

**THE CORPORATION OF THE MUNICIPALITY OF
CHATHAM-KENT**

CHATHAM-KENT COUNCIL MEETING

COUNCIL CHAMBERS, CHATHAM-KENT CIVIC CENTRE

February 7, 2011

4:00 P.M.

1. CALL TO ORDER

The Mayor called the meeting to Order.

Present were: Mayor Randy Hope, Councillors Bondy, Brown, Crew, Faas, Fluker, Herman, King, Myers, Leclair, Parsons, Pinsonneault, Robertson, Stirling, Sulman, Vercooteren, and Wesley

Absent: Councillor Gilbert

**2. DISCLOSURES OF PECUNIARY INTEREST
(DIRECT OR INDIRECT) AND THE GENERAL NATURE THEREOF**

3. RECESS TO CLOSED SESSION

4. ADJOURNMENT OF CLOSED SESSION

5. APPROVAL OF SUPPLEMENTARY AGENDA

There was no supplementary agenda.

**6. DISCLOSURES OF PECUNIARY INTEREST (DIRECT OR
INDIRECT) AND THE GENERAL NATURE THEREOF**

There were no disclosures of pecuniary interest.

7. PRESENTATION

- (c) Presentation by Kathy Weiss, Director, Economic Development Services re Economic Development Advisory Committee (EDAC) – Committee of Council
(see attached report from administration – electronic voting required)

MUNICIPALITY OF CHATHAM-KENT

COMMUNITY DEVELOPMENT AND PLANNING SERVICES

ECONOMIC DEVELOPMENT SERVICES

TO: Mayor and Members of Council

FROM: Kathy Weiss, Director
Economic Development Services

DATE: January 26, 2011

SUBJECT: Economic Development Advisory Committee (EDAC) – Committee of Council

RECOMMENDATIONS

It is recommended that:

1. The Terms of Reference for the 2005 CK for Business Council be rescinded.
2. Administration be directed to establish a new Committee of Council, the Economic Development Advisory Committee, that incorporate the Terms of Reference set out in this report.

BACKGROUND

Both before and after the municipal amalgamation, business leaders have been called upon to work with local government to promote economic development. In 2005, the CK for Business Council was established with a mandate to provide advice and counsel to the Economic Development Services Division on business issues affecting the Municipality of Chatham-Kent. They also acted as business ambassadors in investment attraction efforts and as an advisory committee for the Chatham-Kent Enterprise Centre. The CK for Business Council was comprised of eight business leaders from leading sectors and two members of Council. Meetings took place 4-6 times per year.

Due to staff turn-over in the leadership positions within Economic Development Services, the CK for Business Council became inactive and meetings halted in 2008.

COMMENTS

Engaging leaders in the business community to assist in the development and on-going implementation of economic development strategies and initiatives is a proven tactic in most communities in the Province of Ontario. This is seen as a vehicle to broaden community involvement in pursuing economic development objectives and build partnerships among stakeholders that are imperative to success. It also provides Council with another forum to receive feedback from the community on economic and business issues.

The primary mandate of the proposed Economic Development Advisory Committee (EDAC) is to advise Council and Economic Development Services in the development and on-going implementation of economic development strategies and initiatives. As outlined in the attached Terms of Reference (Attachment I), the intent is to have a composition that fairly represents the geographic boundaries of the Municipality, as well as sector specific leadership.

It is also suggested that two Councilors and the Mayor participate as non-voting members with one of the Councilors acting as Co-Chair with a board member elected by the members of the committee.

The Director of Economic Development Services will act as the primary municipal contact whose responsibilities will include but not limited to working with the Co-Chairs to prepare monthly agendas, the long-term committee work plans, and any research

and data collection preparation required for the committee. The appointed administration staff person from Economic Development Services will keep minutes for the committee and will distribute to all of Council and the Executive Management Team.

COMMUNITY STRATEGIC PLAN

The recommendation in this report supports the following objective and strategic direction:

B: Economy – We are a prosperous community

B3: Maintain and enhance new and existing infrastructure to support economic and smart growth opportunities

The recommendation will not adversely impact on the remainder of the Community Strategic Plan.

CONSULTATION

The Chief Administrative Officer; General Manager, Community Development and Planning Services; Wallaceburg Chamber of Commerce; Wallaceburg BIA, Blenheim BIA, Tilbury Chamber of Commerce; Tilbury BIA; Chatham-Kent Chamber and Chatham BIA have been consulted and are in agreement with the recommendation.

FINANCIAL IMPLICATIONS

There is no budget for this committee other than minimal meeting costs. The estimated amount is \$500 per year, which will come from the base budget of Economic Development Services.

Prepared by:

Reviewed by:

Kathy Weiss, Director
Economic Development Services

Don Shropshire, General Manager
Community Development & Planning Services

The Director of Economic Development Services provided Council with an overview of the mandate, responsibilities and composition of the Economic Development Advisory Committee.

Councillor Vercooterren moved, Councillor King seconded:

“That

- 1. The Terms of Reference for the 2005 CK for Business Council be rescinded.**
- 2. Administration be directed to establish a new Committee of Council, the Economic Development Advisory Committee, that incorporate the Terms of Reference set out in this report.”**

Councillor Parsons questioned how the lessons learned through the Wallaceburg Community Task Force will be incorporated into this committee. The Director of Economic Development explained that it will be the responsibility of the committee leadership to drive the work of this committee.

In response to a question by Councillor Crew, the Director of Economic Development confirmed that it is the intent to have representation from all of Chatham-Kent on the committee.

Councillor Myers felt that the term of membership should run concurrent with the term of Council.

Councillor Robertson expressed concern that the composition of the committee is lacking representation from entrepreneurs in technology fields. The Director of Economic Development explained that the IT field was considered part of the Culture and Knowledge group. She further explained that she would be open to making IT a separate group if needed.

