

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

CHATHAM-KENT COUNCIL MEETING

COUNCIL CHAMBERS, CHATHAM-KENT CIVIC CENTRE

March 31, 2008

6:00 P.M.

1. CALL TO ORDER

The Mayor called the meeting to Order.

Present were: Mayor Randy Hope, Councillors Brown, Crew, Clarke, Faas, Fluker, Gilbert, Herman, King, McGregor, Parsons, Pickard, Pinsonneault, Robbins, Stirling, Sulman, Vercooteren and Weaver

2. APPROVAL OF SUPPLEMENTARY AGENDA

There was no supplementary agenda.

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

Councillor Pinsonneault declared a conflict of interest with regard to Item #12(b) – Amendments to Appointment By-law and Item 12(c) – By-law to Regulate Open Air Burning in the Municipality of Chatham-Kent as he is a volunteer firefighter. He declared a further conflict of interest with respect to Item #13(b) – Location of New YMCA Facility / Kinsmen Auditorium as a family member is an employee of the YMCA.

Councillor Pickard declared a conflict of interest with regard to Item #13(b) – Location of New YMCA Facility / Kinsmen Auditorium as he is the Treasurer of the United Way which works closely with the YMCA.

4. PRESENTATIONS

- (a) Jim Dowell, Consultant Project Manager, McCormick Rankin Corporation re Highway 401 Preliminary Design Study and Class Environmental Assessment.

Mr. Dowell provided Council with an update on information gathered and the changes that have resulted from Public Information Centres that were held regarding the planned Highway 401 improvements. He reviewed the next steps in the project which include a Transportation Environmental Study Report.

Mr. Dowell explained the concerns raised with respect to the Queen's Line Interchange and the proposed closure of McKinlay Road and Jeannette's Creek Road. As a result of the public input, the plan has been revised to maintain access to Queens Line from McKinlay Road and Jeannette's Creek Road via the interchange ramp terminals.

Mr. Dowell reviewed the concerns raised at the Public Information Centre for the Bloomfield Road Interchange. He explained that discussions are ongoing with affected property owners to mitigate concerns, however it does not appear that these concerns

will affect the preferred plan at this location.

Mr. Dowell noted that there were concerns raised regarding the impacts from the new alignment of Pinehurst Line at the Highway 40 interchange. He explained that there will be improvements at the Highway 40 / Boundary Road intersection to accommodate the closure of Pinehurst Line.

Mr. Dowell noted that no negative comments were received regarding the Kent Bridge Road Interchange and therefore there are no outstanding issues at this location.

Citizens that attended the Public Information Centre regarding the Victoria Road Interchange were generally satisfied that Spence Line will remain open as part of initial improvements. Mr. Dowell further explained that no comments were received regarding the Orford Road Interchange. Emergency Access Ramps at Merlin Road have been revised to minimize the property impacts. Other key comments received at the Public Information Centres were regarding highway noise, need for an interchange at Charing Cross Road and wildlife crossing opportunities.

Mr. Dowell noted that potential carpool parking lots were desirable at the Queen's Line, Highway 40, Kent Bridge and Victoria Road interchanges. During the Public Information Centres only one land owner indicated a willingness to sell land for a carpool parking lot. The Ministry of Transportation has determined that they can expropriate property for carpool parking lot locations, however the Project Team recognized that there are issues associated with an expropriation process and the existing carpool lot at Bloomfield will be the only lot relocated at this time. The remaining interchanges will be reviewed as part of a future study, independent of this current EA study.

Next steps include the preparation of a Transportation Environmental Study Report and the placement of the TESR onto public record for a 30-day review period as part of the requirements of the Ministry of Transportation Class Environmental Assessment process. It is anticipated that this will take place in June of 2008.

Councillor Vercouteren sought clarification on the new road that will link Pinehurst Line and the Boundary Road.

Councillor Vercouteren questioned traffic flow restrictions during construction of the interchanges. Mr. Dowell explained that as a general principle, traffic flow will be maintained on major roadways.

Councillor King commended the McCormick Rankin Corporation and the Ministry of Transportation for listening to the concerns brought forward by the public, and working diligently towards resolving issues where possible.

Councillor Herman questioned if the creation of safe crossings at the Highway 401 for active transportation have been discussed. Mr. Dowell explained that active transportation was not explicitly considered as part of this process. Local cycling clubs were contacted regarding riding routes, however limited feedback was received. Given the rural nature of the Highway 401 interchanges in Chatham-Kent, pedestrian traffic was not viewed as a potential issue and the presumption is that cyclists will make use of the existing interchanges to cross Highway 401. As a general policy, the Ministry of Transportation does not participate in new initiatives as far as creating sidewalks or cycling lanes at interchanges unless they were preexisting on a structure being rehabilitated.

Councillor Fluker expressed his appreciation of the Public Information Centres and that comments and concerns from the public and staff were taken into consideration.

In response to a question by Councillor Faas, Tanya Cross from the Ministry of Transportation explained that the Ministry will work with the new developments on

Bloomfield Road to ensure that the interchange improvements do not delay their projects.

Councillor Stirling questioned if the 40 Highway interchange requires the rerouting of McGregor's Creek. Mr. Dowell explained that the interchange design has been revised and therefore no realignment of McGregor's Creek is necessary.

In response to a question by Councillor Sulman, Tanya Cross explained that under this study there is no proposed interchange at Charing Cross Road.

Councillor Vercooterren moved, Councillor Fluker seconded:

“That the presentation be received for information.”

Mayor Hope thanked the McCormick Rankin Corporation and the Ministry of Transportation for their willingness to listen to and consider concerns raised by the public. He looked forward to future Highway 401 initiatives in Chatham-Kent.

The Mayor put the Motion

Motion Carried

(b) Deputy Chief Dennis Poole and Constable Joel Rehill, Chatham-Kent Police Service re School Police Emergency Action Response (SPEAR)

Constable Rehill noted that since 1996, approximately 114 people have been killed and over 170 people injured in high schools and colleges in North America. He referred to the incident at Columbine High School in 1999, where 13 people were killed and 21 people injured. The SPEAR program was created in Peel Region as a result of the response time at Columbine High School.

Countable Rehill outlined the following key points of the SPEAR program:

- Comprehensive computer database and proactive emergency preparedness plan
- Coordinates the response of front line officers and specialized units
- Provides specific school data and response plans that allow police to make critical decisions
- In past school shootings, police have encountered operational obstacles when they didn't have the information needed
- Developed to ensure police can respond in the most effective manner

The SPEAR program assists the Chatham-Kent Police Service in their obligation to provide an immediate response, proper scene set up and management, detailed intelligence of the scene, coordination with other agencies, and an effective plan that results in an efficient and safe resolution of the situation.

The SPEAR program data base contains the following information:

- School Information Data Sheets
- Area Maps
- Traffic Points
- Evacuation Routes
- Parent Information Site
- Media Information Site
- Floor Plans
- Site Plans
- Internal Photos
- External Photos
- Aerial Photographs

The web based design program is available on ComCentre desktops, Duty Inspector's laptop and the SPEAR laptops located in the Supervisor's car and the CIRT mobile vehicle. In the event of a school incident, the front line supervisor, dispatch, or Duty Inspector would determine whether to activate the program. If the program is activated, communication staff would call up the school data sheet and retrieve predetermined information. That information would determine which roads need to be shut down, where staging areas are for emergency personnel, and provide officers with photo's of both the interior and exterior of the school to best prepare themselves for entry. Once inside the school, the communications staff can provide officers with ongoing information.

Councillor Crew questioned how the database is maintained to ensure the information is accurate. Constable Rehill explained that the schools will be contacted each September requesting information on any upgrades or changes to the school. The schools are aware that any changes need to be reported to Police Services.

Councillor Crew asked if all the schools in Chatham-Kent are involved in the program. Constable Rehill explained that he is in the process of obtaining information from two schools that will complete all the high schools and community colleges in Chatham-Kent. Once these are complete, the process will begin with the elementary schools. Councillor Crew sought clarification on the training process for this program.

Councillor McGregor expressed concern regarding overreacting to an incident at a school and questioned how the level of response required by the Police is determined. Constable Rehill explained that there are a variety of factors taken into consideration to determine the necessary response level. He further explained that the SPEAR program can be accessed at any time during an incident response.

Councillor Parsons questioned if this program could be expanded to other public buildings. Constable Rehill explained that this program is very adaptable and could be applicable to other public buildings.

Councillor Robbins noted the importance of having a system in place to respond to incidents, however he questioned what programs are in place to prevent incidents. Constable Rehill explained that the development of the Youth Officer position, dedicated to patrol the high schools in Chatham-Kent, plays a major role in prevention. Deputy Chief Poole added that the schools are becoming very proactive and are providing in service training to their own staff, in partnership with the Youth Officer. This training focuses on the identification of individuals and circumstances that could trigger an incident.

Councillor Robbins moved, Councillor Fluker seconded:

“That the presentation be received for information.”

Councillor Pickard sought clarification on the cost of the program. Deputy Chief Poole explained that the training for the program fits within the current Police Services Budget at this time.

The Mayor put the Motion

Motion Carried

5. COMMITTEE REPORTS

- (a) Recommendations of the Drainage Board from its meetings held on February 20, 2008 and March 19, 2008

Councillor King moved, Councillor Vercooteren seconded:

“That the recommendations of the Drainage Board from its meetings held on February 20, 2008 and March 19, 2008 be approved.”

Councillor Vercooteren noted that he attended a recent meeting of the Drainage Board and complemented the committee on a very organized and well run meeting.

Councillor Stirling sought confirmation of the recommendation of the Drainage Board with respect to the Nelles Drain in the community of Shrewsbury. Councillor King explained that the Drainage Board is recommending that no action be taken on the drainage act request. He noted that there is a further course of action available, and the two parties have been notified of the next steps.

The Mayor put the Motion

Motion Carried

6. READING OF THE MINUTES

- (a) Chatham-Kent Council Minutes from its meeting held on March 3, 2008
- (b) Chatham-Kent Council Minutes from its planning meeting held on March 17, 2008

Councillor Gilbert moved, Councillor Crew seconded:

“That the Chatham-Kent Council Minutes from its meetings held on March 3, 2008 and March 17, 2008 be approved.”

The Mayor put the Motion

Motion Carried

7. NOTICES OF MOTION

- (a) Presentation of New Notices of Motion

Councillor Gilbert presented a Notice of Motion regarding financial support for the Senior Games. The matter will be added to the next regular agenda for discussion and voting on the matter.

Councillor Stirling presented a Notice of Motion regarding an action plan for the renewable energy industry. The matter will be added to the next regular agenda for discussion and voting on the matter.

8. TENDER AWARDS

- (a) Tender Award: Contract T06-100 – Coatsworth Road Bridge over Coatsworth – Robinson Drain, Community of Romney, Municipality of Chatham-Kent

MUNICIPALITY OF CHATHAM-KENT

INFRASTRUCTURE AND ENGINEERING SERVICES

ENGINEERING AND TRANSPORTATION DIVISION

TO: Mayor and Members of Council

FROM: Stephen E. Jahns, B.A.Sc., P.Eng., CMMIII, OAAAS, RCJI
Manager, Infrastructure and Transportation
Engineering and Transportation Division

DATE: March 8, 2008

SUBJECT: Tender Award: Contract T06-100
Coatsworth Road Bridge over Coatsworth - Robinson Drain
Community of Romney, Municipality of Chatham-Kent

RECOMMENDATIONS

It is recommended that:

1. The tender in the amount of \$ 243,810.00 (\$ 232,200.00 plus 5% GST) for the work associated with Contract T06-100 Coatsworth Road Bridge over Coatsworth-Robinson Drain be awarded to Intrepid General Limited of Chatham, Ontario
2. The tender award be subject to the requirements of the Canada-Ontario Municipal Rural Infrastructure Fund program.
3. The Mayor and Clerk be authorized to sign the necessary agreements.
4. The Treasurer issue and sell debentures to raise funds to cover the cost of this project.
5. Pending the sale of the debentures, the Mayor and Treasurer be authorized to borrow temporary funds, as may be required, in order to meet the payments due to vendors.

BACKGROUND

The existing bridge structure (originally constructed circa 1920 and rehabilitated circa 1960) is located on Coatsworth Road in the Community of Romney at the following location:

Coatsworth Road over Coatsworth-Robinson Drain
Bridge TMS 4687031N17422162E

The subject structure was initially inspected under the Bridge and Culvert Study prepared by Engineering Management Systems (formerly Paul Theil Associates) in 2001. During the course of this inspection, the structure was determined to be structurally and functionally inadequate and beyond economic rehabilitation. Bi-annual inspections have been conducted by the Municipality of Chatham-Kent (as legislated under the *Public Transportation and Highway Improvement Act*) to continually monitor the condition of the structure.

In 2005, the firm of Todgham & Case Associates Incorporated was retained to undertake the necessary work regarding the replacement of this structure.

COMMENTS

In 2005, the firm of Todgham & Case Associates Incorporated was charged with the task of preparing drawings associated with the replacement of this structure. As with all bridge and culvert structures, preliminary reports reviewing drain hydraulics and

replacement options were authored. Preliminary general arrangement plans and elevations were also forwarded to the numerous approving agencies (including local, provincial and federal) to obtain the necessary permits and approvals.

In September 2005, Engineering and Transportation Division submitted a sizeable application to the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) – Intake II. This application included separate funding applications for twenty-four separate bridge and culvert structures as illustrated in the following table. The total value of these projects was estimated at approximately \$11.2 million. In April 2006, and as Council may be aware, the Municipality of Chatham-Kent was advised that fourteen of the twenty-four bridge and culvert structures contained within the COMRIF Intake II application were successfully approved for funding by the Province of Ontario and Government of Canada. A complete list of the structures contained in the COMRIF application is provided below. The subject structure on Coatsworth Road has been approved to receive funding under the COMRIF program.

Table 11 – COMRIF Intake II Applicant Structures Including Budget Estimate and Status of COMRIF Approval			
Bridge Structure Identifier	Bridge Structure Description	Budget Estimate ^B	COMRIF Approved ^A
4661498N17379457E	Talbot Trail over East Branch Two Creeks	\$ 1,660,000.00	No ^C
4682707N17383690E	Mint Line over Baptiste Creek	\$ 635,210.00	No
4668483N17388728E	Coatsworth Road over Coatsworth - Robinson Drain	\$ 295,000.00	Yes
4684531N17381647E	Baptiste Creek Bridge on Tecumseh Line	\$ 482,800.00	No
4680436N17386580E	Pollard Line over Government Drain 2 & 3	\$ 405,000.00	No
4681382N17403057E	Middle Line over Roe Drain	\$ 183,000.00	Yes
4682164N17401841E	Eleventh Line over Moore Drain	\$ 202,900.00	Yes
4683708N17401545E	Tenth Line over Slade Drain	\$ 211,900.00	Yes
4684307N17400105E	Ninth Line over Carter Drain	\$ 225,900.00	Yes
4684316N17424138E	Raglan Road over Buchanan Drain	\$ 344,500.00	Yes
4684456N17397017E	Drake Road over Shadd Drain	\$ 232,200.00	Yes
4684465N17397022E	Seventh Line over Finn and Cooper Drain	\$ 161,540.00	Yes
4687031N17422162E	Talbot over Cumming Drain	\$ 285,000.00	Yes
4687231N17405452E	Tenth Line over Moody-Earley Drain	\$ 211,900.00	Yes
4689352N17410899E	Cundle Line over Cameron Drain	\$ 385,000.00	Yes
4689458N17410970E	Cundle Line over Walker Drain	\$ 390,000.00	Yes
4690284N17404731E	Eighth Line over Ferguson Drain	\$ 245,800.00	Yes
4676778N17399921E	Thirteenth Line over Foxton Drain	\$ 149,300.00	No
4679137N17407934E	Sixteenth Line over Four Rod Rd Drain	\$ 234,400.00	No
4698757N17409429E	Harwich Road over Ferguson Drain	\$ 107,060.00	No
4707155N17423730E	Selton Line over Skarel Drain	\$ 318,780.00	No
4696907N17386573E	Big Pointe Road over Rivard Drain	\$ 433,620.00	Yes
4716715N17386791E	Murray Street Bridge	\$ 2,652,000.00	No
4695656N17403381E	Princess Street Bridge	\$ 804,000.00	No
Total Value of Fees and Construction Costs		\$ 11,256,810.00	--

Note A: COMRIF funding consists of a maximum of 2/3 funding (equal parts contributed by provincial and federal government) and 1/3 by the Municipality of Chatham-Kent.
Note B: Budgets were calculated in 2005 and may not necessarily reflect the market at the time of tender. The construction market has experienced significant increases in costs for steel, concrete and asphalt – all components of typical bridge and culvert construction and rehabilitation activities.
Note C: Although this structure did not receive funding under the COMRIF Program, the Municipality of Chatham-Kent was successful in securing \$1,800,000 from the Ontario Rural Infrastructure Initiative Program.

The project was let for competitive public tender on February 4, 2008 and the Purchasing Officer received and opened tenders for the work on February 28, 2008. The tender results were as follows:

Table 12 - Tender Results Contract T06-100 Coatsworth Road Bridge over Coatsworth - Robinson Drain Community of Romney, Municipality of Chatham-Kent		
Rank	Bidder and Location	Tender Amount (incl. GST)
1	Intrepid General Limited – Chatham, Ontario	\$ 243,810.00
2	Ben Bruinsma and Sons Limited – Chatham, Ontario	\$ 247,854.62
3	Front Construction – Windsor, Ontario	\$ 289,000.00
4	B.F. Environmental – Port Lambton, Ontario	\$ 327,379.50 ^A
5	Elmara Construction – Oldcastle, Ontario	\$ 333,270.00 ^A
6	PCR Contractors Incorporated – Windsor, Ontario	\$ 335,856.15 ^A

7	Spurr Contracting – Belle River, Ontario	\$ 340,362.75
8	Facca Incorporated – Ruscom, Ontario	\$ 343,255.50

Note A: Bid contained arithmetic errors which when corrected did not impact the rank of the bids.

The firm of Todgham & Case Associates Incorporated has reviewed the tenders and notes that they are complete in all respects. Two of the bids contained minor arithmetic errors which, when corrected, did not impact the rank of the bids received. All project fees (consultant fees, costs of construction, etc.) associated with this project will be funded through the Bridge Lifecycle Budget and funds to be received under the Canada-Ontario Municipal Rural Infrastructure Fund. A detailed financial breakdown associated with this project is provided in the Financial Implications section of this report.

Signage will be posted at the structure advising motorists of the approaching construction activities and duration of same. In addition, special signage will be provided as required under the COMRIF Program to advise area residents of the involvement of the federal government and provincial government in the replacement of these structures. A copy of the site plan is provided in Figure 1 of this report. Due to the nature of the construction, Coatsworth Road between 2nd Concession Line and 3rd Concession Line will be completely closed to vehicular traffic in the immediate vicinity of the construction site for the duration of the project.

The commencement of bridge projects is typically subject to the receipt of approvals from the Department of Fisheries and Oceans, Coast Guard, Conservation Authority and any other agency deemed necessary. All appropriate approvals have been obtained in advance of tendering the structure.

The contractor may commence construction anytime after award; however no in-water work may occur between March 15th and June 30th per the Department of Fisheries and Oceans. Substantial completion of the project is required by August 29, 2008 with the road being opened to traffic at that time. Total completion is to be achieved by September 26, 2008 as stipulated in the contract documents.

COMMUNITY STRATEGIC PLAN

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

A. Health – We are a healthy community

A1: Provide sufficient capacity to sustain community health and economic growth

B. Economy – We are a prosperous community

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

Desired Outcomes

- Provide safe, accessible, convenient and efficient public transportation
- Support new infrastructure investments and modernize existing infrastructure

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

CONSULTATION

The Tenders were opened by the Purchasing Officer and reviewed by the Tendering Committee comprised of the Purchasing Officer, Corporate Services, the Director, Financial Services/Treasurer, Corporate Services and the Director, Engineering and Transportation Division, Infrastructure and Engineering Services.

Chatham-Kent Council was also consulted during the preparation of applications to the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) Program.

FINANCIAL IMPLICATIONS

The project is municipally funded from the Bridge Lifecycle Budget and through the sale of debentures. This project is also being funded through a contribution from the Canada Ontario Municipal Rural Infrastructure (COMRIF) Intake II.

The financial implications associated with the current project are summarized in Table 13.

