineer.

##### 2.1.6.2 Sanitary Sewers

The Owner, at its own expense, shall supply, construct or install all sanitary sewer connections necessary to service the site all in accordance with the Engineering Data. No work shall be carried out until the Engineering Data has been approved by the Town.

##### 2.1.6.3 Water Services

The Owner, at its own expense, shall supply, construct or install all water connections necessary to supply water to the site all in accordance with the Engineering Data. No such work shall be carried out until the Engineering Data has been approved by the Town. Remote registry water meters shall be installed as specified by the Town. All costs of connecting water services to existing services shall be borne by the Owner.

##### 2.1.6.4 Electrical Services

All hydro services shall be underground. The Owner, at its expense, shall supply, construct or install all underground hydro services in the manner, location and design depicted in the Engineering Data but subject to the manner, design and specifications established from time to time by Ontario Hydro and the Essex Power Corporation for such services. All costs of connecting hydro services to existing services shall be borne by the Owner.

##### 2.1.6.5 Underground Telephone and Gas

The Owner shall ensure that all Bell Canada and Union Gas Company installations shall be underground.

##### 2.1.6.6 Notification and Permits

The owner hereby agrees to notify all local, Provincial or Federal authorities having jurisdiction as to its proposed development, and to obtain all necessary permits and/or approvals which may be required from any authority having jurisdiction with respect thereto.

##### 2.1.6.7 Co-ordination of Services

The Owner shall be responsible for co-ordinating the installation of all facilities and works including without limitation the services to be installed by Bell Canada and Union Gas Company. The Municipality will send to the Owner's engineer all plans of installations received from time to time from Bell Canada and Union Gas Company.

#### 2.1.7 Traffic Signs

The Owner shall provide, install and maintain suitable traffic direction and information signs, all in accordance with The Highway Traffic Act of Ontario, R.S.O. 1990, c.H.8 and amendments thereto, and The Public Transportation and Highway Improvement Act, R.S.O. 1990, c.P.50 and amendments thereto, to the satisfaction of the Municipality. The Owner shall provide, install and

maintain suitable traffic direction and information signs painted or otherwise marked on the surface of the parking area and driveway approaches, all to the satisfaction of the Municipality.

#### 2.1.8 Entrances

The Owner hereby agrees to construct and install all entrances, driveways, and curbing to the satisfaction of the Municipality and the County of Essex Road Department if applicable; and further agrees that the same shall be barrier free. The Owner shall maintain all entrances and driveways on the Lands to the satisfaction of the Municipality and the County of Essex Road Department if applicable. Any driveway approaches which become redundant following the development of shall be closed and the area restored to the satisfaction of the Municipality.

#### 2.1.9 Repair

The Owner agrees that any Municipal property, including without limiting the generality of the foregoing, curbs, gutters, pavements, sidewalks, or landscaped areas on the public highway, and any property belonging to a third party, which are damaged during construction or otherwise, shall be restored by the Owner at its expense, and to the satisfaction of the Municipality. The Owner shall keep the subject lands in a state of good repair (including the cutting of weeds) and upon written notice from the Municipality shall correct deficiencies in the state of repair within ten (10) days thereof.

#### 2.1.10 Dirt and Debris

The Owner further agrees to keep the public highways adjacent to the subject lands free from dirt and debris caused by the construction of the subject lands, and to provide reasonable dust control for the site and adjacent municipal streets during the course of construction.

#### 2.1.11 Address Sign

The municipal address of the building shall be provided in a prominent location on the site and shall be designed to be easily readable from the adjacent street(s).

#### 2.1.12 Environmental Laws

The Owner shall at all times in connection with the development and the implementation of this agreement comply fully with all environmental laws.

#### 2.1.13 Noise By-Laws

The owner shall at all times insure that the provisions of the noise by-law for the Municipality be strictly adhered to.

#### 2.1.14 Local Improvements / Drainage Act

The owner agrees to sign Local Improvement petitions for, and agrees not to oppose, any municipal services proposed by the Municipality to be constructed pursuant to:

- a) the provisions of the Municipal Act S.O., 2001, c.25, including but not limited to Ontario Regulation 119/03, or
- b) the Drainage Act of Ontario R.S.O. 1990 c.D.17 and amendments thereto, which shall directly or indirectly benefit the lands.

#### 2.1.15 Parking, Driveways and Loading Areas

The Owner at its own expense shall provide parking driveways and loading areas in accordance with the Site Plan and/or the Site Services Plan. All such areas shall be paved with asphalt or concrete. All handicapped parking areas shall be identified with signage and logos to the satisfaction of the Municipality and identified as such using the then-current form available from the Office of the Clerk of the Municipality.

#### 2.1.16 Snow Removal

The Owner, and not the Municipality, shall be responsible for keeping the parking and access areas free and clear of all snow and ice regardless of who owns those improvements or the lands upon which they are situate. No snow or ice from the subject lands shall be deposited on any municipal streets.

#### 2.1.17 External Lighting

The Owner shall erect exterior lighting on the subject lands as depicted in the Site Plan and/or the Site Services Plan all in accordance with the Engineering Data. The Owner shall not erect any exterior lighting on the subject lands, other than that provided for in the Engineering Data or depicted in the Site Plan, unless the consent therefor is first had and obtained from the Municipality. The Owner further agrees that all lighting of the said lands shall be oriented and its intensity so controlled as to prevent glare on adjacent roadways and residential properties.

Should the Municipality, in its sole discretion determine that the lighting of the said lands has an adverse impact on the adjacent roadways or residential properties, then the Owner shall take all necessary measures to correct the adverse impact to the satisfaction of the Municipality. Measures to reduce the impact may include but shall not be limited to, the relocation of the lighting fixtures, the shielding of the lighting fixtures, the replacement of the lighting fixtures, replacing the lamps with lamps of lower intensity, reducing the time period when the lighting is activated or the removal of the lighting fixture.

#### 2.1.18 Signs

The Owner shall not erect any signs on the subject lands other than signs which are allowed by this Agreement, as shown on Schedule "B" and/or Schedule "C", and are consistent with the Town's Sign Bylaw or which are otherwise required by applicable law.

#### 2.1.19 Refuse Collection

The Owner agrees to provide on-site facilities for refuse collection. Such facilities shall be screened from view in accordance with the requirements of the Municipality. The Owner, and not the Municipality, shall be responsible for the removal of any garbage, refuse or other wastes from the waste storage facility.

### **ARTICLE 3 TIMING**

#### **3.1 CONDITIONS**

##### 3.1.1 Conditions Precedent

It is a condition precedent to the coming into force of this Agreement that the Owner complete the following simultaneously with the execution of this Agreement:

- a) Security for performance is posted pursuant to Paragraph 6.1;
- b) Construction lien deposit pursuant to Paragraph 6.3;

##### 3.1.2 Conditions Subsequent

It is a condition subsequent of this Agreement that the Owner complete the following as soon as is reasonably possible subsequent to the execution of this Agreement failing which, the Town may at its option elect to terminate this Agreement:

- a) Workers' Compensation Board Clearance Certificate issued if required;
- b) Proof of Insurance is provided pursuant to Paragraph 6.4 if required;
- c) Due registration against the title of the land of this Agreement;
- d) Postponement to this Agreement by all encumbrances;
- e) Receipt of the opinion of the Owner's lawyer confirming 3.1.2(c) and 3.1(d) if required by the Town;

### **3.2 BUFFER AREA**

The Owner agrees to landscape all of the buffer and/or planting areas shown on the Site Plan and/or the Site Services Plan annexed hereto and marked Schedule "B" and "C" within SIX (6) months of commencement of construction as determined by the Chief Building Official.

