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Council-In-Committee Agenda The Corporation of Norfolk County

April 13, 2021
3:00 P.M.
Council Chambers*

Live Stream: www.norfolkcounty.ca/watch-norfolk-county-meetings/

*Due to Covid-19 restrictions, there is no public access to Council Chambers. Proceedings are web-streamed live and archived on the County's website. Deputations are presented electronically.

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2. **Approval of Agenda/Changes to the Agenda**
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 - B) Staff Report CD 21- 23 10
Re: [Building Inspector 0.8 FTE to 1.0 FTE](#)
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B) Staff Report CS 21-15	
Re: Proposed Property Sale (2)	
Pursuant to Section 239 (2) (c) of the Municipal Act, 2001 as amended as the subject matter pertains to proposed or pending acquisition or disposition of land	

by the municipality.

- C) Staff Report CAO 21-23
Re: UFCW Bargaining Mandate

Pursuant to Section 239 (2) (d) of the Municipal Act, 2001 as amended as the subject matter pertains to labour relations or employee negotiations.

- D) Staff Report CAO 21-24
Re: Update on Call for Submissions

Pursuant to Section 239 (2) (i) and (k) of the Municipal Act, 2001 as amended as the subject matter pertains to a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

- E) Staff Report CAO 21-25
Re: Human Resource Management Strategy, Financial Management and Planning

Pursuant to Section 239 (2) (b) and (k) of the Municipal Act, 2001 as amended as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

11. **Adjournment**

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Council-In-Committee Meeting – April 13, 2021

Subject: Summary of Bid Awards for the Period ending March 30, 2021
Report Number: CS 21-18
Division: Corporate Services
Department: Corporate Initiatives and Strategic Acquisitions
Purpose: For Decision

Executive Summary:

The purpose of this report is to present a simplified bid award report request outlining various bid results for formal bidding opportunities that have closed for the period ending March 30, 2021. Staff are seeking approval for the respective General Manager to execute contracts with the successful bidders.

Discussion:

In accordance with Section 3.2.2 of the Purchasing Policy approved by Council on November 10, 2020 under the authority of By-Law 2021-19, Council delegated its authority to General Managers to award all Requests for Tenders (RFT) and Requests for Proposals (RFP) with purchase amounts between \$50,000 and \$250,000 when all of the following conditions apply:

1. It is the lowest Tender meeting specifications, or the Proposal meeting the Price per Point methodology, and
2. The scope of the project has not changed from what was approved by Council, and
3. The amount of the Bid, plus all related costs, is within the approved allocations, and
4. Any contract not anticipated to be financed by debentures.

As outlined in Section 25.1.3 of CS-02, Purchasing Policy, a report to Council is required for approval if any of the required criteria as noted above is not met.

A detailed summary of the formal bidding opportunities has been provided as Attachment A to this report. All purchasing activity outlined in the attachment require award by Council.

The formal bidding opportunities outlined have been developed and issued in accordance with the Norfolk County Purchasing Policy and Procedures. The recommended bidder has been proposed on the basis of having submitted the lowest compliant bid that meets the minimum specification as outlined in Norfolk County Policy CS-02, Purchasing Policy, Section 4.4.

Financial Services Comments:

Previously Bid awards that did not fall within the authority of By-Law 2021-19 would be presented to Council for consideration through individual reports. The simplified bid award report eliminates the need for individual reports and presents a summary of the various bid results for formal bidding opportunities that have closed for the period ending March 30, 2021.

The Bid awards summarized in Attachment A do not fall within the authority of By-Law 2021-19 for various reasons such as:

1. The amount of the Bid and all related costs may not be within the approved allocations.
2. Anticipated financing will be by debentures
3. The Bid award is over \$250,000
4. The Scope of the project may have changed.

For those Bids and related costs that are under the approved allocation, a positive financial implication will be realized. In addition, for any Bid and related costs that are over the approved allocations, recommendations for Council approval to amend the approved budgets have been proposed however, a recommendation has also been included to either defer a project or find additional savings to offset any potential budget shortfalls.

Interdepartmental Implications:**Consultation(s):**

The General Manager, Environmental and Infrastructure Services; the General Manager, Corporate Services; and the Treasurer and Director, Financial Services were consulted in the preparation of this report.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Create an Optimal Place for Business".

Explanation:

This report supports the strategic plan by allowing bids to be awarded and contracts to be executed in a timely manner which creates efficiencies for departments to operate within the guidelines outlined in the Purchasing Policy and Procedures.

Conclusion:

Staff are seeking approval to execute contracts with recommended bidders for the formal bidding opportunities that closed for the period ending March 30, 2021 through resolution of Council in accordance with Norfolk County Purchasing Policy and Procedures.

Recommendation(s):

THAT Staff Report CS 21-18, Summary of Bid Awards for the period March 30, 2021, be received as information;

AND THAT the General Manager, Environmental and Infrastructure Services be authorized to execute a contract with Elgin Construction for Request for Tender **PW-E-21-35 Union Street Reconstruction, Simcoe** in the amount of \$1,175,645.66 (excluding HST);

AND THAT the scope of the Union Street Reconstruction Capital Project be reduced with from \$3,000,000 to \$1,500,000 with the variance to be used to set up a future project within the Capital Plan for Union St – Colborne to Queen.

AND THAT the Director, Environmental Services, Public Works be authorized to execute contracts with Brenntag Canada, Fanchem, ControlChem Canada Ltd. and Appropriate Chemical Int. Ltd for Request for Tender **PW-ES-21-01 Supply and Delivery of Water Treatment Chemicals** in the combined amount of \$281,185.34 (excluding HST) for the term of the contract, **April 1, 2021 to March 31, 2023**.

AND THAT the General Manager, Environmental and Infrastructure Services be authorized to execute a contract with Elgin Construction for Request for Tender **PW-E-21-60 Tyrell St. & Bellevue Ave. Reconstruction, Simcoe** in the amount of \$3,073,356.60 (excluding HST);

AND THAT the 2021 Capital Plan for Tyrell Street – Beckett to King, Bellevue Ave – Foster to Tyrell, Hill St – Tyrell to Dead End, Union St – Bellevue to Dead End, Stalker Park & Area Watermain be amended to accommodate the tender with no increase to the total budget of the Capital Plan.

AND THAT the General Manager, Environmental and Infrastructure Services be authorized to execute a contract with Dufferin Construction Company for Request for Tender **PW-E-21-32 Urban Asphalt Resurfacing, Hot Mix Asphalt** in the amount of \$451,736.75 (excluding HST);

AND FURTHER THAT the necessary By-Laws be prepared.

Attachment(s):

Attachment A – Summary of Bid Awards for the period ending March 30, 2021.

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Attachment A – Summary of Bid Awards for the period ending March 30, 2021

Bid Number:	Bid name:	Bid Type	Bid Closing Date:	Number Bids Received:	Number Bids Rejected:	Bid Advertising:	Successful Bidder Name:	Bid Amount (excluding taxes)	Budget	Names and prices of all bids meeting requirements (exclusive of all applicable taxes)	Comments by User Division	Finance Comments	Multiple Year Bid	Project Start Date	Project End Date
PW-E-21-35	Union Street Reconstruction, Simcoe	RFT	9-Mar-21	8	1	Union Street Reconstruction, Simcoe	Elgin Construction	\$ 1,175,645.66	\$ 3,000,000.00	Elgin Construction - \$1,175,645.66; R.F. Almas Company Limited - \$1,279,177.76; Network Sewer and Watermain Ltd - \$1,323,482.97; Sierra Infrastructure Inc - \$1,351,557.55; Navacon Construction Inc. - \$1,398,561.50; Gedco Excavating Ltd. - \$1,464,490.70; Oxford Civil Group Inc. - \$1,777,009.	The Union Street project was originally intended to go from Norfolk Street to Queen Street. During the course of design and investigation it was determined that the section from Norfolk to Colborne was in extremely poor condition and required immediate upgrades. The section from Colborne to Queen is in reasonably good condition and can be rebudgeted in the 6 to 10 year range realizing a savings on the current project. The watermain in this section had an assessment completed and was found to be in good condition. We have worked with Elgin Construction on numerous projects and look forward to getting this project completed.	"Budget Amendment* The Approved 2020 Capital Plan contained an allocation of \$3,000,000 for the Reconstruction of Union Street - Queen to Norfolk, Simcoe. Contained within this budget is \$350,000 for engineering and \$2,650,000 for construction. Environmental and Infrastructure Services staff has estimated that approximately \$270,000 will be required to complete the engineering of the project. The low bid amount of \$1,196,337.02 (Net HST) is due to a scope change, as construction for this project will only include Norfolk to Colborne. The budget for this project will be decreased to account for this reduced scope from \$3,000,000 to \$1,500,000 with budget savings being reallocated to a future project within 6 to 10 years to account for the remaining portion of Union St from Colborne to Queen. Funding for this project is from the Gas Tax Reserve, Water Capital Replacement Reserve and Wastewater Capital Replacement Reserve.	No	07-Jun-21	8-Oct-21
PW-ES-21-01	Supply and Delivery of Water Treatment Chemicals	RFT	2-Mar-21	5	0	Supply and Delivery of Water Treatment Chemicals	Part A: Fanchem, Part B, E, F: Appropriate Chemical Int. Ltd Part C: ControlChem Canada Ltd., Part D: Brenntag Canada Inc.	Part A: \$10,841.60 Part B, E, F: \$124,215.34 Part C: \$120,972.50 Part D: \$25,155.90 Combined Total Bid Amount \$281,185.34	\$ 340,000.00	Refer to bidder breakdown on Sheet 2 of this document	Environmental Services followed purchasing policy ECS-02 for the procurement of the supply and delivery of water treatment chemicals. These chemicals are used in the water treatment process at water treatment facilities throughout the County. Chemicals include: Sodium Hypochlorite, Bulk Del Pac 2020, Hydrofluosilicic Acid, Sodium Permanganate, Sodium Silicate N, and Sodium Sulfite for dechlorination.	The Approved 2021 Rate Supported Operating Budget contained a total budget of \$148,800 for Sodium Hypochlorite, Bulk Del Pac, Hydro Fluosilic Acid and Sodium Permanganate for use at treatment facilities, further a budget of \$48,700 for misc. supplies for water distribution in which Sodium Sulfite was accommodated. Based on the 2 year bid amount of \$281,185.34, there is sufficient budget in the first year to accommodate the cost of \$140,592.67. The 2022 Rate Supported Operating Budget will be adjusted based on the second year of this bid.	Yes	01-Apr-21	31-Mar-23

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Attachment A – Summary of Bid Awards for the period ending March 30, 2021