Councillor Robertson sought clarification on the reasoning behind Councillors being non-voting members on the committee.

Councillor Brown noted the merits of having a term of membership being staggered to the term of Council to allow for the continuation of the knowledge of the committee members.

The Mayor put the Motion

Councillor	Yes	No	Councillor	Yes	No
Bondy	X		Parsons	X	
Brown	X		Pinsonneault	X	
Crew	X		Robertson	X	
Faas	X		Stirling	X	
Fluker	X		Sulman	X	
Gilbert	Absent		Vercouteren	X	
Herman	X		Wesley	X	
King	X		Mayor Hope	X	
Leclair	X		Total	17	0
Myers	X				

Motion Carried

Councillor Stirling nominated Councillor Herman and Councillor Robertson to sit on the Economic Development Advisory Committee.

Councillor Crew nominated Councillor Parsons to sit on the Economic Development Advisory Committee.

Mayor Hope noted that only two Councillors are to be appointed to the committee, therefore a vote by ballot would be conducted.

Councillor Robertson and Councillor Herman were selected by ballot to sit on the Economic Development Advisory Committee.

Councillor Crew moved, Councillor Sulman seconded:

“That the ballots be destroyed.”

The Mayor put the Motion

Motion Carried

8. DEPUTATIONS – ITEMS ON CURRENT AGENDA
(requests must be received by 3:00 p.m.)

No deputation requests were received.

9. CONSENT AGENDA

- (a) Information Reports
 - (i) Updated Community Profile and Business Directory
- (b) Routine Approvals
 - (i) Renewal of Partnership Agreement with the University of Guelph, Ridgetown Campus
 - (ii) Taxes and Assessment Adjusted to December 31, 2010
- (c) Committee Reports
 - (i) Chatham-Kent Community Strategic Planning Committee minutes from its meeting held on November 25, 2010
 - (ii) Chatham-Kent Accessibility Advisory Committee minutes from its meeting held on January 18, 2011

Councillor Sulman requested that Item 9(b)(i) be placed aside for discussion.

Councillor Brown requested that Item 9(b)(ii) be placed aside for discussion.

Councillor Vercooterren moved, Councillor King seconded:

“That the items listed on the Consent Agenda be approved as presented and that action be taken as required, excluding those items placed aside.”

The Mayor put the Motion

Motion Carried

9(b)(i) – Renewal of Partnership Agreement with the University of Guelph Ridgetown Campus

MUNICIPALITY OF CHATHAM-KENT

COMMUNITY DEVELOPMENT AND PLANNING SERVICES

ECONOMIC DEVELOPMENT SERVICES

ROUTINE APPROVAL

TO: Mayor and Members of Council

FROM: Kathy Weiss, Director, Economic Development Services

DATE: January 18, 2011

SUBJECT: Renewal of Partnership Agreement with the University of Guelph,
Ridgetown Campus

In January 2010, Chatham-Kent Council received a report for the renewal of a one-year partnership agreement between the Municipality of Chatham-Kent and the University of Guelph, Ridgetown Campus, AG Business Centre. This agreement is being extended for a renewal of one year, under the routine approval by-law.

The AG Business Centre also provides administrative support for the Centre for Agriculture, Renewable Energy and Sustainability (CARES) committee, the Southwest Agri-Development committee and the annual Southwest Agricultural Conference.

The Municipality of Chatham-Kent contributes \$33,095/year towards the Project Manager's salary, benefits, travel, meeting and conference expenses and office overhead. The University of Guelph, Ridgetown Campus contributes \$39,929 annually.

Prepared by:

Reviewed by:

Kathy Weiss, Director
Economic Development Services

Don Shropshire, General Manager
Community Development and Planning Services

Councillor Sulman sought clarification on the value of continuing with this partnership agreement. The Economic Development Officer explained the mandate in the agreement is to:

1. Explore the feasibility of developing niche markets and new processing opportunities to expand both the local and export agricultural markets.
2. To facilitate training opportunities of perspective agricultural employees to meet industry needs.
3. To nurture the development of business expansion opportunities with both existing and new agricultural businesses.
4. To promote and increase awareness of the agricultural sector in Chatham-Kent.
5. To identify agricultural opportunities and partnerships related to these opportunities.
6. To provide business planning assistance for entrepreneurs in the agricultural sector through the mobilization and coordination of existing business planning resources as well as the creation of new resources.

Councillor Sulman moved, Councillor Leclair seconded:

“That the report be received for information.”

The Mayor put the Motion

Motion Carried

9(b)(ii) – Taxes and Assessment Adjusted to December 31, 2010

MUNICIPALITY OF CHATHAM-KENT

CORPORATE SERVICES

FINANCIAL SERVICES

ROUTINE APPROVAL

TO: Mayor and Members of Council
FROM: Gord Quinton, BA, CGA
 Acting Director, Financial Services / Treasurer
DATE: January 4, 2011
RE: Taxes and Assessment Adjusted to December 31, 2010

Because of rulings by the Assessment Review Board (ARB) and Rebate Programs implemented under Section 364 of the Municipal Act, \$201,409 in tax and interest adjustments were charged as follows:

Municipal Taxes	\$ 116,845
School Boards	\$ 82,854
Interest	\$ 1,710
Total Adjustment	<u>\$ 201,409</u>

It should be noted that tax adjustments are not being written off as bad debts. They are being adjusted on account to reflect proper assessments for the reasons listed.

ARB adjustments are done under the Assessment Act and are binding on the Municipality. The Vacancy Program, previously administered by the Assessment Office, is now done by the Municipality. All aspects of this program are dictated by Provincial legislation.

The following summary shows only **the net Municipal tax impact** without interest or education amounts. Interest write-offs are netted against interest revenues.