### **3.3 COMPLETION**

The Owners agree to fulfil all of the covenants set out herein to the satisfaction of the Municipality within ONE (1) year of the date of execution of this Agreement.

## ***ARTICLE 4 PAYMENTS***

### **4.1 COSTS**

The Owner shall reimburse the Municipality for all the Municipality costs with respect to the development, including without limiting the generality of the foregoing, the fees and disbursements of its Engineer, and Solicitor. The Municipality shall deliver invoices to the owner in a timely fashion payment for which shall be due immediately.

### **4.2 DEVELOPMENT CHARGES**

The Owner agrees to pay development charges with respect to the development in accordance with the Municipality's Development Charges By-Law.

## ***ARTICLE 5 CONVEYANCES***

### **5.1 EASEMENTS**

The Owner shall convey or dedicate to the Municipality upon demand and without cost and free of encumbrance the easements provided for in the Engineering Data and Site Plan, in, through, over and under the subject lands as required for drainage purposes, sewers, hydro, gas, watermain, telephones etc. If the Municipality determines that additional easements are required, the Owner shall also convey or dedicate such additional easements upon demand and without cost and free of encumbrance.

### **5.2 ROAD WIDENING**

The Owner shall convey or dedicate to the Municipality upon demand and without cost and free of

encumbrance the lands shown on the Site Plan for road widening. If the Municipality determines that additional lands are required for road widening, the Owner shall also convey or dedicate such additional lands for road widening upon demand and without cost and free of encumbrance.

## **ARTICLE 6 SECURITY**

### **6.1 PERFORMANCE**

The Owner agrees, so as to assure the performance by the Owner of each of the terms and conditions of this Agreement during the development of the Lands, that the Owners shall, upon execution of this Agreement, forthwith deposit with the Municipality security in an amount which is equal to \$ 10,000.00 plus an amount equal to the value of the road work, if any, to be completed within any municipal road allowance (as calculated by the Owner's Engineer and approved by the Municipality). For greater certainty, the amount of said security shall be subject to approval by the Municipality's Clerk and Solicitor.

Said security shall be either by way of

- a) cash, or
- b) a Standby Letter of Credit pursuant to UCP500 only, issued by a chartered bank of Canada in form satisfactory to the Municipality's Clerk and Solicitor. (not a Letter of Guarantee or Bond)

Provided that in no event shall the Municipality be required to pay interest on this security.

### **6.2 RELEASE OF SECURITY**

The Municipality agrees to return the said security to the Owner upon the completion and final approval of the works specified in this Agreement which approval is at the Municipality's sole discretion.

### **6.3 CONSTRUCTION LIENS**

In as much as the Owner is obligated at the Owner's entire expense and not at the expense of the Municipality, to make improvements to the municipal infrastructure, the Owner shall deposit with the Municipality, in order to satisfy the requirements of Section 17(4) of the Construction Lien Act, R.S.O. 1990, c.C.30 and amendments thereto, cash or a letter of credit in form satisfactory to the Municipality and its Solicitor and in an amount of the holdbacks (under Part IV of the Construction Lien Act, R.S.O. 1990, c.C.30 and amendments thereto) that would have been required were the improvements made at the expense of the Municipality. The Owner may, at its option, obtain a single letter of credit with respect to its responsibilities pursuant to Paragraph 6.1 of this Article, provided that the Municipality and its solicitor is satisfied that the Municipality's security under each paragraph, if read separately, would not be compromised by the Letter of Credit proposed by the Owner.

Provided that in no event shall the Municipality be required to pay interest on this security.

### **6.4 INDEMNITY AND INSURANCE**

The Owner shall indemnify and save harmless the Municipality, and the Essex Power Corporation, from and against all actions, claims, loss, damage and liability connected with the development as contemplated herein arising directly or indirectly out of the negligence or unlawful performance or the non-performance of any obligation of the Owner or any contractors to the Owner under this Agreement. While any of the facilities and works herein have not been approved by the Municipality, the Owner shall maintain in full force and effect a policy of personal liability and property damage insurance in form and amount satisfactory to the Municipality's solicitor wherein the Owner, the Municipality, and the Essex Power Corporation, shall be insured as principals

against such liability to the limits approved. The Owner shall provide the Municipality with a certified copy of such policy prior to the commencement of construction of any of the facilities and works referred to herein.

## **ARTICLE 7 DEFAULT**

### **7.1 STOP WORK**

In the event of any default by the Owner in the performance of any of the terms and conditions of this Agreement, the Municipality at its discretion shall, in addition to other remedies available to the Municipality, be entitled to refuse building permits with respect to the development and/or shall be entitled to refuse building and/or occupancy permits with respect to any buildings, and/or shall be entitled to issue stop work orders with respect to any matters in respect of which a building permit has been issued and/or may refuse to grant to the Owner any permissions, permits, certificates, approvals or authorities of any kind or nature which the Owner would have been entitled to receive had the Owner otherwise complied with the Municipality's requirements in this agreement, and/or shall be entitled to refuse to issue releases, all of which may be done until such time as the default has been cured in a manner satisfactory to the Municipality.

### **7.2 MUNICIPALITY MAY COMPLETE**

The owner acknowledges that this agreement is entered into pursuant to section 41(11) of the Planning Act, R.S.O. 1990 c.P.13 and amendments thereto, and that a bylaw has been passed by the Municipality approving the entering into of this Agreement by the Municipality and incorporating the terms of this Agreement into that bylaw, and further that section 446 of The Municipal Act, S.O. 2001, c.25 and amendments thereto, applies to all requirements of this Agreement. If the Owner neglects to undertake any matter or thing required to be done by this Agreement and such default continues after SEVEN (7) days of the Owner being given written notice by the Municipality of such default, in addition to other remedies available to the Municipality, the Municipality may direct that such matter or thing shall be done at the expense of the Owner, and the Municipality may recover the costs incurred in doing it, by action or by adding such costs to the tax role and collecting them in the same manner as taxes; the Owner hereby authorises the Municipality (including, without limiting the generality of the foregoing, its employees, agents and servants) to enter upon the Lands to do any such matter or thing.

## **ARTICLE 8 REGISTRATION AND CONSENTS**

### **8.1 REGISTRATION AND ENFORCEMENT**

Pursuant to Section 41(10) of the said Planning Act, R.S.O. 1990, c.P.13 and amendments thereto, this Agreement may be registered against the Lands to which it applies, as a first charge, at the Owner's expense, and the Municipality is entitled to enforce the provisions hereof against the Owners, who shall be jointly and severally liable for the Owners' covenants and obligations outlined herein, and, subject to the provisions of The Registry Act, R.S.O. 1990, c.R.20 and amendments thereto, and the Land Titles Act, R.S.O. 1990, c.L.5 and amendments thereto, against any and all subsequent owners of the Lands.

### **8.2 CONSENT**

The Owners hereby consent to the registration of this Agreement on the title of the Lands, said registration (as well as the preparation of this Agreement) to be at the Owners' expense.

**8.3 MORTGAGEES**

The owners agree to obtain a postponement of any mortgages or other encumbrances which may affect the Lands.