Bid Number:	Bid name:	Bid Type	Bid Closing Date:	Number Bids Received:	Number Bids Rejected:	Bid Advertising:	Successful Bidder Name:	Bid Amount (excluding taxes)	Budget	Names and prices of all bids meeting requirements (exclusive of all applicable taxes)	Comments by User Division	Finance Comments	Multiple Year Bid	Project Start Date	Project End Date
PW-E-21-60	Tyrell St. & Bellevue Ave. Reconstruction, Simcoe	RFT	16-Mar-21	7	0	Tyrell St. & Bellevue Ave. Reconstruction, Simcoe	Elgin Construction	\$ 3,073,356.60	\$ 3,552,000.00	<p>Elgin Construction \$3,073,356.60</p> <p>Morley's Contracting (Brantford) Ltd. \$3,086,859.78</p> <p>R.F. Almas Company Limited \$3,197,799.52</p> <p>Sierra Infrastructure Inc \$3,412,516.31</p> <p>Euro Ex Construction \$3,426,138.97</p> <p>Oxford Civil Group Inc. \$3,449,612.20</p> <p>Network Sewer and Watermain Ltd \$3,688,679.74</p>	<p>The Tyrell Street and Bellevue Avenue Reconstruction Project in the Town of Simcoe includes full road reconstruction. The scope of work will consist of the replacement of the existing road structure, underground water, storm and sanitary infrastructure. The surface works for this project includes new curb and gutter on both sides of the road. This project includes the reconstruction of Hill Street and Union Street directly adjacent to Tyrell and Bellevue. Additionally, some watermain is set to be abandoned in Stalker Park as part of this project. Upon closing of RFT PW-E-21-60, Elgin Construction is the low bidder on the project. Considering a track record with Norfolk County of good performance and demonstrated ability to execute projects on time and within budget, it is recommended that RFT PW-E-21-60 be awarded to Elgin Construction.</p>	<p>*Budget Amendment* Bid PW-E-21-60 contains five projects that within the 2021 Capital Plan: Tyrell St – Beckett to King, budget of \$2,328,000; Bellevue Ave – Foster to Tyrell, budget of \$544,000; Hill St – Tyrell to Dead End, budget of \$320,000; Union St – Bellevue to Dead End, budget of \$260,000; and Stalker Park & Area Watermain, budget of \$100,000.</p> <p>Overall the current bid amount is within combined budget of all projects, however, due to a scope change within the watermain to upsize from 200mm to 400mm to allow for a redundant feed line from the reservoir to the water tower, the water construction budgets of each project will be over budget. As the Engineering and Road Construction in most Projects was under budget these positive variances will be used to offset the negative variances within the Water and Wastewater construction. Further, while two of the projects were over budget, the remaining were under budget, these projects will be amended with no increase in funds required.</p> <p>Funding for this project will be provided from the following reserves: The OCIF Obligatory Reserve Fund, Roadway Construction Reserve, Water Capital Replacement Reserve Fund and the Wastewater Capital Replacement Reserve Fund. Funding will be revised based on the required amendments with a positive impact to the OCIF and Roadway reserves and a negative impact to the Water and Wastewater Reserves.</p>	No	17-May-21	26-Nov-21
PW-E-21-32	Urban Asphalt Resurfacing, Hot Mix Asphalt	RFT	30-Mar-21	3	0	Urban Asphalt Resurfacing, Hot Mix Asphalt	Dufferin Construction Company	\$ 451,736.75	\$ 3,318,000.00	<p>Dufferin Construction Company \$451,736.75</p> <p>Coco Paving Inc. \$487,734.00</p> <p>Gedco Excavating Ltd. \$538,978.22</p>	<p>PW-E-21-32 is the annual asphalt resurfacing contract for roads within Norfolk County's urban centres. The 2021 urban asphalt resurfacing candidates to be resurfaced through this contract include; Victoria Street from Donly Drive South to Ireland Road; Donly Drive South from Victoria Street to Boswell Drive; Anderson Avenue from Donly Drive South to Austin Crescent; Rutherford Drive from Anderson Avenue to Mann Avenue; Jones Avenue from Rutherford Drive to Ireland Road; Falls Crescent from Jones Avenue to Jones Avenue. The candidates for the 2021 program have been vetted wholistically to ensure these candidates are suitable from both an engineering and asset management perspective. Additionally, candidates were strategically grouped within close proximity to one another to generate more competitive pricing. Upon closing, Dufferin Construction Company was the low bidder. Given a proven ability to deliver a quality product on time and within budget, staff recommend PW-E-21-32 be awarded to Dufferin Construction Company.</p>	<p>In the 2021 Approved Capital Plan the Urban Asphalt Resurfacing Program was consolidated under the Surface Treatment Program which has a total budget of \$3,318,000. Engineering and Roads staff have allocated the following budgets for the program: \$600,000 for the Urban Asphalt Resurfacing, \$535,000 for Road Reconstruction, \$2,157,000 for Tar and Chip Surface Treatment and \$26,000 for a contingency.</p> <p>Based on the bid amount there is sufficient budget to accommodate the approved bid. When all tenders are finalized within this program, any required budget amendments and funding adjustments will be determined at that time.</p> <p>Funding for the 2021 Surface Treatment program is provided from the OCIF Obligatory Reserve Fund and the Roadway Construction Reserve.</p>	No	25-May-21	6-Aug-21



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Council-In-Committee Meeting – April 13, 2021

Subject: Building Inspector 0.83 FTE to 1.0 FTE
Report Number: CD 21-23
Division: Community Development
Department: Building
Purpose: For Decision

Executive Summary:

Norfolk County Building Department has experienced increasing growth trends and activity volume which require appropriate staffing resources to maintain quality customer service and compliance with legislated timeframes. The Building Department currently has 9 full time Building Inspectors however, one position is currently at 0.83 FTE (April-December) and is currently vacant. Staff have struggled recently to maintain acceptable service levels while concurrently experiencing significantly increasing development inquiries/ applications and building permit activity.

Discussion:

The Building Department is provincially mandated to administer and enforce the Ontario Building Code (OBC), and provincial legislation requires staff to maintain certification to meet provincial standards, perform mandatory inspections, and issue permits within mandated time frames. The Building Department provides the following public services associated with the administration and enforcement of the Ontario Building Code

- Pre-permit consultation, plans examination, technical reviews and application processing
- Issuing of permits within mandated time frames to ensure conformity to the OBC
- On-site inspections to ensure conformity with approved permit drawings, specifications, the Building Code Act and regulations (Ontario Building Code)
- Response to all technical inquiries throughout building projects
- Enforce and initiate legal proceedings as required

These activities are completely funded by revenues generated from building permit fees. The Building Code Act allows municipalities to set permit fees to cover the cost of administering and enforcing the Building Code Act, and make reasonable contributions to a reserve. The reserve can be used to make service enhancements, and cover unexpected expenses. Reviewing the fees and charges of the building department is a strategic priority for 2021 as laid out in the Community Development Business Plan presented to Council in March.

The following is a synopsis of statistics and development information that Council may find useful to understand the daily development pressures on the Building Department and therefore why amendments to the FTE for Building Inspector is being requested.

Norfolk County has been experiencing a high level of development activity. In 2019, the Building Department issued a record number of 1424 building permits which is a 20% increase over 2018. This volume represented over \$129.2 million in construction value for permits which was an increase of \$29 million over 2018. In 2020 construction resulted in 1195 building permits being issued representing over \$125 million dollars.

Staff workload is very dependent on the volume of development activity and the Department monitors these trends actively. Permit applications are expected to increase in volume and complexity. The majority of the applications are deemed incomplete and in almost every case require other approvals (Planning, LPRCA etc) submissions or payment of fees prior to the issuance of building permit. This results in a lot of follow-up.

Measuring customer satisfaction and setting appropriate targets is somewhat challenging in the Building Department which must balance the need for quality and customer service with its legislative/regulatory roles. The Building Department strives to improve customer service levels by implementation of new technology (electronic permit submissions, electronic plan reviews, portal) and process improvements.

Overall, staff within the Building Department recognize that due to responsibilities endured by legislation workload volumes have exceeded the Building Department's current capacity to process building permit applications within acceptable time frames resulting in lower than acceptable customer service levels. There is some concerns with respect to the Department's service levels in the review and issuance of building permits as a result of permit volumes. Building inspectors are "generalists" and fully trained to undertake all types of plan reviews and inspections (within their respective category of qualifications under the Building Code). It is proposed that the current vacant 0.83 FTE Building Inspector position be amended to a 1.0 FTE. This is an existing position and no new position is being proposed. This amendment would simply align work and provide consistency with other Building Inspector positions.

As a result of a vacancy and the higher than expected permit activity experienced within the department we have been unable to meet the legislated time-frames for the issuance of building permits as set out in the Ontario Building Code.

Recent history has proven that challenges exist in recruiting for this position due to qualification requirements set out by the ministry as well as the competitiveness of the job market within the industry. Within the Building Department, efforts continue to be made to deploy staff and assign workloads in an efficient and effective manner (Plan Review Team, Inspection Team). Workloads are regularly monitored and steps are taken to adjust workloads and the assignment of files on an ongoing basis.

As outlined in the financial services comments below, the financial costs are limited and there is ample room in the building reserve. This being said building staff will commit to undertaking a review of its service fees to ensure recovery of the additional costs going forward.

Financial Services Comments:

The increased cost of approximately \$15,400 for the permanent FTE increase of 0.17 FTE from a 0.83 FTE building inspector to a 1.0 FTE building inspector would not increase the overall 2021 net levy requirement. The building department costs are 100% recovered through building permit fees and/or the Building Permit Stabilization Reserve Fund. Any surplus fees in a given year are transferred to the Building Permit Stabilization Reserve Fund at year end.

Reserve & Reserve Funds:

The following table outlines the current and projected balances for the Building Permit Stabilization Reserve Fund.

It should be noted, any additional costs will have an unfavourable impact on the forecasted reserve balances, which may result in future increased permit fees needed in order to fund future expenditures.

Table 1 – Building Permit Stabilization Reserve Fund

Date	Amount (\$) Surplus/(Deficit)
December 31, 2019 Balance per Audited Financial Statements	2,057,031
December 31, 2020 Projected Balance – based on the most Current Forecast	1,992,635
December 31, 2030 Projected Balance – based on the most Current Forecast	1,393,008

Interdepartmental Implications:

None

Consultation(s):

None

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Focus on Service".

Explanation:

Increased growth and development require appropriate staffing levels to maintain a high quality of customer service and compliance with legislative timeframes set out in the Ontario Building Code.

Conclusion:

It is proposed that the current 0.83 FTE Building Inspector position be amended to a 1.0 FTE. This is an existing position and no new position is being proposed. This amendment would simply align work and provide consistency with other Building Inspector positions and provide a more positive opportunity for recruitment.

Recommendation(s):

THAT CD 21-23 be accepted and received as information;

AND THAT Council support an increase from 0.83 FTE to 1.0 FTE in staff complement for Building Inspector in the Building Department;

Attachment(s):

None

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Council-In-Committee Meeting – April 13, 2021

Subject: RTPL2020175 – An application has been received to erect a 50 m telecommunications tower by FONTUR INTERNATIONAL on behalf of ROGER WIENS affecting lands described as 157 Queensway East, Simcoe.