Legislated programs:	Actuals YTD	2010 Budget Provision
357 / 358's	\$ 497,065	\$ 200,000
ARB's	\$ 748,936	\$ 950,000
Part IX, Tax Limitations	\$ -	\$ 15,000
FAL appeals	\$ -	\$ -
Rebate Programs	\$ 740,243	\$ 570,000
Tax sale losses	\$ 305,245	\$ 200,000
Other tax losses	\$ -	\$ 13,000
Capping tax shortfall	\$ -	\$ -
	<u>\$ 2,291,489</u>	<u>\$ 1,948,000</u>
	Actuals YTD	2010 Budget Provision
Council Programs:		
Municipal properties write-offs	\$ 55,938	\$ 85,000
Capping tax phase-in reductions	\$ 1,494,930	\$ 1,500,000
Financial Incentive Programs	\$ 8,556	\$ 75,000
	<u>\$ 1,559,424</u>	<u>\$ 1,660,000</u>
Other:		
MTE fees	\$ -	\$ -
Other bad debts written-off	\$ -	\$ -
A/R invoice losses	\$ -	\$ 15,000
	<u>-</u>	<u>\$ 15,000</u>
Totals	<u>\$ 3,850,913</u>	<u>\$ 3,623,000</u>

Allowances remaining are to provide against significant losses that the Municipality may be exposed to. Where actuals exceed budget, the provision for tax adjustment may be reduced. There will be no effect on the 2010 budget.

Prepared by:

Gord Quinton, BA, CGA
Acting Director, Financial Services/Treasurer
Corporate Services

Reviewed by:

Gerry Wolting, B.Math, CA
General Manager, Corporate Services

Councillor Brown sought clarification on the legislative programs referenced in the report.

Councillor Brown moved, Councillor Vercoouteren seconded:

“That the report be received for information.”

The Mayor put the Motion

Motion Carried

10. NOTICES OF MOTION

(a) Presentation of New Notices of Motions

There were no new notices of motion.

11. CHATHAM-KENT UTILITY SERVICES

(a) Purchase of an Industrial Tractor/Loader

MUNICIPALITY OF CHATHAM-KENT

INFRASTRUCTURE AND ENGINEERING SERVICES

DRAINAGE, ASSET AND WASTE MANAGEMENT

TO: Mayor and Members of Council

FROM: Ann-Marie Millson,
Manager, Fleet Services

DATE: January 11, 2011

SUBJECT: Purchase of an Industrial Tractor/Loader

RECOMMENDATION

It is recommended that:

1. The tender meeting specifications from Nortrax for the purchase of an industrial tractor/loader at a purchase price of \$85,300.32 (HST @ 1.76%) be approved.

BACKGROUND

Council approved the replacement of 96TR038 (1996 Ford tractor) at the August 9, 2010 meeting. As this unit requires major repairs it has been removed from service and is temporarily replaced with a 1984 industrial loader that was heading to auction. The estimated replacement cost for the tractor was set at \$100,000.00.

COMMENTS

This tender was released based on a 2008 document which was awarded to a dealership that supplied five-2008 New Holland model U80 tractor loaders. As these units have not been performing well, an independent dealership tested the rear PTO horsepower on three of the five units. It has been determined that these units were not built to the specifications requested in the tender. As a result, this company has been disqualified.

The second lowest tender has also been eliminated as the minimum rear PTO horsepower requirement needed to power the tow behind mowers currently used by each department for roadside mowing was not met.

The following table provides the results of the tender:

Table 1 – T10-619

Company	Year	Make and Model	Price (with HST @ 1.76%)
Delta Power	2011	New Holland U80B	Disqualified
Kucera Farm Equipment	2011	Case 570 MXT-3	Disqualified
Nortrax	2011	John Deere 210 LJ	\$85,300.32

It is recommended that the tender meeting specifications by Nortrax for the purchase of a 2011 John Deere 210 LJ tractor/loader at a purchase price of \$85,300.32 (HST @ 1.76%) be accepted.

The unit being recommended is below the estimated replacement cost therefore there is no impact to the Fleet reserve remaining balance. A letter will accompany the purchase order with stipulations that it will not be accepted unless an independent test of the rear PTO gross and net horsepower meets or exceeds the tender request. This will hopefully eliminate a reoccurrence of the previous issue. This report is before Council as the highest priced unit is being recommended.

COMMUNITY STRATEGIC PLAN

The recommendations in this report do not support, negatively or positively, a specific objective of the Community Strategic Plan. It is a neutral issue.

CONSULTATION

Fleet Services has consulted with the Director of Public Works North and the Director of Public Works South. All are in agreement with this report.

FINANCIAL IMPLICATIONS

2010 Remaining Reserve	\$227,343.14
Commitments from this report:	
4WD Industrial Tractor Loader	<u>- 85,300.32</u>
Reserve Remaining	\$142,042.82

The remaining balance reported is the unaudited year-end amount and will be carried forward to the 2011 reserve.

Prepared by:

Reviewed by:

Ann-Marie Millson, CMM II
Manager, Fleet Services
Division

Tim Dick, C.E.T.
Director, Drainage, Environmental and Fleet

Reviewed by:

Leo Denys, P. Eng.
General Manager
Infrastructure and Engineering Services

Councillor Vercouteren moved, Councillor Crew seconded:

“That

- The tender meeting specifications from Nortrax for the purchase of an industrial tractor/loader at a purchase price of \$85,300.32 (HST @ 1.76%) be approved.”**

The Mayor put the Motion

Councillor	Yes	No	Councillor	Yes	No
Bondy	X		Parsons	X	
Brown	X		Pinsonneault	X	
Crew	X		Robertson	X	
Faas	X		Stirling	X	
Fluker	X		Sulman	X	
Gilbert	Absent		Vercouteren	X	
Herman	X		Wesley	X	
King	X		Mayor Hope	X	
Leclair	X		Total	17	0
Myers	X				

Motion Carried

12. INFRASTRUCTURE AND ENGINEERING SERVICES

- Property Expropriation, Beattie Street, Base Line Road Storm Sewer Pumping Scheme Outfall Sewer, Community of Wallaceburg

MUNICIPALITY OF CHATHAM-KENT

INFRASTRUCTURE AND ENGINEERING SERVICES

ENGINEERING AND TRANSPORTATION DIVISION

TO: Mayor and Members of Council

FROM: Gary Northcott, P. Eng.,
Director, Engineering and Transportation Division

DATE: January 24, 2011

SUBJECT: Property Expropriation, Beattie Street, Base Line Road Storm Sewer
Pumping Scheme Outfall Sewer
Community of Wallaceburg

RECOMMENDATION

It is recommended that:

1. Administration be authorized to commence the expropriation process for property for the permanent and working easements identified as Parts 1, 2 and 3 on registered Plan 24R-9085.