**ARTICLE 9  
MISCELLANEOUS**

**9.1 COMMUNICATION**

Subject to the express provisions of this Agreement, all communications provided for or permitted hereunder shall be in writing, personally delivered to an officer of the addressee or sent by registered and receipted mail, charges prepaid, or by facsimile transmission or other means of recorded telecommunication, charges prepaid, to the applicable address set forth below or to such other address as either party hereto may from time to time designate to the other in such manner.

Communications sent to the Municipality shall be addressed to:  
917 Lesperance Road, Tecumseh, Ontario N8N 1W9

Communications sent to the Owner shall be addressed to:  
296 Russell Woods Dr., Tecumseh, ON N8N 4K5

Any communication so personally delivered shall be deemed to have been validly and effectively given on the date of such delivery. Communications so sent by registered and receipted mail shall be deemed to have been validly and effectively given on the Business Day next following the day on which it is received, as evidenced by the postal receipt. Communications so sent by facsimile transmission or other means of recorded telecommunication shall be deemed to have been validly and effectively given on the Business Day next following the day on which it is sent. Any party may from time to time change his or its address for service on written notice to the others.

“**Business Day**” means any day, other than a Saturday, Sunday or any other day on which the principal chartered banks located in the Town are not open for business during normal banking hours

**9.2 TIME OF ESSENCE**

Time shall be of the essence of this Agreement and of every part thereof.

**9.3 WAIVER**

No waiver by any part of a breach of any of the covenants, conditions and provisions herein contained shall be effective or binding upon such party unless the same shall be expressed in writing and any waiver so expressed shall not limit or affect such party's rights with respect to any other future breach.

**9.4 FURTHER ASSURANCES**

Each of the Parties covenants and agrees that he, his heirs, executors, administrators and assigns will sign such further agreements, assurances, waivers and documents, attend such meetings, enact such by-laws or pass such resolutions and exercise such votes and influence, do and perform or cause to be done and performed such further and other acts and things as may be necessary or desirable from time to time in order to give full effect to this Agreement and every part thereof.

**9.5 HEADINGS**

The headings of the Articles of this Agreement are inserted for convenience only and do not

constitute part of this Agreement.

#### **9.6 SUCCESSORS AND ASSIGNS**

The covenants hereunder shall run with the land and this Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns.

#### **9.7 GENDER**

All words and personal pronouns relating thereto shall be read and construed as the number and gender of the party or parties referred to in each case require and the verb shall be construed as agreeing with the required word and pronoun.

#### **9.8 SEVERABILITY**

If any covenant or provision contained herein is determined to be in whole or in part, invalid or unenforceable by reason of any rule of law or public policy, such invalidity or unenforceability shall not affect the validity or enforceability of any other covenant or provision contained herein and, in the case of partial invalidity or unenforceability of a covenant or provision, such partial invalidity or unenforceability shall not affect the validity or enforceability of the remainder of such covenant or provision, and such invalid or unenforceable covenant or provision or portion thereof, as the case may be, shall be severable from the remainder of this Agreement.

#### **9.9 ENTIRE AGREEMENT**

This Agreement expresses the final agreement among the parties hereto with respect to all matters herein and no representations, inducements, promises or agreements or otherwise among the parties not embodied herein shall be of any force and effect. This Agreement shall not be altered, amended or qualified except by a memorandum in writing, signed by all the parties hereto, and any alteration, amendment or qualification thereof shall be null and void and shall not be binding upon any such party unless made and recorded as aforesaid.

#### **9.10 EXECUTION IN COUNTERPARTS**

This Agreement may be executed in one or more counterparts, each of which when so executed shall be deemed to be an original and all of which together shall constitute one and the same instrument.

#### **9.11 JURISDICTION**

This Agreement and all other agreements, security and documents to be delivered in connection with this agreement shall be governed by and construed in accordance with the applicable laws of the Province of Ontario and of Canada.

#### **9.12 ASSIGNMENT**

Subject to the terms of this agreement, this agreement is not assignable by the owner prior to completion of the works without the consent of the Municipality.

#### **9.13 TRUE COPY**

All of the parties hereto acknowledge having received a true copy of this document.

#### **9.14 SCHEDULES**

Those Schedules marked as Schedules “B” and “C” have been signed by the parties and are on file with the Municipality. A reduced copy of those schedules are annexed hereto. A reduced copy of those schedules are annexed hereto which copy may be removed prior to registration on title should the Land Registry Office so determine or require.

**9.15    CONTRA PROFERENTEM RULE NOT APPLICABLE**

It is agreed and acknowledged that both parties, directly or through their agents, principals, representatives and/or solicitors, have participated in the preparation and/or negotiation of the provisions of this agreement.

Should any provision of this agreement require judicial interpretation, mediation or arbitration, it is agreed that the court, mediator or arbitrator interpreting or construing the same shall not apply a presumption that the terms thereof shall be more strictly construed against one party or so as to disadvantage any party on the basis that such party and/or its solicitor or agent:

- a.    *Prepared this agreement or any part of it; or*
- b.    *Seeks to rely on this agreement or any part of it."*

**9.16    INDEPENDENT LEGAL ADVICE**

To the extent that the solicitors of Wolf Hooker Professional Corporation has been involved in the preparation of this agreement, such solicitors act solely as solicitors for the Town and with regard to the interests of the Town and not for any other party to this agreement. It is strongly recommended that all other parties to this agreement obtain independent legal advice prior to signing this agreement. Each such party acknowledges:

- 1)    having obtained independent legal advice from his, her, or its’ own solicitor with respect to the terms of this Agreement prior to its execution or having otherwise been given a reasonable opportunity to obtain such advice and declined to so;
- 2)    that he *or* she *or* it understands the terms, and his *or* her rights and obligations, under this Agreement.

**IN WITNESS WHEREOF** the Parties hereto have hereunto set their hands and seals.

<b>SIGNED, SEALED AND DELIVERED</b>	}	
in the presence of	}	<b>THE CORPROATION OF THE TOWN</b>
	}	<b>OF TECUMSEH</b>
	}	
	}	Per:_____
	}	Gary McNamara – MAYOR
	}	
	}	_____
	}	Laura Moy - CLERK
	}	
	}	_____
	}	Hasan Bahcheli
	}	
	}	_____
	}	Emine Bahcheli