Report Number: CD 21-27
Division: Community Development
Department: Planning
Purpose: For Decision

Executive Summary:

An application for municipal consultation has been received regarding the construction of a new telecommunication tower on the north side of Queensway East in Simcoe. The application is being put forth by FONTUR INTERNATIONAL on behalf of ROGER WIENS. The applicant is proposing to construct a 50 metre (164 ft) telecommunication tower. Industry Canada is the Approval Authority for Communication Towers; however the municipality can indicate whether they support the proposal.

Site Features and Land Use:

The subject lands are L-shaped and approximately 15 acres in size and located on the north side of Queensway East in Simcoe. The subject lands contain an existing commercial building which is currently vacant. The property itself extends approximately 418 m north and adjoins 129 Queensway East (formerly the Zellers site). The proposed location of the tower is situated at the North West side of the lot as shown on Map 4, approximately 200 metres way from Queensway East, bordering on the parking lot of the former Zellers, as indicated below (Figure 1). The surrounding lands are mainly commercial.

Discussion:

Hazard Land Zone and Significant Woodlot: To ensure minimum impact on the Hazard Land area, the tower's access must utilize the existing driveway and existing crossing of the hazard land area to avoid triggering "new development" within this HL area. Further, staff would note that the proposed is located adjacent to significant woodlands ("woodlot"). Planning staff do not believe the proposed will have any negative impacts on the natural feature of the woodlands, this was confirmed through Norfolk County Forest Conservation Services who have noted that they have no concerns with the proposal, and thus no Environmental Impact Study (EIS) is required to proceed. **Planning staff**

would ask that prior to the towers installation, they meet with Norfolk County Forest Conservation Services to conduct a site visit.

Provincially Significant Wetlands: The subject lands are adjacent to a Provincially Significant Wetland (PSW). The LPRCA have provided comments and notified, the location of the proposed communications tower, though adjacent, is outside any area subject to natural hazards as identified in section 3.1 of the Provincial Policy Statement and have no concerns. Planning staff are not requesting an Environmental Impact Study (EIS) for the proposed but do note that, **a portion of the property is located within the Regulation Limit of Ontario Regulation 178/06, made under the Conservation Authorities Act and permission from the LPRCA is required for any development within this area.**

Future Impact on Development: It is the opinion of staff that the proposed site is situated in a location which will cause a negligible impact on the community while providing an essential service which is critical to the Town of Simcoe and the County at large. The location of the tower and remaining parcel is designated primarily Commercial and it is planning staff's opinion that future commercial operations and desirable land use developments will not be inhibited by the tower. Staff have considered whether the tower should be relocation to the North West or East corner, but believe the current location is optimal. Relocating the tower to the north could be a recommendation made by Council but it is staff's opinion the relocation would garner no real positive impact, whereas it could possibly have negative impacts on future development along the north property line if Gilbertson Drive were to be opened. If Council did wish to consider relocating the tower north, staff would ask the applicant and or agent whether moving the tower north will have a great impact on the servicing capability of the tower.

Financial Services Comments:

There are no direct or immediate financial implications resulting from the recommendations contained in this report as the issues being discussed are primarily environmental and planning related. Any impacts on future developments as a result of this application are not quantifiable based on the information provided but are deemed to be minimal as outlined above by planning staff.

This application would have a positive impact on assessment growth and tax revenues. Telecommunication towers are typically assessed in the commercial tax class. The amount of growth is dependent on the assessment of the properties by the Municipal Property Assessment Corporation (MPAC).

Circulation Comments: The planning staff has received a number of agency and interdepartmental comments (Appendix A). No concerns were raised.

Regard For Public Input:

As per the Norfolk County Communication Tower protocol, the agent is required to participate in public consultation to provide the public with information about the proposed

tower. Due to COVID19 and the associated social distancing measures, including the closure of many public facilities, an in-person public meeting was not feasible for this application. Staff recognize the intent of the public meeting to provide the public an opportunity to comment on new tower locations, therefore, an alternative extended commenting period of 45 days was introduced to collect such public input. Residents and property owners within a radius of 150m or 3x the tower height (measured from the base of the tower) were sent an information brochure via regular mail (Appendix B) that was mailed out on February 1, 2021. A newspaper notice was published in Simcoe Reformer on January 29, 2021 and a sign was posted at the site. No public comments were submitted.

No public input has been received for this application and therefore was not considered as part of this recommendation.

Planning Considerations:

The subject lands are designated Commercial, Provincially Significant Wetland, and Hazard Lands in the Norfolk County Official Plan and zoned Service Commercial (CS), Provincially Significant Wetlands (PSW), and Hazard Land (HL) in the Norfolk County Zoning By-Law, 2014.

Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location of the telecommunication facilities. Companies are required to consult with Navigation Canada, Transport Canada and the municipality prior to erecting communication towers, but the municipality is not the approval authority.

However, the municipality's concerns are taken into consideration, and the licensing process will be delayed for negotiations if the Municipality does not support the application. An objection to a proposed site does not constitute a veto with respect to the proposed location. If the proponent for the communication facility cannot reach an agreement with the land-use authority, Industry Canada will decide on the appropriate course of action, using the information provided by both parties.

The applicant is proposing a 50 metre telecommunications tower. The tower is being proposed in response to the need for service upgrades to provide continuous coverage and service to their existing and future customer base in the Norfolk County. Due to its height, the proposed tower installation would provide opportunity for co-location with other licensed carriers in the future.

Provincial Policy Statement, 2020

Section 1.7.1 for the Provincial Policy Statement outlines that long-term economic prosperity should be supported by (i) *“encouraging efficient and coordinated communications and telecommunications infrastructure.”* It is staff opinion the proposed application aligns with the goals and objectives of the Provincial Policy Statement, specifically section 1.7.1, as it looks to expand existing services to meet County needs.

Section 2: Wise Use and Management of Resources of the PPS contains policies that encourage the protection of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. Staff are satisfied that the application is consistent with Section 2 of the PPS as the proposed minor variance will not affect any natural heritage, water features, or agricultural uses.

Section 3: Protecting Public Health and Safety of the PPS contains policies intended to reduce the potential for public cost or risk to Ontario's residents from natural or human-made hazards. No human made hazards were identified on the subject property or in the vicinity.

Please be advised that it is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals.

Norfolk County Official Plan

The subject property is designated Commercial and Hazard Land, with a significant woodlot located adjacent to the proposal. The Hazard Land designation is located near the front property, along Queensway East.

Section 3.5.2 of the Official Plan outlines the provisions with respect to significant woodlands; Section 7.3 of the Official Plan outlines the provisions with respect to Hazard Lands, specifically section 7.3.1 outlines the permitted use, which includes, existing uses.

Planning Comments: To ensure minimum impact on the Hazard Land area, the tower's access should utilize the existing driveway and crossing of the hazard land area to avoid any new development within this area. Further, staff would note that the proposed is located adjacent to significant woodlands ("a woodlot"). To ensure the proposed does not have any impact on the natural feature of the woodlands, staff are requesting the tower and access should be located a minimum of 30 m from the edge of the significant woodland boundary. Planning staff do not believe the proposed will have any negative impacts on the natural feature of the woodlands, this was confirmed through Norfolk County Forest Conservation Services who have noted that they have no concerns with the proposal, and thus no Environmental Impact Study (EIS) is required to proceed. Planning staff would ask that prior to the towers installation, they meet with Norfolk County Forest Conservation Services to conduct a site visit.

Section 2.2.5 of Norfolk County's Official Plan outlines the guidelines for upgrading and expanding infrastructure within Norfolk. Policy 2.2.5.1 highlights the goal of this policy is to ensure that Norfolk maintains, improves and expands its infrastructure including, among others, telecommunication, broadband, and public utilities. Policy 2.2.5.2 (h) states an objective of Section 2.2.5 is to "provide for the development of broadband and telecommunications infrastructure to serve County residents and businesses."

Section 8.7 e) indicates the following:

- e) The County shall work to ensure that communication and transmission corridors and towers are constructed, and maintained to minimize their impact on the community.

Planning Comment: It is the opinion of staff that the subject proposal is situated in a location which will cause minimal impact on the community while providing an essential service which is critical to the Town of Simcoe, and the County at large. The subject lands are designated Commercial and it is Planning staff's opinion future commercial development and other development types will not be inhibited by the tower. Staff have considered whether the tower could be relocation to the North West or East corner but believe the current location is optimal. Relocating the tower to the north is possible but it is staff's opinion the relocation would garner no real positive impact, whereas it could possibly have negative impacts on future development if access off Gilbertson Drive were to take place.

Section 4.4 (t) of the Official Plan aims to promote the future development of Norfolk County's agricultural industry by undertaking measures, including, "the County supports and encourages the expansion and improvement of telecommunications services, including high-speed internet service throughout the Rural Area".

Planning Comment: It is staff's opinion that the subject application aligns with the goals and objectives of the Official Plan, specifically Sections 2.2.5 and 4.4, as the proposed tower will improve and provide services to Norfolk's rural area.

Norfolk County Zoning By-Law 1-Z-2014

The subject lands are zoned 'Service Commercial (CS)' and 'Hazard Lands (HL)' in Norfolk County's Zoning By-law.

Industry Canada is responsible for regulating radio communication in Canada and for authorizing the location of the telecommunication facilities. Section 3.8 of the Zoning By-law exempts telecommunication towers from all height restrictions.

Planning Comment: A site visit of the proposed location has indicated that minimal disruption to land uses is expected due to the proposed tower at this location. That said, Planning staff have made a few minor recommendations included in the 'discussion' section of this report to ensure compatible placement that considers existing natural hazards.

Consultation(s):

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Build and Maintain Reliable, Quality Infrastructure".

Explanation:

This enhances wireless telecommunications access for the area.

Recommendation(s):

THAT the application by FONTUR INTERNATIONAL THOMAS DYBOWSKI 70 BEAVER CREEK, UNIT 22 RICHMOND HILL, ON L4B 3B2 affecting lands described as Part Lot 3, Conc. 14, Urban Area of Simcoe, Norfolk County, File Number RTPL2020175, BE SUPPORTED for reasons set out in Report Number CD 21-27;

AND THAT no public input has been received for this application and therefore will not be considered as part of this decision.