BACKGROUND

In May of 2009, Council met in Closed Session on this property matter and authorized staff to commence the expropriation process for the permanent and temporary easements required as negotiations with the property owner were not successful. The expropriation process was authorized but it has since come to the attention of staff that three (3) required parcels were excluded. These properties, one part for the permanent easement and two parts for temporary working easements, are required to construct the Outfall Sewer from the new Base Line Road Storm Water Pumping Scheme to the Sydenham River. The existing Outfall Sewer while retained is undersized and needs to be twinned with a larger capacity sewer to accommodate the greater pumping capacity of the station.

COMMENTS

Appraisals were completed for the project in 2007 on behalf of the Municipality. The appraisals included the section required for the Outfall Sewer. Negotiated easements were not successful with the property owner. The solicitor appointed by the Municipality to handle the proceedings will be going forward with the process once the expropriation approval by Council is formally given. This will enable the Municipality to secure the additional property required for construction and prepare for tenders which will hopefully be called later this summer.

All other approvals related to this construction have or are being acquired, CSX easement is in place, Ministry of Natural Resources (MNR) and Saint Clair Region Conservation Authority (SCRCA) is underway with no major issues contemplated. The permanent easement required would be within the set back area of the property given the normal zoning setbacks and would not impact on future development of the property.

Legal counsel retained by the Municipality has consulted on the expropriation process which is as follows:

- Council authorizes the commencement of the process.
- Application for expropriation be given to the Clerk and Notice of Application for expropriation is served upon the owner(s) and published in Chatham-Kent Matters once a week for three consecutive weeks.
- Owners have thirty (30) days to request a Hearing of Necessity.
- Council considers recommendations arising from the Hearing of Necessity, if any, and determines whether or not to pass a by-law expropriating the land.
- If the expropriation is approved, a Plan of Expropriation is registered and a notice of expropriation is served upon the owner(s).
- Compensation is offered to the owner(s). If the amount for compensation is agreed upon the process is complete. If appropriate compensation cannot be agreed upon this issue is referred to the Ontario Municipal Board for negotiation and/or arbitration.

These parcels are at the first bullet point in the process. It is anticipated that the costs, excluding the land values, including legal, additional appraisals and survey works would be approximately \$10,000. This approval to proceed does not exclude a negotiated settlement anytime during the process but efforts to date have not been successful.

It is recommended at this time that Council authorize the commencement of the Expropriations Act process for these lands as set out in Appendix A.

COMMUNITY STRATEGIC PLAN

The recommendation in this report supports the following objectives and strategic directions:

B. Economy-We are a prosperous community

B3: Maintain and enhance new and existing infrastructure to support economic and smart growth opportunities.

Desired Outcomes / Proposed Activities

- Support new infrastructure investments and modernize existing infrastructure.

The recommendation will not adversely impact on the remainder of the Community Strategic Plan.

CONSULTATION

Director, Legal Services and the Municipal Clerk, Corporate Services have been consulted regarding this recommendation.

The Solicitor acting on behalf of the Municipality has reviewed and concurs with the recommendation in this report.

FINANCIAL IMPLICATIONS

The expropriation and property costs will be covered in the overall project costs set out and encumbered from the 2009 Capital Budget.

Prepared By:

Gary Northcott, P. Eng.,
Director
Engineering and Transportation Division

Reviewed By:

Leo Denys, P. Eng.,
General Manager
Infrastructure and Engineering

Councillor Parsons moved, Councillor Wesley seconded:

“That

1. **Administration be authorized to commence the expropriation process for property for the permanent and working easements identified as Parts 1, 2 and 3 on registered Plan 24R-9085.”**

The Mayor put the Motion

Councillor	Yes	No	Councillor	Yes	No
Bondy	X		Parsons	X	
Brown	X		Pinsonneault	X	
Crew	X		Robertson	X	
Faas	X		Stirling	X	
Fluker	X		Sulman	X	
Gilbert		Absent	Vercouteren	X	
Herman	X		Wesley	X	
King	X		Mayor Hope	X	
Leclair	X		Total	17	0
Myers	X				

Motion Carried

13. FIRE AND EMERGENCY SERVICES

- a) Ambulance Contract Negotiations 2012 – 2013

MUNICIPALITY OF CHATHAM-KENT

FIRE AND EMERGENCY SERVICES

EMERGENCY MEDICAL SERVICES

TO: Mayor and Members of Council

FROM: Ed Reed, Coordinator, Emergency Medical Services

DATE: January 18, 2011

RECOMMENDATIONS

It is recommended that:

1. Administration enter into negotiations with Sun Parlour EMS, Chatham-Kent Division to investigate extending the current contract for services for an additional two years, ending December 31, 2013.
2. Administration determine the cost of providing an ambulance service by an internal department at the current level of service.
3. The internal and external costs be presented to Council no later than June 6, 2011.

BACKGROUND

On January 1, 1998, the Province downloaded the responsibility for the provision of land ambulance services to Upper Tier Municipalities. Until that date, private operators who were contracted to provide services in local communities delivered the majority of ambulance services in Ontario.