**SCHEDULE "A"**

**THE LANDS**

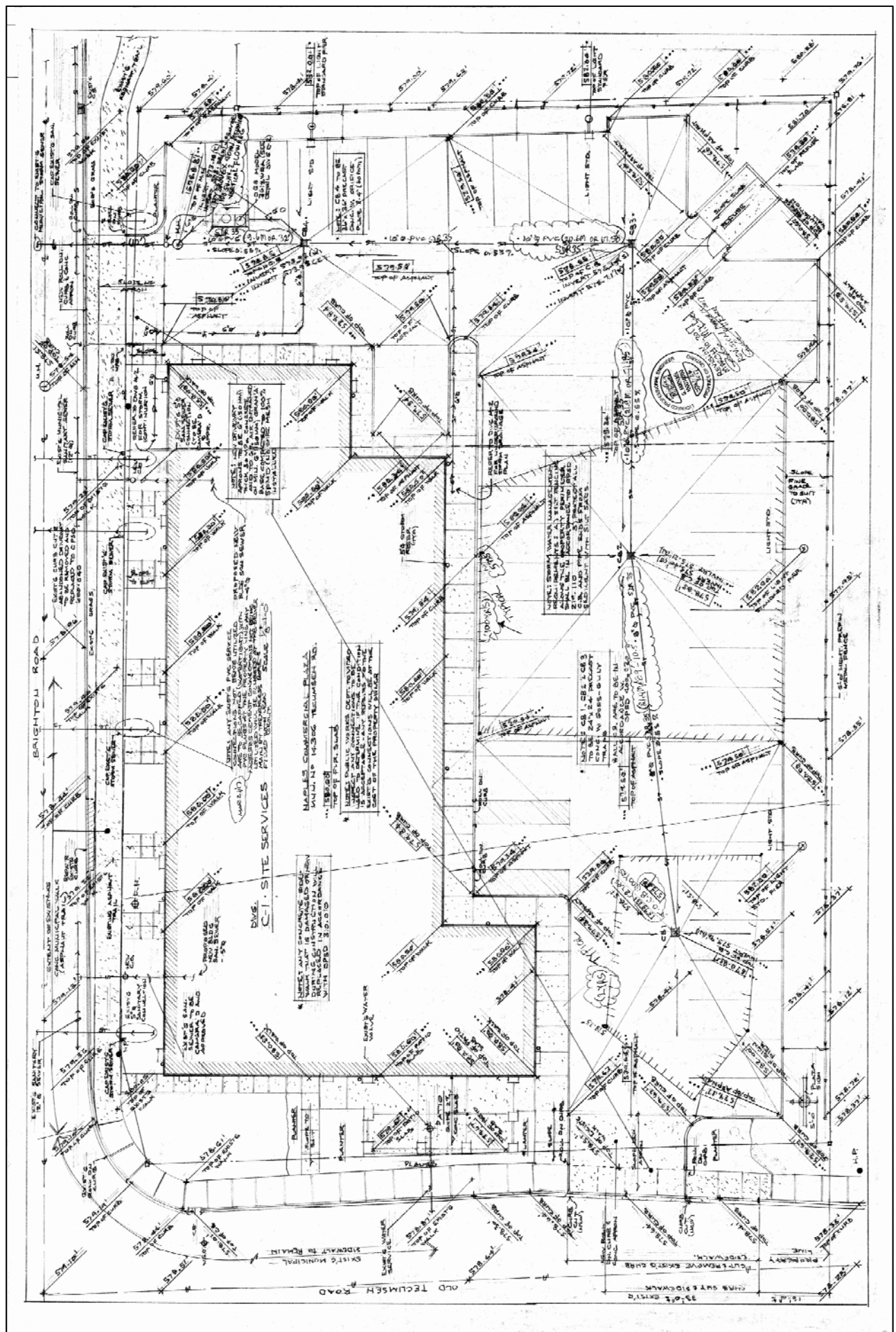
Property:	414-424 Brighton Rd., Tecumseh, ON
Legal Description:	Pt. Lt. 1 Con. West of River Peche Maidstone (St. Clair Beach) as in R168665 & R468666; save & except Pt. 4 12R-23224; Tecumseh
PIN:	75000-0555
Property:	14306 Tecumseh Rd. East, Tecumseh, ON
Legal Description:	Pt. Lt. 1 Con. West of River Peche designated as Pt. 1 Plan 12R-8653 save and except Pt. 5 12R-23224; Tecumseh
PIN:	75000-0057

## SITE PLAN



SCHEDULE "C"

SITE SERVICES PLAN



## ELEVATIONS (PAGE 1 OF 2)







## THE CORPORATION OF THE TOWN OF TECUMSEH

Planning and Building Services  
Report No. 10/17

**TO:** Mayor and Members of Council

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

**DATE OF REPORT:** April 4, 2017

**DATE TO COUNCIL:** April 11, 2017

**SUBJECT:** Supply of New Transit Bus Request for Quotation

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### **RECOMMENDATIONS:**

That the quotation for the Supply of a Transit Bus, as follows, be accepted:

Vehicle	2017 Champion LF Transport Ford E450 Chassis V-10 6.8L Gas Cutaway Style Low Floor Accessible Community Transit Bus
Supplier	Crestline Coach Ltd
Price	\$184,146.00 plus HST.

### **BACKGROUND:**

In January of 2016, Council approved Public Works & Environmental Services Report No. 03/16 which recommended that Council authorize Administration to obtain quotations for a number of vehicles including a new bus for the Tecumseh Transit service. The estimated price at that time for a new bus to replace one of the two existing transit buses was \$100,000.

Subsequent to the approval of this report, in March of 2016, the Federal Government announced the Public Transit Infrastructure Fund (PTIF). The purpose of this funding is to impact transit ridership and improve the customer experience through:

- Improved mobility/accessibility;
- Improved customer safety/security;
- Improved service reliability; and
- Introduction of new technologies.

The Town's allocation of this funding was \$94,854, to be used to provide up to 50% of the total cost of eligible projects incurred from April 1, 2016 to March 31, 2018. Accordingly, by way of Planning and Building Services Report 30/16, Administration identified the purchase of a new Cutaway Style Low Floor Accessible transit bus as the most beneficial project for the Tecumseh Transit Service (TTS). This type of bus has a kneeling function that allows for ease and efficiency of boarding thereby meeting the aforementioned criteria. It was estimated at that time that this type of bus would cost between \$160,000 to \$180,000.

Council authorized Administration to make application for PTIF funding and on February 23, 2017, the Town received confirmation from the Ministry of Transportation (MTO) that the full \$94,854 would be made available for the purchase of a low floor accessible transit bus.

Prior to receiving this confirmation of funding, Administration issued a "Request for Quotation – Supply and Delivery of One Cutaway Style Low Floor Accessible Community Transit Bus – November 21, 2016". The RFQ was sent to a total of 18 bus supply companies and advertised on the Town's website.

At the closing of the RFQ on December 15, 2016 at 2:00 p.m., the Town had received three submissions. The quotations were opened publicly in Council Chambers and in the presence of Administration. Following is a summary of the quotations received:

Company	Year	Body Make	Chasis	Delivery Date	Price (Net of HST)	5% Canadian Content Reduction
Overland Custom Coach	2017	Glaval Titan II LF	GMC 4500	22-30 weeks from receipt of chassis	\$169,830	\$169,830
Crestline Coach Ltd	2017	Champion LF Transport	Ford E450	21 weeks	\$184,146	\$174,936
Girardin Ontario Inc.	2016	Girardin	Ford E450	4 weeks	\$89,973	n/a

## **COMMENTS**

The submissions were evaluated by Planning Services, Financial Services, Public Works and Environmental Services and the Town's transit service operator – First Student Canada. The submission from Girardin was dismissed as it did not quote a low floor accessible bus. The other two submissions satisfied the specification requirements of the RFQ.

It should be noted that the MTO, to encourage Canadian content for transit vehicles, establishes that transit entities apply a 5% price preference (for evaluation purposes only) to the price for the submission with the highest percentage of Canadian content. As the submission by Crestline Coach Ltd contained more Canadian content, this 5% preference was applied to its quote. Despite this reduction, the Overland Custom Coach bus remained the lower bid by \$5,106.

A concern, however, was raised with respect to the timing of delivery of the Overland Custom Coach bus which quoted a delivery date of 22-30 weeks from the receipt of chassis. Upon further inquiry, it was determined that the timing of the chassis delivery could not be confirmed but that it would likely be in the range of 10 to 12 weeks. Accordingly, the estimated total timing of delivery for the Overland Custom coach bus ranged from 32 to 42 weeks (approximately seven to nine months) compared against the 21 weeks committed to by Crestline Coach Ltd.