Table 13 - Financial Implications Contract T06-100 Coatsworth Road Bridge over Coatsworth - Robinson Drain Community of Romney, Municipality of Chatham-Kent		
A) Project Costs	Recommended Tender	\$ 242,810.00 ^A
	Engineering – Design and Tendering	\$ 41,905.45
	Engineering – Contract Admin. / Inspect.	\$ 8,700.00 ^B
	Engineering – Material Testing (budget)	\$ 10,000.00
	Less GST Rebate 5%	\$ (11,610.00) ^C
	Total Current Project Costs	\$ 291,805.45
B) Expenditures to Date	2007 Bridge Lifecycle Funding	\$ 8,492,600.00
	Less Previously Approved Projects:	
	T07-135 Raglan Road over Buchanan Drain	\$ (260,003.03)
	T07-164 Tenth Line Bridge Replacements	\$ (387,495.58)
	T07-171 Raleigh Bridge Replacements	\$ (483,731.01)
	T05-199 Raleigh Bridge Replacements	\$ (551,861.28) ^E
	T07-182 Middle Line over Roe Drain	\$ (70,099.53)
	T03-146 Cundle Line Road Culverts	\$ (676,445.56)
	T07-176 Talbot Trail Bridge over East Branch of Two Creeks	\$ (1,255,887.00)
	T06-195 Skakel Drain Culvert Replacement	\$ (345,551.89)
	T07-227 Eighth Line Bridge Replacement over Ferguson Drain	\$ (261,800.00)
Less Current Project:		
T06-100 Coatsworth Road over Coatsworth-Robinson Drain	\$ (291,805.45)	
2007 Bridge Lifecycle Balance Remaining	\$ 3,907,919.67	
C) Funding Opportunities	Previous Estimated Subsidy	
	T07-135 Raglan Road over Buchanan Drain	\$ 173,335.35 ^D
	T07-164 Tenth Line Bridge Replacements	\$ 256,997.05 ^D
	T07-171 Raleigh Bridge Replacements	\$ 285,866.67 ^D
	T05-199 Raleigh Bridge Replacements	\$ 450,000.00 ^E
	T07-182 Middle Line over Roe Drain	\$ 36,733.02 ^D
	T03-146 Cundle Line Road Culverts	\$ 516,666.67 ^D
	T07-176 Talbot Trail Bridge over East Branch of Two Creeks	\$ 1,255,887.00 ^F
	T07-227 Eighth Line Bridge Replacement over Ferguson Drain	\$ 154,533.33 ^D
	Subsidy Received from COMRIF:	
T06-100 Coatsworth Road over Coatsworth-Robinson Drain	\$ 194,536.97 ^D	
Total Funding Opportunities to Date	\$ 3,324,556.06	
D) Summary	Net Potential Impact of Current Project on 2007 Bridge Lifecycle Funding	\$ 97,268.48
<p>Note A: Includes a \$20,000 contingency which is reflected in the recommended tender and may or may not be utilized. Note B: Costs identified by consultant are estimated budgets only and subject to change based on actual hours required to undertake and complete work. Note C: GST rebate calculated on tender price only – consultant fees shown are already exclusive of GST Note D: COMRIF contribution is subject to change as it is influenced by actual costs incurred and utilization of contingency allowance (value indicated is the 2/3 funding as allowed by COMRIF Agreement) Note E: This project is being funded through a contribution from the <i>Transfer of Federal Gas Tax Revenues Under the New Deal for Cities and Communities Agreement</i> as administered by AMO. Note F: This project is being funded through a contribution from the <i>Ontario Rural Infrastructure Improvement Initiative Fund</i> as administered by the Province of Ontario.</p>		

Prepared by:

Reviewed by:

Stephen E. Jahns, P.Eng., CMM III, RCJI
Manager, Infrastructure & Transportation
Engineering & Transportation Division
Infrastructure & Engineering Services

Gary Northcott, P. Eng.
Director
Engineering and Transportation
Infrastructure and Engineering Services

Reviewed by:

Reviewed by:

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

Gerry Wolting, B.Math, CA
Acting Chief Administrative Officer

Councillor King moved, Councillor Faas seconded:

“That

- 1. The tender in the amount of \$243,810.00 (\$232,200 plus 5% GST) for the work associated with Contract T06-100 Coatsworth Road Bridge over Coatsworth-Robison Drain be awarded to Intrepid General Limited of Chatham, Ontario.**
- 2. The tender award be subject to the requirements of the Canada-Ontario Municipal Rural Infrastructure Fund program.**
- 3. The Mayor and Clerk be authorized to sign the necessary agreements.**
- 4. The Treasurer issue and sell debentures to raise funds to cover the cost of this project.**
- 5. Pending the sale of the debentures, the Mayor and Treasurer be authorized to borrow temporary funds, as may be required, in order to meet the payments due to vendors.”**

In response to a question by Councillor Sulman, the Manager of Infrastructure and Transportation explained that when the replacement of a structure is considered, an economic analysis of the options made available by the consultant is conducted. For this specific bridge, the span, rise and size of the opening is such that a concrete culvert is warranted.

The Mayor put the Motion

Motion Carried

- (b) Tender Award: Contract T06-198 – Talbot Trial Bridge over Coming Drain, Community of Harwich, Municipality of Chatham-Kent

MUNICIPALITY OF CHATHAM-KENT

INFRASTRUCTURE AND ENGINEERING SERVICES

ENGINEERING AND TRANSPORTATION DIVISION

TO: Mayor and Members of Council

FROM: Stephen E. Jahns, B.A.Sc., P.Eng., CMMIII, OAAAS, RCJI
Manager, Infrastructure and Transportation
Engineering and Transportation Division

DATE: March 8, 2008

SUBJECT: Tender Award: Contract T06-198
Talbot Trail Bridge over Cumming Drain
Community of Harwich, Municipality of Chatham-Kent

RECOMMENDATIONS

It is recommended that:

1. The tender in the amount of \$ 320,255.57 (\$ 305,005.30 plus 5% GST) for the work associated with Contract T06-198 Talbot Trail Bridge over Cumming Drain (with construction scheduled to commence September 2008) be awarded to Clarke Drainage Limited of Blenheim, Ontario.
2. The tender award be subject to the requirements of the Canada-Ontario Municipal Rural Infrastructure Fund program.
3. The Mayor and Clerk be authorized to sign the necessary agreements.
4. The Treasurer issue and sell debentures to raise funds to cover the cost of this project.
5. Pending the sale of the debentures, the Mayor and Treasurer be authorized to borrow temporary funds, as may be required, in order to meet the payments due to vendors.

BACKGROUND

The existing bridge structure (originally constructed circa 1920 and rehabilitated circa 1970) is located on Talbot Trail in the Community of Harwich at the following location:

Talbot Trail over Cumming Drain Bridge TMS 4687031N17422162E

The subject structure was initially inspected under the Bridge and Culvert Study prepared by Engineering Management Systems (formerly Paul Theil Associates) in 2001. During the course of this inspection, the structure was determined to be structurally and functionally inadequate and beyond economic rehabilitation. Bi-annual inspections have been conducted by the Municipality of Chatham-Kent (as legislated under the *Public Transportation and Highway Improvement Act*) to continually monitor the condition of the structure.

In 2005, the firm of Todgham & Case Associates Incorporated was retained to undertake the necessary work regarding the replacement of this structure.

COMMENTS

In 2005, the firm of Todgham & Case Associates Incorporated was charged with the task of preparing drawings associated with the replacement of this structure. As with all bridge and culvert structures, preliminary reports reviewing drain hydraulics and replacement options were authored. Preliminary general arrangement plans and elevations were also forwarded to the numerous approving agencies (including local, provincial and federal) to obtain the necessary permits and approvals.

In September 2005, Engineering and Transportation Division submitted a sizeable application to the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) – Intake II. This application included separate funding applications for twenty-four separate bridge and culvert structures as illustrated in the following table. The total value of these projects was estimated at approximately \$11.2 million. In April 2006, and as Council may be aware, the Municipality of Chatham-Kent was advised that fourteen of the twenty-four bridge and culvert structures contained within the COMRIF Intake II application were successfully approved for funding by the Province of Ontario and Government of Canada. A complete list of the structures contained in the COMRIF application is provided below. The subject structure on Talbot Trail has been approved to receive funding under the COMRIF program.

Table 13 – COMRIF Intake II Applicant Structures			
Bridge Structure	Bridge Structure Description	Budget Estimate ^B	COMRIF Approved ^A
4661498N17379457E	Talbot Trail over East Branch Two Creeks	\$ 1,660,000.00	No ^C
4682707N17383690E	Mint Line over Baptiste Creek	\$ 635,210.00	No
4668483N17388728E	Coatsworth Road over Coatsworth Drain	\$ 295,000.00	Yes
4684531N17381647E	Baptiste Creek Bridge on Tecumseh Line	\$ 482,800.00	No
4680436N17386580E	Pollard Line over Government Drain 2 & 3	\$ 405,000.00	No
4681382N17403057E	Middle Line over Roe Drain	\$ 183,000.00	Yes
4682164N17401841E	Eleventh Line over Moore Drain	\$ 202,900.00	Yes
4683708N17401545E	Tenth Line over Slade Drain	\$ 211,900.00	Yes
4684307N17400105E	Ninth Line over Carter Drain	\$ 225,900.00	Yes
4684316N17424138E	Raglan Road over Buchanan Drain	\$ 344,500.00	Yes
4684456N17397017E	Drake Road over Shadd Drain	\$ 232,200.00	Yes
4684465N17397022E	Seventh Line over Finn and Cooper Drain	\$ 161,540.00	Yes
4687031N17422162E	Talbot over Cumming Drain	\$ 285,000.00	Yes
4687231N17405452E	Tenth Line over Moody-Earley Drain	\$ 211,900.00	Yes
4689352N17410899E	Cundle Line over Cameron Drain	\$ 385,000.00	Yes
4689458N17410970E	Cundle Line over Walker Drain	\$ 390,000.00	Yes
4690284N17404731E	Eighth Line over Ferguson Drain	\$ 245,800.00	Yes
4676778N17399921E	Thirteenth Line over Foxton Drain	\$ 149,300.00	No
4679137N17407934E	Sixteenth Line over Four Rod Rd Drain	\$ 234,400.00	No
4698757N17409429E	Harwich Road over Ferguson Drain	\$ 107,060.00	No
4707155N17423730E	Selton Line over Skarel Drain	\$ 318,780.00	No
4696907N17386573E	Big Pointe Road over Rivard Drain	\$ 433,620.00	Yes
4716715N17386791E	Murray Street Bridge	\$ 2,652,000.00	No
4695656N17403381E	Princess Street Bridge	\$ 804,000.00	No
Total Value of Fees and Construction Costs		\$ 11,256,810.00	
<p>Note A: COMRIF funding consists of a maximum of 2/3 funding (equal parts contributed by provincial and federal government) and 1/3 by the Municipality of Chatham-Kent.</p> <p>Note B: Budgets were calculated in 2005 and may not necessarily reflect the market at the time of tender.</p> <p>Note C: Chatham-Kent was successful in securing \$1,800,000 from the Ontario Rural Infrastructure Initiative Program.</p>			

The project was then let for public tender on February 4 of 2008. During the course of the tendering process, some concerns were identified specifically related to the timing of the construction of this project.

Summer or Fall Construction?

Construction of this project requires the closure of Talbot Trail to vehicular traffic locally at the site. As initially tendered, the project was slated for construction commencing after Labour Day of 2008 (arguably the completion of summer vacation) as the proposed construction activities could potentially hinder tourists visiting the South Kent area. Tourists visiting Rondeau Bay and the surrounding area would be forced to travel a pre-marked detour maintained by the contractor for the duration of the project.

During the course of the tendering project, it was determined that the planned construction activities may adversely impact local area agricultural operations during harvest (especially area tomatoes). Consequently, consideration was also given to advancing the date of construction to July 1, 2008 or deferring the date of construction to October of 2008. Addenda were issued to the registered plan takers so as to document the cost implications of these proposed alternate timelines.

Purchasing Officer received and opened tenders for the work on February 28 of 2008. The tender results were as presented in Table 14.

Table 14 - Tender Results				
Contract T06-198 Talbot Trail Bridge over Cumming Drain				
Community of Harwich, Municipality of Chatham-Kent				
Bidder	Bidder and Location	As Tendered September '08 Start (incl. GST)	Tender Option 1 July '08 Start (incl. GST)	Tender Option 2 October '08 start (incl. GST)
1	Clarke Drainage Ltd. Blenheim, Ontario	\$ 320,255.57^E	\$ 320,255.57^E	\$ 336,005.57 ^{C,E}
2	Ben Bruinsma & Sons Chatham, Ontario	\$ 330,545.52 ^A	\$ 330,545.52 ^A	\$ 333,695.52^D
3	Facca Incorporated Ruscom, Ontario	\$ 356,984.25	\$ 356,984.25	\$ 346,484.25 ^F
4	Front Construction Windsor, Ontario	\$ 368,650.00	\$ 368,650.00	
5	Intrepid General Limited Chatham, Ontario	\$ 381,360.00	\$ 366,345.00 ^B	
6	B.F. Environmental Limited Port Lambton, Ontario	\$ 460,848.15	\$ 460,848.15	
7	PCR Contractors Windsor, Ontario	\$ 462,313.00	\$ 462,313.00	
8	Elmara Construction Limited Oldcastle, Ontario	\$ 492,503.00	\$ 492,503.00	
9	Bear Construction Windsor, Ontario	\$ 514,438.38	\$ 514,438.38	
10	Moretti Excavating Limited Vaughn, Ontario	\$695,152.50	\$695,152.50	

Note A: Bid contained mathematical errors which, when corrected, did not impact the rank of the bids received.
 Note B: Although Intrepid General Limited offered a credit for advancing the date of construction, the credit did not result in their bid being the lowest.
 Note C: The additional costs required by Clarke Drainage Limited to defer the project to October resulted in their bid no longer being lowest.
 Note D: The additional costs required by Ben Bruinsma and Sons Limited to defer the project to October resulted in their bid being the lowest for that particular option.
 Note E: Clarke Drainage Limited proposes the use of precast concrete components as opposed to cast-in-place construction methods which may result in a decreased duration of construction and possibly even decreased contract administration fees incurred by the Consulting Engineer.
 Note F: Although Facca Incorporated offered a credit to defer the date of construction, the credit did not result in their bid being the lowest.

The firm of Todgham & Case Associates Incorporated has reviewed the tenders and notes that they are complete in all respects. Some minor arithmetic corrections were noted, however their correction did not impact the rank of the bids received. All project fees (consultant fees, costs of construction, etc.) associated with this project will be funded through the Bridge Lifecycle Budget and funds to be received under the Canada-Ontario Municipal Rural Infrastructure Fund. A detailed financial breakdown associated with this project is provided in the Financial Implications section of this report.

Signage will be posted at the structure advising motorists of the approaching construction activities and duration of same. In addition, special signage will be provided as required under the COMRIF Program to advise area residents of the involvement of the federal government and provincial government in the replacement of these structures. A copy of the site plan is provided in Figure 1 of this report. Due to the nature of the construction, Talbot Trail between Communication Road and Kent Bridge Road will be closed to all traffic (save and except local traffic) for the duration of the project.

The commencement of bridge projects is typically subject to the receipt of approvals from the Department of Fisheries and Oceans, Coast Guard, Conservation Authority and any other agency deemed necessary. All appropriate approvals have been obtained in advance of tendering the structure.

Proposed Construction Timing

Upon reviewing the bid results for the various construction starts presented in Table 14, the nature of the adverse impacts to be minimized (potential adverse impact on tourism, potential adverse impact on agricultural activities) and considering the requirements of the COMRIF Program, Engineering and Transportation Division recommends that the construction be scheduled to commence in September 2008 as tendered. Commencing construction in September would potentially eliminate any adverse impact to the bulk of the tourism season while minimizing municipal expenditures for the reconstruction of this deteriorated infrastructure. September construction is also conducive to the placement of asphalt during the 2008 construction season. Deferral of construction beyond September of 2008 would necessitate placement of asphalt in Spring of 2009 and potentially jeopardize receipt of funds associated with said asphalt. Area agricultural operations and associated traffic will be accommodated by signed detours maintained by the contractor for the duration of the project.

Given the proposed construction timing, the contractor may commence construction anytime after September 1, 2008. Substantial completion of the project is required by October 31, 2008 with the road being opened to traffic at that time.

COMMUNITY STRATEGIC PLAN

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

A. Health – We are a healthy community

A1: Provide sufficient capacity to sustain community health and economic growth

B. Economy – We are a prosperous community

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

Desired Outcomes

- Provide safe, accessible, convenient and efficient public transportation
- Support new infrastructure investments and modernize existing infrastructure

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

CONSULTATION

The Tenders were opened by the Purchasing Officer and reviewed by the Tendering Committee comprised of the Purchasing Officer, Corporate Services, the Director, Financial Services/Treasurer, Corporate Services and the Director, Engineering and Transportation Division, Infrastructure and Engineering Services.

Chatham-Kent Council was also consulted during the preparation of application to the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF).

FINANCIAL IMPLICATIONS

The project is municipally funded from the Bridge Lifecycle Budget and through the sale of debentures. This project is also being funded through a contribution from the Canada Ontario Municipal Rural Infrastructure (COMRIF) Intake II.

The current project is summarized in Table 15.

Table 15 - Financial Implications Contract T06-198 Talbot Trail Bridge over Cumming Drain Community of Harwich, Municipality of Chatham-Kent		
A) Project Costs	Recommended Tender	\$ 320,255.57 ^A
	Engineering – Design and Tendering	\$ 24,929.87
	Engineering – Contract Admin. / Inspect.	\$ 14,500.00 ^B
	Engineering – Material Testing (budget)	\$ 15,000.00
	Less GST Rebate 5%	\$ (15,250.27) ^C
	Total Current Project Costs	\$ 359,435.17
B) Expenditures to Date	2007 Bridge Lifecycle Funding	\$ 8,492,600.00
	Less Previously Approved Projects:	
	T07-135 Raglan Road over Buchanan Drain	\$ (260,003.03)
	T07-164 Tenth Line Bridge Replacements	\$ (387,495.58)
	T07-171 Raleigh Bridge Replacements	\$ (483,731.01)
	T05-199 Raleigh Bridge Replacements	\$ (551,861.28) ^E
	T07-182 Middle Line over Roe Drain	\$ (70,099.53)
	T03-146 Cundle Line Road Culverts	\$ (676,445.56)
	T07-176 Talbot Trail Bridge over East Branch of Two Creeks	\$ (1,255,887.00)
	T06-195 Skakel Drain Culvert Replacement	\$ (345,551.89)
	T07-227 Eighth Line Bridge Replacement over Ferguson Drain	\$ (261,800.00)
	T06-100 Coatsworth Road over Coatsworth-Robinson Drain	\$ (291,805.45)
	Less Current Project:	
T06-198 Talbot Trail over Cumming Drain	\$ (359,435.17)	
2007 Bridge Lifecycle Balance Remaining	\$ 3,548,484.50	
C) Funding Opportunities	Previous Estimated Subsidy	
	T07-135 Raglan Road over Buchanan Drain	\$ 173,335.35 ^D
	T07-164 Tenth Line Bridge Replacements	\$ 256,997.05 ^D
	T07-171 Raleigh Bridge Replacements	\$ 285,866.67 ^D
	T05-199 Raleigh Bridge Replacements	\$ 450,000.00 ^E
	T07-182 Middle Line over Roe Drain	\$ 36,733.02 ^D
	T03-146 Cundle Line Road Culverts	\$ 516,666.67 ^D
	T07-176 Talbot Trail Bridge over East Branch of Two Creeks	\$ 1,255,887.00 ^F
	T07-227 Eighth Line Bridge Replacement over Ferguson Drain	\$ 154,533.33 ^D
	T06-100 Coatsworth Road over Coatsworth-Robinson Drain	\$ 194,536.97 ^D
	Subsidy Received from COMRIF:	
T06-198 Talbot Trail over Cumming Drain	\$ 190,000.00 ^D	
Total Funding Opportunities to Date	\$ 3,514,556.06	
D) Summary	Net Potential Impact of Current Project on 2007 Bridge Lifecycle Funding	\$ 169,435.17

Note A: Includes a \$20,000 contingency which is reflected in the recommended tender and may or may not be utilized.
Note B: Costs identified by consultant are estimated budgets only and subject to change based on actual hours required to undertake and complete work.
Note C: GST rebate calculated on tender price only – consultant fees shown are already exclusive of GST
Note D: COMRIF contribution is subject to change as it is influenced by actual costs incurred and utilization of contingency allowance (value indicated is the 2/3 funding as allowed by COMRIF Agreement)
Note E: This project is being funded through a contribution from the *Transfer of Federal Gas Tax Revenues Under the New Deal for Cities and Communities Agreement* as administered by AMO.
Note F: This project is being funded through a contribution from the *Ontario Rural Infrastructure Improvement Initiative Fund* as administered by the Province of Ontario.

Prepared by:

Reviewed by:

Stephen E. Jahns, P.Eng., CMM III, RCJI
Manager, Infrastructure and Transportation
Engineering and Transportation Division
Infrastructure and Engineering Services

Gary Northcott, P. Eng.
Director
Engineering and Transportation
Infrastructure and Engineering Services

Reviewed by:

Reviewed by:

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

Gerry Wolting, B.Math, CA
Acting Chief Administrative Officer

Councillor Stirling moved, Councillor Vercooteren seconded:

“That

- 1. The tender in the amount of \$320,255.57 (\$305,005.30 plus 5% GST) for the work associated with Contract T06-198 Talbot Trail Bridge over Cumming Drain (with construction scheduled to commence September 2008) be awarded to Clarke Drainage Limited of Blenheim, Ontario.**
- 2. The tender be subject to the requirements of the Canada-Ontario Municipal Infrastructure Fund program.**
- 3. The Mayor and Clerk be authorized to sign the necessary agreements.**
- 4. The Treasurer issue and sell debentures to raise funds to cover the cost of this project.**
- 5. Pending the sale of the debentures, the Mayor and Treasurer be authorized to borrow temporary funds, as may be required, in order to meet the payments due to vendors.”**

Councillor Stirling sought clarification on the timing of this project and how area agricultural operations will be accommodated. The Manager of Infrastructure and Transportation explained that the detour is using existing municipal roads. The Drainage Department has conducted some consultation with local farmers.

The Mayor put the Motion

Motion Carried

(c) Tender Award: Contract T08-107 – 2008 Sidewalk and Concrete Repair Program

MUNICIPALITY OF CHATHAM-KENT

INFRASTRUCTURE & ENGINEERING SERVICES

ENGINEERING & TRANSPORTATION DIVISION

TO: Mayor and Members of Council

FROM: Nelson Cavacas, C.E.T.
Manager, Infrastructure and Development Engineering

DATE: March 10, 2008

SUBJECT: Tender Award – Contract No. T08 - 107
2008 Sidewalk and Concrete Repair Program

RECOMMENDATIONS

It is recommended that:

1. The 2008 Sidewalk and Concrete Repair Program as described in Table 1, - 2008 Sidewalk and Concrete Repair Program be approved.
2. The tender in the amount of \$ 451,190.04, including GST for the 2008 Sidewalk and Concrete Repair Program be awarded to Autoform Contracting London Limited.

BACKGROUND

The project involves the replacement of sidewalk, handicap ramps and curbs on various street sections throughout Chatham-Kent. The rating system uses criteria of spauling, joint deflections, settlement, cracking and general overall appearance to determine a rating out of 100. The lower the rating, the more severe the deficiencies. The sections are then field checked with respect to usage, location, water-ponding and handicapped accessibility to finalize the list that is presented to Council. The ranking system provides a fair and unbiased assessment to ensure those sidewalk sections, in most need of repair regardless of location are dealt with using the available funding.

Tenders were called and received by the Purchasing Officer on Thursday, January 24, 2008. The results are as follows:

TENDER: CONTRACT T08-107 2007 Sidewalk and Concrete Repair Program		
Rank	Tenderer	Amount
1	Autoform Contracting London Limited, London, ON	\$451,190.04
2	1123491 Ontario Inc, United Contracting (London), London, ON	\$472,806.34
3	Giorgi Bros. Limited, Tecumseh, ON	\$509,538.75

The Engineering and Transportation Division has reviewed the tenders and found them to be complete in all respects.

COMMENTS

Tenders were called prior to the budget approval of the 2008 Sidewalk and Concrete Repair Program due to receiving industry information indicating favorable pricing on concrete work from anticipated reduction of costs on Portland cement by-product used in the production of concrete. An average of 6% reduction on the concrete unit prices was observed with this early tender call. The tender documentation included a stipulation that the locations included in the tender were subject to Council approval. The sidewalks being replaced by the 2008 Sidewalk and Concrete Repair Project are listed on Appendix A, Table 1, 2008 Sidewalk and Concrete Repair Program (Attached).

Infrastructure and Engineering Services (IES), Public Works Directors and the staff of Engineering and Transportation Division reviewed these sections of sidewalk identified for improvement. This review has confirmed the ratings, improvement type and features that affect their choice as proposed maintenance projects. Any conflicts with future road, water main and sewer improvements required to be completed either prior to or coordinated with were identified and the list adjusted accordingly.