Sun Parlour Ambulance Services was approved by Council for the delivery of land ambulance services in Chatham-Kent with a fixed price contract from December 4, 2000 through December 31, 2005.

In 2005 a request for proposal for the provision of land ambulance was issued by Chatham-Kent. Sun Parlour was awarded the contract from January 1, 2006 through December 31, 2007.

Through a provision within the service agreement, the contract with Sun Parlour was extended for a two-year period from January 1, 2008 through December 31, 2009, and again from January 1, 2010 through December 31, 2011.

COMMENTS

A notice of intention to negotiate a contract extension was received from Sun Parlour EMS dated January 18, 2011 (Appendix I). Normally the 2012 contract would require a Request For Proposal (RFP); however, both parties are amenable to an additional extension.

The cost of the 2011 contract is \$8.7 million; however, the Municipality receives a subsidy from the Ministry of Health and Long Term Care representing 100% funding for First Nations and 50% funding for the remainder of Chatham-Kent. The Municipality retains ownership of all ambulance vehicles, buildings and equipment inventory. The Municipality leases the ambulance vehicles to the service provider for the duration of the contract with the service provider responsible for all servicing and repairs.

Sun Parlour is paid on a bi-weekly basis following an agreed upon schedule included in the contract.

The 2012-2013 contract extension must be finalized by the end of June, 2011 to allow sufficient time to explore other service alternatives should an agreement with Sun Parlour not be reached.

The primary negotiation team is comprised of the Emergency Medical Services Coordinator and a Budget Analyst from Budget and Performance Services. Assistance

from the Director of Legal Services and the Labour Relations Manager will be sought as needed.

The primary negotiation team will return to Council with the final recommendation for provision of land ambulance service to Chatham-Kent no later than June 6, 2011.

COMMUNITY STRATEGIC PLAN

This recommendations in this report support the following objectives and strategic directions:

- A: Health – We are a healthy community
 - A2: Exceed standards for health protection/promotion
 - A4: Foster a safe and caring community

Desired Outcomes/Proposed Activities

- Increase indices where Chatham-Kent meets or exceeds provincial benchmarks
- Improve health and safety statistics

The recommendations will not adversely impact on the remainder of the Community Strategic Plan.

CONSULTATION

Budget and Performance Services was consulted to confirm their participation in the upcoming contract negotiations.

FINANCIAL IMPLICATIONS

The Ambulance Service budget is cost shared with the Ministry of Health and Long Term Care on a 50% basis.

The final recommendations of the negotiation process will be included in the 2012 budget process.

The Ministry will be kept informed regarding these costs and how they impact the Provincial funding currently being received.

Prepared by:

Reviewed by:

Ed Reed
Coordinator, Emergency Medical Services

Robert J. Crawford
Fire Chief

Councillor King moved, Councillor Robertson seconded:

“That

- 1. Administration enter into negotiations with Sun Parlour EMS, Chatham-Kent Division to investigate extending the current contract for services for an additional two years, ending December 31, 2013.**
- 2. Administration determine the cost of providing an ambulance service by an internal department at the current level of service.**

3. The internal and external costs be presented to Council no later than June 6, 2011.”

Councillor Vercouteren questioned the cost of the previous contract. The Coordinator of Emergency Medical Services explained the current contract began in 2007 and has been renewed twice. He further explained that he would forward the costs of the contract to Council via email.

Councillor Parsons questioned how the Chatham-Kent contract compares to contracts with Essex or Lambton counties. The Coordinator of Emergency Medical Services explained that there is no difference between the level of service between contracts.

The Mayor put the Motion

Councillor	Yes	No	Councillor	Yes	No
Bondy	X		Parsons	X	
Brown	X		Pinsonneault	X	
Crew	X		Robertson	X	
Faas	X		Stirling	X	
Fluker	X		Sulman	X	
Gilbert	Absent		Vercouteren	X	
Herman	X		Wesley	X	
King	X		Mayor Hope	X	
Leclair	X		Total	17	0
Myers	X				

Motion Carried

14. COMMUNITY DEVELOPMENT AND PLANNING SERVICES
(electronic voting on all reports)

- a) Business Improvement Areas (BIA) – Appointments to Board of Management

MUNICIPALITY OF CHATHAM-KENT

COMMUNITY DEVELOPMENT AND PLANNING SERVICES

ECONOMIC DEVELOPMENT SERVICES

TO: Mayor and Members of Council

FROM: Geoff Wright – Economic Development Officer,
Business Development

DATE: January 24, 2011

SUBJECT: Business Improvement Areas (BIA) – Appointments to Board of
Management

RECOMMENDATION

It is recommended that:

1. A Board of Management be approved for Business Improvement Areas in Blenheim, Chatham, Dresden, Tilbury, Wallaceburg and Wheatley.

BACKGROUND

A Business Improvement Area (BIA) is the voice of its central business community. They are committed to improving and promoting the area through investment and advocacy to maintain the Municipality's position as a premier shopping, business and entertainment destination.

According to Bill Pr12, in a municipal election year (every four years), the new Board of Management cannot officially assume its duties until approved by Council, therefore the outgoing Board must continue to hold office until its successors are appointed.

The affairs of a BIA are governed by its Board of Management whose members and composition are based on the following:

- A BIA member is a commercial or industrial property owner within a BIA approved district. A property owner may assign an owner, manager, or tenant to be elected to its respective BIA.
- A number of BIA Board members shall be nominated to the Board of Management by the BIA general membership at the Annual General Meeting. The representatives are subsequently approved by Council.
- The term of office for the Board is from the time of his/her appointment by Council until the expiration of the term of the Council that appointed him/her, so long as the member continues to be qualified as a member.

