

The Corporation of the Municipality of Leamington

Minutes of the Council Meeting

Tuesday, January 22, 2019 at 6:00 PM

Council Chambers, 111 Erie Street North, Leamington

Members Present: Mayor Hilda MacDonald
Deputy Mayor Larry Verbeke
Councillors: Bill Dunn, John Hammond, Paul Tiessen and
Tim Wilkinson

Members Absent: Councillors John Jacobs

Staff Present: Clerk/Manager of Legislative Services, Brenda Percy
Chief Administrative Officer, Peter Neufeld
Director of Community and Development Services, Paul Barnable
Director of Finance and Business Services, Laura Rauch
Director of Infrastructure Services, Robert Sharon
Director of Legal and Legislative Services, Ruth Orton
Manager of Human Resources, Danielle Harrison
Manager of Recreation Services, Terry Symons
Legislative Coordinator, Brianna Coughlin

Call to Order

Mayor MacDonald called the Meeting to order at 5:30 PM.

Special Closed Meeting

No. C-33-19

Moved by: Deputy Mayor Verbeke
Seconded by: Councillor Hammond

That Council move into a Special Closed Meeting of Council at 5:30 PM in the Ante Room pursuant to Section 239 of the Municipal Act, as amended, for the following reasons:

1. Confidential Report LLS-09-19 dated January 11, 2019 regarding Appointments to Mayor's Youth Advisory Committee to be considered in closed session pursuant to Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees.

2. Confidential Report LLS-12-19 dated January 21, 2019 regarding Potential Disposition of Municipal Lands to be considered in closed session pursuant to Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.
3. Verbal report regarding Labour Relations - Firefighters Negotiations Direction to be considered in closed session pursuant to Subsection 239(2)(d) labour relations or employee negotiations.

Carried

Disclosures of Pecuniary Interest and General Nature Thereof:
(Special Closed Meeting Matters)

None.

Adjournment of Special Closed Meeting

The Special Closed Meeting adjourned at 6:08 PM.

Resumption of Regular Council Meeting, 6:00 PM

Mayor MacDonald called the meeting to order at 6:12 PM.

Disclosures of Pecuniary Interest and General Nature Thereof:
(Open Session)

Councillor Dunn declared a pecuniary interest regarding Item 11.2 of the January 15, 2019 meeting agenda, being Report LLS-71-18 regarding Business Licensing By-law - Further Feedback. Councillor Dunn was absent at the January 15, 2019 and unable to declare a pecuniary interest at that time.

Approval of Council Minutes:

No. C-34-19

Moved by: Councillor Wilkinson
Seconded by: Deputy Mayor Verbeke

That the Minutes of the Special Council Meeting held January 8 and 9, 2019 be approved.

Carried

No. C-35-19

Moved by: Councillor Dunn
Seconded by: Councillor Hammond

That the Minutes of the Closed Council Meeting held January 15, 2019 be approved.

Carried

No. C-36-19

Moved by: Councillor Tiessen
Seconded by: Councillor Hammond

That the Minutes of the Council Meeting held January 15, 2019 be approved.

Carried

Business Arising Out of the Minutes:

None.

Reports of Staff and Delegations:

1. Report LLS-07-19 dated January 10, 2019 regarding Seniors Advisory Committee

Ms. Percy presented the report. Melissa Bloomfield and Ashley Tuffin, representing Chartwell Leamington Retirement Residence, provided a PowerPoint presentation on the matter.

Ms. Bloomfield advised that there are grants available for the betterment of seniors in the community and could potentially pay for events conducted by a Seniors Advisory Committee.

Ms. Percy confirmed that it was the intention for Council to consider the concept of a Seniors Advisory Committee at this time, with a Terms of Reference being brought forward for consideration at a future meeting. It was also noted that Council representatives on boards and committees are required to bring back regular reports to Council.

In response to a question from Council, Ms. Bloomfield advised that the Canadian Association for Retired Persons (CARP) supports cannabis stores for health benefits, financial opportunities and keeping up with the times.

No. C-37-19

Moved by: Councillor Tiessen
Seconded by: Councillor Hammond

1. That Council approve the concept of a Seniors Advisory Committee; and
2. Administration be directed to bring forward draft Terms of Reference for a Seniors Advisory Committee for Council consideration. (LLS-07-19)

Carried

2. Report LLS-05-19 dated January 3, 2019 regarding Scent-Free Workplace Policy

Ms. Harrison presented the report and advised that it was not the intention to proactively enforce the policy, rather it would allow Human Resources to be the contact point for any complaints relating to scent.