Included in this work program is the construction of wheel chair ramps where locations either currently are deficient or required. Currently identified in the Chatham-Kent Sidewalk Inventory Database there is approximately 1,102 locations in which wheel chair ramps are either deficient or required. This is roughly 19% of the total locations (5,720) for the entire sidewalk inventory in the Municipality of Chatham-Kent. On average approximately 30 wheel chair ramp locations are completed under this program along with additional locations also being completed in coordination with the Urban Resurfacing program.

The approved 2008 Sidewalk Lifecycle Budget is \$475,500. In addition, a transfer of \$10,000 is shown from the Sidewalk Lifecycle Budget to address and complete the program previously approved in 2006 for the treatment of spot repairs of trip and falls.

The project costs are summarized in the Financial Implications section of the report.

COMMUNITY STRATEGIC PLAN

The recommendations in this report support 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 recommendations will not adversely impact on the remainder of the Community Strategic Plan.

CONSULTATION

The Tenders were opened by the Purchasing Officer and reviewed by the Tendering Committee, which includes the Purchasing Officer, Corporate Services, the Manager, Financial Services/Treasurer, Corporate Services and the Director, Engineering and Transportation Division, Infrastructure and Engineering Services.

FINANCIAL IMPLICATIONS

The project is being funded from the 2008 Sidewalk Lifecycle Budget.

The project summary is as follows:

CONTRACT T08-107, 2008 SIDEWALK and CONCRETE REPAIR PROGRAM		
A) Budget Estimate	2008 Sidewalk Lifecycle Budget (prior year)	\$ 475,500.00
	Previously Approved (Trip & Fall Treatments)	-\$ 10,000.00
	Budget Total	\$ 465,500.00
B) Project Costs	Low Tender (Including Lifecycle Roads Budget)	\$ 451,190.04
	Engineering and Material Testing	\$ 35,750.00
	Less GST Rebate 5%	-\$ 21,485.24
	Project Total	\$ 465,454.80

Prepared by:

Reviewed by:

 Nelson Cavacas, C.E.T.
 Manager,
 Infrastructure and Development Engineering
 Engineering and Transportation Division

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

Reviewed by:

Reviewed by:

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

Gerry Wolting, B.Math, CA
Acting Chief Administrative Officer

Councillor Herman moved, Councillor King seconded:

“That

- 1. The 2008 Sidewalk and Concrete Repair Program as described in Table 1, - 2008 Sidewalk and Concrete Repair Program be approved.**
- 2. The tender in the amount of \$451,290.04, including GST for the 2008 Sidewalk and Concrete Repair Program be awarded to Autoform Contracting London Limited.”**

Councillor Parsons questioned if the list of sidewalks scheduled for repair can be revised as there are two sections of sidewalk in Wallaceburg that are continuously flooding. The Manager of Infrastructure and Development Engineering explained that those two sections of sidewalk will be investigated to identify if either replacement or grading is required. If it is determined to be a grading issue, the existing budget may be able to accommodate a spot repair to adjust the grade.

The Mayor put the Motion

Motion Carried

(d) T08-103 – Supply and Place Gravel

MUNICIPALITY OF CHATHAM-KENT

INFRASTRUCTURE AND ENGINEERING SERVICES

PUBLIC WORKS SOUTH

TO: Mayor and Members of Council
FROM: Pat Bruette, Director Public Works South
DATE: March 13, 2008
SUBJECT: T08-103 Supply and Place Gravel

RECOMMENDATIONS

It is recommended that:

1. The low tender of Southwestern Sales Corp for the per tonne unit price of \$16.64 for a revised quantity of 19,349 tonnes be approved in the amount of \$321,967 to supply and haul 100% crushed dolomite quarry stone 0-5/8” granular M for the Dover Division.
2. The low tender of Southwestern Sales Corp for the per tonne unit price of \$16.64 for a revised quantity of 25,678 tonnes be approved in the amount of \$427,281 to supply and haul 100% crushed dolomite quarry stone 0-5/8” granular M for the Chatham Township Division.

3. The low tender of Johnston Bros for the per tonne unit price of \$13.18 for a revised quantity of 22,236 tonnes be approved in the amount of \$293,070 to supply and haul 0-5/8" granular M for the Thamesville Division.
4. The low tender of Rene Blain Trucking Ltd for the per tonne unit price of \$15.73 for a quantity of 23,085 tonnes be approved in the amount of \$363,127 to supply and haul 0-3/4" limestone A for the Tilbury East Division.
5. The low tender of Huron Construction for the per tonne unit price of \$12.85 for a revised quantity of 28,682 tonnes be approved in the amount of \$368,563 to supply and haul 0-5/8" granular M for the Kent Centre Division.
6. The low tender of Rene Blain Trucking Ltd for the per tonne unit price of \$3.73 for a revised quantity of 30,007 tonnes be approved in the amount of \$111,926 to haul 0-5/8" granular M from the Harwich Gravel Pit for the Raleigh Division.
7. The low tender of Johnston Bros (Bothwell) Ltd for the per tonne unit price of \$2.89 for a revised quantity of 44,761 tonnes in the amount of \$129,359 to haul 0-5/8" granular M from the Harwich Gravel Pit for the Ridgetown Division.
8. The low tender of Johnston Bros (Bothwell) Ltd for the per tonne unit price of \$3.10 be accepted to haul and stockpile 0-3/4" granular A from the Harwich Gravel Pit for stockpile material.

BACKGROUND

On February 28, 2008, tenders were received for T08-103 Supply and Place Gravel. There were (7) seven tenders received.

When reviewing the tender results it was determined the overall cost to supply materials was 7% over budget. There were two areas with significant increases for local supply being Thamesville at 15% and Kent Centre at 12.9% based on the 2008 tender results. (Appendix A attached)

To balance the tender to the budget available, administration adjusted the recommended allocation table based on the application rate per kilometre. (Appendix B attached)

The table now reflects the 2008 actual prices per tonne for materials, an updated prorated budget allocation and a revised application rate per kilometre based on the new information. This table does not include the 1,000 tonnes of stockpile gravel for each division for a total of 7,000 tonnes.

COMMENTS

Based on the results of the tender, administration recommends Council approve the unit prices quoted in the tender and the revised quantities for each division to stay within budget. Therefore, Appendix B, the recommended stone tonnage and recommended gravel tonnages column would be the tonnes of material purchased for 2008.

COMMUNITY STRATEGIC PLAN

The recommendations in this report support 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

- Advocate for essential provincial and federal investment and equitable tax policies to support financing and effective operation of sustainable transportation systems, and water, sewer and waste management services.

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

CONSULTATION

The General Manager of Infrastructure & Engineering Services (I&ES) and the Director of Public Works North were consulted due to the tender results exceeding budget and concur with the recommendations.

FINANCIAL IMPLICATIONS

The 2008 base gravel budget is as follows:

2008	\$2,620,888
+2007 Variance	24,186
+CPI	107,456
Total	<u>\$2,752,530</u>

The tender quantities have been reduced to equal the 2008 budget amount available.

Prepared by:

Pat Bruette
Director Public Works South

Reviewed by:

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

Reviewed by:

Gerry Wolting, B.Math, CA
Acting Chief Administrative Officer

Councillor King moved, Councillor Fluker seconded:

“That

- 1. The low tender of Southwestern Sales Corp for the per tonne unit price of \$16.64 for a revised quantity of 19,349 tonnes be approved in the amount of \$321,967 to supply and haul 100% crushed dolomite quarry stone 0-5/8” granular M for the Dover Division.**
- 2. The low tender of Southwestern Sales Corp for the per tonne unit price of \$16.64 for a revised quantity of 25,678 tonnes be approved in the amount of**

\$427,281 to supply and haul 0-5/8" granular M for the Chatham Township Division.

3. **The low tender of Johnston Bros for the per tonne unit price of \$13.18 for a revised quantity of 22,236 tonnes be approved in the amount of \$293,070 to supply and haul 0-5/8" granular M for the Thamesville Division.**
4. **The low tender of Rene Blain Trucking Ltd for the per tonne unit price of \$15.73 for a quantity of 23,085 tonnes be approved in the amount of \$363,127 to supply and haul 0-3/4" limestone A for the Tilbury East Division.**
5. **The low tender of Huron Construction for the per tonne unit price fo \$12.85 for a revised quantity of 28,682 tonnes be approved in the amount of \$368,563 to supply and haul 0-5/8" granular M for the Kent Centre Division.**
6. **The low tender of Rene Blain Trucking Ltd. for the per tone unit price of \$3.73 for a revised quantity of 30,007 tonnes be approved in the amount of \$111,926 to haul 0-5/8" granular M from the Harwich Gravel Pit for the Raleigh Division.**
7. **The low tender of Johnston Bros (Bothwell) Ltd. for the per tonne unit price fo \$2.89 for a revised quantity of 44,761 tonnes in the amount of \$129,359 to haul 0-5/8" granular M from the Harwich Gravel Pit for the Ridgetown Division.**
8. **The low tender of Johnston Bros (Bothwell) Ltd for the per tonne unit price of \$3.10 be accepted to haul and stockpile 0-3/4 granular A from the Harwich Gravel Pit for stockpile material."**

Councillor Brown noted that Ward 3 did not receive its full allotment of gravel last year. He questioned if Ward 3 will receive the full allotment this year, plus what was missed last year. The Director of Pubic Works South explained that the intent is to complete last year's contract as well as providing this years allotment.

The Mayor put the Motion

Motion Carried

9. INFRASTRUCTURE AND ENGINEERING SERVICES

- (a) Notice of Motion – Councillor Crew re Sidewalk Obstruction By-law

Councillor Crew moved, Councillor Faas seconded:

"That administration investigate a sidewalk obstruction by-law and to include the Chatham-Kent Accessibility Committee in the process."

Councillor Fluker questioned if there is a policy for bringing forward sidewalk accessibility issues. The General Manger of Infrastructure and Engineering explained these issues should be passed through the Accessibility Committee who can review it, and through their administrative representative, make recommendations to the Public Works department.

The Mayor put the Motion

Motion Carried

- (b) Consultant Selection – St. Clair Street Combined Sewer Replacement Project,

Community of Chatham, Municipality of Chatham-Kent

MUNICIPALITY OF CHATHAM-KENT

INFRASTRUCTURE AND ENGINEERING SERVICES

ENGINEERING AND TRANSPORTATION DIVISION

TO: Mayor and Members of Council

FROM: Stephen E. Jahns, B.A.Sc., P.Eng., CMMIII, OAAAS, RCJI
Manager, Infrastructure and Transportation
Engineering and Transportation Division

DATE: March 8, 2008

SUBJECT: Consultant Selection
St. Clair Street Combined Sewer Replacement Project
Community of Chatham, Municipality of Chatham-Kent

RECOMMENDATIONS

It is recommended that:

1. The proposal submitted by the firm of Stantec Consulting Limited for the proposed consulting engineering services associated with the St. Clair Street Combined Sewer Replacement project be accepted.
2. The General Manager of Infrastructure and Engineering Services be authorized to sign the necessary agreement documents.

BACKGROUND

Over the past five years, the Municipality of Chatham-Kent has experienced approximately six instances for which emergency repair work has been required for the existing combined sewer on St. Clair Street (specifically between McNaughton Avenue and the Thames River) in the Community of Chatham. Although the exact date of construction of this sewer is not known, it is anticipated that the sewer is approximately 80 to 100 years old.

Repairs conducted to date have been associated with the replacement of localized lengths of collapsed vitrified clay pipe ranging from approximately two metres to six metres below the traveled road surface elevation. These repairs have been extremely difficult to undertake considering flow levels accommodated within the sewer and the degree of excavation required within the asphalt roadway.

The watershed associated with this combined sewer is sizeable and is approximately bound by the following municipal highways and geographic features:

- Sandy Street
- Victoria Avenue
- McNaughton Avenue
- Thames River

As a result of these events, the Public Utilities Commission charged Engineering and Transportation Division with the task of coordinating an investigation of the combined sewer on St. Clair Street (McNaughton Avenue to the Thames River) to identify any operational issues with same. In accordance with the Purchasing Policy, quotations for

this work were developed and prices were received from a number of bidders. Ultimately Sewer Maintenance Services of Kingsville, Ontario was retained to undertake:

- flushing of the subject length of combined sewer
- cctv inspection of the subject length of combined sewer
- fog testing of the subject length of combined sewer
- numerous maintenance hole structure inspections

In July of 2007, Engineering and Transportation Division returned to the Public Utilities Commission with a report outlining the condition of the existing combined sewer and the approximate value of the replacement of same. Similarly, the project was slotted into the lifecycle sanitary sewer budget and identified as a necessary project to the Public Utilities Commission in September of 2007 when it received information regarding the 2008 (and beyond) project plan and budget.

It is the intention of the Municipality that consulting engineering services be initiated and completed during the 2008 calendar year. Construction activities associated with the subject combined sewer (St. Clair Street McNaughton Avenue to the Thames River) can then proceed during the following 2009 calendar year. This schedule will allow for the successful completion of current infrastructure improvement projects on St. Clair Street, north of McNaughton Avenue.

A formal Request for Proposal was circulated to four (4) consulting engineering firms in late December of 2007. The proposal call included a general description of the project and a detailed list of expectations to ensure uniformity between submissions. A copy of the Request for Proposal is available from Engineering and Transportation Division upon request. Consultants were offered until February 8, 2008 to prepare both a technical proposal and fee proposal and return it to Engineering and Transportation Division for evaluation.

Chatham-Kent Council's approved two-envelope system was used to ensure that fees could be kept confidential until each member of the review committee had rated the abilities, resources, experience and proposed methodology of each submitting consultant. The fee was then factored into the overall matrix rating system. Proposals received were reviewed and evaluated in accordance with the Consultant Selection Policy approved by Chatham-Kent Council in May of 2001. A copy of this Policy is attached in Appendix A.

COMMENTS

Proposals were received from four (4) consulting engineering firms. All proposals were noted as being prepared using the required two-envelope system and were received prior to the specified deadline. Upon opening and reviewing the Technical Proposal Envelope, it was noted that the proposals were complete in all respects, save and except some minor discrepancies in approach to the project and thoroughness of the description and methodology of the proposed work.

In general, consultant selection is based on a full range of considerations, including:

- The best qualified for the project, ability to provide expeditious, interactive service, which may or may not include being local, depending on how the consultant chooses to overcome the distance factor.
- Understanding of the project and the ability to communicate it.
- Methodology described to carry out the project, with clear indicators of design innovations, cost control and savings.

- What value the consultant can bring to the client in terms of experience, negotiation, public involvement and awareness of local conditions.
- Stated sensitivity to property owners and their needs.
- The ability to work with the owner to efficiently and thoroughly complete the project.
- The history of performance when available and how that compares to the stated facts.
- The overall value to the client, not just in terms of fee, but in terms of minimizing project cost through design and contract administration.

Included with all fee proposals were a detailed description of activities and associated costs. One item which differed slightly between proposals was the anticipated duration of the construction period. Although the duration of the construction was typically identified as 80 working days (which equates to approximately 16 weeks or four months of construction), one firm identified a construction inspection and contract administration duration of only 12 weeks. Consequently, and as done in the past, the evaluation panel proportionally increased this aspect of the consultant's fee proposal from 12 weeks to 16 weeks to ensure equitable and fair comparison of appropriate scopes of work. Table 1 includes the names, locations, ratings and fees of the consulting engineering firms who submitted proposals for the St. Clair Street Combined Sewer Replacement Project.

Consultant Selection – St. Clair Combined Sewer Replacement Project			
Table 1: Summary of Consultant Ratings and Estimated Fees			
Submitting Firm	Location	Rating	Fee
Stantec Consulting Limited	Windsor, ON	1117	\$ 203,310
EarthTech Incorporated	London, ON	1103	\$ 172,630 ^A
Todgham & Case Associates	Chatham, ON	1061	\$ 299,023
Dillon Consulting Limited	Chatham, ON	1026	\$ 331,223

Note A: Fees associated with construction inspection and contract administration activities initially presented as 60 working days (12 weeks) and have been proportionally increased to reflect 80 working days (16 weeks) per the remaining proposals.

A copy of a sample Request for Proposal Evaluation Matrix is provided in Appendix B. As may be seen in the matrix, consideration is given to experience and qualifications of the project team, management qualifications, project implementation and fee. Per the Consultant Selection Procedure, fee alone shall not be the determining factor in consultant / professional selection. The ranking of consultant / professionals based on specific criteria shall be the deciding factor. Although the preferred firm did not present the lowest fee, scores associated with firm ability and qualifications resulted in a ranking which surpasses that of the other firms.

Based on the results of the Council-approved rating system and staff deliberations undertaken during the evaluations of the proposals, the committee recommends that Stantec Consulting Limited of Windsor, Ontario be retained to carry out the engineering services associated with this project. Stantec Consulting Limited has demonstrated a detailed understanding of the project and demonstrated that they are capable of delivering a quality product. Stantec Consulting Limited has successfully completed projects on behalf of the Municipality of Chatham-Kent and currently engaged (through the Bridge and Structures Division) with the engineering associated with a few bridge rehabilitations in the Municipality.

COMMUNITY STRATEGIC PLAN

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

A. Health – We are a healthy community

A1: Provide sufficient capacity to sustain community health and economic growth

B. Economy – We are a prosperous community

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

Desired Outcomes

- Provide safe, accessible, convenient and efficient public transportation
- Support new infrastructure investments and modernize existing infrastructure

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

CONSULTATION

The proposals were evaluated by a panel of municipal staff consisting of the following:

- Director – Public Works North
- Director – Engineering and Transportation Division
- Manager – Infrastructure and Transportation
- Manager – Facilities and Systems (PUC)

This Report to Council has also been circulated to the following municipal staff for comments prior to being presented to Council:

- General Manager – Water and Wastewater Services
- General Manager – Infrastructure and Engineering Services

No comments have been received from those consulted which may adversely impact the recommendations presented herein.

FINANCIAL IMPLICATIONS

Costs associated with engineering consulting fees and disbursements related to same will be funded through the lifecycle sanitary sewer replacement budget line maintained by Water and Wastewater Services. Any costs associated with engineering consulting fees and disbursements related to the redirection of stormwater appurtenances on St. Clair Street will be funded through the storm sewer lifecycle budget.

At the future award of the tender related to this project, financial implications related to the construction and the source of funding for same will be presented in detail and be based on the tender results.

Prepared by:

Reviewed by:

Stephen E. Jahns, P.Eng., CMM III, RCJI
Manager, Infrastructure and Transportation
Engineering and Transportation Division
Infrastructure and Engineering Services

Gary Northcott, P. Eng.
Director
Engineering and Transportation
Infrastructure and Engineering Services

Reviewed by:

Reviewed by:

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

Gerry Wolting, B.Math, CA
Acting Chief Administrative Officer

Councillor Vercooteren questioned why Earth Tech Canada Inc. was not the successful consultant for this project when they were the low bidder and were the successful consultant for a similar project, the Van Allen Avenue area storm sewer system. The Manager of Infrastructure and Transportation explained that the current evaluation process for consulting services is a combination of price, experience, performance on past projects, capabilities, staffing, resources, etc. All of these qualities are evaluated using an evaluation matrix. This process results in a total score for each consultant. The difference between the St. Clair Street and the Van Allen Avenue projects is that the St. Clair Street project is a major reconstruction of a main artery and is a very complicated project as far as tying into existing systems and re-routing traffic. The Van Allen project is considered less complicated as it is a complete reconstruction.

In response to a question by Councillor McGregor, the Manager of Infrastructure and Transportation explained that, if requested, administration will provide a critique of the bids submitted by unsuccessful contractors.

Councillor Robbins moved, Councillor Stirling seconded:

“That

- 1. The proposal submitted by the firm Stantec Consulting Limited for the proposed consulting engineering services associated with the St. Clair Street Combined Sewer Replacement project be accepted.**
- 2. The General Manager of Infrastructure and Engineering Services be authorized to sign the necessary agreement documents.”**

Councillor Parsons sought clarification on the rationale behind spending an additional \$30,000 on a consultant that was not the low bidder. The General Manager of Infrastructure and Engineering explained that price is not the only criteria taken into consideration when using the evaluation matrix. He further explained that normally a two envelope system is used, whereby the engineering portion of the project is evaluated first and those numbers entered into the matrix prior to the price being known.

In response to a question by Councillor Weaver, the General Manager of Infrastructure and Engineering Services explained that administration utilizes a Council approved evaluation process for consultant selection.

The Mayor put the Motion

Motion Carried

- (c) Consultant Selection – Van Allen Avenue Area Storm Sewer System Phase III – Delaware Avenue Reconstruction, Community of Chatham, Municipality of Chatham-Kent

MUNICIPALITY OF CHATHAM-KENT

INFRASTRUCTURE AND ENGINEERING SERVICES

ENGINEERING AND TRANSPORTATION DIVISION

TO: Mayor and Members of Council

FROM: Stephen E. Jahns, B.A.Sc., P.Eng., CMMIII, OAAAS, RCJI
Manager, Infrastructure and Transportation
Engineering and Transportation Division

DATE: March 13, 2008

SUBJECT: Consultant Selection - Van Allen Avenue Area Storm Sewer System
Phase III - Delaware Avenue Reconstruction
Community of Chatham, Municipality of Chatham-Kent

RECOMMENDATIONS

It is recommended that:

1. The proposal submitted by the firm of Earth Tech Canada Incorporated for the proposed consulting engineering services associated with the Van Allen Avenue Storm Sewer System, Phase III – Delaware Avenue Reconstruction project be accepted.
2. The General Manager of Infrastructure and Engineering Services be authorized to sign the necessary agreement documents.

BACKGROUND

In the 1970's, the former City of Chatham retained Gore and Storrie Limited - Consulting Engineers to conduct and complete a survey of the municipal sewerage systems serving the former City of Chatham. These studies identified, among other things, strategies for the separation of combined sewers. In recent years, the Municipality of Chatham-Kent has continued with the implementation of a proactive program related to the separation of storm and sanitary flows from existing combined sewers. This project is being undertaken as a means of supporting the goals of this program while providing a higher level of service to residents residing within the subject catchment area.

This project represents a continuation of capital projects associated with the Van Allen Avenue Area Storm Sewer System and completed in 1988 and 2006. The initial project was completed in 1988 and saw the establishment of a dedicated storm water outlet at the Thames River. The initial downstream reaches of storm sewer were also constructed along Van Allen Avenue and terminating immediately north of the intersection of Grand Avenue. Recent works completed in 2006 saw the reconstruction of Van Allen Avenue (from Grand Avenue to Forest Street) and Forest Street (from Victoria Avenue to Taylor Avenue).