COMMENTS

Six BIA's in Chatham-Kent (Blenheim, Chatham, Dresden, Tilbury, Wallaceburg and Wheatley) held Annual General Meetings (AGM) between the dates of November, 2010 and January, 2011. The Municipality mailed property owners a copy of the AGM agenda including the date, time and location of the meeting at least ten days in advance of the meeting date. Property owners were required to notify their tenants of the AGM.

One of the AGM agenda items was a request or call for member representation on the Board of Management. The members listed on the attached Schedule A reflect the members nominated to the Board of Management for each BIA.

COMMUNITY STRATEGIC PLAN

The recommendation in this report supports the following objectives and strategic directions:

- B: Economy – We are a prosperous community
B2: Make Chatham-Kent a business-friendly community and a desirable leisure destination

Desired Outcomes

- Develop Chatham-Kent as the business and leisure destination of choice by Ontario

The recommendation will not adversely impact on the remainder of the Community Strategic Plan.

CONSULTATION

The Board of Management was nominated by the BIA membership at their Annual General Meetings. Minutes of the AGM's were sent to the Municipality with a request to approve the corresponding Board of Management.

Financial Services were consulted and will keep a copy of the Board of Management on file.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from the recommendation.

Prepared by:

Reviewed by:

Geoff Wright, Economic Development
Officer, Business Development

Stuart McFadden, Manager
Business Development

Reviewed by:

Reviewed by:

Kathy Weiss, Director
Economic Development Services

Don Shropshire, General Manager
Community Development & Planning Services

Councillor Fluker moved, Councillor Herman seconded:

“That

- 1. A Board of Management be approved for Business Improvement Areas in Blenheim, Chatham, Dresden, Tilbury, Wallaceburg and Wheatley.**

The Mayor put the Motion

Councillor	Yes	No	Councillor	Yes	No
Bondy	X		Parsons	X	
Brown	X		Pinsonneault	X	
Crew	X		Robertson	X	
Faas	X		Stirling	X	
Fluker	X		Sulman	X	
Gilbert	Absent		Vercouteren	X	
Herman	X		Wesley	X	
King	X		Mayor Hope	X	
Leclair	X		Total	17	0
Myers	X				

Motion Carried

- b) Amendment to Salespersons By-law No. 121-2006

MUNICIPALITY OF CHATHAM-KENT

COMMUNITY DEVELOPMENT AND PLANNING SERVICES

BUILDING, ENFORCEMENT AND LICENSING SERVICES

TO: Mayor and Members of Council
FROM: Nancy Havens, Manager, Licensing Services
DATE: January 19, 2011
SUBJECT: Amendment to Salespersons By-law No. 121-2006

RECOMMENDATION

It is recommended that:

1. By-law No. 121-2006 being a by-law to regulate Salespersons within the Municipality of Chatham-Kent be amended as follows:

Definitions 1.1(f) "Day Sales" be amended by adding:

And further include the sale of goods, such as, but not limited to, flowers, for a maximum of three consecutive days, from one specific location, such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot, where the use is permitted in the zoning by-law.

BACKGROUND

In 2010, Licensing Services issued Trade Show licences to a flower vendor from Lasalle, Ontario for six locations in Chatham for the period from April 2-4, 2010 and for two locations in Chatham for the period from May 7-9, 2010. The licence fee was \$200 per location per time period.

At the Municipal Council meeting of April 26, 2010, communication was received from five local florists [i.e. Pizazz Florals and Balloons, The Purple Pansy, Ross' Nursery and Garden Centre, Stan's Flowers Inc. and Syd Kemsley Florist Inc.], outlining concerns about the flower vendors operating on Chatham street corners during the Easter weekend.

The communication included the following suggestions:

1. Change status from tradeshow vendor to hawker-pedlar
2. Restrict hawkers-pedlars from operating in parks
3. Restrict hawkers-pedlars from operating within a certain distance of a similar business
4. Ensure that hawkers-pedlars do not obstruct vehicle visibility
5. Require hawkers-pedlars to display proper signage [i.e. no spray painted or handwritten signs]
6. Restrict hawker-pedlars from operating during holiday and special events dates, such as, but not limited to, New Years, Valentine's Day, Easter, Secretaries' Day, Mother's Day; Thanksgiving, Christmas, Sidewalk Sales, Retrofest
7. Increase the licensing fee for hawkers-pedlars

In response to the communication, a Notice of Motion from Councillor Pickard was

approved that the matter “be referred to administration for a report.”

COMMENTS

Administration reviewed the by-laws pertaining to licensing of flower vendors and other transient vendors for five municipalities. The research findings are presented below.

	Type of Licence	Licence fee & period
Kingston	Specific Day Sales Class A – 3: Flower sale by another person	\$600 per location or \$600 per vendor Max. 5 consecutive days
Leamington	Transient Trader	\$1,200 per year
London	Hawker-Pedlar Category 1 – Day Sales	\$500 per 1 to 3 day period
Windsor	Hawker-Pedlar Class 1 Temporary Vending Site Operator	\$148 per 1 to 7 day period
Woodstock	Businesses operated on a Temporary Basis Class 9 – Seasonal Sales	\$120 per month per location

On January 17, 2011, the Manager of Licensing Services met with Tricia Xavier of The Purple Pansy to discuss the florists’ concerns and suggestions presented in the communication to Council and to offer alternatives to the suggestions.

The following alternatives were proposed by administration:

1. Administration recommends amending the definition of “Day Sales” to include flower vendors, rather than change the status from Tradeshow Vendor to Hawker-Pedlar.
2. Administration feels that Day Sales vendors should be allowed in parks, provided they have been issued a Vending Zone permit. Vending Zone permit fees range from \$128-\$512, depending on the location and time of year.
3. In its survey of other municipalities, administration found that none had a provision requiring Day Sales vendors to operate a certain distance from local businesses that offer a similar product. In the past, the flower vendors licensed in Chatham have not located within close proximity to any local florists.
4. Day Sales vendors are required to comply with the current Zoning by-law provisions regulating setbacks and visibility triangles.
5. Day Sales vendors are required to comply with Municipal Sign By-law No. 156-2004.
6. Administration opposes restricting Day Sales vendors from operating during holidays or special event dates, since this is not reflective of how the Municipality has dealt with vendors in the past. In fact, the Municipality promotes participation in Special Events. The other municipalities’ flower vendor by-laws did not place restrictions on operating during holidays or special event dates.
7. With their inclusion under Day Sales, the flower vendors shall be required to pay a fee of \$500 for a maximum licence term of 3 consecutive days.