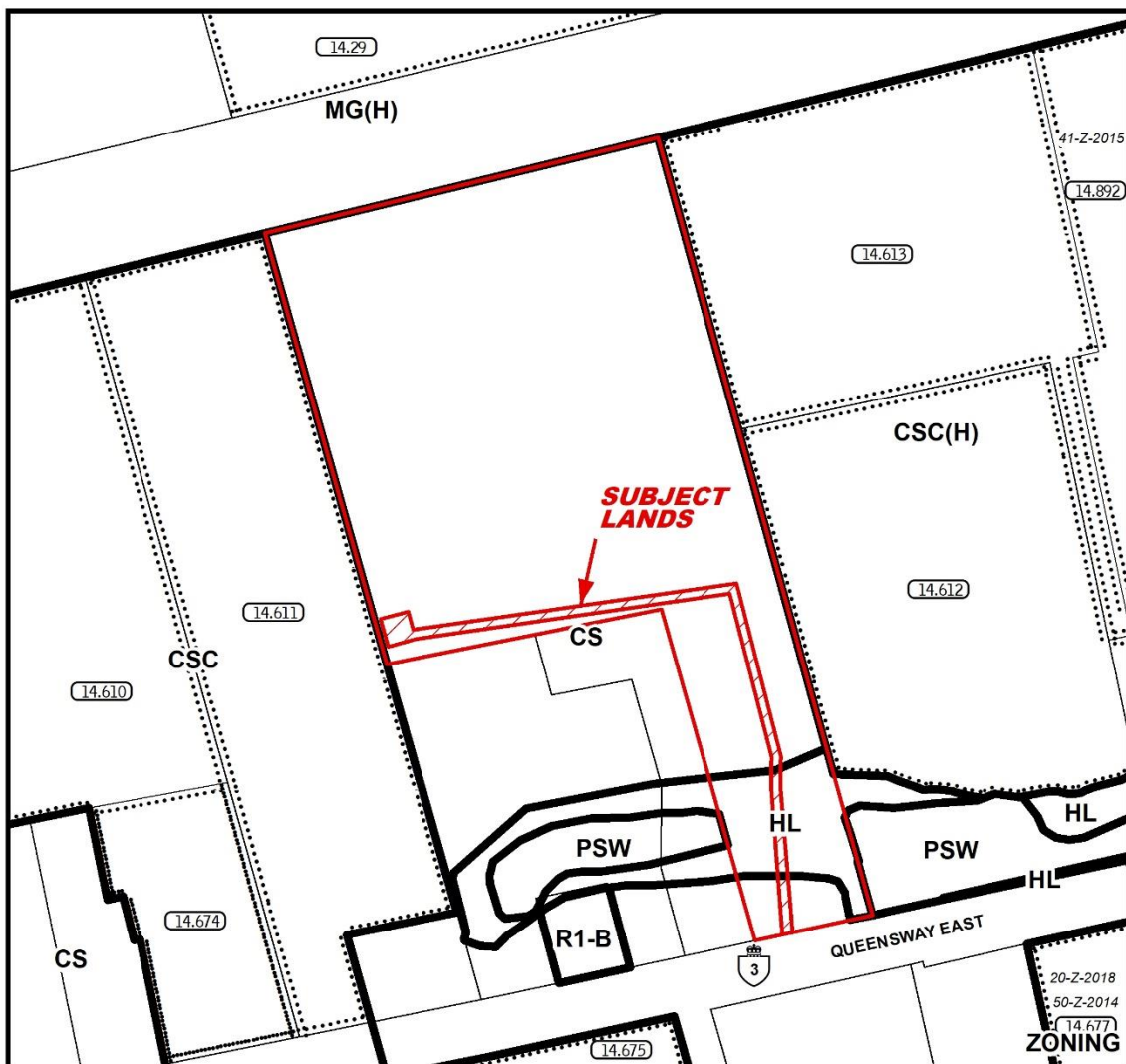
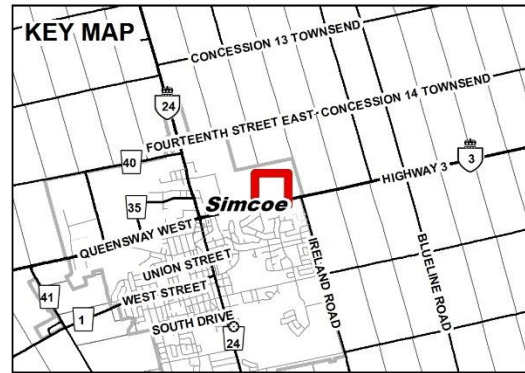
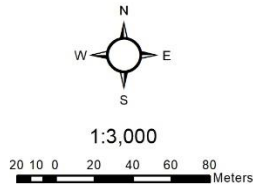
Attachment(s):

Maps 1 to 4
Appendix A Circulation Comments
Appendix B Public Notification Documents
Submitted By:
Brandon Sloan, BES, MCIP, RPP
General Manager
Community Development
185 Robinson Street
Simcoe, Ontario, Canada, N3Y 5L6
519-426-5870 ext. 1348

Reviewed By:
Tricia Givens, M.Sc.(PL), MCIP, RPP
Director of Planning
185 Robinson Street
Simcoe, Ontario, Canada, N3Y 5L6
519-426-5870 ext. 1893

Prepared By:
Scott Wilson, BES Hons Planning
Planner
For more information, call:
519-426-5870 ext. 1829

MAP 1
File Number: RTPL2020175
Geographic Township of
TOWNSEND

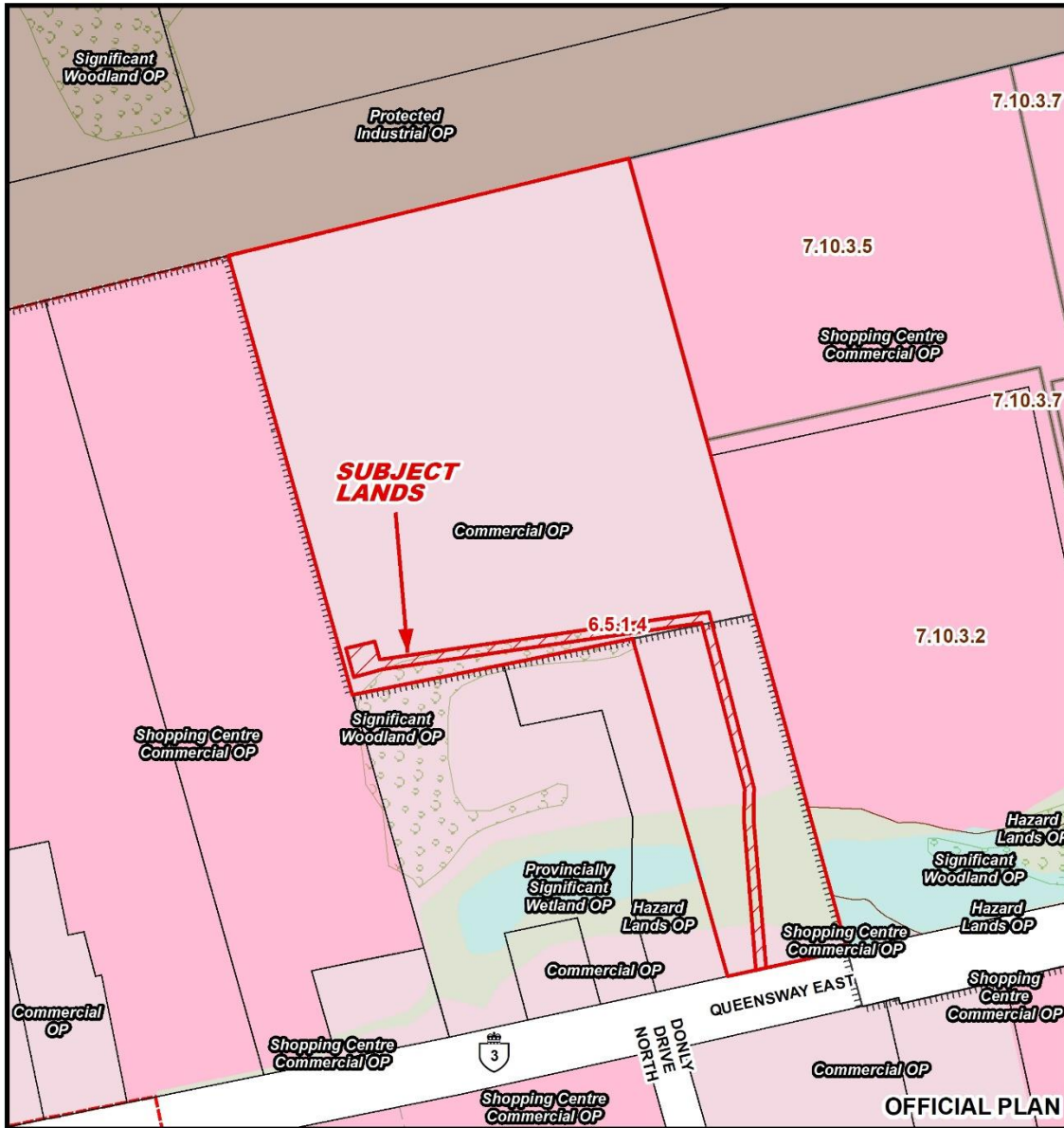


10/15/2020

MAP 2
File Number: RTPL2020175
Geographic Township of TOWNSEND



A north arrow is located in the top right corner of the map frame, with 'N' at the top, 'S' at the bottom, 'E' on the right, and 'W' on the left. Below the north arrow is a scale bar marked from 0 to 40 meters. The text '1:2,800' is printed below the scale bar.



10/15/2020

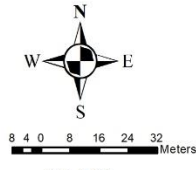
MAP 3
File Number: RTPL2020175
Geographic Township of TOWNSEND



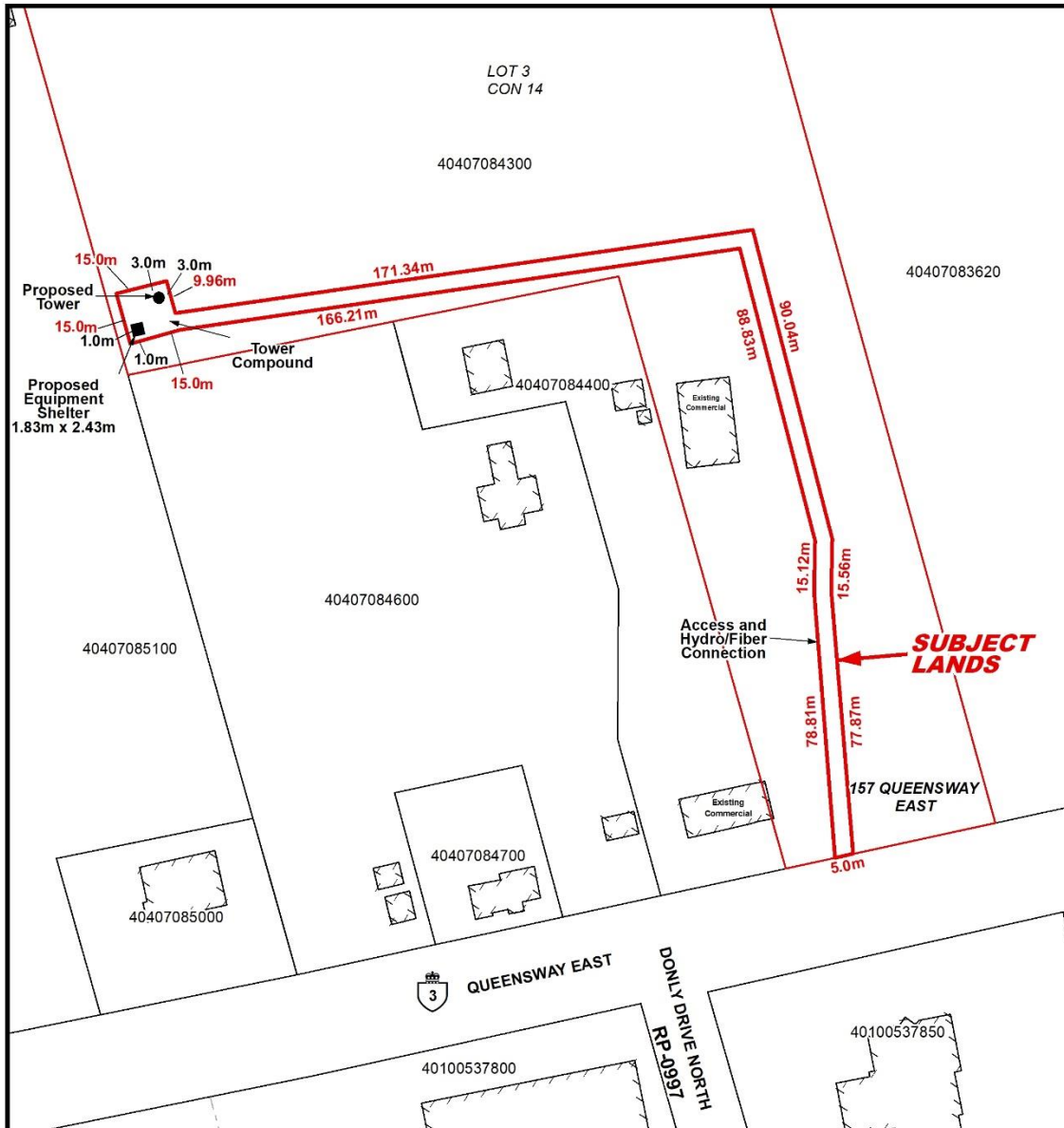
A north arrow is located in the top right corner of the map frame, with 'N' at the top, 'S' at the bottom, 'E' on the right, and 'W' on the left. Below the north arrow is a scale bar marked with 0, 8, 16, 24, and 32 meters. Below the scale bar, the text '1:2,000' is printed.