Due to the size of the Van Allen Avenue Area Storm Sewer catchment, the ultimate servicing of this area will be completed in several phases with the extents of each phase being determined by economic and practical considerations. The general scope of work associated with this project reflects complete road reconstruction including the design and construction of new dedicated storm sewers, dedicated sanitary sewers and replacement of the existing watermains within the Van Allen Avenue catchment area. Roads will be reconstructed and widened where possible. Existing concrete curb and gutter and concrete sidewalks will be replaced where appropriate as part of this work.

The subject area being considered as part of this proposal is Delaware Avenue (Forest

Street to Gladstone Avenue) as illustrated in Figure 1 below.

Engineering and Transportation Division has identified the subject project as part of the 2008 Capital Budget. It is the intention of the Municipality that consulting engineering services (design, detailed drawings, approvals etc.) be initiated and completed during the 2008 calendar year. Construction activities associated with the project can then proceed during the following 2009 calendar year. This schedule will allow for the successful completion of current infrastructure improvement projects on St. Clair Street, north of McNaughton Avenue and planned projects on St. Clair Street, south of McNaughton Avenue to the Thames River.

A formal Request for Proposal was circulated to four (4) consulting engineering firms in late December of 2007. The proposal call included a general description of the project and a detailed list of expectations to ensure uniformity between submissions. A copy of the Request for Proposal is available from Engineering and Transportation Division upon request. Consultants were offered until February 29, 2008 to prepare both a technical proposal and fee proposal and return it to Engineering and Transportation Division for evaluation.

Chatham-Kent Council's approved two-envelope system was used to ensure that fees could be kept confidential until each member of the review committee had rated the abilities, resources, experience and proposed methodology of each submitting consultant. The fee was then factored into the overall matrix rating system. Proposals received were reviewed and evaluated in accordance with the Consultant Selection Policy approved by Chatham-Kent Council in May of 2001. A copy of this Policy is attached in Appendix A.

COMMENTS

Proposals were received from four (4) consulting engineering firms. All proposals were noted as being prepared using the required two-envelope system and were received prior to the specified deadline. Upon opening and reviewing the Technical Proposal Envelope, it was noted that the proposals were complete in all respects, save and except some minor discrepancies such as thoroughness of the description and methodology to be applied to the proposed work.

In general, consultant selection is based on a full range of considerations, including:

- The best qualified for the project, ability to provide expeditious, interactive service, which may or may not include being local, depending on how the consultant chooses to overcome the distance factor.
- Understanding of the project and the ability to communicate it.
- Methodology described to carry out the project, with clear indicators of design innovations, cost control and savings.
- What value the consultant can bring to the client in terms of experience, negotiation, public involvement and awareness of local conditions.
- Stated sensitivity to property owners and their needs.
- The ability to work with the owner to efficiently and thoroughly complete the project.
- The history of performance when available and how that compares to the stated facts.

- The overall value to the client, not just in terms of fee, but in terms of minimizing project cost through design and contract administration.

Included with all fee proposals were a detailed description of activities and associated costs. One item which differed slightly between proposals was the anticipated duration of the construction period. Although the average duration of construction was typically identified as 50 working days (which equates to approximately 10 weeks or two and one half months of construction), one firm identified a construction inspection and contract administration duration of only 8 weeks. Consequently, and as done in the past, the evaluation panel proportionally increased the necessary aspects of the consultant's fee proposals to a uniform 10 weeks to ensure equitable and fair comparison of appropriate scopes of work. Table 1 includes the names, locations, ratings and fees of the consulting engineering firms who submitted proposals for the Van Allen Avenue Area Storm Sewer System Phase III – Delaware Avenue Reconstruction project.

Consultant Selection – Van Allen Avenue Area Storm Sewer System Phase III – Delaware Avenue Reconstruction Table 2: Summary of Consultant Ratings and Estimated Fees			
Submitting Firm	Location	Rating	Fee
Earth Tech Canada Limited	London, Ontario	957	\$ 126,636 ^A
Stantec Consulting Limited	Windsor, Ontario	954	\$ 172,630 ^A
Dillon Consulting Limited	Chatham, Ontario	924	\$ 299,023 ^A
Todgham & Case Associates Inc.	Chatham, Ontario	912	\$ 190,977

Note A: Fees associated with construction inspection and contract administration activities have been modified proportionally to reflect a comparable duration of 50 working days (10 weeks).

A copy of a sample Request for Proposal Evaluation Matrix is provided in Appendix B. As may be seen in the matrix, consideration is given to experience and qualifications of the project team, management qualifications, project implementation and fee. Per the Consultant Selection Procedure, fee alone shall not be the determining factor in consultant / professional selection. The ranking of consultant / professionals based on specific criteria shall be the deciding factor.

Based on the results of the Council-approved rating system and staff deliberations undertaken during the evaluations of the proposals, the committee recommends that Earth Tech Canada Limited of London, Ontario be retained to carry out the engineering services associated with this project. Earth Tech Canada Limited has demonstrated a detailed understanding of the project and demonstrated that they are capable of delivering a quality product on this phase of the project. Earth Tech Canada Limited has successfully completed numerous municipal infrastructure projects on behalf of the Municipality of Chatham-Kent, including Phase I and Phase II of the Van Allen Area Storm Sewer System – the precursors to this current project.

COMMUNITY STRATEGIC PLAN

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

A. Health – We are a healthy community

A1: Provide sufficient capacity to sustain community health and economic growth

B. Economy – We are a prosperous community

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

Desired Outcomes

- Provide safe, accessible, convenient and efficient public transportation

- Support new infrastructure investments and modernize existing infrastructure

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

CONSULTATION

The proposals were evaluated by a panel of municipal staff consisting of the following:

- Director – Public Works North
- Director – Engineering and Transportation Division
- Manager – Infrastructure and Development Engineering
- Manager – Infrastructure and Transportation

This Report to Council has also been circulated to the following municipal staff for comments prior to being presented to Council:

- General Manager – Water and Wastewater Services
- Manager – Facilities and Systems
- General Manager – Infrastructure and Engineering Services

No comments have been received from those consulted which may adversely impact the recommendations presented herein.

FINANCIAL IMPLICATIONS

Costs associated with engineering consulting fees and disbursements related to same will be funded via the following sources:

- the approved 2008 Capital Budget
- 2008 lifecycle sanitary sewer replacement budget
- 2008 lifecycle watermain replacement budget

The specific details surrounding the funding of the tendered construction project will be presented to Council in detail upon the receipt of bids for same.

Prepared by:

Reviewed by:

 Stephen E. Jahns, P.Eng., CMM III, RCJI
 Manager, Infrastructure and Transportation
 Engineering and Transportation Division
 Infrastructure and Engineering Services

 Gary Northcott, P. Eng.
 Director
 Engineering and Transportation
 Infrastructure and Engineering Services

Reviewed by:

Reviewed by:

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

 Gerry Wolting, B.Math, CA
 Acting Chief Administrative Officer

Councillor Vercooteran moved, Councillor Gilbert seconded:

“That

1. The proposal submitted by the firm of Earth Tech Canada Incorporated for the proposed consulting engineering services associated with the Van Allen Avenue Storm Sewer System, Phase III – Delaware Avenue Reconstruction project be accepted.
2. The General Manager of Infrastructure and Engineering Services be authorized to sign the necessary agreement documents.”

The Mayor put the Motion

Motion Carried

10. PUBLIC UTILITIES COMMISSION

- (a) Summary Reports of Drinking Water and Wastewater Systems

MUNICIPALITY OF CHATHAM-KENT

PUBLIC UTILITIES COMMISSION

TO: Mayor and Members of Council

FROM: Lilly Snobelen
Supervisor Compliance and Monitoring

DATE: March 31, 2008

SUBJECT: Summary Reports of Drinking Water and Wastewater Systems

RECOMMENDATION:

It is recommended that:

1. The Chatham-Kent Mayor and Council review the attached summary reports on the drinking water and wastewater systems and address any concerns with the General Manager of the Chatham-Kent Public Utilities Commission.

BACKGROUND

Under Schedule 22 "Summary Reports for Municipalities" Regulation 170/03, under the Safe Drinking Water Act, 2002 administration is required to present a yearly summary report to the members of the municipal service board (PUC) and to the members of Council.

The Chatham-Kent PUC has also asked that administration prepare a summary of the wastewater treatment systems for information.

COMMENTS

Attached are the Annual Summary Reports for each water and wastewater system under the Chatham-Kent Public Utilities Commission. The following list of items is included in the annual summary reports.

Water Systems:

- A summary list of issues for all the water systems

- A list of requirements of the Act, the regulations, the system's approval and any order that the system failed to meet at any time during the period covered by the report and specify the duration of the failure.
- For each failure a description of the measures that were taken to correct the system.
- A summary of the quantities and flow rates of the water supplied during the period covered by the report, including monthly average and maximum daily flows and daily instantaneous peak flow rates.
- A comparison of the summary to the rated capacity and flow rates approved in the system's approval.

Wastewater Systems:

- A brief description of the wastewater treatment system.
- A list of effluent requirements as set out in the various Certificates of Approval for the systems.
- A comparison of the summary to the rated capacity and flow rates approved in the system's approval.
- A table of the effluent analysis and any non-compliance issues identified.

COMMUNITY STRATEGIC PLAN

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

A: Providing a Safe Caring and Healthy Environment

A2: Providing adequate infrastructure to support, enhance and sustain existing and future growth.

Expected Results:

- Increase user satisfaction.

CONSULTATIONS

The Environmental Compliance Technicians assisted with the preparation of the facility reports.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from the recommendation.

Prepared by:

Reviewed by:

Lilly Snobelen
Supervisor,
Compliance and Monitoring

Scott Prail, CET, B.Comm.
General Manager
Chatham-Kent PUC

Reviewed by:

Gerry Wolting, B. Math, CA.
(Acting) Chief Administrative Officer
Municipality of Chatham-Kent

Councillor Fluker moved, Councillor Pinsonneault seconded:

“That the Chatham-Kent Mayor and Council review the attached summary reports on the drinking water and wastewater systems and address any concerns with the General Manager of the Chatham-Kent Public Utilities Commission.”

The Mayor put the Motion

Motion Carried

11. CORPORATE SERVICES

(a) Committees of Council – Terms of Reference

MUNICIPALITY OF CHATHAM-KENT

CORPORATE SERVICES

LEGAL SERVICES

TO: Mayor and Members of Council

FROM: Steve Matheson, B.A., LL.B.
Director, Legal Services

DATE: February 19, 2008

SUBJECT: Committees of Council - Terms of Reference

RECOMMENDATION:

It is recommended that:

1. The terms of reference for the following Committees of Council be approved:

- a) BIA (for Blenheim, Chatham, Dresden, Tilbury and Wallaceburg)
- b) Blenheim Landfill Liaison Committee
- c) Drainage Board
- d) Chatham-Kent Board of Health
- e) Chatham-Kent Municipal Accessibility Advisory Committee
- f) Chatham-Kent Museum Advisory Board
- g) Chatham-Kent Public Library Board
- h) Committee of Adjustment
- i) Court of Revision
- j) Heritage Chatham-Kent
- k) Municipal Youth Council
- l) Property Standards Committee
- m) Ridge House Museum Advisory Committee
- n) Ridge Landfill Liaison Committee

BACKGROUND:

On May 28th, 2007 Council approved mandated content for the terms of reference for all committees of Council. Legal Services provided each committee with a sample which included the following Council approved components:

1. Mandate of Committee

The mandate should contain the committee's mission statement and aims. It is often in a bullet point format and covers all of the goals of the committee. The mandate of all

Chatham-Kent committees of Council shall include relevant references to Council's strategic directions and the Community Strategic Plan.

2. Composition of Committee

This section shall set out the membership of the committee and Council representation on the committee. Explanation shall also be provided here for any specific composition requirements, i.e. representatives from each Ward, Provincial representation, etc. This section should also include reference to any enabling legislation or legislative requirements for specific composition.

3. Membership Eligibility and Term of Membership

This section shall outline any specific requirements for membership on a committee (i.e. clear police background search is a requirement for membership on the Police Services Board). The term of membership for the committee should address Council's direction that it is preferable to have staggered term lengths for committee members to ensure continuity in leadership. This section shall also address the committee's process in dealing with vacancies.

4. Role of Members

This section should outline any specific meeting procedures for each committee. An example would be the frequency of meetings and the time/location at which meetings will take place.

5. Staff Support

This section should specify which divisions/departments provide support staff to assist the committee or have staff members who sit on the committee.

6. Reports to Council

It was recommended that each committee of Council be required to prepare reports for the information of Council, on an annual or bi-annual basis. These reports will summarize the activities of the committee in the previous year and suggest a work plan for the coming year. The preparation of these reports will allow the committee to ensure that it is meeting its goals and adhering to its terms of reference. The reports will also allow Council the opportunity to monitor the progress of each committee and to appropriately allocate resources, etc.

Council requested that all committees have their revised terms of reference in place by the end of 2007. Due to the size of the various documents the terms of reference are not being included as attachments to this report. For Council's ease of review, copies will be available electronically by contacting Legal Services and hard copies will also be available in the Council Administrator's office. Additionally, copies will be available at the Council meeting of March 31st. Upon the approval of Council, all Terms of Reference will be available on the Chatham-Kent community web portal.

COMMENTS:

In addition to the committees listed in the recommendation, the following committees did not submit revised Terms of Reference. The relevant reasons for this are listed below.

- a) Audit Committee – internal working group;
- b) Budget Committee – Committee of the Whole;
- c) Chatham-Kent Energy Board – exempt due to legislation;
- d) Chatham-Kent Police Services Board – exempt due to legislation;
- e) Chatham-Kent Public Utilities Commission – exempt due to legislation;

- f) Corporate Review Committee – internal working group;
- g) Fire Advisory Committee – exempt due to legislation;
- h) Lower Thames Valley Conservation Authority – exempt due to legislation;
- i) St. Clair Region Conservation Authority – exempt due to legislation.

It should also be noted that both the Wallaceburg Community Council and the Chatham Kent Community Strategic Planning Committee previously had their terms of reference approved by Council.

CONSULTATION:

The staff members identified as liaison persons for each committee of Council were contacted with regard to the status and content of the terms of reference for each committee.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

Prepared by:

Steve Matheson, B.A., LL.B.
Director, Legal Services

Reviewed by:

Reviewed by:

Mary Lou McLeod, CGA
Acting General Manager
Corporate Services

Gerry Wolting, B.Math, CA.
Acting Chief Administrative
Officer

Councillor Robbins moved, Councillor Faas seconded:

“That the terms of reference for the following Committees of Council be approved:

- a) **BIA (for Blenheim, Chatham, Dresden, Tilbury and Wallaceburg)**
- b) **Blenheim Landfill Liaison Committee**
- c) **Drainage Board**
- d) **Chatham-Kent Board of Health**
- e) **Chatham-Kent Municipal Accessibility Advisory Committee**
- f) **Chatham-Kent Museum Advisory Board**
- g) **Chatham-Kent Public Library Board**
- h) **Committee of Adjustment**
- i) **Court of Revision**
- j) **Heritage Chatham-Kent**
- k) **Municipal Youth Council**
- l) **Property Standards Committee**
- m) **Ridge House Museum Advisory Committee**
- n) **Ridge Landfill Liaison Committee”**

Councillor Stirling noted that a Council representative is not required on the Drainage Board and that Councillor King sits on the Drainage Board as a private citizen. He felt that given the significance of drainage in Chatham-Kent, and the amount of money

spent on drainage project through out the year, it would be appropriate for a member of Council be appointed to the Drainage Board.

Councillor Stirling moved an amendment, Councillor Vercooteren seconded:

“The terms of reference of the Drainage Board be referred back to the committee for consideration of a Council appointee.”

The Mayor put the Amendment

Amendment Carried

Councillor Brown noted that the current committee appointments were for a two year term and questioned if new appointments would have to be made at the end of the year. The Director of Legal Services explained that appointments to Committees of Council, except those that are provincially legislated, were for a two year term so that Council could review the terms of reference and determine which committees to continue or change. Councillor Brown sought clarification on the process for advertising and appointing members for the next two years. The Director of Legal Services explained that he needed to consult with the committees on the appointment process and would provide that information to Council at a later date.

Councillor Herman sought clarification regarding which committee appointments are for two years and which are for four years. The Director of Legal Services explained that the terms of reference for each committee will contain the information on the length of appointment. Certain committees have requested a longer term of appointment due to the specialized knowledge required for that committee.

The Mayor put the Motion, as amended

Motion Carried

(b) Notice of Motion – Councillor McGregor re Corporate Review Committee Public Meetings

Since the Corporate Review Committee has completed its review, Councillor McGregor withdrew his notice of motion.

(c) Selection of External Auditor of Five Years (2008 – 2012) for Chatham-Kent and C-K Energy Inc.

MUNICIPALITY OF CHATHAM-KENT

CORPORATE SERVICES

FINANCIAL SERVICES

TO: Mayor and Members of Council

FROM: Stuart Wood, CMA
Director, Financial Services/Treasurer

DATE: March 4, 2008

SUBJECT: Selection of External Auditor for Five Years (2008 – 2012)
For Chatham-Kent and C-K Energy Inc.

RECOMMENDATION

It is recommended that:

1. Deloitte & Touche LLP be appointed as external auditor for the Municipality of Chatham-Kent and C-K Energy Inc. for a period of five years beginning with the calendar year 2008.

BACKGROUND

Section 296(3) of the Municipal Act, 2001, states “An auditor of a municipality shall not be appointed for a term exceeding five years”. In October 2007, Council was notified that the second five year audit term since amalgamation was set to expire following completion of the 2007 audit.

The shareholder agreement relating to Chatham-Kent Energy Inc. (CKE), dated July 17, 2000, section 6.4, states “The Corporation’s consolidated and unconsolidated financial statements will be audited annually. The auditors of the Corporation will be appointed by the shareholder”.

Further, certain services including payroll, accounts payable, and software systems are shared between the Municipality and CKE.

For these reasons and to obtain cost savings through economies of scale, the Municipality and C-K Energy Inc. have always co-operated in the selection of a single auditor.

COMMENTS

The RFP for External Audit and Corporate Tax Service was due in January. Bids were received from KPMG and Deloitte Touche (DT). DT was the successful audit firm on the last two, five year audit terms and is recommended for a third term based on lower cost. DT has the added advantage of prior knowledge from having performed audits over the past ten years.

KPMG was previously the auditor for the City of Chatham. Like DT, KPMG is a large, diversified, highly qualified accounting/auditing firm.

In selecting an audit firm, administration employs a “two envelope” system. Submissions are first judged on technical qualifications. Only those with the proven skills and abilities have the second envelope, containing the fee quotation, opened. Generally, at this point, the firm with the lowest, overall quotation is recommended.

The quotation is broken down between 17 different engagements. The requirement for audit services changes annually so it is important to obtain an itemized list of services. If additional services are added, incremental fees are billed. As requirements change, the fee changes. As an illustration, the previous quotation included two Museum audits. The Province no longer requires these audits and so the fees were adjusted accordingly.

Both audit firms were found to be well qualified following a review of each proposal and an interview process. It therefore, comes down to price. DT is \$10,000 less expensive over five years (\$2,000 per annum). Maintaining the existing audit firm will also save some staff time.

CKE does have a preference for KPMG because its own audit and tax requirements would be \$55,700 less expensive.

In initiating the RFP process, it was understood that by choosing the lowest overall bid, both participants would benefit financially through an adjustment in the Service Level Agreement.

With the Municipal audits being less costly through DT, and the CKE audits being less costly with KPMG, the question of divisibility arises. Can CKE accept KPMG and the Municipality DT?

While the different services provided have been broken out and priced individually, the overall audit was quoted on the assumption that the whole engagement would go to a single audit firm. If split, there would be some duplication of audit, a need to co-ordinate activities between audit firms, and the lower volume of work would impact on hourly rates. In short, the cost savings through economies of scale available in bidding the engagement together would be lost.

In consulting with each firm on the matter, it was confirmed that bids were prepared with the expectation of obtaining all the work outlined in the RFP and splitting the bid would result in higher quotes.

COMMUNITY STRATEGIC PLAN

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

B: Economy – We are a prosperous community

B1: Promote and market Chatham-Kent

Desired Outcomes/Proposed Activities

- Chatham-Kent to be recognized as a municipal leader in responsible fiscal management through manageable tax rate changes and sustainable fiscal planning.

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

CONSULTATION

DT and KPMG participated in an interview process with the Audit Services Selection Committee. The Committee consisted of the Municipal Treasurer, the Chief Financial Officer of C-K Energy Inc., and the Supervisor of Accounting Operations. All participants have accounting designations.

FINANCIAL IMPLICATIONS

Only those activities currently requiring an audit are included as part of this quote. As legislative, regulatory, or program requirements change, the annual audit fee may increase or decline.

The RFP results are attached.

The DT municipal audit fee is within the 2008 approved budget.

Prepared by:

Stuart Wood, CMA
Director, Financial Services/Treasurer

Reviewed by:

Reviewed by:

Mary Lou McLeod, CGA
Acting General Manager,
Corporate Services

Gerry Wolting, B.Math, CA
Acting Chief Administrative Officer

Councillor Gilbert moved, Councillor Faas seconded:

“That Deloitte & Touche LLP be appointed as external auditor for the Municipality of Chatham-Kent and C-K Energy Inc. for a period of five years beginning with the calendar year 2008.”

Councillor Parsons questioned if breaking the audit down into smaller functions would allow for local audit firms to bid for this contract. The Director of Financial Services explained that there are seventeen different audit engagements identified in the report, but they all must be performed by the municipal auditor. He further noted that there are opportunities to engage other firms through one-off projects. Councillor Parsons questioned why only two bids were received. The Director of Financial Services explained that the level of complexity of the audit, and the need to be able to audit both the Municipality and C-K Energy, contributed to only two firms bidding on this work. Councillor Parsons questioned if the Municipal audit work could be separated from the C-K Energy audit work to encourage more firms to bid. The Director of Financial Services explained that if the two audit functions were separated, the bids received would not be as competitive.

Councillor Stirling noted that C-K Energy preferred the firm of KPMG, as there is a \$55,700 cost savings. He questioned why the audit work of the Municipality and C-K Energy are not split to take advantage of this cost savings. The Director of Financial Services explained that each firm was consulted regarding this matter and it was confirmed that the bids were prepared with the expectation of obtaining all the work outlined in the RFP and splitting the bids would result in higher quotes.

The Mayor put the Motion

Motion Carried

12. CHIEF ADMINISTRATIVE OFFICE

(a) Notice of Motion – Councillor Vercooterren re Capitol Theatre

Councillor Vercooterren moved, Councillor Pinsonneault seconded:

“That administration obtain all records, accounts paid and payable, plans, and reports from the Capitol Theatre Committee and Manager for Council information and review for decision making.”