Subsequent to the meeting with Tricia Xavier, the Manager of Licensing Services contacted each of the other florists listed in the communication to outline the proposed amendment to the By-law.

COMMUNITY STRATEGIC PLAN

The recommendation in this report supports the following objectives and strategic direction:

B: Economy – We are a prosperous community

B2: Make Chatham-Kent a business-friendly community and a desirable leisure destination

B4: Encourage the continuing growth of a diversified and sustainable economic base

Desired Outcomes/Proposed Activities

- Develop Chatham-Kent as the business and leisure destination of choice in Ontario
- Increase existing business activity and attract new businesses to Chatham-Kent
- Identify Chatham-Kent as a location for new investment

The recommendation will not adversely impact on the remainder of the Community Strategic Plan.

CONSULTATION

The by-laws pertaining to flower vendors and other transient vendors for London, Windsor, Woodstock, Leamington, and Kingston were reviewed.

The five local florists listed in the communication to Council were notified about the proposed amendment to the By-law and no responses were received.

Legal Services was consulted and has reviewed the Report to Council and the draft Salespersons By-law.

The Special Events Coordinator has reviewed this report.

FINANCIAL IMPLICATIONS

There are no financial implications at this time.

Prepared by:

Reviewed by:

Nancy Havens, CMM III
Manager, Licensing Services
Building, Enforcement & Licensing Services

Paul Lacina, C.B.O.
Director
Building, Enforcement & Licensing Services

Reviewed by:

Don Shropshire General Manager
Community Development & Planning Services

Councillor Crew moved, Councillor Myers seconded:

“That

1. **By-law No. 121-2006 being a by-law to regulate Salespersons within the Municipality of Chatham-Kent be amended as follows:**

**Definitions 1.1(f) “Day Sales” be amended by adding:
*And further include the sale of goods, such as, but not limited to, flowers, for a maximum of three consecutive days, from one specific location, such as, but not limited to, a parking lot, a service station lot or a vacant commercial lot, where the use is permitted in the zoning by-law.***

2. **That no person shall operate or maintain the business of a flower vendor within 300 feet of the entrance to a florist.”**

Councillor Sulman questioned if this by-law is consistent with what other municipalities are doing with regard to salespersons. The Manager of Licensing Services explained that this by-law is comparable to the by-laws of the other communities referenced in the report.

Councillor Robertson moved an amendment, Councillor Stirling seconded:

“That a surcharge of 30% be added to late applications.”

Councillor Parsons questioned how this by-law would apply to a farmers market. The Manager of Licensing Services explained that there is currently no by-law that covers farmers markets.

In response to a question by Councillor Bondy, the Director of Licensing Services explained that charitable organizations are exempt from the by-law.

Councillor Faas noted the amendment is specific to flower vendors. He questioned if the amendment should be more general and relate to any competitive business.

Councillor Brown questioned if the by-law is applicable to residents of Chatham-Kent. The Director of Licensing Services explained that the by-law is not applicable if you maintain a permanent business in Chatham-Kent.

Councillor Stirling noted that he would not support an amendment such as Councillor Faas was suggesting as it would lend to much subjectivity to the situation and would not second a friendly amendment to that affect.

Mayor Hope noted that the by-law could be amended at a later date should other businesses have similar concerns to the flower merchants.

Councillor Faas requested that administration look into how to deal with problems that may arise with other merchants.

The Mayor put the Amendment

Councillor	Yes	No	Councillor	Yes	No
Bondy	X		Parsons	X	
Brown	X		Pinsonneault	X	
Crew	X		Robertson	X	
Faas	X		Stirling	X	
Fluker	X		Sulman		X
Gilbert	Absent		Vercouteren	X	
Herman	X		Wesley	X	
King	X		Mayor Hope	X	
Leclair	X		Total	16	1
Myers	X				

Amendment Carried

The Mayor put the Motion, as amended

Councillor	Yes	No	Councillor	Yes	No
Bondy	X		Parsons	X	
Brown	X		Pinsonneault	X	
Crew	X		Robertson	X	
Faas	X		Stirling	X	
Fluker	X		Sulman	X	
Gilbert	Absent		Vercouteren	X	
Herman	X		Wesley	X	
King	X		Mayor Hope	X	
Leclair	X		Total	17	0
Myers	X				

Motion Carried

15. CORPORATE SERVICES (electronic voting on all reports)

- a) Notice of Motion – Councillor Stirling re Municipal Service Level Review

Councillor Stirling moved, Councillor Sulman seconded:

“That upon the completion of the 2011 budget, staff develop a strategy and bring forward recommendations on a process to assist Council in a general service level review. Such a review would focus on ensuring service standards and levels across departments continue to be appropriate and consistent with comparable municipalities, that delivery of those services is efficient and cost-effective as possible, and that long-term fiscal sustainability of service is achieved.”

The Mayor put the Motion

Councillor	Yes	No	Councillor	Yes	No
Bondy	X		Parsons	X	
Brown	X		Pinsonneault	X	
Crew	X		Robertson	X	
Faas	X		Stirling	X	
Fluker	X		Sulman	X	
Gilbert	Absent		Vercouteren	X	
Herman	X		Wesley	X	
King	X		Mayor Hope	X	
Leclair	X		Total	17	0
Myers	X				

Motion Carried

16. CLOSED SESSION REPORTS

Councillor Herman moved, Councillor Vercouteren seconded:

“That the February 7, 2011 Closed Session report be approved.”