MAP 4
File Number: RTPL2020175
Geographic Township of TOWNSEND



8 4 0 8 16 24 32 Meters
1:1,600



10/15/2020

CD 21-27 RTPL2020175 (telecom tower) – 157 Queensway East, Simcoe

Appendix A: Circulation Comments

Building and By-Law

Reviewed – No concerns

Zoning Administrator

Reviewed – No concerns

Paramedic Services

Reviewed – No concerns

Fire

Reviewed – No concerns

Forestry

Reviewed – No concerns

Geographic Information Systems

Reviewed – new civic address is required for the proposed tower.

Health and Social Services

Reviewed – No concerns

Tourism and Economic Development

Reviewed – No concerns

Development Engineering

Reviewed – As per Norfolk County By-Law 2016-32, an entrance permit and installation of entrance will be required for any new driveway or if any changes/modifications are made to the existing driveway.

Long Point Region Conservation Authority

Reviewed – The subject lands are prone to flooding and erosion from Dingle Creek, contains and is adjacent to a Provincially Significant Wetland. The location of the proposed communications tower is outside any area subject to natural hazards as identified in section 3.1 of the Provincial Policy Statement. A portion of the property is located within the Regulation Limit of Ontario Regulation 178/06, made under the Conservation Authorities Act and permission from our office is required for any development within this area.

[Back to Top](#)
[What about health & safety?](#)

Health and safety are paramount to Signum Wireless. Health Canada has established electromagnetic exposure guidelines, known as Safety Code 6, to ensure the safe operation of wireless antenna installations. Signum Wireless ensures that all of its facilities operate well below the allowable limits measured, taking into account all pre-existing sources and combined effects of additional carrier co-locations; in fact, this site will be thousands of times below the allowable limits.

Health Canada's Safety Code 6 can be read here: http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct/index-eng.php

Signum Wireless attests that the radio antenna system described in this notification package will be constructed in compliance with the National Building Code of Canada which includes all applicable CSA Radio Communications Regulations.

Regulatory and consultative procedures for telecommunications antennas can be found in Innovation, Science & Economic Development Canada's CPC 2-0-03 Issue 5 (updated in 2014).

Signum Wireless attests that the radio antenna system described in this notification package will comply with Transport Canada / NAV Canada aeronautical safety requirements. Both agencies have yet to complete their review of the proposal.

The proposed facility would include one 15 x 15-metre fenced compound with chain-link and barbed wire-topped fencing installed around the base of the tower and equipment shelter(s), and would include one locked gate access point.

[What about the environment?](#)

Signum Wireless attests that the radio antenna system described in this notification package is exempt from the *Canadian Environmental Assessment Act*.

[How do I get involved?](#)

Signum Wireless is committed to effective public consultation. You are invited to provide comments or inquiries to Signum Wireless about this proposal by mail, electronic mail, or fax.

In order to ensure your comments or questions are considered, you must respond between February 1st, 2021 and March 17th, 2021 by close of business (5:00p.m.) to:

FONTUR International Inc.
70 East Beaver Creek Road, Suite 22
Richmond Hill, ON L4B 3B2
Fax: 866-234-7873
Email: ON1473.signum.info@fonturinternational.com

[Your ISED/Federal Government contact](#)

ATTENTION: Tower Issue – 157 Queensway East, Simcoe
ON—ON1473

Southwestern Ontario District Office
4475 North Service Road, Suite 100
Burlington, ON L7L 4X7
Telephone: 1-855-465-6307
Fax: 905-639-6551
Email: ic.spectrumswodo-spectrebdsoo.ic@canada.ca

[Your land use authority contact:](#)

Scott Wilson ,Planner
Planning & Development
Norfolk County
185 Robinson Street, Simcoe, ON, N3Y 5L6
Phone: 519-426-5870 x1829
Email: planning@norfolkcounty.ca

For more information:

General information from Innovation, Science & Economic Development Canada (ISED):
<http://strategis.ic.gc.ca/antenna>



Community Notification

For a 50m Telecommunication Tower

**Located at:
157 Queensway East , Simcoe,
Ontario**



**Coordinates:
N52° 51' 01"
W80° 17' 34.2"**

Site Code: ON1473

[Back to Top](#)
[Your local land use authority](#)

The Norfolk County's Planning division reviews telecommunication towers proposed within the Township using the established Protocol for Telecommunication Projects. The County's role is to provide comment on telecommunications towers to proponents and Innovation, Science and Economic Development (ISED). The Federal Government has the exclusive jurisdiction to approve the licensing of towers. The requirement to consult can be found in ISED's document, Client Procedure Circular (CPC) 2-0-03. The purpose of consultation, as outlined in CPC 2-0-03, is to ensure that land use authorities are aware of significant antenna structures and/or installations proposed within their boundaries and that antenna systems are deployed in a manner which considers local surroundings.

Zoning by-laws and site plan approvals do not typically apply to these facilities, and a building permit is not required. Signum Wireless is committed to consultation with the local land use authority (the Norfolk County planning division) and its residents in accordance with ISED's requirements.

This public notification has been designed to provide all the necessary information as required by ISED to those properties that fall within a circulation radius of 150m, measured from the centre of the tower.

[Location Map](#)



[Why is a new tower required?](#)

The purpose of the tower is to provide cellular coverage to the surrounding residents, businesses and passerby traffic. A radio antenna and tower are the two most important parts of a radio communication system. The antenna is needed to send and receive signals for the radio station. The tower raises the antenna above obstructions such as trees and buildings so that it can send and receive these signals clearly.

Each radio station and its antenna system (including the tower) provide radio coverage to a specific geographic area, often called a cell. The antenna system must be carefully located to ensure that it provides a good signal over the whole cell area, without interfering with other stations. In areas where there are many cells, the antennas do not need to be very high. Where the cells are larger, the antennas must be higher above the ground level in order to provide good radio coverage for the whole area.

In this case, Signum Wireless' clients have determined the need for new antennas in the area in order to adequately provide contiguous coverage and service to customers in Simcoe. Signum Wireless chose this site to allow carriers to avoid problematic situations for customers such as poor voice and data quality, dropped calls, or even the inability to place a mobile call in the subject area.

[Where will it be located?](#)

The proposed site of the tower is at 157 Queensway East approximately 207 metres North of Queensway East and 114 metres East of McIntosh Drive.

Signum Wireless strongly supports co-location on existing towers and structures. The use of existing structures minimizes the number of new towers required in a given area and is generally a more cost effective way of doing business. Unfortunately in this case, there were no existing structures in the area that were viable alternatives. The next-nearest tower is a 46m self-support tower approximately 970m from the proposed location.

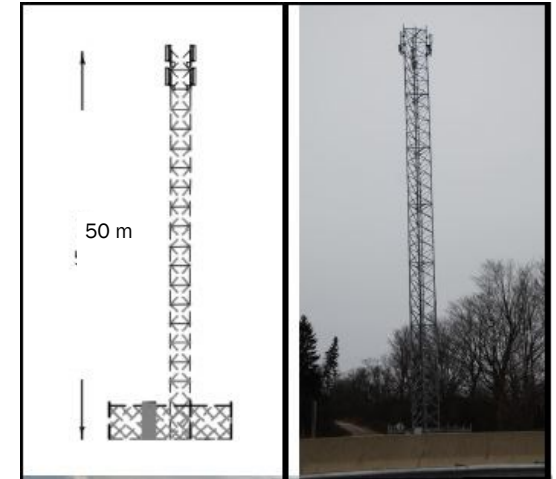
The proposed tower would be shared by multiple service providers, eliminating the need for future tower infrastructure in the immediate area.

[What will it look like?](#)

Signum Wireless is proposing a 50 metre lattice tri-pole tower to improve upon the overall poor coverage in your area and to provide space for the equipment of multiple service providers.

Below is a simulation showing the proposed tower.

[Tower Simulation](#)



[Current Image of Property](#)



Council Services Department
50 Colborne Street South
Simcoe, Ontario N3Y 4H3



FO-91
May, 2019

Request for Deputation

Request for Deputation and/or any written submissions and background information for consideration must be submitted to the Council Services Department. Deputations that are not related directly to agenda items may be placed on the next appropriate agenda at the County Clerk's discretion

Any Information contained on this form will be made public through the publication of the agenda. Through submission of a Request for Deputations, individuals are agreeing to the release and inclusion of their personal information within the public record. Applicants may request the removal of their personal contact information when submitting this form. The request to remove personal contact information cannot be made after agenda publication. Please note that all meetings occur in an open public forum and are regularly recorded and televised.

Please Print

Subject: The speed of motorists on Nelson St. has to be addressed!

Name: Margo McGillis

Address: [REDACTED]

Home Phone: [REDACTED] Business: -

E-Mail: [REDACTED]

Name of Group or Person(s) being represented (if applicable):

Nelson St. residents From Mergl to trailer park.

Details of the nature of the business/purpose:

SEE ATTACHED DOCUMENTS!
Letter + 2 sheets of signatures.

(Additional information can be attached separately):

Deputation requirements: easel projector laptop

other: ZOOM

All presentation materials must be received by the Clerk's office no later than 24 hours in advance

All deputations are limited to five minutes with no time extensions possible.