Councillor Vercooterren noted that the Capitol Theatre has spent approximately \$7 million to date and requires an additional \$8 million to complete the project. He further noted that Chatham-Kent citizens have invested \$1 million dollars to this project. Councillor Vercooterren felt that the citizens have the right to know where dollars were spent, the status of the project, and who is in control of the finances now that Chatham-Kent has taken ownership of the property. He requested information on who is responsible for the payment of liability insurance and accident policies. Councillor Vercooterren felt that the taxpayers of Chatham-Kent have a right to this information.

Councillor Pickard noted that the finances for the Chatham Capitol Theatre are presented every year at the annual general meeting. He further noted that this information is available to the public.

Councillor Fluker sought clarification on the documentation being requested. He expressed concern with the implication of the notice of motion and clarified that the Municipality owns the property, but will not be operating the Capitol Theatre. Councillor Fluker felt that the audited financial records are all that are required, and the Capitol Theatre is willing to make this information available.

Councillor Gilbert noted that the Capitol Theatre Association is a registered not for profit organization, and as such must file annual reports and these reports are a public record. Councillor Gilbert suggested that the Capitol Theatre Association be invited to provide a presentation to Council as to the progress and future timelines for the Capitol Theatre. She expressed concern that this notice of motion is a fishing expedition.

Councillor Pinsonneault noted that due to time restraints, limited information was available when the decision was made that the Municipality would assume ownership of the Capitol Theatre. He felt that the notice of motion will provide information to dispel rumours and innuendos and welcomed a presentation by the Capitol Theatre Association.

Councillor Weaver expressed concern regarding the scope of the notice of motion. He felt that Council's interest in the financial situation of this building should begin upon ownership. He questioned the benefit of reviewing past information. Councillor Weaver explained that he would support Council receiving the annual audited financial reports, but would not support the motion as presented.

Councillor Parsons felt that the municipality has a right to obtain the financial records that pertain to the building, but not to the Capitol Theatre Association. He supported the idea of the Capitol Theatre Association providing a presentation to Council.

Councillor Robbins sought clarification on the status of the operating agreement with the Capitol Theatre Association. The Acting Chief Administrative Officer explained that the criteria approved by Council were incorporated into a signed memorandum of understanding. Now that the funding has been approved, administration will meet with the Capitol Theatre Association to develop an agreement based on the criteria in the memorandum of understanding. The agreement will be brought before Council for approval along with a timetable and governance structure. The Capitol Theatre Association will be present at the meeting to provide information and answer questions from Council.

Councillor Robbins expressed concern that the notice of motion is far too encompassing and may be in violation of privacy legislation.

Councillor Brown noted his support of the motion and felt that given the investment Chatham-Kent has made in the Capitol Theatre, Council should have access to this information.

Councillor Clarke moved, Councillor Herman seconded:

“That the motion be deferred until such time as the Capitol Theatre has had an opportunity to provide a presentation to Council.”

The Mayor put the Motion to Defer

Motion to Defer Defeated

Councillor Sulman felt that although the wording of the notice of motion may be reaching, the intent is sound. He supported the Capitol Theatre Association providing a

presentation to Council, but only after Council has had the opportunity to review the financial records.

Mayor Hope noted that Council should be provided with the necessary information to establish an operating agreement with the Capitol Theatre Association and move forward with establishing the Capitol Theatre as a viable business in the downtown core.

Councillor Vercouteren explained that he does not have the information to answer the questions from the citizens in his ward. He felt that obtaining the financial information will help to clean the slate and dispel the rumours regarding the Capitol Theatre. Councillor Vercouteren requested a recorded vote

The Acting Chief Administrative Officer suggested that prior to the operating agreement coming before Council, administration will provide all the public information available regarding the Capitol Theatre. Council can decide at that point if the information provided is sufficient.

Councillor Weaver questioned if by passing this motion, Council is expecting to receive information other than what is contained in the annual audited financial reports for the Capitol Theatre Association. He further questioned if the intent of the motion was for Council to receive a list of donors and donation amounts, as well as staffing levels and compensation amounts.

Councillor Vercouteren explained that the public wants to know how much money was spent on labour and repairs to the building and how much is allocated for staff wages.

Councillor Pickard expressed concern that requesting personal finances of staff may be in violation of privacy legislation.

Councillor Pickard moved an Amendment, Councillor Vercouteren seconded:

“That any information requested from the Chatham Capitol Theatre Association not be in violation of the Freedom of Information and Privacy Act”

The Mayor put the Amendment

Amendment Carried

Councillor Gilbert moved an amendment, Councillor Vercouteren seconded:

“That the wording be revised to reflect that administration obtain all annual audited financial statements in lieu of all records, accounts paid and payable, plans, and reports.”

The Mayor put the Amendment

Amendment Carried

The Mayor put the Motion, as amended

Councillor	Yes	No
Brown	X	
Clarke	X	
Crew	X	
Faas	X	
Fluker	X	
Gilbert	X	
Herman	X	
King	X	

McGregor	X	
Parsons	X	
Pickard	X	
Pinsonneault	X	
Robbins		X
Stirling	X	
Sulman	X	
Vercouteren	X	
Weaver	X	
Mayor Hope	X	
Total	17	1

Motion Carried

(b) Amendments to Appointment By-law

MUNICIPALITY OF CHATHAM-KENT

FIRE DEPARTMENT

TO: Mayor and Members of Council
FROM: Bob Crawford, Fire Chief
DATE: March 17, 2008
SUBJECT: Amendments to Appointment By-Law

RECOMMENDATIONS

It is recommended that:

1. By-law # 301-2004 be amended to remove the following as Assistant Fire Chief:

A.B. (Tony) Lippers

2. By-law # 301-2004 be amended to add the following as Assistant Fire Chief:

Raymond T. Stone

BACKGROUND

By-laws are passed regularly by Council to provide for staff appointments for the Municipality of Chatham-Kent. Due to a staff change administration requires amendments to the above noted by-law.

COMMENTS

It is necessary to amend by-law # 301-2004 – A by-law to appoint Assistant Fire Chiefs.

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

The Municipal Clerk was consulted and requested the proposed amendment.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from the recommendations.

Prepared by:

Robert J. Crawford
Fire Chief

Reviewed by:

Gerry Wolting, B.Math., CA
Acting Chief Administrative Officer

Councillor Crew moved, Councillor Robbins seconded:

“That

- 1. **By-law #301-2004 be amended to removed the following as Assistant Fire Chief:**

A.B. (Tony) Lippers

- 2. **By-law #301-2004 be amended to add the following as Assistant Fire Chief:**

Raymond T. Stone”

The Mayor put the Motion

Motion Carried

(c) A By-law to Regulate Open Air Burning in the Municipality of Chatham-Kent

MUNICIPALITY OF CHATHAM-KENT

FIRE DEPARTMENT

TO: Mayor and Members of Council

FROM: Ray Stone, Assistant Fire Chief

DATE: February 14, 2008

SUBJECT: A by-law to regulate open air burning in the Municipality of Chatham-Kent

RECOMMENDATION

It is recommended that:

1. The Mayor and Clerk be authorized to execute a by-law to regulate open air burning in the Municipality of Chatham-Kent.

BACKGROUND

In 1998, 19 Fire Departments were amalgamated into one fire department known as the Chatham-Kent Fire Department.

Prior to amalgamation, some fire departments in the County of Kent and the City of Chatham had open air burning by-laws, and some Townships had policies to cover open burning.

COMMENTS

In 2006, Council passed a By-law (268-2006) to regulate outdoor solid fuel combustion appliances (Appendix I). The attached proposed by-law (Appendix II) goes hand in hand with By-law #268-2006, and will establish a consistent approach to open air burning across the Municipality of Chatham-Kent.

The Canadian Lung Association has stated that smoke from open air burning is affecting the health of Canadians both in rural and urban areas. They further state that closing windows and doors does not prevent the pollution from entering a building.

The Ontario Fire Marshal has identified that approval by the Chief Fire Official is required for open air burning in proximity to buildings.

When this by-law to regulate open air burning in the Municipality of Chatham-Kent is in place, the Fire Department Station Chief of the area in which the open air burn will take place will be the Chief Fire Official's designate. The Station Chief will be the person responsible to determine the pile size and length of the burn, which could, upon approval, have a maximum of six months.

COMMUNITY STRATEGIC PLAN

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

- A: Health – We are a healthy community
 - A4 Foster a safe and caring community
- C: Environment – We are a green community
 - C2 Establish standards for environmental excellence

Desired outcomes

- Continue to encourage co-operative efforts among our police, fire, ambulance, 911, inspections, disaster service providers and community members.
- Increase air and soil quality in Chatham-Kent.

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

CONSULTATION

- By-laws from other municipalities pertaining to open air burning, prevention and spread of fire were reviewed.
- Guidelines for the by-law were obtained from the Office of the Fire Marshal.
- Discussions were held with the Manager, Environmental Health, Chatham-Kent Health Unit, regarding effects of smoke on air quality in Chatham-Kent.
- The Solicitor has reviewed the proposed by-law.

FINANCIAL IMPLICATIONS

Table A below shows that there has been an increase in the number of responses to unauthorized burns over the last three years.

TABLE A

Year	2005	2006	2007
Total Responses* (not incl. medical calls)	2,199	2,098	2,300
Unauthorized Burns	149	156	172
% of Total Responses	7.0%	7.4%	7.5%

Although an accurate projection is not possible at this moment, it is anticipated that this by-law will effect a reduction in calls to the Fire Department regarding unauthorized open air burning, which in turn should result in a positive financial impact for the Municipality.

Prepared by:

Reviewed by:

Ray Stone
Assistant Fire Chief

Robert J. Crawford
Fire Chief

Reviewed by:

Gerry Wolting, B.Math., CA
Acting Chief Administrative Officer

Councillor King noted that this by-law has a huge impact on normal farming operations in Chatham-Kent and that the United Farm Voice should be consulted for input on this by-law. He felt that the by-law should be deferred pending additional public input.

Councillor McGregor noted that the by-law defines a licensed recreational camp, but makes no other mention of it in the by-law. He questioned if it is the intent that licensed recreational camps be exempt from the provisions of the by-law.

Mayor Hope requested a mover and seconder for the recommendations in the report in order to continue with the debate.

Councillor Pickard moved, Councillor Stirling seconded:

“That the Mayor and Clerk be authorized to execute a by-law to regulate open air burning in the Municipality of Chatham-Kent.”

Councillor Pickard noted that Councillor King will be requesting that the by-law be deferred and felt that any debate should wait until the by-law comes before Council again.

Councillor McGregor explained that he is simply noting concerns to be addressed prior to bringing the by-law before Council again. He questioned if people with existing permits will have to apply for a new permit under this by-law. He further questioned if there is a cost to obtain a permit. Councillor McGregor felt that the public should be notified of the intent to pass a by-law that has general implications across the municipality.

Councillor Crew felt that regulation for the distance of open air burnings from property lines needs to be clarified as to whether the distance from the property lines changes if the fire is being used for cooking.

Councillor Gilbert noted that the intent of this by-law is to regulate the use of chimneys and like devices in an urban setting.

Councillor Stirling noted concerns regarding the burning of ditches and finding a way to allow the safe use of chimneys.

Councillor Weaver also had concern regarding the impact on agricultural and ditch cleaning activities.

Councillor Brown expressed concern with definitions of barbecue and fire pit and the setback distances for fire pits.

Councillor King moved, Councillor McGregor seconded:

“That the by-law to regulate open air burning in the Municipality of Chatham-Kent be deferred to allow for consultation with United Farm Voice and members of the public as well as the inclusion of concerns raised by Council.”

The Mayor put the Motion

Motion Carried

(d) RM Classic Car Exhibit and Visitor Information Centre

MUNICIPALITY OF CHATHAM-KENT

CHIEF ADMINISTRATIVE OFFICE

ECONOMIC DEVELOPMENT SERVICES

TO: Mayor and Members of Council

FROM: Joy A. Sim, C.R.M.
Tourism Development Coordinator

DATE: March 6, 2008

SUBJECT: RM Classic Car Exhibit and Visitor Information Centre

RECOMMENDATION

It is recommended that:

1. Administration contribute \$43,834 from strategic reserves and \$9,636 in a holding account from the former Kent County Tourism Bureau budgets toward the retrofitting of the RM Classic Car site to continue to offer exhibit tours and visitor information centre services for tourists.

BACKGROUND

The Municipality of Chatham-Kent conducted a return on investment analysis of the six seasonal visitor information centres dotted throughout the Municipality in 2007. Based on these findings, the increased use of the internet for travel information and the Ministry of Tourism proposed requirements for year-round visitor information operations, the Municipality elected to consolidate visitor information services at the visitor information centre located at the RM Classic Car Exhibit site. A copy of the Report to Council dated January 8, 2007 is attached.

The RM Classic Car Exhibit site provides a central location within the Municipality for visitors. The site is immediately adjacent to highway 401 at the most frequently used interchange within the Municipality. The RM Classic Car Exhibit is also one of the most popular tourism attractions within the Municipality. The summer of 2007 was the first year for the operation of the consolidated Visitor Information Centre services on the site.

The Economic Development & Tourism Strategy endorsed by Council in November 2007, recognized the significant potential of the exhibit and recommended that the Municipality “expand the RM Classic Car Exhibit into a major attraction.”

COMMENTS

In the fall of 2007, RM Classic Cars constructed a new building on the Classic Car Drive property to accommodate the company’s tremendous growth and structural changes required by the company’s insurers.

In order to continue to operate guided tours and a Visitor Information Centre in the new building, the Municipality of Chatham-Kent must make \$53,470 of site improvements to keep the tourist and RM business traffic separate with fencing and separate laneways.

The proposed site improvements are as follows:

Entry Driveway, asphalt paving, parking lines	\$27,668
Security Fencing – 444’ chain link	\$22,919
Fencing for compound area	<u>\$ 2,882</u>
Total Cost	\$53,470

The Municipality of Chatham-Kent served 5,409 visitors at the RM Classic Car Exhibit Visitor Information Centre between March and December in 2007. The Municipality has one full-time and one part-time year-round employee for the exhibit and two seasonal employees for the Visitor Information Centre to serve the seasonal tourists.

The Economic Development & Tourism Strategy recommended that tourism fulfillment services be assigned to the visitor information staff beginning in 2008.

The proposed improvements will include fencing and the creation of a separate laneway that would separate visitor and trade traffic. These site enhancements will protect tourists from truck traffic and ensure tourists do not interfere with the workflow of the restoration business.

Economic Development Services recently learned of the existence of \$9,636 budgets transferred to the Municipality of Chatham-Kent from the former Kent County Tourism Bureau at amalgamation. We recommend that these funds be put towards the costs of the exhibit retrofit. This will reduce the contribution required from strategic reserves to \$43,834.

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.

B3: Develop Chatham-Kent as a business and leisure destination of choice in Ontario.

D: Culture – We are a cultural community.

D1: Celebrate and support heritage, arts and cultural events and programs.

D2: Protect and promote heritage, arts and cultural areas and resources.

Expected Results

- Increase in tourist dollars and total time spent in Chatham-Kent

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

CONSULTATION

The Chief Building Official and Acting Chief Administrative Officer have reviewed the contractor’s quotes and report and are in agreement with this recommendation.

FINANCIAL IMPLICATIONS

The total cost to retrofit the RM Classic Car site is \$53,470. Funding would come from the former Kent County Tourism Bureau holding account in the amount of \$9,636 and the balance of \$43,834 from strategic reserves.

Strategic and Development Reserve – Uncommitted Balance		\$252,840
Less Recommendations:		
RTC March, 08 Chatham Armory Building	\$ 55,000	
RTC March, 08 Communities in Transition	124,000	
RTC March, 08 RM Classic Tourist Office	<u>43,834</u>	<u>222,834</u>
Forecasted Remaining Balance		<u>\$ 30,006</u>

Prepared by:

Reviewed by:

Joy A. Sim, C.R.M.

Aileen Murray, Ec.D. (F)

Tourism Development Coordinator
Economic Development Services

Acting Director
Economic Development Services

Reviewed by:

Gerry Wolting, B. Math, C.A.
Acting Chief Administrative Officer

Councillor Clarke moved, Councillor Crew seconded:

“That administration contribute \$43,834 from strategic reserves and \$9,636 in a holding account from the former Kent County Tourism Bureau budgets toward the retrofitting of the RM Classic Car site to continue to offer exhibit tours and visitor information centre services for tourists.”

Councillor Brown questioned whether money was allocated during the budget process for the Visitor Information Centre. The Tourism Development Coordinator explained that additional funding was not allocated to move the Visitor Information Centre to the new RM Classic Car site.

In response to a question by Councillor Brown, the Tourism Development Coordinator explained that the fencing and entryway improvements are necessary to keep tourist and RM business traffic separate.

Councillor Sulman commented that the sign along Highway 401 for RM only visible once you have passed the exit. He felt that the sign might be better placed at the Bloomfield Business Park to give tourists advance notice of this attraction. The Tourism Development Coordinator explained that various options are being investigated to resolve this issue.

The Mayor put the Motion

Motion Carried

(e) Communities in Transition Funding Proposal

MUNICIPALITY OF CHATHAM-KENT

CHIEF ADMINISTRATIVE OFFICE

ECONOMIC DEVELOPMENT SERVICES

TO: Mayor and Members of Council

FROM: Aileen Murray Ec.D. (F)
Acting Director

DATE: March 20, 2008

SUBJECT: Communities in Transition Funding Proposal

RECOMMENDATION

It is recommended that:

1. The Communities in Transition Proposal be endorsed by Council and forwarded to the Ontario Ministry of Economic Development and Trade for their support.
2. \$124,000 be contributed toward the total project costs of \$464,000 from the strategic reserves to implement the recommendations in the updated Economic Development and Tourism Strategy.

BACKGROUND

The Municipality of Chatham-Kent has been severely affected by business closures as the manufacturing sector reacts to global competition, a downturn in the US economy, market share shifts in the automotive sector and the appreciation of the Canadian dollar and the resulting negative impact to Canadian exports. Tourism has also been affected by changing tourism patterns and US passport concerns.

The Ontario government established the Communities in Transition program to provide assistance to regional and local economies affected by economic slowdown. The Communities in Transition program provides matching funds to help communities in Ontario attract new investments and retain existing businesses by becoming more investment-ready.

The Municipality of Chatham-Kent was one of the first municipalities to receive funding for a Communities in Transition project with the establishment of the Wallaceburg Community Task Force (WCTF). The WCTF is in the second year of a two-year pilot project.

COMMENTS

The Municipality of Chatham-Kent has been encouraged by the Ministry of Economic Development and Trade to apply for funding through the Communities in Transition Program to assist the Municipality in its economic development efforts. This proposal is intended to take advantage of additional funding allotted to the program for the province's 2007-08 fiscal budget.

In December 2007, Council endorsed an updated Economic Development and Tourism Strategy for the Municipality of Chatham-Kent. The attached proposal requests the assistance of the Ministry of Economic Development and Trade to implement the recommendations of the updated Economic Development and Tourism Strategy with the following initiatives:

Web-site Development

Economic Development Services will create web-sites for economic development and tourism marketing purposes. Both sites will share the Municipality's chosen hardware and software components but will operate like stand-alone web-sites from the users' perspective.

Diversified Agriculture Opportunities Analysis

Chatham-Kent will work with its partners to undertake a detailed study of the existing BioAuto market and identify products and materials currently used in the automotive industry. Economic Development will develop a database of specific BioAuto product opportunities suitable to Chatham-Kent. Economic Development Services will use the study to introduce the local agricultural community to opportunities to grow the bio-components required for these bio-products. The project will provide a target list to promote Chatham-Kent as a location for investment for companies using these materials in the production. The study will also provide the background to introduce the bio-product opportunities to Chatham-Kent manufacturers.

Composite Materials Research and Development Centre Feasibility Study

Building on the strengths of companies like Global Composite Manufacturing and recommendations from the Advanced Automotive Manufacturing Strategy (coming to Council in April, 2008), Chatham-Kent will work with its partners to undertake a feasibility study for establishing a research and development centre for composite materials.

The feasibility study will assess the opportunities to work with local industry, colleges and universities, composite industry associations, provincial and federal governments and institutions around the world focusing on new and unique applications for composites. The study will include an implementation plan and the sourcing of initial seed funding.

Tourism Product Development

The Municipality is proposing three initiatives specific to tourism product development.

Council has previously committed the funds to hire a contract employee to focus on tourism product development. The provincial support will provide funding for a series of industry development workshops and activities organized by the contract employee.

The Municipality will undertake a feasibility study to convert the Southwestern Regional Centre site into a resort development in an effort to make the business case for private investment.

Finally, the Municipality will undertake an accommodation sector study for the Rondeau Provincial Park area in order to assess the business case for private investment in local accommodation operations.

Summary

The Municipality of Chatham-Kent is preparing to implement the recently updated Economic Development and Tourism Strategy with initiatives that will help foster a diverse and thriving community. The Municipality has experienced a dramatic change in economy standing with the erosion of the manufacturing sector and tourism sectors and has the hallmarks of a community in transition. The initiatives listed in this document are projects that will begin the long work of rebuilding the local economy.

For this strategy implementation, the Municipality of Chatham-Kent will provide \$204,000 cash and in-kind support from existing economic development and tourism budgets and strategic reserve funds and is requesting the Ministry of Economic Development and Trade Communities in Transition Program to provide the remaining \$260,000 dollars.

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.

B3: Develop Chatham-Kent as a business and leisure destination of choice in Ontario.

Expected Results

- Increase in tourist dollars and total time spent in Chatham-Kent
- Increased opportunities for existing Chatham-Kent manufacturers and agricultural businesses
- Increased investment in Chatham-Kent

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

CONSULTATION

The Acting Chief Administrative Officer has reviewed the proposal and is in agreement with this recommendation.

The Director of Information Technology Services has reviewed the website implementation and is in agreement with the recommendation

Economic Development Services consulted with the Director of the Communities in Transition Program with Ministry of Economic Development and Trade to ensure the proposal would meet the program criteria.

Economic Development Services consulted with Southwestern Ontario Bioproducts Innovation Network (SOBIN) regarding the proposal for an Agricultural Opportunities Analysis. The proposal for a Composite Materials R & D Centre Feasibility study is based on consultation with industry leaders at a Chatham-Kent Advanced Automotive Manufacturing Study Focus Group session held on February 22, 2008.

FINANCIAL IMPLICATIONS

The total cost to the Municipality of Chatham-Kent to undertake these initiatives is \$464,000. We are proposing the contribution to these programs be divided as follows:

	Provincial Contribution	Economic Development Services Existing Budget	Chatham-Kent Strategic Reserves	Total
Web-site development	\$65,000	\$30,000	\$35,000	\$130,000
Diversified Agriculture Opportunity Study	\$50,000	\$0	\$30,000	\$80,000
R & D Centre Feasibility Study	\$50,000	\$0	\$30,000	\$80,000

	Provincial Contribution	Economic Development Services Existing Budget	Chatham-Kent Strategic Reserves	Total
Tourism Product Development	\$50,000	\$50,000	\$0	\$100,000
Southwestern Regional Centre Feasibility Study	\$20,000		\$4,000	\$24,000
Accommodation Sector Study	\$25,000		\$25,000	\$50,000
Total	\$260,000	\$80,000	\$124,000	\$464,000

Economic Development Services will contribute \$80,000 from its departmental 2008 budget. A further \$124,000 will come from the Municipality of Chatham-Kent's strategic reserves. We will request funding from the Province of Ontario's Ministry of Economic Development and Trade's Communities in Transition Program for the remaining \$260,000.