Given that the Town's current transit bus was scheduled to be replaced in 2016 and is beginning to experience more frequent maintenance issues, it was deemed important to receive delivery of the new bus as soon as possible. Accordingly, although the Overland Custom Coach quotation was less than the Crestline Coach Ltd by \$5,106, Administration is

recommending the purchase of the bus quoted by Crestline Coach Ltd. (see Attachment 1 – Bus Floorplan). This consideration is permitted by way of Section 8 of the RFQ wherein it is established that the lowest cost quotation will not necessarily be accepted.

## **CONSULTATIONS**

Director Financial Services & Treasurer  
 Purchasing Officer  
 Manager, Roads & Fleet  
 First Student Canada – Town's Transit Service Provider

## **FINANCIAL IMPLICATIONS:**

Quote excluding HST	\$ 164,521	
AODA compliant announcement system	\$ 19,625	
	\$ 184,146	
Associated ancillary costs	\$ 10,000	
	\$ 194,146	
HST non-rebate (1.76%)	\$ 3,417	
	\$ 197,563	
Approved allocation	\$ 100,000	
PTIF Funding	\$ 94,584	
	\$ 194,584	
Funding Shortfall	\$ (2,979)	

On the basis of this evaluation and the cost being within the approved budget allocation, Administration is recommending that Council accept the quotation by Crestline Coach Ltd of \$184,146 plus HST.

## **LINK TO STRATEGIC PRIORITIES:**

No.	2017-18 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:

Reviewed by:

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

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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

ED  
Attachment(s): 1.

File Name (R:\Planning Reports\2017\Report 10-17 Purchase of TTS Bus.docx)



# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW NUMBER 2017-21

Being a by-law to levy a special charge of the Business Improvement Area and to provide for its collection for the year 2017.

**WHEREAS** Town of Tecumseh By-law No. 2016-12 designated an Improvement Area within the Downtown area of the Town of Tecumseh;

**AND WHEREAS** pursuant to Section 208 (1) and (2) (a) of the *Municipal Act*, 2001 c.25, the municipality shall annually raise the amount required for the purposes of the Board of Management for the Business Improvement Area, and may establish a special charge for the amount to be raised by levy upon rateable property in the improvement area that is in a prescribed business class;

**NOW THEREFORE** the Council of The Corporation of the Town of Tecumseh does hereby enact as follows:

1. **THAT** there shall be levied and collected for the purposes of the Board of Management for the Business Improvement Area a special charge for 2017 upon rateable property in the area that is in a prescribed business property class (see Schedule "A") at the rates as detailed in Schedule "A", in the amount of \$109,000.00.
2. **THAT** the Business Improvement Area levy be included, as a separate charge specifying the amount payable in respect of such property, on the final tax notice for those properties in the prescribed business property class (see Schedule "A").
3. **THAT** the Business Improvement Area levy be collected in the same manner and under the same terms as the General Municipal Levy for 2017.

**READ** a first and second time this 11<sup>th</sup> day of April, 2017.

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

" SEAL "

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

**READ** a third time and finally passed this 11<sup>th</sup> day of April, 2017.

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

" SEAL "

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

Schedule "A" to Bylaw 2017-21

Corporation of the Town of Tecumseh  
2017 Business Improvement Area  
Taxable Assessment and Tax Rates

RTC    RTQ		Description			Returned Assesment For 2017	2017 BIA Rate
C	T	Commercial	Taxable	Full	77,659,101	0.00090034
X	T	Commercial - New	Taxable	Full	13,714,128	0.00090034
C	U	Commercial	Taxable	Excess Land	1,051,225	0.00063024
X	U	Commercial - New	Taxable	Excess Land	-	0.00063024
C	X	Commercial	Taxable	Vacant Land	1,680,250	0.00046763
C	1	Commercial	Taxable	Farmland 1	2,421,250.00	0.00020802
S	T	Shopping Centre	Taxable	Full	17,198,425	0.00090034
Z	T	Shopping Centre - New	Taxable	Full	6,759,100	0.00090034
D	T	Office Building	Taxable	Full	308,243	0.00096854
Y	T	Office Building - New	Taxable	Full	2,930,023	0.00096854
I	T	Industrial	Taxable	Full	-	0.00161631
I	U	Industrial	Taxable	Excess Land	-	0.00105060
S	U	Shopping Centre	Taxable	Excess Land	118,250	0.00063024
Z	U	Shopping Centre - New	Taxable	Excess Land	-	0.00063024
I	X	Industrial	Taxable	Vacant Land	-	0.00105060
I	H	Utilities	Taxable	Full	-	0.00161631
I	K	Utilities	Taxable	Excess Land	-	0.00105060
L	T	Large Industrial	Taxable	Full	-	0.00223504
L	U	Large Industrial	Taxable	Excess Land	-	0.00145277
					<u>123,839,995</u>	

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW NUMBER 2017-22

Being a by-law to provide for the alteration of the Wards and Ward Boundaries for the Town of Tecumseh

**WHEREAS** Section 222 of the *Municipal Act 2001*, c.25, provides that a municipality may divide or re-divide the municipality into wards or dissolve the existing wards;

**AND WHEREAS** the Council for The Corporation of the Town of Tecumseh (Council) retained the service of StrategyCorp Inc. to conduct a review and to consult with the public on the ward system and composition of council;

**AND WHEREAS** Council gave consideration to a *Town of Tecumseh – Ward Boundary and Council Structure Review Report* prepared by StrategyCorp Inc. at a Special Open Meeting of Council held on Tuesday, January 24, 2017;

**AND WHEREAS** Council gave consideration to a Supplementary Report prepared by StrategyCorp Inc. at the Regular Meeting of Council held on Tuesday, March 28, 2017

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the Ward Boundaries as shown on Schedule A, and Schedules A1, A2, A3, A4 and A5 attached hereto are approved;
2. **THAT** pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25, this by-law shall come into force on the day the new council of the Town of Tecumseh is organized following the 2018 municipal election, if:
  - i) No Notices of Appeal are filed,
  - ii) Any Notices of Appeal that may be filed, are all withdrawn before January 1, 2018,
  - ii) Notice of Appeal is filed and the Ontario Municipal Board issues an order to affirm or amend the by-law before January 1, 2018;
3. **THAT** where a by-law comes into place pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25, the 2018 Municipal Election shall be conducted as if this by-law was already in force.