Mr. Neufeld advised that without a policy, it is the practice for managers or supervisors to speak with the employee regarding a scent concern. It was noted that the Municipality has a health and safety responsibility as an employer.

No. C-38-19

Moved by: Councillor Wilkinson
Seconded by: Councillor Dunn

Council adopt H04 - Scent-Free Workplace Policy. (LLS-05-19)

Motion Lost

3. Report LLS-10-19 dated January 15, 2019 regarding H02 - Council Benefits and Pregnancy and/or Parental Leave Policy

Ms. Harrison presented the report and confirmed that it is possible to opt-in to life insurance benefits only, health benefits only or both types of benefits.

No. C-39-19

Moved by: Deputy Mayor Verbeke
Seconded by: Councillor Wilkinson

Council adopt the revised H02 - Council Benefits and Pregnancy and/or Parental Leave Policy. (LLS-10-19)

Carried

4. Report REC-01-19 dated January 14, 2019 regarding Tender Award - LKRC Shower Renovation Project

Mr. Symons presented the report and explained the proposed construction plan in order to ensure change rooms and showers are available for users. It was advised that construction would be scheduled around special events being held at the facility, with an estimated start date of mid-March.

No. C-40-19

Moved by: Councillor Hammond
Seconded by: Councillor Tiessen

1. Council preapprove \$47,200 of additional spending from the 2019 Budget for the LKRC Shower Renovation Project due to the increased scope and potential aging infrastructure issues;
2. Council authorize \$17,200 to be funded from the Kinsmen Complex Reserve, as required and \$30,000 be funded net from revenue in the 2019 Budget; and
3. Council authorize the Mayor and Clerk to enter into an agreement with Front Construction Industries Inc., 740 Morton Drive, Unit 1, Windsor, ON N9J 3V2, to perform LKRC Shower Renovation Project for \$142,200 plus HST. (LLS-07-19)

Carried

5. Report LLS-03-19 dated January 10, 2019 regarding Electronic Participation at Council Meetings

Ms. Percy presented the report and confirmed that the direction is intended for all boards and committees of Council as well.

Ms. Percy noted that she was not aware of any local clerks recommending electronic participation and that the City of Ottawa is only using the practice for one committee.

No. C-41-19

Moved by: Deputy Mayor Verbeke
Seconded by: Councillor Tiessen

1. Council prohibit electronic participation by Council members in Council meetings; and
2. The Procedural By-law be amended to reflect with greater certainty that electronic participation at meetings is not permitted. (LLS-03-19)

Carried

6. Report LLS-11-19 dated January 10, 2019 regarding Post-Election Accessibility Report

Ms. Percy presented the report.

No. C-42-19

Moved by: Councillor Dunn
Seconded by: Councillor Tiessen

Council receive the report for information. (LLS-11-19)

Carried

7. Report LLS-06-19 dated January 15, 2019 regarding Proactive By-law Enforcement in the Uptown

Ms. Orton presented the report. It was advised that there were delays in response to by-law enforcement complaints in the municipality as a whole due to increased workload relating to cannabis applications and home occupation inspections. It was noted that these types of applications should be reduced in 2019.

Ms. Orton advised that Administration would not need to hire an additional permanent by-law enforcement officer position if proactive enforcement is continued in the BIA area only, however an additional \$20,000 would be budgeted for a contract position or overtime in the summer months. It was advised that if proactive enforcement were to be extended beyond this area, an additional officer would need to be hired.

It was confirmed that to date, all commercial and mixed use properties have had an initial contact by By-law Enforcement Services, however residential properties within the BIA area were not covered.

Ms. Orton advised that it was estimated that enforcement would take less time once initial compliance is achieved, however it was impossible to predict how much time would be required each week.

Mr. Neufeld noted that there is difficulty in defining a proactive enforcement program because there are legal connotations for staff relating to the term "proactive". It was suggested that an option be considered for an assertive reactive enforcement program.

Ms. Orton proposed the following as an additional option for Council consideration:

- Option #4 - That Council direct Administration to revert to reactive by-law enforcement within the Uptown but that if By-law Enforcement Officers see a violation of the Sign By-law, Land Maintenance By-law or Property Standards By-law while on duty, report the violation through CityWorks.