Strategic and Development Reserve – Uncommitted Balance \$252,840

Less Recommendations:

RTC March, 08 Chatham Armory Building	\$ 55,000	
RTC March, 08 Communities in Transition	124,000	
RTC March, 08 RM Classic Tourist Office	<u>43,834</u>	<u>222,834</u>

Forecasted Remaining Balance \$ 30,006

Prepared by:

Reviewed by:

Aileen Murray, Ec.D. (F)
Acting Director
Economic Development Services

Gerry Wolting, B. Math, C.A.
Acting Chief Administrative Officer

The Acting Chief Administrative Officer explained that the wording of the recommendations has been revised as required by the Ministry.

Councillor Crew moved, Councillor Faas seconded:

“That

- 1. The Communities in Transition Proposal be endorsed by Council.**
- 2. The Communities in Transition Proposal be submitted to the Ministry of Economic Development and Trade for their consideration**
- 3. Subject to Provincial approval, \$124,000 be contributed toward the total costs of \$464,000 from the strategic reserves to implement the recommendations in the updated Economic Development and Tourism Strategy.**

Councillor Stirling praised the work in this proposal and felt that it will help move Chatham-Kent forward by responding to an evolving economy.

Councillor Clarke sought clarification on the diversified agricultural opportunities analysis referenced in the report. The Acting Director of Economic Development Services explained that the purpose of this analysis is to make a business case for this economic opportunity in order to attract investment.

Councillor Crew questioned if the feasibility studies will be conducted internally or contracted out. The Acting Director of Economic Development Services explained that due to lack of resources and expertise on all the different sectors, requires the work to be contracted out.

Councillor Robbins referenced the Southwestern Regional Centre feasibility study outlined in the proposal. He sought clarification on a closing date and if the Ministry of Community and Social Services has an intended use for this facility. The Acting Director of Economic Development Services explained that this facility is scheduled to close in 2009. She further explained that Ontario Realty Corporation has been charged with the disposal of this property and are in favour of the feasibility study, as they have no alternate uses for the facility.

Mayor Hope congratulated Economic Development on an innovative proposal and looked forward to working with and supporting local businesses through the changing local economy.

The Mayor put the Motion

Motion Carried

13. COMMUNITY AND DEVELOPMENT SERVICES

(a) Chatham Armoury Building

MUNICIPALITY OF CHATHAM-KENT

COMMUNITY AND DEVELOPMENT SERVICES

COMMUNITY SERVICES – PARKS, CEMETERIES AND HORTICULTURE

TO: Mayor and Members of Council

FROM: Tom Beaton, Manager
Parks, Cemeteries and Horticulture

DATE: March 13, 2008

SUBJECT: Chatham Armoury Building

RECOMMENDATIONS

It is recommended that:

1. The Chatham Armoury Building Condition Assessment Report be received.
2. The Municipality agree to waive the Department of National Defence's payment in lieu of taxes for the Chatham Armoury until September 30, 2008.
3. An Armoury End Use Opportunity Analysis be undertaken at an upset limit cost of \$43,000, funded from the Strategic Development Reserve Fund, be approved.

4. The costs for a Traffic/Parking Impact Study, at an upset limited of \$12,000, funded from the Strategic Development Reserve, be approved.
5. The potential relocation of Kinsmen Auditorium activities to the Armoury be considered in the Armoury End Use Opportunity Analysis.

BACKGROUND

In 2006, the Department of National Defence (DND) declared the former Chatham Armoury building surplus to its needs and notified the Municipality that the property was for sale.

On July 24, 2006, Council authorized administration to write to PWGSC and notify them of The Municipality's potential interest in the building. This was completed and it was agreed that the following next steps would be undertaken:

DND and PWGSC would:

- Conduct an appraisal on the property
- Conduct a Phase 1 Environmental Assessment, plus a Phase 2 Environmental Assessment, if required
- Conduct an Aboriginal Risk Assessment
- Obtain an Order of Privy Council

Municipality of Chatham-Kent would:

- Conduct an independent appraisal on the property
- Conduct an Engineering Review (Building Assessment)

Also at the July 24, 2006 meeting, Council directed administration to report to Council at a later date, the outcome of the Tecumseh Park Master Plan and any resulting recommendations with respect to the potential utilization of the Armoury.

On February 19, 2007, the Tecumseh Park Master Plan was presented to Council. The Plan was prepared to develop strategies and ideas for the revitalization of one of Chatham-Kent's most significant public spaces. The Master Plan identified the Armoury as playing an integral role with Tecumseh Park and recommended that the Armoury remain in public ownership but engage in public/private partnerships for leasing arrangements, servicing, etc. This would ensure that the Armoury would be used to benefit the public while providing flexibility in future arrangements. Council received the Tecumseh Park Master Plan and approved funding to conduct a Building Condition Assessment.

COMMENTS

The Engineering Review (Building Condition Assessment) has now been completed by Morrison and Hershfield Limited. This assessment (which includes a mechanical, structural, architectural and electrical analysis) was conducted to identify the capital costs required to bring the building up to appropriate Building Code standards. This was a generic assessment as opposed to a specific end use assessment, as the end use of the building is not yet known. A change in use or occupancy may signify considerable changes to certain building elements in order to meet current code requirements.

The Engineering Review determined that the property is generally in fair to good condition and appears to have been well maintained. The Review indicated that it would cost \$746,500 over a 10-year period to bring the building up to current Building Code, under current usage. Other than an immediate repair related to two leaks in the roof, at a cost of \$5,000, no repairs to site features are expected within the next ten

years. The building assessment was also in keeping with the assessment completed by DND. An Executive Summary of the Review is found in Attachment A. A full copy of the Building Condition Assessment Report was emailed to Council on March 18, 2008, and a hard copy will be available in Council Lounge on March 31, 2008. DND has advised that the operational costs of the vacant building were \$27,000 in 2007.

With regard to the other agreements, the appraisal and the Phase 1 Environmental Assessment have been completed by DND. It was determined that a Phase 2 Environmental Assessment was not necessary as there were no concerns raised during Phase One soil sampling to warrant further assessment.

The Aboriginal Risk Assessment has also been completed.

The Order of Privy Council has been addressed and the military designation on the property has now been rescinded, as required by the Treasury Board of Canada, so that the property may be sold and utilized for other purposes.

It was determined that the independent appraisal to be completed by the Municipality was not required, as the appraisal undertaken by PWGSC was conducted by an independent third party.

Armoury End Use

The Tecumseh Park Master Plan identified the Armoury as being not only a significant component of the Park itself, but also as a larger cultural, historical and educational precinct. The Armoury is a space that is central, historically significant, associated with a major public open space, directly adjacent to the downtown core, and within a beautiful natural landscape.

Located adjacent to Tecumseh Park, and within immediate walking distance of the Chatham-Kent Cultural Centre, downtown shopping, dining and visitor accommodations, the Armoury has the unique opportunity to contribute to both the economic and cultural significance of the area.

The Master Plan identified, at a high level, potential uses for the Armoury that would be sustainable while accomplishing the overall goals and objectives of the Plan. These uses included:

- Creating a large grassy area where spontaneous sports, and games, picnics etc can occur with the Armoury as a historic backdrop;
- A museum;
- Providing interior space for public/private events occurring within Tecumseh Park, including wedding receptions and banquets;
- Exhibit space for retailers for special marketing promotions;
- Beer garden for special public events;
- A regional education resource, hosting science fairs, convocations, job fairs etc;
- Office spaces that could be made available to local public agencies or for private rental.

A GIS map of the area is found in Attachment B.

A decision is now required regarding the Armoury building. The Municipality was originally given a deadline of March 31, 2008 by PWGSC. However, PWGSC and DND are willing to consider an extension to September 30, 2008, pending Council's decision as to whether or not the Municipality will waive the payment in lieu of taxes for the Armoury until that time.

The options for the Armoury are:

- 1) To inform PWGSC that the Municipality is not interested in the purchase of the building. The Armoury would then be listed for sale by PWGSC and made available to the private sector through a local real estate broker,
- 2) To purchase the Armoury, then investigate potential uses; or
- 3) To investigate potential uses, then make the decision whether or not to purchase.

Option 1 – To Not Purchase

This option is not advisable as potential uses and partnerships for the Armoury have not yet been identified, restricting Council's ability to make an informed decision on purchase before losing its influence on how the property is used. A poor end use of the Armoury may have a detrimental affect on the historic integrity of the building itself, the Tecumseh Park Master Plan, the character of the surrounding neighbourhood, and the downtown as a whole.

Option 2 – To Purchase then Investigate Uses

This is not advisable since the end use and the appropriate financial and marketing analysis should be completed before purchase.

Option 3 – To Investigate Potential Uses

An Armoury End Use Opportunity Analysis would assist Council in determining what the potential, practical end uses could be. To this end, the IBI Group and F.J. Galloway Associates Inc. were asked for their input on conducting this type of review, as well as the cost and the timelines. Their proposal is found in Attachment C.

In summary, the proposal would "investigate the various scenarios and the business case inputs relative to determining what might be a preferred municipal strategy relative to this venue's future". The cost would be in the range of \$33,000 to \$43,000. It would take 12 – 14 weeks from start date to complete.

The unique asset that this building presents for Chatham-Kent warrants that the Armoury End Use Opportunity Analysis by IBI Group / F.J. Galloway Associates Inc. proceed, based on an upset limit of \$43,000 to be funded from the Strategic

Development reserve. Council's Purchasing Policy allows for the direct appointment of a Consultant if the amount is under \$50,000 and it is "based on a specialty category or acceptable performance for appointment".

Other important components of the Armoury are parking, traffic patterns and impacts to the neighbourhood. It is also recommended that an engineering firm be retained at an estimated cost of \$12,000 to conduct this study, also to be funded from the Strategic Development Reserve.

Administration has had preliminary discussions with the Executive Director of the Historic Downtown Chatham Business Improvement Association (BIA) regarding parking needs in the downtown core. The two parties would work together to explore opportunities for enhanced parking in the downtown area.

Potential Relocation of Kinsmen Auditorium Activities

The YMCA of Chatham - Kent has expressed interest in locating a proposed new YMCA building on the Tweedsmuir / Lacroix block. Since this concept fits in with the recreational use of that area, it appears to be sound and the subject of a separate report to Council on March 31, 2008. However, it does raise the question as to whether or not there is enough parking for all three buildings on site. It also leads to the question of

whether or not this may be an opportunity to investigate moving Kinsmen Auditorium activities to the site of the Armoury.

In December 2007, Council had approved an RFP for the design of Option 2 (i.e. the existing Kinsmen Auditorium building expanded by 14,000 square feet and attached to Memorial Arena) and Option 6 (i.e. a new building with the additional 14,000 square feet and attached to the Arena) on the Tweedsmuir site at a projected cost of \$8.6 and \$10.2 million respectively. The RFP was put on hold when the YMCA's expression of interest was received. With the significant costs required to improve the Auditorium, the question is whether moving Auditorium activities to the Armoury may be a more strategic move.

Under Options 2 and 6, the Auditorium would have approximately 23,000 square feet of exhibition floor space. The Armoury has approximately 10,857 sq. ft. of exhibition floor space, with the potential to expand out the back (9,307 sq. ft.), and to the side (5,810 sq. ft.) for a total of 25,974 sq. ft. There may also be the potential to purchase a nearby building, which would create a total floor space of approximately 30,000 sq. ft. A sketch demonstrating the square footage of the Armoury is found in Attachment D.

This initiative would definitely need further investigation to determine its viability. Therefore, it is recommended that the feasibility of moving Kinsmen Auditorium activities to the Armoury be a part of the Armoury End Use Opportunity Analysis.

Grants

Administration committed to researching all potential grants or funding opportunities for both the Chatham Armoury Building and Tecumseh Park in conjunction with the Manager, Partnership Development. As a result, a grant application was submitted for a Registry of Interest in Capital Funding request through the Ministry of Citizenship and Immigration. The grant request is for \$1.5 million to assist with the acquisition and renovations/repairs of the facility. The budget estimates used in the application were gleaned from the original Building Assessment report conducted by the DND. The deadline for submission was December 31, 2007 and applications will be reviewed by March 31, 2008.

Heritage Designation

The existing site and surrounding grounds have been the site of Chatham-Kent's military presence dating back to 1794 when Lt. Gov. John Graves Simcoe designated the lands as a military reserve. The Armoury as it exists today was completed in 1905 to house the 24th Kent Regiment of Infantry. The Armoury became a central recruiting depot and training facility during World War I and II in Kent County.

The Armoury is currently designated a 'Recognized' federal heritage building, requiring the Department of National Defence to obtain appropriate heritage advice before undertaking any intervention that may affect its heritage character and consult with Parks Canada before dismantling, demolishing, or selling the property. Once the Federal Government no longer owns a property, the designation is automatically removed. However, heritage protection measures may be added as a condition of sale to a potential purchase if deemed appropriate by the seller.

The Heritage Chatham-Kent Committee recently evaluated the Armoury building, and at its February 13, 2008 meeting, passed a motion recommending that the exterior façade (eg. window placement and openings, brick stretcher bond construction, cast cannon ball trophies surmounting towers) and interior elements (eg. oak staircase, wood ceiling in drill hall, drill hall floor, rounded brickwork on entry arches and door openings) of the Armoury be designated under Part IV of the Ontario Heritage Act for its cultural heritage value and interest. The Ontario Heritage Act does not apply to federally owned

properties.

Planning Services has prepared a report based on Heritage Chatham-Kent's recommendation that Council approve the intent to designate the Armoury. The report will be submitted immediately following either the sale of the Armoury or upon confirmation that the Department of National Defence would support a designation under the Ontario Heritage Act, whichever occurs first.

Next Steps

Should Council approve the Armoury End Use Opportunity Analysis, it is anticipated the review will return to Council in September 2008. At that point, Council will have the opportunity to determine any interest in negotiating for the purchase of the Armoury.

As the decisions surrounding the Chatham Armoury, Kinsmen Auditorium and the YMCA are potentially interconnected, a Decision Matrix was created to detail the decision making process, subject to any changes in direction from Council. Once Council's directions are known, the appropriate timelines will be attached to the matrix. For Council's information, this matrix is found in Attachment E.

COMMUNITY STRATEGIC PLAN

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

B: Economy – We are a prosperous community.

- B1: Promote and market Chatham-Kent
- B2: Make Chatham-Kent a business-friendly community and a desirable leisure destination
- B3: Maintain and enhance new and existing infrastructure to support economic and smart growth opportunities

Desired Outcomes/Proposed Activities

- Develop leisure/cultural venues that support a progressive community and business attraction activities
- Increase tourist dollars and total time spent in Chatham-Kent by a measurable percentage
- Develop Chatham-Kent as the business and leisure destination of choice in Ontario
- Add new economic and land development opportunities

The recommendations contained in this report will not adversely impact the remainder of the Community Strategic Plan.

CONSULTATION

PWGSC and DND:

- Were informed of the Municipality's potential interest in the property
- Conducted a Phase One Environmental Assessment
- Obtained an Order of Privy Council
- Conducted an Aboriginal Risk Assessment on the Armoury
- Agreed to an extension of the deadline
- Requested that its annual payment in lieu of taxes for the Armoury be waived until September 30, 2008

The consulting firm of Brown & Storey Architects was involved in the Tecumseh Park

Master Plan and has a keen interest in the outcome of the Armoury.

Morrison Hershfield Limited conducted the Building Condition Assessment of the Chatham Armoury.

The Manager of Infrastructure and Transportation in Infrastructure and Engineering Services provided feedback on the Building Condition Assessment report.

The Director of Planning Services assisted with information on the heritage significance of the Armoury, Tecumseh Park Master Plan and the surrounding land uses.

The IBI Group and F.J. Galloway Associates Inc. submitted the proposal for the End Use Opportunity Analysis.

The Director of Engineering and Transportation in Infrastructure and Engineering Services gave advice on the cost of a Traffic Impact Study.

Financial Services staff verified the amount in the Strategic Development Reserve and provided information regarding Chatham-Kent waiving the payment in lieu of taxes.

The BIA is willing to explore opportunities for enhanced parking in the downtown area.

The YMCA of Chatham-Kent is aware that the identification of a specific site for a potential YMCA facility on the Tweedsmuir / Lacroix block cannot be determined until a decision on Kinsmen Auditorium activities is known.

The Manager of Partnership and Development assisted with the capital-funding request through the Ministry of Citizenship and Immigration.

FINANCIAL IMPLICATIONS

The cost of the Armoury End Use Opportunity Analysis would not exceed \$43,000, and it is recommended the funds be drawn from the Strategic Development Reserve.

The cost of the Traffic/Parking Impact Study would not exceed \$12,000, and it is recommended that the funds be drawn from the Strategic Development Reserve.

Financial Services has provided the following information with regard to the Strategic Development Reserve:

Strategic Development Reserve Uncommitted Balance		\$252,840
Less Recommendations:		
RTC March 2008 – Chatham Armoury Building	\$ 55,000	
RTC March 2008 – Communities in Transition	124,000	
RTC March 2008 – RM Classic Tourist Office	43,834	<u>222,834</u>
Forecasted Remaining Balance		\$ <u>30,006</u>

Financial Services has confirmed that in 2007 DND was billed \$23,214 as a payment in lieu of taxes on the Armoury property. Waiving DND's payment in lieu of taxes through to September 2008 would result in reduced revenues of approximately \$17,500.

Prepared by:

Tom Beaton, D.H.T., CMMI
Manager,
Parks, Cemeteries and Horticulture

Reviewed by:

Reviewed by:

Evelyn Bish, B.A.
Acting General Manager,
Community and Development Services

Gerry Wolting, B. Math, CA.
Acting Chief Administrative Officer

Councillor Pickard moved, Councillor Fluker seconded:

“That

- 1. The Chatham Armoury Building Condition Assessment Report be received. - CARRIED**
- 2. The Municipality agree to waive the Department of National Defence’s payment in lieu of taxes for the Chatham Armoury until September 30, 2008. - CARRIED**
- 3. An Armoury End Use Opportunity Analyses be undertaken at an upset limit cost of \$43,000, funded from the Strategic Development Reserve Fund, be approved. - CARRIED**
- 4. The cost for a Traffic/Parking Impact Study, at an upset limit of \$12,000, funded from the Strategic Development Reserve, be approved. - CARRIED**
- 5. The potential relocation of Kinsmen Auditorium activities to the Armoury be considered in the Armoury End Use Opportunity Analysis.” - CARRIED**

Councillor Vercouteren reviewed background reports on Kinsmen Auditorium. He noted that the most recent report on Kinsmen Auditorium, Council directed administration to conduct an RFP process on options identified by Council. Councillor Vercouteren expressed frustration that Council has yet to receive a report on the results of the RFP process, but instead is faced with a request for funding a study on a different property. He felt that the Armoury Building is not large enough and does not have suitable parking to host events currently held in Kinsmen Auditorium. He noted that he will not support the recommendations.

The Acting Chief Administrative Officer confirmed that Council directed administration to conduct an RFP for options related to Kinsmen Auditorium. However, since that time, two significant new issues came about regarding the potential of the YMCA moving to the campus by Kinsmen Auditorium, as well as the need for Council to make a decision with respect to the future of the Armoury Building. In light of these two issues, administration sent an email to Council advising that the three month timeframe for the RFP process would not be met and that administration would bring a report forward regarding the Armoury Building and YMCA relocation. No feedback or concerns were received from Council as a result of that email, therefore the Acting Chief Administrative Officer waived the condition whereby administration was to return by the end of March with the RFP results for Kinsmen Auditorium.

The Acting Chief Administrative Officer explained that Council needs to determine if the

Armoury Building will be purchased by the Municipality of Chatham-Kent. Administration was not comfortable requesting that Council make that decision without a definitive study as to the possible uses for the building, cost analysis, and a business plan.

Councillor Pickard expressed frustration with the delay on the Kinsmen Auditorium report. He was concerned that the issue of Kinsmen Auditorium is polarizing other issues such as the Rec Ed Wellness Centre and the YMCA. He supported the feasibility study for the Armoury Building in order to determine possible uses, and then generate costs based on those recommended uses.

Councillor Stirling questioned if the Tecumseh Park Master Plan contained recommendations for the use of the Armoury Building. The Manager of Parks, Cemeteries and Horticulture explained that the Tecumseh Park Master Plan lightly reviewed the Armoury Building and proposed seven potential end uses. Councillor Stirling noted that the Armoury Building is an impressive heritage structure and supported the recommendations.

Councillor Pinsonneault questioned the purchase price for the Armoury building. The Manager of Parks, Cemeteries and Horticulture explained that the purchase price would be \$325,000.

Councillor Pinsonneault questioned if there is a heritage designation on the Armoury Building. The Manager of Parks, Cemeteries and Horticulture explained that there is a federal heritage designation on the building which would be rescinded once the building is sold. At that time, administration would bring forward a heritage designation request for Council's consideration. Councillor Pinsonneault questioned if a heritage designation would require the building to be maintained in its original condition.

Councillor Weaver questioned the need for the municipality to purchase another building; however he felt that the feasibility study will provide clarification on this matter. He felt that administration should pursue the Federal Government on a realistic price for the building given the potential cost of repairs and renovations. Councillor Weaver clarified that by approving these recommendations Council is not approving the purchase of the Armoury Building. A decision on the purchase of the Armoury Building cannot be made until a clear indication of cost and end use is determined.

Councillor Fluker questioned if the end use opportunity analysis would provide Council with the costs to renovate and expand the Armoury Building to a size similar to the Kinsmen Auditorium. The Manager of Parks, Cemeteries and Horticulture explained that the analysis will provide ball park costs, but suggested that an RFP would be required to determine true construction costs.

Councillor Fluker questioned when a decision must be made regarding the purchase of the Armoury Building. The Manager of Parks, Cemeteries and Horticulture explained that the Department of National Defense and Public Works Canada has extended the timeline for purchase to the end of September. Councillor Fluker noted the need for comparison figures for the Armoury Building and Kinsmen Auditorium. The Acting Chief Administrative Officer explained that the Armoury end use opportunity analysis will provide Council with ball park estimates to compare between investing in the present Kinsmen Auditorium or the Armoury Building.

Councillor Sulman questioned why administration is recommending waiving the Department of National Defence's payment in lieu of taxes for the Chatham Armoury until September 30, 2008. The Manager of Parks, Cemeteries and Horticulture explained that the Department of National Defence requested that administration consider waiving the payments.