**READ** a first, second, third time and finally passed this 11<sup>th</sup> day of April, 2017.

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Gary McNamara, Mayor

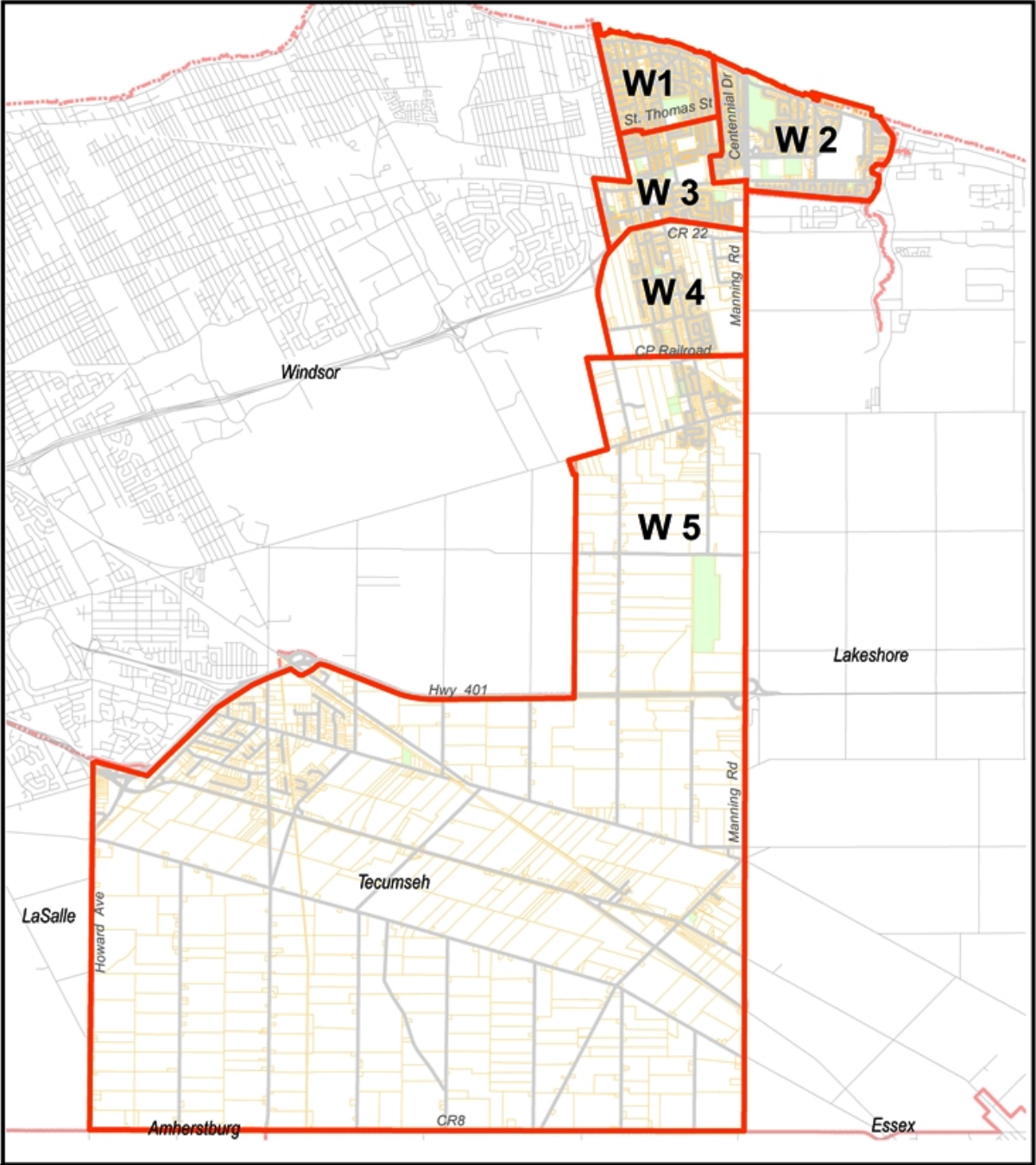
“ SEAL “

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Laura Moy, Clerk

**Schedule A**  
To By-law No. 2017-22

**By-law 2017-22**  
Schedule A

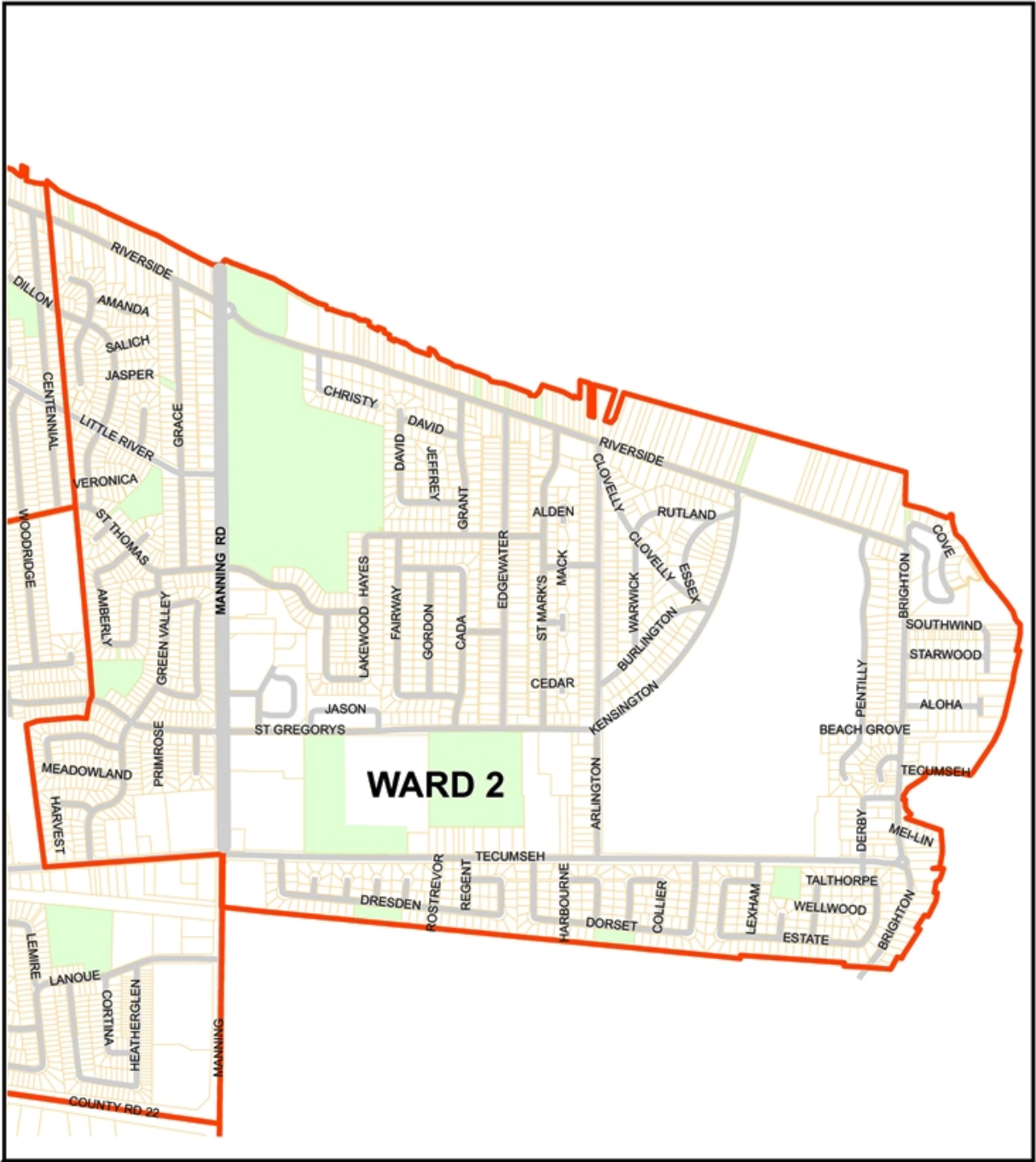


Schedule A1  
To By-law No. 2017-22



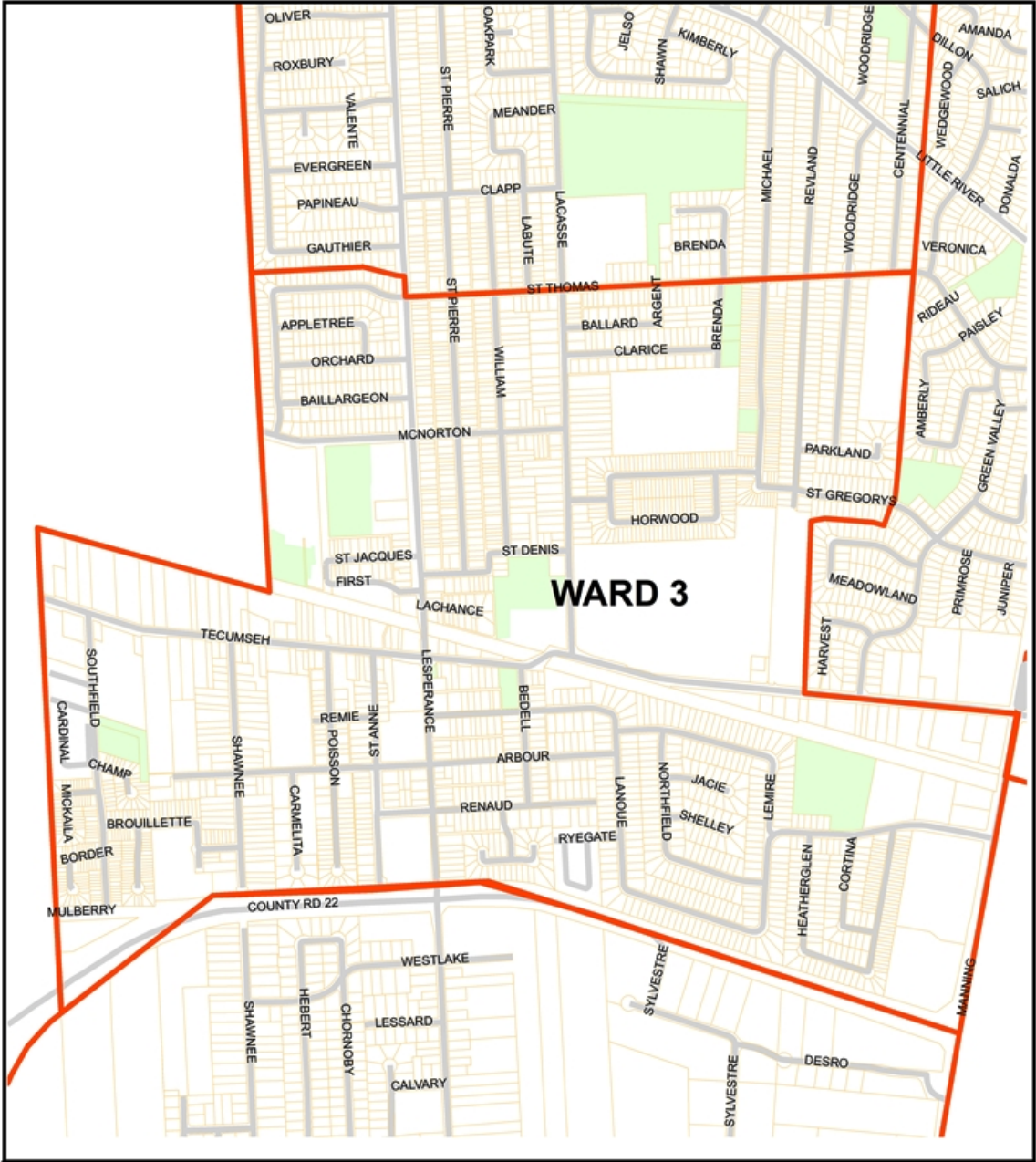
Schedule A2  
To By-law No. 2017-22

By-law 2017-22  
Schedule A.2  
WARD 2



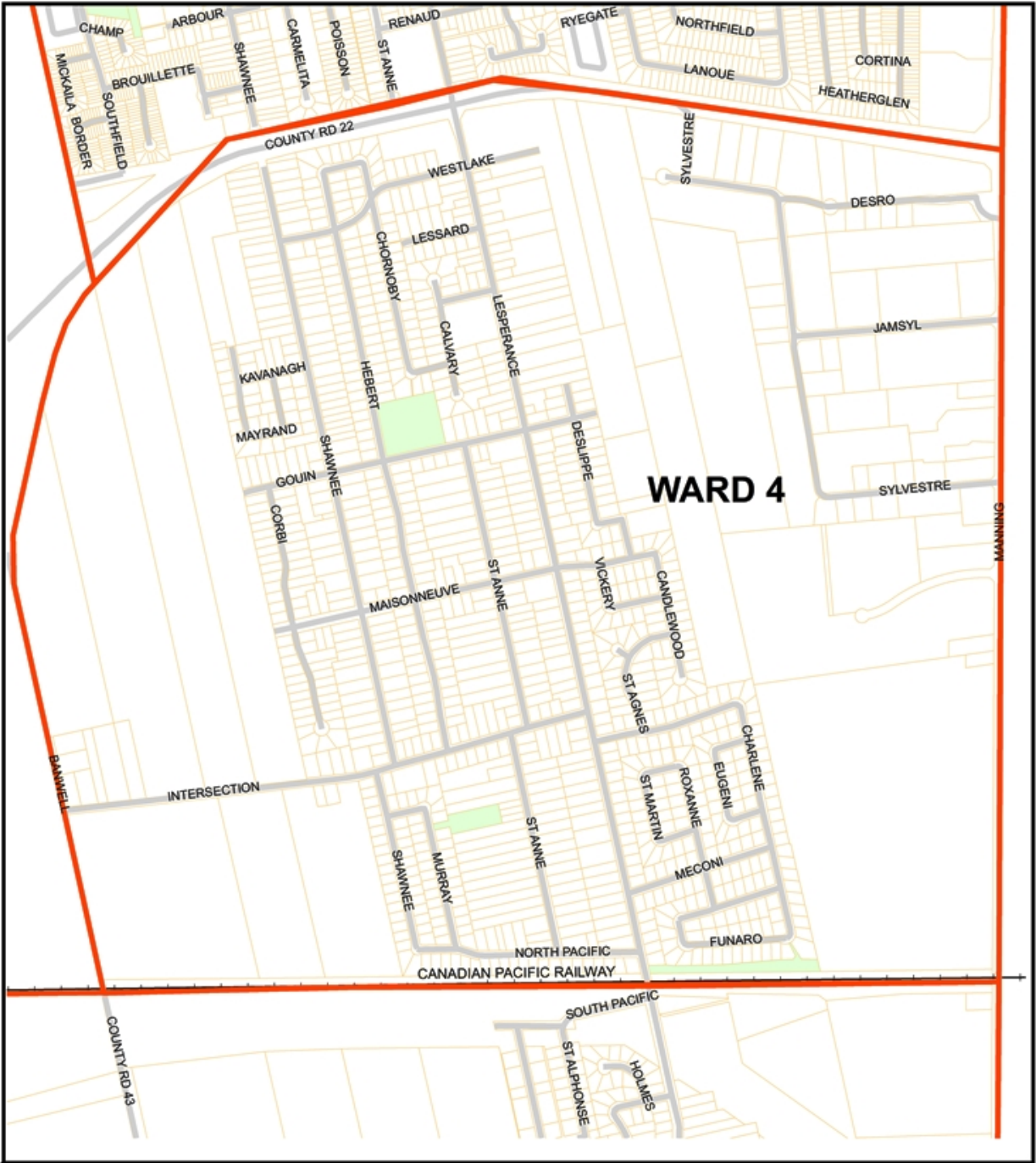
**Schedule A3**  
To By-law No. 2017-22

**By-law 2017-22**  
Schedule A.3  
WARD 3



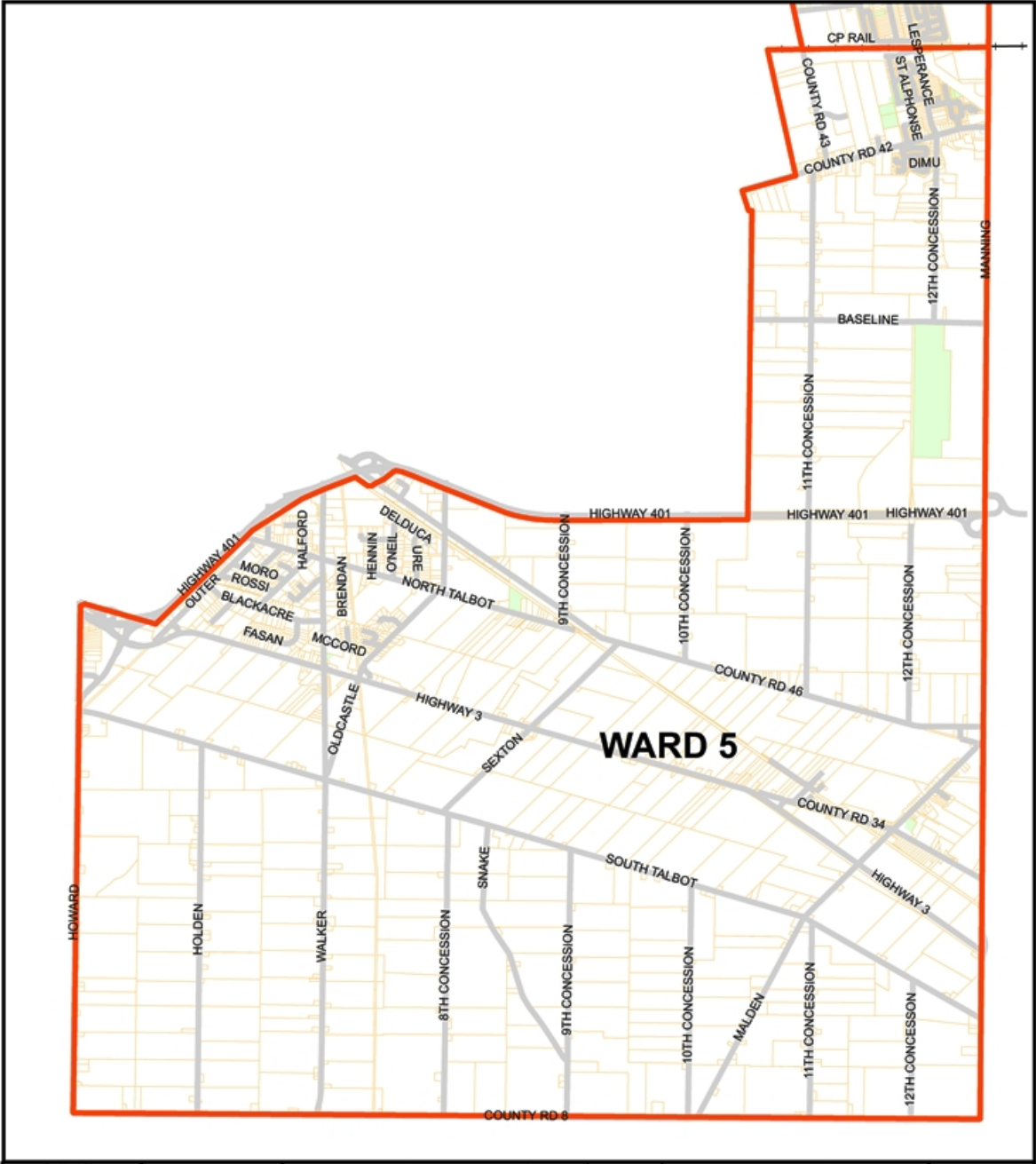
**Schedule A4**  
To By-law No. 2017-22

**By-law 2017-22**  
Schedule A.4  
WARD 4



Schedule A5  
To By-law No. 2017-22

By-law 2017-22  
Schedule A.5  
WARD 5



# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW NUMBER 2017-23

Being a by-law to alter the composition of the  
Council for The Corporation of the Town of  
Tecumseh

**WHEREAS** Section 217 of the *Municipal Act 2001*, c.25, as amended, authorizes councils to pass by-laws to change the composition of council,

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

1. **THAT** the Council of the Corporation of the Town of Tecumseh shall be composed of seven (7) Members;
2. **THAT** one (1) Councillor is to be elected for each of the five (5) Wards,