Upon receipt and approval of a Deputation, full details on the process will be sent to all presenters.

To submit your form or ask questions please contact the Clerk's department at:

or 519-426-5870



Accessibility accommodations are available.
Please make your request in advance.

STOP THE SPEEDING!

IT'S NOT IF, BUT WHEN, SOMEONE WILL BE KILLED!

There is excessive speed, dangerous driving, and a high percentage of overweight transport trucks utilizing Nelson St. W through to Radical Rd. which is extremely dangerous for a residential neighborhood. The stretch from St. George St. to Highway #24 which measures 6KMs, does not have one stop sign, and only 2 speed signs which are ignored by the majority of drivers!

There should not be large transport trucks, dump trucks and heavy construction trucks driving through a residential area, when Highway # 6 is less than a kilometer north, which is engineered for the size and weight.

When Nelson St. road work is completed, it is feared the above issues will only get worse!

Attached, are the signatures of our concerned neighbors , complete with suggestions on how to curtail the speeding and road dangers.

1. A solar flashing speed monitor similar to the sign on Highway # 6 entering Port Dover.
2. Speed bumps
3. Lower speed to 40 kms
4. A 3 way stop at Nelson & Mergl and 3 way stop at Blue Line and Radical
5. A designated crosswalk and flashing lights for pedestrians crossing Nelson St at the trailer park to the new sidewalk on the north side
6. Signage to divert heavy trucks to highway #6

Copies To:

Ms. K Chopp Mayor Norfolk County

Ms. A. Martin Councillor Norfolk County

Mr. Jason Godby General Manager Public Works

Mr. Adam Cave Project Manager Public Works

Mr. Joe Varga Chief of Police OPP Division

Submitted by: Ms. Margo McGillis 628 Nelson St. W. margomcgillis@gmail.com

MICHAEL McGRATH
Tony Lauron
Ken & Peter Weerdenburg
Jinahiz Henderson
Don & Judy McSherson

SALLY + ALAN "Reid" Reid
YVETTE VANDERPOST Yvette Vanderpost
Ralph Dickinson
Sharon Dickinson
Nelson & Joe Lamerson

Odile PICQUET
Dominique Cote
Ruta Kalbach
Job Schayfer 15 R
Susan Hazim 744
Joe & Fran Aquies
Steve Sobin, Zelia Sobin

* Agie Harrington 70
Denz Beel
Carme Bergant
5 with All good

Robert Miller
Alan Hobbs
Margo McGillis
Dug Mion
Kimo David Dumas - 9
Diane Lombardo

45

Kim Tollar Kim Tollar
Karen Wallace
ED Wostowicz
Ted Ostry
Jean Karges

Erin + Bill Dent
Simon yardley
Monica Myhre

Wants enforcement -
Don [Signature]
A Wilkinson
AHAN BROCCOTT
[Signature]



John Mascarin
Direct: 416.865.7721
E-mail: jmascarin@airdberlis.com

2020 ANNUAL REPORT OF THE INTEGRITY COMMISSIONER

THE CORPORATION OF THE COUNTY OF NORFOLK

**John Mascarin
Aird & Berlis LLP**

March 15, 2021

INTEGRITY COMMISSIONER'S MESSAGE

Introduction

Aird & Berlis LLP was appointed as the Integrity Commissioner for the County of Norfolk pursuant to section 223.3 of the *Municipal Act, 2001* on January 8, 2019 by By-law No. 2019-06. This is our second annual report that we have prepared, encompassing the period from January 1, 2020 to December 31, 2020. This report provides an executive summary of the activities undertaken in fulfilling our duties and responsibilities as the Integrity Commissioner of the County in 2020. As we did last year, we have also included an appendix with statistics as to the numbers of complaints, inquiries from and advice to various sources and the cost of services.

Overview

Last year was all about transformational change to Norfolk County.

A new and mostly inexperienced Council embarked on its first full year in office on what can best be described as a tempestuous and confrontational course with its municipal administration. Having largely done away with what it viewed as an administrative impediment to the implementation of its policy goals and objectives, Council's second year of its term was supposed to leave behind the tumult and upheaval that had marked its first year.

What seemed to be a mostly cohesive Council with a purportedly shared vision in 2019 appears to have developed significant fissures in 2020. By the end of the year, confrontation was again at centre stage at the County but this time it was amongst the members of Council themselves. This will be commented upon further below under the heading "Council Relations."

It did not go unnoticed by members of Council, staff and the public that our Annual Report last year was critical of Council. As noted by some members of Council in 2020, they were predominantly silent observers last year. Our 2019 Annual Report was an attempt to shed light on what we perceived to be not only Council's ineffective response to matters of proper conduct and accountability, but its outright enabling of bad behaviour.

At its meeting on May 19, 2020, Council unanimously passed a motion that the CAO be directed to present a report addressing the "main points" of our 2019 Annual Report. The CAO indicated that he would enlist a third party to assist with the report. More than nine (9) months later, no report has materialized. However, if the meeting of Council on November 17, 2020 is any indication, it appears clear that at least some members of Council may now understand that our observations were warranted and that the "main points" stressed in last year's report had little to do with the details Council chose to focus on.

Our message last year concluded with a reminder that good governance requires that Council "work together" as a team to serve the public interest, something that cannot be achieved without regard to matters of accountability, civility, integrity and respect. We reiterate those same comments this year and we strongly urge Council to find a way to operate in a respectful, dignified, open and transparent manner amongst themselves.

Role of Integrity Commissioner

The functions of an Integrity Commissioner are set out in subsection 223.3(1) of the *Municipal Act, 2001*:

Integrity Commissioner

223.3(1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

The aforementioned functions have been delegated to us as the Integrity Commissioner for the County. As previously noted, contrary to public perception, an Integrity Commissioner is not only an enforcement agent. The authority to provide advice to members is an important proactive function of the Integrity Commissioner that seeks to prevent contraventions. Members are entitled to seek advice from the Integrity Commissioner as to their *own* ethical obligations. We do not advise members respecting the obligations of other members. While we may assist the public to understand the rules and responsibilities of members under the Code of Conduct and other ethical policies or rules, we do not provide pre-rulings.

Council will likely be pleased to hear that only two (2) formal complaints were filed and investigated in 2020, and that we received fewer inquiries from the public and media (relating to three main subject matters). Consequently, the overall cost of our services to the County decreased from the total amount in 2019.

Complaint Investigation

Last year our office received two (2) formal complaints (down from seven (7) formal complaints submitted in 2019). Both complaints were filed against the same member of Council and both were investigated and reported upon. No informal complaints were filed and no applications were submitted pursuant to the *Municipal Conflict of Interest Act*.

1. Complaints Investigated

Complaint 2020-01

This complaint arose from a well-publicized incident that occurred during the County's delegation meeting with the Minister of Municipal Affairs and Housing (the "Minister") and Ministry representatives at the Rural Ontario Municipal Association (ROMA) Conference held in Toronto, Ontario in late January, 2020. The complaint alleged that Mayor Chopp contravened the Code and the County's Procedural By-law by presenting a cartoon image depicting a fecal sandwich when she met with the Minister and his staff.

Following a full investigation, including interviews with Ministry staff present at the meeting and the Mayor's explanation, we concluded the Mayor's actions, when considered in context, however crude and juvenile the display of the cartoon may have been in a formal meeting, did not amount to a breach of Sections 5.3 and 5.6 of the Code.

The Complaint gave rise to an ancillary issue related to the improper disclosure of the identity of the complainant on the part of the Mayor. The notice of the complaint was made in accordance with Section 14.6 of By-law 2018-33 (which had only recently been amended) to provide that the identity of a complainant be maintained as confidential by the member to whom it is provided. The Mayor disclosed the identity to the CAO who contacted us about the complaint. She claimed that we breached confidentiality by submitting the notice of complaint to her via a general email address. Our investigation concluded otherwise and determined that the Mayor had breached Section 14.6 of By-law 2018-33.

The Mayor apologized for emailing the CAO. Council did not formally reprimand the Mayor, choosing instead to simply direct that the Mayor and Councillors review and "endeavour to apply" policies respecting confidentiality. As an aside, it was the second public apology issued by the Mayor at the same meeting.

Complaint 2020-02

This complaint alleged that the Mayor Chopp breached three provisions of the Code related to her actions with respect to interactions with members of the public in Port Dover in May 2, 2020 and her subsequent correspondence dated May 6, 2020 to the Mayor and Chief Administrative Officer of Haldimand County and the Chief of the Norfolk detachment of the Ontario Provincial Police ("OPP"). The complaint alleged that the Mayor's actions were inconsistent with the discharge of her official duties as set out in the Code and that her correspondence disparaged the complainants. We summarily dismissed one other allegation that did not appear, on its face, to be valid.

We conducted a full investigation into the matter, which included interviews with a member of the OPP and the County's Medical Officer of Health. We concluded that the actions of the Mayor, in their totality, did not amount to a breach of either Section 8.1 or 11.3 of the Code.

Advice

Four (4) members of Council sought our advice throughout the year and some on more than a single occasion. The requests for advice were important; several related to questions pertaining to the general conduct of Council. As noted above, while Council voted unanimously on November 17, 2020 to seek the assistance of a third party consultant to help mend its fractious interactions, no training session has yet been held or even scheduled.

In addition, we received and responded to a number of inquiries from the general public regarding potential unethical behaviour on the part of members of Council. The inquiries can be separated into three main groups.

The largest number of inquiries we received related to the public square haircuts received by Mayor Chopp and Haldimand Mayor Hewitt in Governor Simcoe Square on June 9, 2020 to protest the provincial government's plans for a phased re-opening of the economy. A member of Council took offence that we stated to the media, when we were asked, that we had received various inquiries regarding the stunt, and referred to us as "ambulance chasers." We note that no complaints were actually filed with our office regarding the incident. In any event, Council's displeasure with the Mayor's actions was noted and the Mayor did make a public apology one week later at a meeting.

We received a number of inquiries from the media and comments from the public related to the "sandwich" incident, pertaining to Complaint 2020-01 summarized above. We note that members of Council themselves admitted to having received correspondence and emails regarding the matter.

Finally, the third main group of inquiries related to the general dysfunction of Council, and what can be done about the distrust and lack of cooperation amongst members.

As was the case in 2019, we again received number of queries related to matters outside of our jurisdiction, including alleged privacy breaches under the *Municipal Freedom of Information and Protection of Privacy Act* and questions respecting closed meetings and staff actions. We referred the concerned persons to the Information and Privacy Commissioner of Ontario on the former and to the Ombudsman of Ontario on the latter.

We have set out a summary of advice and guidance that we have provided in 2020, both verbally and in writing. Not all of the advice that we provided has been summarized because, in some cases, the identification of the advice would likely disclose the person requesting the advice and/or the actual incident or matter.