The Mayor put the Motion

Councillor	Yes	No	Councillor	Yes	No
Bondy	X		Parsons	X	
Brown	Conflict		Pinsonneault	X	
Crew	X		Robertson	X	
Faas	X		Stirling	X	
Fluker	X		Sulman	X	
Gilbert	Absent		Vercouteren	X	
Herman	X		Wesley	X	
King	X		Mayor Hope	X	
Leclair	X		Total	16	0
Myers	X				

Motion Carried

17. READING OF BY-LAWS

(a) FIRST READING

Councillor King moved, Councillor Pinsonneault seconded:

“That the By-laws be taken as read for the first time.”

The Mayor put the Motion

Motion Carried

(b) SECOND READING

Councillor King moved, Councillor Pinsonneault seconded:

“That the By-laws be taken as read for the second time.”

The Mayor put the Motion

Motion Carried

(c) COUNCIL TO GO INTO COMMITTEE, IF REQUIRED, TO DISCUSS BY-LAWS

(d) RESUMPTION OF COUNCIL

(e) THIRD AND FINAL READING

- i. By-law to amend By-law Number 121-2006 of the Corporation of the Municipality of Chatham-Kent (By-law to license and regulate Salespersons within the Municipality of Chatham-Kent)
- ii. By-law to confirm proceedings of the Council of The Corporation of the Municipality of Chatham-Kent at its meeting held on the 7th day of February, 2011

Councillor Faas moved, Councillor Fluker seconded:

“That the by-laws be taken as read for a third time and finally passed.”

The Mayor put the Motion.

Motion Carried

18. APPROVAL OF COMMUNICATION ITEMS

(a) Approval of the February 7, 2011 Council Information Package

1. Staff Reports and Information

- (a) Letter to Cindy Vinall, Manager, Canadian Cancer Society, Chatham-Kent Unit from Maggie Downey, Corporate Services dated January 24, 2011 re 2011 Door to Door Canvas and Daffodil Sales.
- (b) Briefing Notes to various Ministers for the upcoming ROMA/OGRA Combined Conference being held on February 27-March 2, 2011 in Toronto, Ontario.
- (c) Action Items from the 24th of January, 2011 Council Meeting.

2. Correspondence From

- (a) Letter from the Ontario Lottery and Gaming Slots at Dresden Raceway to Mayor Randy Hope dated January 19, 2011 re Quarterly payment of \$167,532.00.
- (b) Communication from Patrick Moyle, Chair, Canadian Association of Municipal Administrators (CAMA) dated January 10, 2011 re CAMA 2011 Awards Program.
- (c) Communication from Jim Kennedy, Executive Director, Mechanical Contractors Association of Windsor to the Municipal Clerk dated January 25, 2011 re World Plumbing Day, March 11, 2011.
- (d) Communication from Don McKinnon, Environmental Screening Coordinator, Dillon Consulting Limited dated January 26, 2011 re BFI Ridge Landfill – Environmental Screening.
- (e) Communication from J.W. Tiernay, Executive Director, OGRA dated January 31, 2011 re OGRA Board of Directors – Revised Notice of Poll.
- (f) Communication Linda Jeffrey, Minister of Natural Resources to Mayor Randy Hope dated January 18, 2011 re Interpretive Centre in Rondeau Provincial Park.

3. Routine Approvals Delegated to Administration

Corporate Services

- (i) Letter to the Liquor Control Board of Ontario re Child-Can Hockey Tournament, February 18-20, 2011 in Wheatley.
- (ii) Letter to Kathy O'Neill, Secretary Treasurer of the Chatham Goodfellows from Maggie Downey, Corporate Services dated January 24, 2011 re Porchlight and Street Paper Sales.

4. Invitations

- (a) Invitation from Big Brothers Big Sisters to participate in their “Bowl for Kids Sake” being held on March 5 & 6, 2011.
-

Councillor Pinsonneault moved Councillor Bondy seconded:

“That the February 7th, 2011 Council Information Package be approved.”

The Mayor put the Motion

Motion Carried

Councillor Sulman referenced Item #2(d) – BFI Ridge Landfill – Environmental Screening.

Councillor Sulman moved, Councillor Robertson seconded:

“That administration report back to Council on the impact of the fill rate increases on revenues, infrastructure, and life of the landfill along with any recommended actions.”

The Mayor put the Motion

Motion Carried

Councillor Crew referenced Item #2(b) – Canadian Association of Municipal Administrators 2011 Awards Program. She questioned if direction is required for nominations for these awards. The Chief Administrative Officer explained that direction is not required but he encouraged Council to inform administration of any potential nominees.

19. NON-AGENDA BUSINESS

Councillor Parsons noted that complaints are being received regarding 100 Mason Street in Wallaceburg. There are non compliance issues with the zoning requirements that were put in place with the planning application. He questioned what actions are being taken to ensure that the property complies with the zoning requirements. The Director of Community Development and Planning Services explained that the property owner of 100 Mason Street has been charged. This matter is scheduled to go before the court this week.

Councillor Stirling congratulated the Co-Chairs of this years United Way Campaign.

Councillor Crew noted that February 12th is the Children’s Safety Village Valentines Ball. She encouraged Council members to attend.

20. RESOLUTION COUNCIL IN CLOSED SESSION & ADJOURNMENT

Councillor Herman moved, Councillor King seconded:

That Chatham-Kent Council adjourn to its next Meeting to be held at 4:00 p.m. on **Tuesday, February 8, 2011** and that Chatham-Kent Council authorize itself to meet in closed session on that day to discuss any matters permitted by The Municipal Act.

The Mayor put the Motion

Motion Carried

The meeting adjourned at 7:45 p.m.

Mayor Randy R. Hope

Clerk – Judy Smith