No. C-43-19

Moved by: Councillor Tiessen
Seconded by: Councillor Hammond

Council direct Administration to continue proactive by-law enforcement in the Uptown of the following:

- Sign By-law;
- Land Maintenance By-law; and
- Property Standards By-law:
 - Excluding properties used strictly for residential purposes; and
 - Including the exteriors of residential properties in mixed use buildings. (LLS-06-19)

Carried

Deputy Mayor Verbeke left the Council Chambers at 8:13 PM and returned at 8:16 PM.

8. Report LLS-08-19 dated January 2, 2019 regarding Vacant Lands on Seneca Road, Leamington - Archeological Assessment

Ms. Orton presented the report.

No. C-44-19

Moved by: Councillor Dunn
Seconded by: Councillor Wilkinson

1. Council approve the Stage 4 archaeological assessment of the property known as Lot 15 on Plan 12M-188, being vacant land on Seneca Road, Leamington be completed by Fisher Archaeological Consultants; and
2. Council approve the amount of \$50,000 to be paid from the 2019 Budget for this purpose. (LLS-03-19)

Carried

Matters for Approval:

None.

Other Matters for Consideration:

None.

Report on Closed Session:

Ms. Percy reported that a closed meeting was held at 5:30 PM January 22, 2019 prior to the open session of the Council Meeting pursuant to Subsection 239(2)(b), Subsection 239(2)(c) and Subsection 239(2)(d) of the Municipal Act, 2001 for the purpose of considering 3 items:

The first item - Item #1

Confidential Report LLS-09-19 dated January 11, 2019 regarding Appointments to Mayor's Youth Advisory Committee. As a result of this meeting, Council provided direction and the following suggested action is brought before Council for consideration in Open Session:

No. C-45-19

Moved by: Deputy Mayor Verbeke
Seconded by: Councillor Wilkinson

That Madison Binder, Oana Balint, Monica Klassen, Abbey Wigle, Camryn Friesen and Sydney Youssef be appointed to the Leamington Mayor's Youth Advisory Committee for a term to expire at the end of the school year.
(Confidential Report LLS-09-19)

Carried

The second item - Item #2

Confidential Report LLS-12-19 dated January 21, 2019 regarding Potential Disposition of Municipal Lands. Council provided direction to Administration with regard to the matter.

The third item - Item #3

Verbal report regarding Labour Relations - Firefighters Negotiations Direction. Council provided direction to Administration with regard to the matter.

Proper notice of the meeting was given. The meeting adjourned at 6:08 PM.

Consideration of By-laws:

No. C-46-19

Moved by: Councillor Wilkinson
Seconded by: Councillor Dunn

That the following by-laws be read a first, second and third time and finally enacted:

By-law 05-19, being a by-law to provide for licensing and regulating businesses in the Municipality of Leamington.

By-law 06-19, being a by-law to amend By-law 60-18, being a by-law to impose fees and charges by The Corporation of the Municipality of Leamington.

By-law 07-19, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held January 22, 2019.

Carried

Notices of Motion:

None noted.

Open Session of Council and Administration:

Councillor Dunn noted the grand opening of The Bridge Youth Resource Centre was held February 1st and a soup luncheon fundraiser will be held February 9th and 10th with proceeds benefitting The Bridge.

Councillor Hammond congratulated the organizers of the Erie Shore Foundation gala held January 19th which raised in excess of \$130,000.

Mayor MacDonald advised of her participation in the following activities:

- Two days of training with Essex Power Board
- Meeting with many residents and organizations, looking at a homelessness strategy
- Met with the Bridge Youth Resource Centre about their initiatives
- Going to put forward a communication about a public format for discussion rather than make specific appointments, sometime after March break
- Discussion relating to special events at the Amphitheatre

Statement of Members: non-debatable

Deputy Mayor Verbeke thanked Public Works employees for their hard work snowplowing during the snow event January 19th.

Adjournment:

No. C-47-19

Moved by: Councillor Dunn
Seconded by: Councillor Tiessen

That the meeting adjourn at 8:25 PM.

Carried

Signature on file

Hilda MacDonald, Mayor

Signature on file

Brenda Percy, Clerk

Minutes approved at Council Meeting held
February 12, 2019, Resolution C-50-19,
Confirmation By-law 09-19