Below are summaries of matters and issues we advised upon in 2020. They are provided as a resource to members, staff and the public:

- (a) A member receiving a gift or benefit by way of a third party payment to another for services rendered to the advantage or promotion of the member should disclose such gift or benefit under the Code. The question of whether the gift or benefit is for the private, as opposed to public use of the member, is a question of fact that can only be determined on a case-by-case basis.
- (b) The role of the municipal administration is to implement the decisions and directions of Council as a whole. Municipal officers or employees are typically not to act at the direction of any single member of Council (unless so delegated or empowered) otherwise they may be

pulled into nine separate directions. Section 8.3 of the Code provides that member of Council have no individual capacity to direct staff to perform specific functions. Section 7.4 of the Council-Staff Relations Policy provides that members cannot compel staff to provide information that ought to be provided to Council or committees.

- (d) A report that recommends that County staff take action with respect to the collection of fees and charges that financially impact a member who may ultimately be obligated to pay fees and charges is a potential pecuniary interest to that member. The member should disclose a pecuniary interest and not participate in any discussion, seek to influence the vote or vote on the report in accordance with section 5 of the *Municipal Conflict of Interest Act*.
- (e) Members must be wary of corresponding by email, text or by other electronic or digital means with other members on matters that form the basis of the business or decision-making of Council, especially if such correspondence contains threads and chains displaying the views or opinions of other members in advance of an open debate and discussion of matters at a meeting of Council. Such serial correspondence runs counter to the concepts of openness and transparency that underpin that right of the public to observe local democracy in action at meetings of Council and committees.

Council Relations

We would be remiss if we did not comment on the matter of “Council Relations”, a discussion topic added to the agenda at the meeting of Council on November 17, 2020. The acrimony between members of Council was never more apparent than at this meeting, although we have been advised that the level of discord has not abated in 2021.

At the aforementioned meeting, the members of Council expressed their profound disappointment at the lack of team unity and even the “dread” that some feel about attending meetings of Council and committee. The members spoke openly and frankly about what they viewed as a troubled, ineffective, dysfunctional, adversarial and hostile atmosphere both inside and outside the Council Chambers. Several members referred to the constant stress and anxiety they feel when seeking to merely carry out their functions as elected representatives.

There was an admission that Council was operating not only in a debilitated state but also in a selectively secretive manner, and with a “complete disregard for the Code of Conduct, Council and staff policies, and policies that are put in place to protect members of the public.” This is truly troubling.

To their credit, most members recognized and spoke of the Council’s toxicity and malfunction. In the end, Council passed a motion to direct the facilitation of an all-day governance training session for themselves. Although no such facilitation or training has yet been scheduled, we understand that a very reputable governance and meeting expert has been contacted to possibly undertake this work.

Education & Training

No education or training was requested or provided to Council in 2020. We were asked, and did provide a recommendation to staff with respect to a governance training expert who has been contacted to facilitate the session that Council requested on November 17, 2020.

Existing Code Of Conduct

As we noted in our 2019 Annual Report, the existing Code and Complaint Protocol should be updated and revised.

Last year we recommended several modifications to the Code, including that Council reconsider its decisions to: (i) remove the Integrity Commissioner's authority to directly impose penalties and remedial measures and corrective actions in the case of contraventions, and (ii) make mandatory the requirement that the identity of a complainant be disclosed to the member under investigation.

We recommended the first amendment simply to de-politicize decision-making on issues of ethics that should be based solely on considerations of integrity and accountability. Council ignored the recommendation. The second amendment was proposed to align the County's complaint process with the majority of other municipal codes throughout the Province. This recommendation garnered some interest and, as noted above, a third party consultant was to review the matter. Almost year later, there has been no report or follow-up to this third party review. While we acknowledge that the disclosure of the identity of a complainant is contained in a number of complaint protocols, the Ontario Ombudsman has long advocated against this and we continue to support non-disclosure.

We also indicated in our 2019 Annual Report that the County's complaint filing fee of \$150 was high in comparison with most municipalities. The third party review on this question also never materialized. We have made inquiries with a number of other municipal Integrity Commissioners and are able to report that there are a handful of municipalities scattered throughout Ontario that impose fees equal to or slightly higher than the County (\$250 is the highest). The vast majority of municipalities impose either no fee or a nominal \$25 filing fee. We stand by our recommendation that the County should seek to eliminate financial barriers to persons who seek to ensure that their elected officials comply with their ethical standards and obligations.

A lengthy list of recommendations to strengthen the municipal accountability framework was set out in Associate Chief Justice Marrocco's Judicial Inquiry Report from the Town of Collingwood that was released on November 2, 2020. Some of the important recommendations include the following:

- O. Reg. 55/18, which prescribes the mandatory subject matters in codes of conduct, be amended to require provisions on real, apparent, and potential conflicts of interest;
- The *Municipal Act, 2001* be amended:
 - to require mandatory provisions in a Staff/Council Relations Policy including political neutrality of staff, attempts to influence or coerce staff decisions, and giving direction to members of staff, and
 - to provide that if a member abstains from voting because of a real, apparent, or potential conflict of interest, it is to be deemed an abstention and not a negative vote;
- Sanctions should be in place for council members who fail to co-operate with investigations of the Integrity Commissioner, and for reprisal or retaliation by a council member against a complainant, witness or other person involved in an investigation.

We make particular note of Recommendation 17 in Justice Marrocco's report:

The Code of Conduct should state that Council members must perform their duties with integrity, objectivity, transparency, and accountability to promote public trust and confidence. The public is entitled to expect the highest standards of conduct from the individuals they elect to local government. This provision should be placed in the body of the Code of Conduct for Council members and not in the preamble to the Code.

Finally, on March 5, 2021, the Ministry of Municipal Affairs and Housing issued a news release indicating that it would be launching consultations with the municipal sector to strengthen accountability for municipal councillors by possibly enhancing enforcement measures for municipal codes of conduct (AMO had strongly advocated this in a letter to the Minister on February 3, 2021). On March 8, 2021, Bill 260, the *Stopping Harassment and Abuse by Local Leaders Act, 2021* was introduced for first reading in the Ontario Legislature to amend the *Municipal Act, 2001* to address instances where municipal councillors are found to engage in harassment in the workplace.

Closing Remarks

We recognize that, like all other governments in the world, the COVID-19 pandemic brought new challenges for the County to deal with last year. It has not been an easy year for anyone, including the members of Council who have responsibilities beyond themselves and their families and friends to ensure that the residents, taxpayers and businesses of the County are appropriately safeguarded.

With respect to the matter of Council Relations, the first step is recognizing that the issue exists. Members of Council have now done that. Moving forward will not be easy – it is time for Council to put aside the errors of yesterday and seek a working solution. Trust, co-operation and civility should be embraced as priorities if Council is to restore even a measure of accountability and integrity to how it will conduct itself for the remainder of its term.

This concludes our second Annual Report.

Respectfully submitted,

AIRD & BERLIS LLP



John Mascarin

Integrity Commissioner for the County of Norfolk

JM/km

SUMMARY OF STATISTICS

Complaints	
Formal Complaints	2
Informal Complaints	0
Total	2

Inquiries	
From Council Members	6
From Staff	3
From the Public	14
From the Media	4
Total	27

Cost	Fee	Percentage
Complaint Investigations	\$ 24,242.50	69%
Provision of Advice	\$ 3,600.00	10%
Inquiries (public)	\$ 4,125.00	12%
Annual Report	\$ 3,300.00	9%
Total Fees	\$ 35,267.50	
Disbursements	\$ 4.00	
Total	\$ 35,271.50	

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Please Include on the next Council Meeting Agenda

I would appreciate an answer to my question

Hastings Drive 16 March 2021

Superior Court of Justice Ruling by Mr. Justice D.J.Gordon

Hastings Drive and the use of Trailers became an issue in 2009 when, Mr. Mawhiney, the applicant of this proceeding asked then Mayor Travale, for his advice regarding the matter.

Mr. Justice Gordon clearly states on page 19 of his recent decision:

- (52) “The affidavit of former Mayor Travale, with reference to evidence ten years prior in 2009, helps explain, perhaps, the genesis for the application herein. However, his evidence is not helpful for the following reasons;
- (i) He does not disclose who he spoke to, nor whether any of those persons were in the planning department nor does he provide details of the interviews and;
 - (ii) his reference to a “general consensus” is misleading in the absence of such disclosure and implies at least, not all employees he spoke to agreed what was then communicated to Mr. Mawhiney.”
- (53) “As previously stated, Mayor Travale had no authority to provide planning or legal advice on behalf of the municipality. The evidence, if any, should have been provided by a member of the planning department.”
- (54) “Further, while Mr. Mawhiney may have relied on the advice of Mayor Travale, perhaps to his detriment, it is difficult to understand why he consulted the Mayor only. Having regard to his background, education and employment in the public sector, Mr. Mawhiney’s reference to “due diligence” is not supported by what he said. Surely with his background, a due diligence inquiry would entail seeking advice from a qualified planner or lawyer. He did not do so.”

From that initial collaboration the Environmentally Sensitive area of Hastings Drive in Long Point spun out of control as Council wilfully ignored their own laws allowing trailers and development to occur until taking a walk down it now one might consider it unlike a war zone. It is a sad mess brought about by the use of heavy equipment, building and the movement of large trailers disturbing this once pristine natural biosphere setting. Justice Gordon clearly states and upholds in his decision that no trailers are allowed nor any type of development as far back as Norfolk Townships zoning by-law #85. He goes on to say that this Council has abandoned their planning responsibility.

Years of acrimony and the involvement of many authorities that supported no Trailers or Development, has cost Norfolk County Taxpayers unnecessarily.

After over ten years of ignoring their own laws it is time to begin mending this wound inflicted upon this world renowned ecological natural wonder and hope that the scars left are not permanent.

Mayor and Council please tell us, the taxpayers of Norfolk County, how you plan to enforce your By-Law and remove the illegal uses that have been allowed to establish on Hastings Drive.

Thank You

Peter Black
Simcoe ON
N3Y 1W9



April 1, 2021

Norfolk County Mayor and Councillors
Norfolk County Administration Building
50 Colborne Street South
Simcoe, ON, N3Y 4H3

Dear Mayor and Councillors

RE: By-Law 2021-29 (Amendment to Harmonized Business Licensing By-Law)

The By-Law respecting “personal watercraft rental businesses” is so restrictive, overreaching, a duplication of services, and expensive that it is no longer viable for us to rent fishing boats at our place of business.

The Old Cut Boat Livery in Long Point has served families for over 90 years. My wife and I are fourth generation owners of this small business. Our family has always prided ourselves in keeping fishing affordable for families in a safe and respectful way. As a matter of fact, we have never received a complaint regarding the behaviour of any of our boat rental customers. The Ontario Provincial Police Marine Unit even complimented us on our boat rental procedures.

While we appreciate the intent of the By-Law, most of the provisions included in the By-Law are already matters enforced by the Ontario Provincial Police, Coast Guard and Transport Canada. For example, the O.P.P. Marine Unit routinely inspect our boat rentals for registration, safety equipment, Pleasure Craft Operator’s Cards, boat rental contract, alcohol on board and general behaviour.

Furthermore, we understand that the County’s main concern was with high powered Seadoo style vessels rented to individuals who want to travel at high speed. Our rental business is of six 14 foot aluminium fishing boats with 20 h.s.p. motors used for fishing, mainly to families and others who “drift” or troll at minimal speed.