3. **THAT** the Mayor and Deputy Mayor are to be elected-at-large.
4. **THAT** this by-law come into effect pursuant to the *Municipal Act, 2001*, and the 2018 Municipal Election be conducted as if this by-law was already in force.

**READ** a first, second, third time and finally passed this 11<sup>th</sup> day of April, 2017.

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Gary McNamara, Mayor

“ SEAL “

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Laura Moy, Clerk

## UNFINISHED REGULAR COUNCIL BUSINESS

	Meeting Date	Resolution	Subject	Action/Direction	Depart.	Status/Action Taken
20/14	Dec 9, 2014  Feb 14, 2017		County Rd 34 Hamlet	Administration is asked to look into property ownership and to work with the owners on opportunities for alternate service arrangements.  Administration is asked to provide an update to the affected property owners.	PWES/ Clerks	Update provided by Legal on March 14, 2017
5/16	Nov 8, 2016  Feb 14, 2017	RCM 390/16	Traffic Study	That a traffic count be conducted for the intersection of Cada Street and St. Gregory's Road to determine if it warrants the installation of a crosswalk.  A request is made that the traffic count should not take place prior to the soccer season as those numbers ought to be incorporated.	PWES	Scheduled for Spring 2017
1/17	Mar 14, 2017		Optimist Club	A request is made for an impact study on the support the Optimist Club of St. Clair Beach provides to the community through all their fundraising efforts and organized events.	Recreation	
2/17	Mar 14, 2017		Ontario Power Generation	Administration is directed to provide information regarding the Ontario Power Generation's site location to house nuclear waste in Ontario and the environmental effects to the Great Lakes.	Manager Strategic Initiatives	
3/17	Mar 14, 2017		Alley Closing Policy	An alley closing policy is requested to establish a uniformed process for closing alleys.	Clerks	
4/17	Mar 28, 2017		Oldcastle Hamlet	The presentation and requests made by FOOD is referred to Administration for a report and recommendation.	Planning	
5/17	Mar 28, 2017		Corn Festival RFQ	A status update is requested for the Corn Festival RFQ for an independent non-profit organization to assume organizational responsibility of the Corn Festival.	Recreation	
6/17	Mar 28, 2017		Ste. Anne's Church	A request is made for dedicated parking on Tecumseh Road in front of Ste. Anne's Church for hearse parking during funerals.	PW	

Meeting Date: April 11, 2017

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW NUMBER 2017-24

Being a by-law to confirm the proceedings of the  
**April 11, 2017** 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 **April 11, 2017**, 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 **April 11, 2017**, 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 11<sup>th</sup> day of April, 2017.

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Gary McNamara, Mayor

"SEAL"

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Laura Moy, Clerk