Councillor Sulman sought clarification on the need to spend \$12,000 on a

Traffic/Parking Impact Study.

Councillor Sulman commented that in order for Council to make an informed decision regarding the Armoury Building and Kinsmen Auditorium, actual construction cost are required and actual construction costs are generated through an RFP process. Councillor Sulman requested that the recommendations be voted on separately.

Councillor Brown expressed concern regarding the cost of renovations required at the Armoury Building. He felt that the Armoury Building is not large enough to accommodate the needs currently being met by Kinsmen Auditorium. Councillor Brown suggested that the façade of the building be designated and maintained, and the building be sold to the private sector.

Councillor Gilbert felt that a decision on the Armoury Building cannot be made without conducting the Armoury end use opportunity analysis. She commented on the opportunity for the Armoury to become a destination attraction as part of the downtown core. She encouraged Council to treat this as a visionary exercise and make a decision on the fate of this building once the analysis is complete.

Councillor Gilbert requested a recorded vote.

Councillor Clarke felt that from an accessibility standpoint, this building is not a viable option as a replacement for Kinsmen Auditorium. He questioned if the traffic impact study and end use analysis will address the issues and costs of road widening and sewer work. The General Manager of the Public Utilities Commission explained that the lifecycle work conducted by the PUC in coordination with the engineering department, is specifically looking at the section of town where the Armoury Building is located, as it is an older section of town. The PUC has just received reports on a better way to lay out the sewer system to handle potential intensification in the area. The restriction occurs on the Municipal side of the budget for road replacement. Councillor Clarke noted the importance of Council having all the potential costs available to them, which would include the costs to widen the road to accommodate larger vehicles and increased traffic.

Councillor Herman noted the historical value of the Armoury Building. She further noted that due to the age of the facility, there is the potential for lead based products and other potential environmental issues. She requested that the report include the cost of any potential environmental assessments that may have to be conducted in order to renovate the Armoury Building and the Kinsmen Auditorium as well. The Manager of Parks, Cemeteries and Horticulture explained that an Environmental Assessment Phase I was completed as part of building assessment conducted by the Municipality. There were no concerns with the results of the Environmental Assessment Phase I; therefore there is no reason to conduct an Environmental Assessment Phase II. Councillor Herman requested that the results of the environmental assessments be included in the analysis report on the Armoury Building for Council's review.

Councillor Herman expressed concern with the Department of National Defence's request to waive payment in lieu of taxes and noted that she will not support this recommendation.

Councillor Herman sought clarification on the timelines for this report to return to Council and questioned if a report regarding the Kinsmen Auditorium will accompany it. The Manager of Parks, Cemeteries and Horticulture explained that the timeline for the Armoury Building report is by the end of September. He further explained that due to the correlation between the Armoury Building and the Kinsmen Auditorium, it is assumed that information on the Kinsmen Auditorium will be provided in conjunction with the report on the Armoury Building.

Councillor Stirling sought clarification on the potential heritage designation of the

Armoury Building and questioned if the interior and exterior designations could be done separately. The Director of Planning Services explained that there are heritage features in both the internal and external parts of the Armoury Building. It is the intent of the study, to identify which heritage features can be integrated when determining an end use for the building. The objective is to attempt to preserve as many of the heritage features as possible. The study may reveal that only the external features are salvageable. Councillor Stirling questioned if it is necessary to designate the building. The Director of Planning Services explained that administration would recommend that the building be designated as a historical building.

Councillor Brown questioned, and the Director of Planning Services confirmed, that designating the Armoury Building as a historical building would not prevent the municipality from constructing additions to the building.

Councillor Pickard noted that the Department of National Defence originally gave the Municipality of Chatham-Kent a deadline of March 31, 2008 to make a decision regarding the purchase of the Armoury Building. He further noted that the request to waive the Department of National Defence's payment in lieu of taxes will extend that deadline to the end of September.

In response to a question by Councillor Brown, the Acting Chief Administrative Officer explained that recommendation #2 would waive the Department of National Defence's payment in lieu of taxes for a period of six months.

Councillor Pickard moved, Councillor Parsons seconded:

“That the meeting be extended until 10:30 p.m.”

The Mayor put the Motion

Motion Carried

Mayor Hope noted that recommendation #3 is to conduct an end use analysis for the Armoury Building; however recommendation #5 suggests that it has been predetermined that the Armoury Building will be used as the new location for the Kinsmen Auditorium. The Manager of Parks, Cemeteries and Horticulture explained that recommendation #5 suggests the potential for the relocation of Kinsmen Auditorium activities to the Armoury Building. He further explained that the analysis will provide an end use for the Armoury Building; it will be the decision of Council to determine if that end use is compatible with the activities taking place at the Kinsmen Auditorium and potentially provide an opportunity to relocate the activities from the Kinsmen Auditorium to the Armoury Building. The traffic study, depending on the end use of the Armoury Building, may be critical to Council's decision. The Acting Chief Administrative Officer explained that recommendation #3 is requesting a consultant to consider all potential end uses for the Armoury Building. He further explained that due to the issues with Kinsmen Auditorium, administration is recommending that Council direct the consultant to ensure that Kinsmen Auditorium is included as one of the potential end uses. Administration is not attempting to predetermine the end use of the Armoury Building, only requesting that the option of Kinsmen Auditorium is analyzed.

Mayor Hope referenced the December 17, 2007 Council meeting where Council chose potential options for Kinsmen Auditorium and directed administration to conduct a RFP for those options. He questioned the progress of developing the RFP's prior to the issues of the Armoury Building and the YMCA coming forward. The Acting General Manager of Community and Development Services explained that administration began accumulating information for the RFP in January. At that time, the YMCA came forward, and administration determined that these issues should be dealt with correspondingly. Upon Council determining the location of the activities currently held at Kinsmen Auditorium, administration will continue with the RFP for that location. The

Acting General Manager of Community and Development Services explained that appendix D of the report is a matrix that outlines how the three issues of the Armoury Building, Kinsmen Auditorium and the YMCA correlate and the decision points that need to be made for this issue.

Mayor Hope noted that Council requested administration to proceed with an RFP for two options related to Kinsmen Auditorium, expansion and rebuild. He questioned how these options are to be compared to the findings of the analysis of the Armoury Building unless the direction of Council is carried out and the RFP is completed. The Acting General Manager of Community and Development Services explained that the Armoury Building end use study will provide a high level capital cost analysis of the various operating ideas suggested by the consultant. She further explained that the report brought forward at the December 17, 2007 Council meeting regarding the Kinsmen Auditorium contained high level cost estimates for each option. In September when the report comes back on the Armoury Building, Council will have high level costs to compare between the two buildings. Mayor Hope pointed out that if it is determined that the end use for the Armoury Building is not as a replacement for the Kinsmen Auditorium, Council has waited for the RFP process for the Kinsmen Auditorium.

Mayor Hope questioned why Council's direction was not implemented in the timeframe given. The Acting Chief Administrative Officer noted that as he has previously explained, an email was sent out to Council regarding this issue, and when no feedback was received by Council as a result of that email, he authorized the Acting General Manager of Community and Development Services to proceed with the reports in front of Council tonight. The Acting Chief Administrative Officer felt that once the end use study is completed on the Armoury Building, Council will request an RFP process be conducted on options at the Armoury Building and Kinsmen Auditorium to obtain scientific numbers. He explained that the Council already has high level numbers for the options at Kinsmen Auditorium, and the end use analysis will provide high level numbers for options at the Armoury Building. Mayor Hope noted that Council directed administration to proceed with a RFP for options at the Kinsmen Auditorium and that normally a decision of Council is required to change that direction. He felt that the end use study for the Armoury Building should not stop the RFP process for Kinsmen Auditorium. Mayor Hope questioned whether recommendation #5 suggests a predetermined end use for the Armoury Building. The Acting Chief Administrative Officer expressed concern with entering into a public conversation regarding administration predetermining the outcome of an issue. He felt that this question had been previously asked and answered, and reiterated that there has been no predetermination of the outcome by administration.

Councillor Parsons congratulated administration on the approach to this issue and clarified that there has been no predetermination of the outcome.

Councillor Pickard commented that he would not want to make a decision on Kinsmen Auditorium before knowing the results of all the opportunities available. He noted that Council needs to make the right decision, not a quick decision. He felt that rushing forward with one option and then waiting for the other option simply outdates the information.

Councillor Vercouteren sought clarification on how the previous motion by Council regarding Kinsmen Auditorium will be carried out. The Acting Chief Administrative Officer explained that administration's interpretation is that should Council adopt the recommendations in this report, the motion Council made regarding the Kinsmen Auditorium would be delayed until the report on the Armoury Building comes back to Council.

The Mayor put Recommendation #1

Councillor	Yes	No
Brown	X	
Clarke	X	
Crew	X	
Faas	X	
Fluker	X	
Gilbert	X	
Herman	X	
King	X	
McGregor	X	
Parsons	X	
Pickard	X	
Pinsonneault	X	
Robbins	X	
Stirling	X	
Sulman	X	
Vercouteren		X
Weaver	X	
Mayor Hope	X	
Total	17	1

Motion Carried

The Mayor put Recommendation #2

Councillor	Yes	No
Brown		X
Clarke	X	
Crew	X	
Faas	X	
Fluker	X	
Gilbert	X	
Herman		X
King	X	
McGregor	X	
Parsons	X	
Pickard	X	
Pinsonneault		X
Robbins	X	
Stirling	X	
Sulman		X
Vercouteren		X
Weaver		X
Mayor Hope		X
Total	11	7

Motion Carried

The Mayor put Recommendation #3

Councillor	Yes	No
Brown		X
Clarke	X	
Crew	X	
Faas	X	

Fluker	X	
Gilbert	X	
Herman	X	
King	X	
McGregor	X	
Parsons	X	
Pickard	X	
Pinsonneault		X
Robbins	X	
Stirling	X	
Sulman	X	
Vercouteren		X
Weaver	X	
Mayor Hope	X	
Total	15	3

Motion Carried

The Mayor put Recommendation #4

Councillor	Yes	No
Brown		X
Clarke	X	
Crew	X	
Faas	X	
Fluker	X	
Gilbert	X	
Herman	X	
King	X	
McGregor	X	
Parsons	X	
Pickard	X	
Pinsonneault		X
Robbins	X	
Stirling	X	
Sulman		X
Vercouteren		X
Weaver		X
Mayor Hope		X
Total	12	6

Motion Carried

The Mayor put Recommendation #5

Councillor	Yes	No
Brown		X
Clarke	X	
Crew	X	
Faas	X	
Fluker	X	
Gilbert	X	
Herman	X	
King	X	
McGregor	X	
Parsons	X	
Pickard	X	
Pinsonneault		X
Robbins	X	

Stirling	X	
Sulman		X
Vercouteren		X
Weaver	X	
Mayor Hope		X
Total	13	5

Motion Carried

(b) Location of New YMCA / Kinsmen Auditorium

MUNICIPALITY OF CHATHAM-KENT

COMMUNITY AND DEVELOPMENT SERVICES

COMMUNITY SERVICES – PARKS, CEMETERIES AND HORTICULTURE

TO: Mayor and Members of Council

FROM: Tom Beaton, Manager
Parks, Cemeteries and Horticulture

DATE: March 17, 2008

SUBJECT: Location of New YMCA Facility / Kinsmen Auditorium

RECOMMENDATIONS

It is recommended that:

1. The Tweedsmuir / Lacroix Street block in Chatham as a potential site for a proposed YMCA facility be further investigated.
2. The Parking / Traffic Impact Study be approved, at a cost of \$7,500 for the municipal share, and funded from the Kinsmen Auditorium reserve.
3. The \$1,100 municipal portion to hold a public meeting regarding the YMCA location on the Tweedsmuir / Lacroix block, to be funded from the Kinsmen Auditorium reserve, be approved.

BACKGROUND

At the December 17, 2007 Council meeting, Council considered options for the Kinsmen Auditorium facility and approved the following:

“That:

1. Administration explore Option 2 (upgrade; improve entrance; expand Kinsmen Auditorium), including an RFP for the associated work.
2. Administration report back to Council on Option 2 with final recommendations and RFP submissions within three months.

The following Amendments to the original Motion were also approved that evening:

3. “That the Municipality of Chatham-Kent invite private sector interest and proposals to fulfill the needs currently being met by Kinsmen Auditorium.”

4. "That Option 6 (demolish Auditorium; rebuild expanded square footage) be explored further."

Since that time, the YMCA of Chatham-Kent has approached administration to determine potential municipal sites for the location of the new YMCA. Two primary sites were chosen (the Chatham Armoury and a section of property in the Tweedsmuir and Lacroix area), with Tweedsmuir / Lacroix being their preferred site. Attachment A indicates the YMCA's location selection process. The YMCA's "Letter of Intent" is found in Attachment B.

COMMENTS

Administration met with the YMCA staff on a few occasions to discuss their new building project. It was determined that several issues needed to be investigated to determine if the YMCA building was suited to the Tweedsmuir / Lacroix site. These issues are as follows:

Parking /Traffic Impact study:

It is important to determine if there are any parking / traffic impacts that may be anticipated by locating the YMCA on site. Examples of issues to be studied are parking needs and demands, and analysis of the intersections at Queen/Tweedsmuir and Lacroix/Tweedsmuir. The cost is estimated at \$15,000, which would be cost shared 50% by the Municipality and 50% by the YMCA. The municipal portion is recommended to be paid from the Kinsmen Auditorium Reserve.

Public Meetings

The IBI Group, that is conducting the Parks and Recreation Master Plan, will be holding public meetings regarding all of the activities on the Tweedsmuir / Lacroix site. Now that the YMCA has shown interest in this site, administration has asked the IBI Group to include a Public Meeting regarding the placement of the YMCA on that block. The cost of the report would be \$2,200, which would be cost shared 50% by the Municipality and 50% by the YMCA. The municipal portion is recommended to be paid from the Kinsmen Auditorium reserve.

Discussions with the YMCA on property ownership versus lease and Municipal contribution options (including that the Fair Market Value of any land would be part of the municipal contribution) would also be held.

The two sites that are of particular interest to the YMCA include Turner Park Ball Diamond and Kiwanis Stadium Soccer field. Placement on either of these sites would be investigated, and include impacts and recommendations of the potential relocation of Turner Park Ball Diamond. Maps of these two options, including those that show Kinsmen Auditorium remaining on site or not (as per the Armoury Report Council considered on March 31, 2008), are found in Attachment C.

Administration would then report back to Council with an analysis on these issues and seek Council's direction as to whether or not to proceed with the YMCA on this location.

The YMCA is targeting to open its proposed new facility in October 2010.

The following chart identifies the proposed decision making process that is recommended to be followed. Timelines will be attached to the chart once Council's directions are determined.

Recommendations / Action re: YMCA

- Council receive Studies / Investigations
- Council decision on whether or not to proceed with Tweedsmuir / Lacroix block as the new location for the YMCA
 - > if no, end process; if yes (and pending any decision on Kinsmen Auditorium), Council decision on the location at either Turner Park Ball Diamond or Kiwanis Stadium site
[Note - if Kinsmen Auditorium is on existing site, the YMCA can only be relocated at Turner Park Ball Diamond due to limited parking; if Kinsmen Auditorium moves to Armoury, the YMCA can be at either Turner Park or Kiwanis Stadium]

If yes to proceed, details to be worked on:

- Property Ownership / Lease Arrangements
- Municipal Contribution
- If YMCA at Turner Park, Ball Diamond Relocation
- Parking
- Storm Water Management Review
- Amenities (e.g. Playground area, neighbourhood buffers, walking path around perimeter etc.)
- Complete Kiwanis Stadium Soccer field relocation
- Potential options for alternative use of the existing YMCA property

Details Approved by Council

Construction:

- YMCA (building parking lots and other amenities)

Opening of YMCA

COMMUNITY STRATEGIC PLAN

The information 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.

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

D: Culture – We are a cultural community.

D1: Celebrate and support heritage, arts, and cultural events and programs.

Expected Results

- Increase tourist dollars and total time spent in Chatham-Kent by a measurable percentage
- Develop Chatham-Kent as a business and leisure destination of choice in Ontario
- Attract new economic and land development opportunities
- Develop a comprehensive inventory of heritage, arts, and cultural organizations, facilities, sites and landscapes.

The information in this report will not adversely impact on the remainder of the Community Strategic Plan.

CONSULTATION

The YMCA of Chatham-Kent staff have been working with administration and are interested in partnering with the Municipality regarding this property.

Municipal staff consulted to date have been Director, Engineering and Transportation; Director, Planning; Director, Building, Licensing and Enforcement; Manager, Parks, Cemeteries and Horticulture; Manager, Recreation Facilities; Development Planner, and the Building Maintenance Coordinator. All consulted support the recommendations in this report.

Financial Services has been consulted regarding the Kinsmen Auditorium reserve.

FINANCIAL IMPLICATIONS

The Parking /Traffic Impact study would cost \$15,000, of which 50% would be paid for by the Municipality and 50% by the YMCA. The municipal portion is recommended to be paid from the Kinsmen Auditorium reserve, which currently has a balance of \$147,300.

The Public Meeting Review would cost \$2,200, of which 50% would be paid for by the Municipality and 50% by the YMCA. The municipal portion is recommended to be paid for from the Kinsmen Auditorium reserve.

Prepared by:

Tom Beaton, D.H.T., CMMI
Manager,
Parks, Cemeteries and Horticulture

Reviewed by:

Evelyn Bish, B.A.
Acting General Manager,
Community and Development Services

Reviewed by:

Gerry Wolting, B. Math, CA.
Acting Chief Administrative Officer

Councillor Sulman moved, Councillor Stirling seconded:

“That

- 1. The Tweedsmuir / Lacroix Street block in Chatham as a potential site for a proposed YMCA facility be further investigated.”**

Councillor Stirling moved, Councillor Gilbert seconded:

- 2. The Parking / Traffic Impact Study be approved, at a cost of \$7, 500 for the municipal share, and funded from the Kinsmen Auditorium Reserve Fund reserve, be approved.**
- 3. The \$1,100 municipal portion to hold a public meeting regarding the YMCA location on the Tweedsmuir / Lacroix block, to be funded from the Kinsmen Auditorium reserve be approved.”**

Councillor Sulman noted his support of recommendation #1. He expressed concern regarding the YMCA’s ability to build and maintain a new facility on this site.

Councillor Sulman referenced the three drawing in the report and noted that one of the drawings showed a potential location for the YMCA on what is currently the Turner/Moose Park baseball field. He noted that this ball field is heavily used, with lighting and he was not interested in receiving a cost back on this option.

Councillor Sulman requested assurance from administration that should the YMCA be relocated, administration will not attempt to purchase the current YMCA site.

Councillor Sulman moved an amendment, Councillor Stirling seconded:

“That

- 4. As part of the investigation, administration meet with YMCA to determine financial ability to build and maintain the new facility.**
- 5. Administration confirm that they will not bring forward a report to purchase the current YMCA location.”**

Councillor Stirling felt that the YMCA would be willing to share their financial information and are very positive and optimistic regarding their ability to finance a project of this scale. He noted that he has no interest in the municipality purchasing the current YMCA facility and felt that it is better suited for private enterprise.

Councillor Stirling noted his support of the recommendations, as amended, due to the focus on active lifestyles and with the decommission of Memorial Pool this provides a response to the citizens in south Chatham with regards to the absence of that facility. He looked forward to seeing the YMCA prosper in this new location.

Councillor Parsons moved, Councillor Brown seconded:

“That the meeting be extended until 11:00 p.m.”

The Mayor put the Motion

Motion Carried

Councillor Weaver expressed concern regarding the recommendation that administration not bring forward a report to purchase the current YMCA building. He felt this would hinder discussion regarding a potential property swap. Councillor Weaver cautioned against assuming that the municipal would provide the Tweedsmuir Avenue property to the YMCA with no compensation.

Mayor Hope vacated the chair. Councillor Vercooterren assumed the chair as Acting Mayor.

Councillor McGregor felt it was premature to take any discussion regarding the current YMCA property off the table and that Council should investigate all the options available.

Councillor Herman noted a letter of support from the Blenheim Foxtales Swim Club.

Councillor Gilbert noted that she would not support Councillor Sulman’s amendment regarding the current YMCA property as the parking lot could be used to alleviate the parking shortage at the Civic Centre. She further noted her support of the other recommendations as she felt this is a perfect location for this facility.

Councillor Vercooterren felt that the wording in the recommendations should be changed from Tweedsmuir / Lacroix Block to Tweedsmuir Area as the facility may not be located on the corner of Tweedsmuir and Lacroix.

Councillor Vercooterren moved, Councillor Herman seconded:

“That the property description be revised to read Tweedsmuir Area.”

Mayor Hope returned to the meeting and assumed the chair.

Councillor Brown sought clarification on the timelines for this report. The Acting General Manager of Community and Development Services explained that a report will come

back to Council once the Parking / Traffic Impact Study and public meetings are complete. That report will provide information for Council to decide if the YMCA should be located on the Tweedsmuir / Lacroix property. The exact location of the YMCA on that property would not be decided until Council has received the report on the Armoury Building in late September.

Councillor Robbins noted his opposition of Councillor Sulman's amendment regarding the current YMCA property and Councillor Vercooteren's amendment regarding the property description.

Councillor Stirling questioned if the public meetings will seek input on the location of the YMCA as well as if the Kinsmen Auditorium should remain on that property. The Acting General Manger of Community and Development Services explained that the details of the public meetings have not been confirmed yet, but the logical way to proceed at this point would be to seek public input on the four drawings in the report.

Councillor Sulman noted that the funding for the studies on the Armoury Building are coming from the Strategic Development Reserve Fund and felt that the funding for the Parking / Traffic Impact Study and the public meeting for the YMCA should come from this reserve as well.

Councillor Sulman moved and amendment, Councillor Stirling seconded:

“That the funding for the Parking / Traffic Impact Study and the municipal portion of public meeting costs come from the Strategic Development Reserve Fund as opposed to the Kinsmen Auditorium reserve.”

Councillor Gilbert noted that this would deplete the remaining funding in the Strategic Development Reserve Fund and encouraged Council to approve the funding recommended by administration.

The Mayor put the Amendment (Sulman/Stirling)

Amendment Carried

The Mayor put the Amendment (Vercooteren/Herman)

Amendment Defeated

The Mayor put Recommendation #4

Motion Carried

The Mayor put Recommendation #5

Motion Defeated

The Mayor put Recommendation #1

Motion Carried

The Mayor put Recommendations #2 & 3, as amended

Motion Carried

(c) Notice of Motion – Councillor Parsons re Licensing of Card Tournaments

Councillor Parsons withdrew his notice of motion.

(d) Licensing of Card Tournaments

MUNICIPALITY OF CHATHAM-KENT

COMMUNITY & DEVELOPMENT SERVICES

BUILDING, ENFORCEMENT & LICENSING SERVICES

TO: Mayor and Members of Council
FROM: Matthew Keech B.A. (Hons), Licensing Assistant
DATE: March 14, 2008
SUBJECT: Licensing of Card Tournaments

RECOMMENDATION

It is recommended that:

1. Administration be authorized to request the Alcohol and Gaming Commission of Ontario (AGCO) consider card tournaments, such as euchre, as an eligible game to be licensed.

BACKGROUND

At the February 4, 2008 Council meeting, Councillor Parsons put forward a Notice of Motion that "*Council request the provincial government to amend lottery licensing rules to allow local Municipalities to issue licenses to local community organizations to conduct card tournaments, such as euchre.*" This Notice of Motion was deferred at both the February 4, 2008 and March 3, 2008 Council meeting. During such time, administration has had an opportunity to further explore the issue.

COMMENTS

Many organizations such as the Legions, The Moose, Knights of Columbus, and the Canadian Belgium Dutch Club, have historically held events such as Euchre Tournaments or Poker Tournaments to raise funds. At these events, participants pay an entry fee to play for a chance to win cash prizes.

By definition, card tournaments such as euchre, are considered to be an illegal form of gaming as they are not a licensable lottery scheme. Section 206 and 207 of the Criminal Code of Canada establishes the regulatory framework within which certain games are permissible. Part VII of the Code prohibits gaming in general, while section 207 allows for a number of exceptions to the general prohibition. These exceptions establish the framework for the Province or municipalities to issue lottery licenses for only certain lottery schemes.

Through the Province of Ontario Order in Council 2688/93 municipalities may issue licenses for the following schemes only:

- Bingo events with prize boards up to \$5,500;
- Raffles with prizes of up to \$50,000;
- Break Open Ticket events;
- Bazaar gaming events; and
- Media Bingo

In order to allow for these types of card tournaments, regulatory changes would be

required to permit municipalities to issue lottery licenses to community organizations.

Administration would like the AGCO to consider card tournaments, such as euchre, as an eligible game to be licensed. As such, administration would like the AGCO to give consideration to the following:

- there is existing demand from consumers for a gaming experience which includes new products like card games;
- the addition of a card game licence will increase the viability and competitiveness of the charitable gaming sector in Ontario;
- other Canadian Gaming Commissions currently offer a Texas Hold'em Licence for charitable organizations;
- new products like licensed card tournaments will allow charitable organizations opportunities to increase revenue; and
- card games enrich the lives of seniors by providing a social activity.

COMMUNITY STRATEGIC PLAN

The recommendations in this report support the following objectives and strategic direction:

E: Civic Engagement – We are an engaged community
E3: Enhance networking and communication opportunities throughout Chatham-Kent.

Expected Results

- Focus on information sharing and developing collaborative initiatives to address existing and emerging community issues and opportunities.

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

CONSULTATION

The AGCO was consulted regarding the matter and advised that through its 2005 Modernization of Charitable Gaming initiative, it is willing to entertain requests to update the regulation of charitable gaming in Ontario. Council may forward a request to the AGCO requesting that card tournaments, such as euchre, be considered as an eligible game to be licensed.

FINANCIAL IMPLICATIONS

As a result of the above recommendation, there are no financial impacts to the municipal budget at this time.

Prepared by:

Reviewed by:

Matthew Keech, B.A. (Hons)
Licensing Assistant
Building, Enforcement & Licensing Serv.

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

Reviewed by:

Reviewed by:

Evelyn Bish, B.A.
Acting General Manager
Community & Development Services

Gerry Wolting, B Math, CA
Acting Chief Administrative Officer

Councillor Parsons moved, Councillor McGregor seconded:

“That administration be authorized to request the Alcohol and Gaming Commission of Ontario (AGCO) consider card tournaments, such as euchre, as an eligible game to be licensed.”

The Mayor put the Motion

Motion Carried

(e) Community Youth Development Strategic Plan

Councillor Sulman moved, Councillor Brown seconded:

“That Items 13(e) and 13(g) be deferred to the April 7, 2008 Council meeting.”

The Mayor put the Motion

Motion Carried

(f) Tilbury Scout Hut Operating Agreement

MUNICIPALITY OF CHATHAM-KENT

COMMUNITY AND DEVELOPMENT SERVICES

COMMUNITY SERVICES - MUNICIPAL PROPERTIES

TO: Mayor and Members of Council

FROM: Robert Veccia R.R.F.A., Facilities Supervisor
Municipal Properties

DATE: March 17, 2008

SUBJECT: Tilbury Scout Hut Operating Agreement

RECOMMENDATION

It is recommended that:

1. The Mayor and Clerk be authorized to renew an agreement with the Provincial Council for Ontario, Boy Scouts of Canada for a five-year term for the operation of the Scout Hut located in the Community of Tilbury.

BACKGROUND

The Tilbury Scout Hut consists of a meeting room, kitchen and an indoor active and outdoor passive play area.

In the mid 1970's, the facility was donated to the Town of Tilbury and was operated by appointed and elected individuals from various service groups and local citizens. In 1998, the facility became the property of the Municipality of Chatham-Kent.

The Tilbury Scout Hut is currently managed by the 1st Tilbury Scouting Association, a group of volunteers that meet monthly and oversee the operation of the facility for use

by local Scouts and the community. Their main focuses are: ensuring that the facility is available to all age groups for scouting activity purposes; keeping the facility in a clean and safe manner; managing day-to-day operations; and, through long-range planning, making facility enhancements to the building and property. The volunteer group has also made general improvements to the facility, such as painting, horticultural, landscaping and ground maintenance.

COMMENTS

The former 25 year operating agreement between the Provincial Council for Ontario, Boy Scouts of Canada and the Municipality of Chatham-Kent for the Tilbury Scout Hut has expired. The volunteer committee has requested that the operating agreement be renewed for a five-year term to allow the committee to apply for grant funding, such as Ontario Trillium Foundation, to assist with capital improvements to the Scout Hut building. All terms of the proposed agreement are similar to the original agreement, with the exception that the term is for 5 years. (Attachment 'A')

Therefore, it is recommended that the Mayor and Clerk be authorized to renew the agreement with the Provincial Council for Ontario, Boy Scouts of Canada for a five-year term for the operation of the Scout Hut located in the Community of Tilbury.

COMMUNITY STRATEGIC PLAN

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

A: Health – We are a healthy community

A3: Promote Healthy Lifestyles

A4: Foster a safe and caring community

B: Economy – We are a prosperous community

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

Desired Outcomes

- Nurture and support volunteer activity
- Promote wellness and improve lifestyle choices and expand upon healthy behaviours to build a sustainable health system
- Support new infrastructure investment and modernize existing infrastructure

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

CONSULTATION

The Provincial Council for Ontario, Boy Scouts of Canada and the 1st Tilbury Scout Association have reviewed the draft agreement and agree with the terms and revised duration.

Legal Services has reviewed the agreement and provided input on the terms of the agreement.

Manager, Risk Management and Property Disposition has reviewed the agreement and agrees with the terms.

FINANCIAL IMPLICATIONS

The facility would continue to be operated at no cost to the Municipality. The 1st Tilbury Scouts collects dues and donations which offsets operating costs of the Scout Hut. Any capital or mandatory building projects would be brought forward to Council for approval.

The group applies for grant funding where possible, to assist with improvements to the building.

Prepared by:

Robert Veccia R.R.F.A
Facilities Supervisor, Municipal Properties

Reviewed by:

Reviewed by:

Evelyn Bish, B.A.
Acting General Manager
Community and Development Services

Gerry Wolting, B.Math, C.A.
Acting Chief Administrative Officer

Councillor Fluker moved, Councillor Faas seconded:

“That the Mayor and Clerk be authorized to renew an agreement with the Provincial Council for Ontario, Boy Scouts of Canada for a five-year term for the operation of the Scout Hut located in the Community of Tilbury.”

The Mayor put the Motion

Motion Carried

(g) 2008 Reforestation Lifecycle Reserve – Greening Strategy

Deferred to the April 7, 2008 Council Meeting.

(h) Clearville Park and Campground Business Plan – Seasonal Lot Rate Increase

MUNICIPALITY OF CHATHAM-KENT

COMMUNITY AND DEVELOPMENT SERVICES

COMMUNITY SERVICES – MUNICIPAL PROPERTIES

TO: Mayor and Members of Council

FROM: Sean McRoberts, Facilities Supervisor,
Municipal Properties

DATE: March 18, 2008

SUBJECT: Clearville Park and Campground Business Plan – Seasonal Lot Rate
Increase

RECOMMENDATIONS

It is recommended that:

1. Seasonal lot rates at Clearville Park and Campground be adjusted at the rate of CPI plus \$30.00 for each of the next six years to recover expenses related to the monitoring of the water/wastewater system, pump repair and municipal trailer property taxes.
2. A Clearville Park and Campground lifecycle provision of \$5,000 per year be introduced beginning in 2008 for repair and replacement of infrastructure within the Park.
3. The Phase 2 expansion of Clearville Park scheduled for 2007 be eliminated from the business plan.

BACKGROUND

In March 2004, Council approved the Clearville Park and Campground Business Plan which called for advances of capital funds for infrastructure projects. These advanced capital funds were to be repaid from park operating surpluses. Projection for full repayment of the advanced funds was 2014 (9.44 years).

At the November 21, 2005 Council meeting, the Clearville Park and Campground business plan was modified to include the advancement of funds for the development of a safe and secure potable water system as per Ministry of the Environment (MOE) regulations. Projection for full repayment of the advanced funds remained 2014 (9.44 years).

At the August 21, 2006 Council meeting, Council approved modifications to the Clearville Park and Campground Business Plan to cover the additional cost of the new/office store by eliminating the recreation hall proposed for 2013 and the elimination of camping services during the winter months to decrease utility costs. Projection for full repayment of the advanced funds remained 2014 which is 9.73 years, a marginal adjustment from 9.44 years.

COMMENTS

To date, Council has approved advancing \$433,597 for Clearville Park infrastructure projects. Actual spending on these projects has been \$487,243, as summarized in the chart below.

Project	Approved	Actual	Difference
1. Septic System	\$318,000	\$321,060	\$3,060
2. New Office, Store, Washroom	\$70,597	\$77,354	\$6,757
3. Potable Water System	\$45,000	\$88,829	\$43,829
TOTAL	\$433,597	\$487,243	\$53,646

The additional overage to the potable water system was due to engineering and pump expenses. This amount was not factored into the original payback of the loan.

Additional Expenses

The following expenses have occurred since the original Business Plan.

1. The potable water system is now operated and monitored by the Chatham-Kent PUC at a cost to Clearville Park, of \$15,000 per year.

2. Pump repair and replacement costs for this water system are now approximately \$3,000 annually.
3. In 2005, an assessment by the Municipal Property Assessment Corporation (MPAC) was conducted on trailers that met the definition of land and real property. As per the Assessment Act, all permanent structures are required to be assessed for their property value. The majority of the seasonal trailers within the park have add-on rooms (removable) and decks to increase living space, deeming them more of a residence than a trailer. Therefore an annual tax of \$3,332 was assessed for Clearville Park.
4. A lifecycle program was not included in the original business plan. A Clearville Park and Campground lifecycle component of \$5,000 should be introduced, beginning in 2008, for repair and replacement of infrastructure within the park.

Shortfall and Interest

The total of these four new annual expenses (\$26,332 per year) were not projected in the original business plan and cannot be covered through current park revenues without significantly extending the loan repayment plan or by increasing seasonal rental rates.

The original projected loan payback schedule included revenues from a two-phase expansion of the park. The first expansion was completed in 2003 and resulted in an addition of 33 seasonal lots to the 92 lots already available for rent, totalling 125 lots. Of these 33 new lots, 23 have been rented for the 2008 camping season. The second phase of expansion that was to have resulted in an additional 22 lots has not occurred as there hasn't been demand, to date, to satisfy the first expansion. These factors have resulted in revenues less than those projected as part of the original loan payback.

In 2007, 107 seasonal lots were rented generating revenues of \$122,702. Deposits for 8 additional lots have been secured for 2008.

Under the current fee structure, the loan would not be retired until 2023 (19.7 years). Therefore it is recommended that to offset these expenses, a \$30 increase per year for each of the next 6 years (starting in 2008) be added to all seasonal lots in addition to the annual CPI fee increase. Based on an estimated CPI rate of 2.4%, the fee schedule is summarized in the chart below.

	2007 Rate	2008 CPI + \$30	2009 CPI + \$30	2010 CPI + \$30	2011 CPI + \$30	2012 CPI + \$30	2013 CPI + \$30
Large 40' x 40'	\$1,150.05	\$1,207.65	\$1,266.63	\$1,327.03	\$1,388.08	\$1,452.22	\$1,517.07
Regular 40' x 35'	\$1,097.78	\$1,154.13	\$1,211.83	\$1,270.91	\$1,331.41	\$1,393.37	\$1,456.81
Semi Service 40' x 35'	\$940.95	\$993.53	\$1,047.38	\$1,102.52	\$1,158.98	\$1,216.79	\$1,275.99
Cottage	\$981.00	1,034.54	\$1,089.37	\$1,145.52	\$1,203.51	\$1,261.88	1,322.17
New Lots 40' x 60'	\$1,359.15	\$1,421.77	\$1,485.89	\$1,551.55	\$1,618.79	\$1,687.64	\$1,758.15

The additional fee increases would allow the loan retirement to be projected to 2019 (15.3 years).

An analysis was conducted to determine if the proposed rates were at market value. Two parks were found in proximity of Clearville that had similar amenities.

The following chart shows that the proposed rates are comparable.

Rate/Amenities	Clearville Park Duart, ON	Holiday Harbour Campground Wheatley, ON	Lakewood Trailer Estates Rodney, ON
Seasonal Rate 2008	\$1,154.13 – \$1,421.77	\$1,375.00	\$1,320.00
Beach	✓		
Boat Ramp	✓		
Ball Diamond			✓
Basketball			✓
Controlled Access		✓	✓
Horseshoe Pits	✓	✓	✓
Laundromat	✓		✓
Onsite Sewer/Water	✓	✓	✓
Payphone	✓	✓	✓
Picnic Shelter	✓		✓
Playground	✓	✓	✓
Propane			✓
Recreation Hall		✓	✓
Store	✓	✓	✓
Swimming Pool			✓
Volleyball Courts		✓	✓

The prices of the following campgrounds were also analyzed, although not considered as comparators to Clearville Park, due to the types of amenities.

Campground	Amenities
Campers Cove Campground Wheatley, ON \$1,763.00/seasonally	Controlled access, games room, horseshoe pits, Internet access, laundry facilities, onsite sewer/water, pay phone, playground, pool, propane, recreation hall, snack bar, store, close to downtown restaurants, stores and other amenities
Sturgeon Woods Campground Leamington, ON \$1,795.00/seasonally	Controlled access, ball diamond, horseshoe pits, laundry facilities, onsite sewer/water, pay phone, playground, recreation hall, soccer field, store, swimming pool, volleyball courts, waterslide, close to downtown restaurants, store and other amenities
Mitchell's Bay Campground/Marina Mitchell's Bay, ON \$1,630.00 - \$2,475.00/seasonally	Controlled access, bait/tackle shop, beach, boat ramps, gas pumps, horseshoe pits, laundry facilities, marina, onsite sewer/water, pay phone, playground, recreation hall, walking distance to beach, playgrounds, restaurants, variety stores, picnic shelters, splash pad, wharf, 15 minute drive from Wallaceburg/Chatham
Wildwood by the Lake Morpeth, ON \$2,100/seasonally	Controlled access, laundry facilities, picnic area, playground, propane, recreation hall, restaurant/snack bar, store, swimming pool, children's pool, natural swimming, pay phone, driving range, mini golf, horseshoe pits, shuffleboard, tennis court, volleyball, basketball, baseball

COMMUNITY STRATEGIC PLAN

The recommendations in this report support 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 recommendations in this report will not adversely impact on the remainder of the Community Strategic Plan.

CONSULTATION

The Clearville Park Committee was consulted on these changes to the Business Plan and are in agreement with the \$30, plus CPI, increase for the next six years.

Budget & Performance Services was consulted with regard to the debt repayment program calculations.

The Manager of Water/Wastewater Services was consulted on the cost of maintenance and operations at the Park.

FINANCIAL IMPLICATIONS

The analysis in this report was conducted under the following assumptions:

- a) All year end operating surpluses were applied to the outstanding balance of the loan
- b) A CPI rate of 2.4% was used to project revenues and expenses
- c) Interest expenses were calculated based on the 2007 borrowing rate of 4.5%
- d) Future revenues were projected based on the rental of 115 of the 125 lots available for rental. It should be noted that the 10 unrented lots have a revenue potential of \$14,217.70 per year (at 2008 rates).
- e) There are no further capital advances expected at this time.

The capital loan balance at January 1, 2008, was \$409,293. The projected loan repayment schedule is attached (Attachment A).

Prepared by:

Sean McRoberts, Facilities Supervisor
Municipal Properties

Reviewed by:

Evelyn Bish, B.A.
Acting General Manager
Community and Development Services

Reviewed by:

Gerry Wolting, B. Math, C.A.
Acting Chief Administrative Officer

Councillor Brown moved, Councillor Pinsonneault seconded:

“That

- 1. Seasonal lot rates at Clearville Park and Campground be adjusted at the rate of CPI plus \$30.00 for each of the next six years to recover expenses related to the monitoring of the water/wastewater system, pump repair and municipal trailer property taxes.**
- 2. A Clearville Park and Campground lifecycle provision of \$5,000 per year be introduced beginning in 2008 for repair and replacement of infrastructure within the Park.**
- 3. The Phase 2 expansion of Clearville Park scheduled for 2007 be eliminated from the business plan.”**

Councillor Gilbert suggested that these increases will not cover future requirements of this park and Council will see this matter again.

The Mayor put the Motion

Motion Carried

14. CLOSED SESSION REPORTS

COUNCIL CLOSED SESSION REPORT March 17, 2008

In attendance: Chair Robbins, Mayor Hope, Councillors Brown, Crew, Fluker, Gilbert, Herman, King, McGregor, Parsons, Pickard, Pinsonneault, Stirling, Sulman, and Vercouteren.

Not in Attendance: Councillors Clarke, Faas and Weaver.

No disclosure of pecuniary interest was declared.

During Closed Session of March 17, 2008, Council would report the following for approval:

1. Community Strategic Planning Committee Appointments

That Council appoint the following candidates to the Community Strategic Planning Committee to the end of this Council term being November 2010: Ronald Dekker, Marlee Robinson, Patricia Arango, Robert Rankin; and that Monica Bacic be appointed to the committee at year end.

2. Council received legal advice with respect to the Special Planning Council Meeting of March 25th on Gengrowth Renewables.

3. Council received legal advice with respect to a report on property in the Community of Shrewsbury.

4. Council received a verbal report announcing a staff hiring in the Health and Family Services area.

Councillor Robbins moved, Councillor Vercouteren seconded:

“That the Closed Session report from March 17, 2008 be approved as given.”

The Mayor put the Motion

Motion Carried

15. BY-LAWS

(a) FIRST READING

Councillor Herman moved, Councillor Sulman seconded:

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

The Mayor put the Motion.

Motion Carried

(b) SECOND READING

- i. By-law to provide for drainage work in the Municipality of Chatham-Kent for the Moffatt Outlet Drain – Gleeson/Phelps Culvert (Community of Tilbury East) FIRST AND SECOND READING ONLY
- ii. By-law to provide for drainage work in the Municipality of Chatham-Kent for the Gilbert Extension Drain (Community of Tilbury East) FIRST AND SECOND READING ONLY
- iii. By-law to provide for drainage work in the Municipality of Chatham-Kent for the West Branch of the Vail Drain (Community of Raleigh) FIRST AND SECOND READING ONLY
- iv. By-law to provide for drainage work in the Municipality of Chatham-Kent for the Hoover Drain – Martin Culvert (Community of Dover) FIRST AND SECOND READING ONLY
- v. By-law to provide for drainage work in the Municipality of Chatham-Kent for the 18th – 19th Sideroad Drain (Community of Raleigh) FIRST AND SECOND READING ONLY

Councillor Herman moved, Councillor Sulman 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

- vi. By-law to provide for drainage work in the Municipality of Chatham-Kent for the Dyke Drain – Van Nooten & Highgate/Robbins Culverts (Community of Raleigh) THIRD READING ONLY
- vii. By-law to provide for drainage work in the Municipality of Chatham-Kent for the Toll Drain No. 2 & Toll Drain Branch – KEPA Culvert (Community of Raleigh) THIRD READING ONLY
- viii. By-law to provide for drainage work in the Municipality of Chatham-Kent for the Bogaert Drain – KEAP Culvert (Community of Raleigh) THIRD READING ONLY
- ix. By-law to provide for drainage work in the Municipality of Chatham-Kent for the Whitebread Pumping Scheme – Van Segbrook Culvert (Community of Dover) THIRD READING ONLY

- x. By-law to provide for drainage work in the Municipality of Chatham-Kent for the Government Drain No. 2 – Quenneville Culvert (Community of Tilbury East)
THIRD READING ONLY
- xi. By-law to appoint Assistant Fire Chief of the Municipality of Chatham-Kent Fire Department
- xii. By-law to confirm the proceedings of the Council of The Corporation of the Municipality of Chatham-Kent at its meeting held on the 31st, day of March, 2008

Councillor Fluker moved, Councillor Vercouteren seconded:

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

The Mayor put the Motion.

Motion Carried

16. APPROVAL OF COMMUNICATION ITEMS

- (a) Approval of the March 31, 2008 Council Information Package

Councillor Weaver moved, Councillor Faas seconded:

“That the March 31, 2008 Council Information Package be approved.”

The Mayor put the Motion

Motion Carried

Councillor Brown moved, Councillor Crew seconded:

“That Items 1(b), 2(d), 2(l) and 2(m) of the March 31, 2008 Council Information Package be deferred to the April 7, 2008 Council Meeting.”

The Mayor put the Motion

Motion Carried

17. NON-AGENDA BUSINESS

- (a) Response to Council Inquires
 - (i) Heritage Chatham-Kent Committee Recommendations

This report will be added to the April 7, 2008 Council Agenda.

- (b) Other Non-Agenda Business

18. RESOLUTION RE: IN-CLOSED SESSION & ADJOURNMENT

Councillor Robbins moved, Councillor Faas seconded:

That Chatham-Kent Council adjourn to its next Meeting to be held at 6:00 p.m. on **Monday April 7, 2008** and that Chatham-Kent Council authorize itself to meet in closed session prior to such Meeting to discuss any matters permitted by The Municipal Act.

The Mayor put the Motion.

Motion Carried

The meeting adjourned at 10:55 p.m.

Mayor – Randy R. Hope

Clerk – Elinor Mifflin