There are also what we consider to be unintended consequences that reach beyond the discontinuance of our boat rental business. There is significant ancillary spending by customers who rent boats. Additional purchases include bait, tackle, ice, food and more.

Other businesses in Norfolk County also benefit from families who rent our boats. If we are forced out of business as a result of a By-Law tourism in general in Norfolk County will be impacted. Families wishing to rent a boat for fishing will seek out other areas where rentals are still available.

As well, without boat rentals as part of our business we will have to end the employment of three Norfolk County residents who are counting on a job to help pay for their post secondary education.

We respectfully request that Council amend the By-Law to exclude rental motor boats with less than 25 h.s.p. motors from the By-Law and request to meet with you to discuss in greater detail.

Respectfully yours,
OLD CUT BOAT LIVERY INC.

A handwritten signature in black ink, appearing to read "Ray".

PER: Ray Ferris Jr.

From: Debbie France

Date: March 26, 2021 at 1:41:39 PM EDT

Subject: Time Sensitive.....Health Canada Consultation Open for Comment until May 7/21

Time Sensitive.....Health Canada Cannabis Consultation Open for comment until May 7/21

Attention : Clerks, Kindly share with your Mayor, Councillors and staff and place on your agenda for review and action by all.

Hello Municipalities,

Great news! Health Canada has invited Canadians and Municipalities to share their perspectives on the factors that may be considered for refusal or revocation of a cannabis registration on public health and public safety grounds. Get your municipal comments in before closing on May 7 2021.

Why participate? Health Canada has seen a concerning trend with the size of certain personal and designated cannabis growing sites and issues associated with them.

Over the last year, OPP, York Regional Police and other police forces across Ontario have reported on the abundance of illicit grow ops run by criminal organizations who are exploiting Health Canada's cannabis rules and regulations. The threat to the personal health and safety of residents across Ontario is significant and should not be underestimated.

Here is a link for a great OPP video that explains the significant risks :

[OPP PROVINCIAL ENFORCEMENT TEAM TACKLES ILLEGAL CANNABIS MARKET - YouTube](#)

Here are two links for further evidence of the significant risks to public health and safety :

[York police seize roughly \\$150M worth of illegal pot, firearms and exotic animals in drug bust | CTV News](#)

[OPP say police have dismantled 52 illegal cannabis production sites since July - Kingston | Globalnews.ca](#)

Having completed previous Federal Cannabis consultations, I suggest you choose the email response so that you can express your concerns. The online form really does not allow you to comment to the issues you are each facing. We all have cannabis problems but different problems.

The link for Health Canada consultation is here:

[Consultation on guidance on personal production of cannabis for medical purposes - Canada.ca](#)

Please also let your residents know about this opportunity.



Working together with our community

Council-In-Committee Meeting – April 13, 2021

Subject: Turkey Point Drainage Projects - Budget Amendment
Report Number: EIS 21-08
Division: Environmental and Infrastructure Services
Department: Engineering
Purpose: For Decision

Executive Summary:

This report is being brought forward by staff to provide Council with an update on the Old Hill Road Drain, Quaker Street Drain, Ferris Street Drain and other drainage related projects in Turkey Point. In addition to providing an update, staff is recommending that the Old Hill Road, Quaker Street Drain and the Ferris Street Drain not proceed under the *Drainage Act*.

Staff are also bringing forward an update on the Cedar Ordnance Petition and the findings outlined by the Engineer appointed by Council. In response to the Engineer's findings, staff are further recommending that Council accept a new *Drainage Act* Petition signed by the General Manager, Environment and Infrastructure Services. Staff are recommending Council extend K. Smart Associates Limited current appointment which would allow the Engineer to provide a comprehensive approach for a drainage solution for the areas identified within the Petition.

Overall, these recommendations are being made to streamline some of the processes, eliminate duplication of work, and eliminate conflict within projects.

Discussion:

With regard to the Old Hill Road Drain, Quaker Street Drain, and Ferris Street Drain in Turkey Point, staff have reviewed the current status of these drain reports and believe that the recommendations below will be the most efficient, economical, and successful way to bring these projects to a conclusion. The project history and recommendations for each project are noted below.

Currently staff see three (3) ways that each project could be concluded.

1. Council directs staff to prepare a letter advising G. Douglas Vallee of Norfolk County's intent to withdraw its signature as the road authority on the current Petition, should a final report be submitted to Council. This would likely result in a non-valid petition, and all costs to date would be split up amongst the petitioners. Staff do not feel this is appropriate given that Norfolk County has been pushing

these projects forward in order to obtain a viable outlet for road water, and the other petitioners have not been the driving force.

2. Council could push these projects forward to construction using the existing engineer through the *Drainage Act*. Staff do not recommend this option as we believe there are more efficient and economical ways to resolve these projects.
3. Council directs staff to prepare a letter advising G. Douglas Vallee of Norfolk County's intent to withdraw their signature on the current petition as the road authority, should a final report be submitted to Council. If this results in the current projects being impractical, or not feasible to construct, the Engineer should prepare a Section 40 Report under the *Drainage Act* to conclude the project. Typically, within a Section 40 report it would bring each project to a conclusion and identify why the project has failed and how the costs to date are to be assessed out to the affected parties. We would proceed with this method under the assumption that the costs to date will be absorbed by Norfolk County. This is staff's preferred method as it creates a clean distinct end to each project, and gives staff direction on how to allocate the costs to date. In the event that the Engineer believes that the petition is still valid without the Road Authority signature, the Engineer would proceed to submit a final report for Council's consideration on behalf of the remaining petitioners.

There are very few opportunities within the *Drainage Act* process that allows a stakeholder to add their name to a petition or withdraw their name from a petition. Those opportunities come during the initial circulation of the petition, at the consideration of the preliminary report, at the consideration of the final report, and if the contract price exceeds 133 per cent of the Engineer's estimate. Aside from the initial circulation, all of the other opportunities occur during regulated meetings under the *Drainage Act*. However, an Engineer may file a Section 40 drainage report if the Engineer finds that a drainage works is not required, is impractical, or cannot be constructed under the *Drainage Act*. In order to conclude these projects as efficiently as possible, while still complying with the legislation, staff are recommending a letter be sent outlining Council's intent to withdraw their name from the petitions should a final report come forward at a future meeting to consider the reports. This should give the Engineer the information necessary to conclude each project without having to update, and submit each individual drainage report, bringing substantial savings in costs and time.

All of the aforementioned projects were initiated through petitions signed by the road authority and adjacent landowners and was subsequently brought forward in staff Report PW 06-10, see Attachment No. 1.

All of the projects were initiated due to ongoing complaints regarding drainage issues within Turkey Point dating back to the 1960s, and became more of a serious conversation starting around 2002. Most of the issues became more prominent with the urbanization and development of Turkey Point. Urbanization led to having year-round residences requiring year-round servicing. This became further complicated when holding tanks for sewage were no longer allowable, and instead required raised septic

systems. This caused and continues to cause significant lot grading and drainage issues within Turkey Point.

Staff were directed by Council at that time to try to find a way to resolve the issues brought forward by the residents in the area. In 2005 meetings were held to determine landowner interest in pursuing a solution through the *Drainage Act*. In 2006 seven (7) separate petitions were received by Council. One engineer, G. Douglas Vallee was hired to address all petitions received by Council. In 2009 an initial engagement with the residents of Turkey Point was to develop one comprehensive solution to manage storm water issues in all of Turkey Point. Through numerous meetings and public outreach, it was determined there was not enough buy-in from residents for a larger system due to high costs. In lieu of one large project for all of Turkey Point, the project reverted to specifically address the standing drainage petitions in individual areas.

Since G. Douglas Vallee was hired in 2006, there have been multiple attempts to move these projects forward with little to no success for one reason or another, with fault being shared by all parties involved. Some of the hurdles faced to date include permits and approvals, fluctuating lake levels which impact sufficient outlet, property alterations, owner interest and response, estimated costs, contaminated soils, uncooperative landowners, change in property ownership, conflicting capital construction projects, staff turnover, changes in Council, lack of progress from engineer, etc. To date, there have been multiple reasons for delays in these projects and regardless of what has happened in the past, with Councils support to bring these projects to a conclusion, staff will be on track to push these projects forward and bring them to completion.

Old Hill Road Drain

Engineer:	G. Douglas Vallee Engineering, John Vallee, P. Eng.
Appointment Date:	2006 – PW 06-10
Number of Petitioners:	5
Roads Petition:	Yes
Lifetime Costs to Date:	\$65,397.74 + \$14,200 in an unpaid invoice
Estimated Project Costs	Approximate \$1,200,000 (March 2020)

The *Drainage Act* Petition was initiated by both landowners and the road authority to address drainage in the area of Old Hill Road in Turkey Point, see Attachment No. 2. The individual petitioners are not the majority in number, or representative of 60% of the lands in the drainage area beyond Old Hill Road. Therefore, the Engineer proceeded on the basis of the road authority signature alone making the petition valid. Without the road authority's signature on the petition, staff anticipate the petition would no longer be valid, and the project would no longer proceed.

Staff have received a draft technical memo from G. Douglas Vallee Ltd outlining various design option, design challenges, and anticipated costs. The estimated costs outlined in this report for a minimum standard storm sewer is approximately \$1.2 million dollars; however, the various project constraints and challenges could easily drive cost in an upward fashion. In addition to overall costs, the Old Hill Road Drain has had numerous obstacles over the recent years from permitting challenges, major fluctuations in lake levels affecting design, coastal engineering, soil contamination issues, dewatering

constraints, and now overall project cost. Staff are of the opinion that the current scope for the storm sewer design and the estimated costs make the project impractical to pursue further.

The engineering and costs to date have resulted the municipality obtaining information that will be useful for the final design and reconstruction of Old Hill Road. This is information that can be used, and would have been obtained regardless of who completed the design. This includes, topographic surveys, geotechnical reports, and a coastal engineering design for the storm water outlet.

Currently First Nations Engineering Services Ltd. (FNES) has been awarded the design of the Old Hill Road reconstruction project, whereas G. Douglas Vallee Ltd. has been awarded the design of the Old Hill Road Municipal Drain. Both consultants are currently relying on each other in order to complete their respective part of the project resulting lack of progress. Staff are recommending a basic and simplified design be developed to address storm water runoff along Old Hill Road. Further, staff are recommending this work be undertaken by First Nations Engineering Services Ltd and included within the reconstruction of Old Hill Road. This approach would significantly reduce the overall costs for the reconstruction of Old Hill Road and would streamline the project by having one engineering firm complete the whole project.

Therefore, staff are recommending Council instruct staff to prepare a letter advising G. Douglas Vallee of Norfolk County’s intent to withdraw their signature on the current Petition as the road authority, should a final report be submitted to Council, and recommend that G. Douglas Vallee file a Section 40 report under the *Drainage Act if the petition is no longer valid*. Based on the current report, staff anticipate this will result in an invalid petition, and subsequently conclude the project. It is staff’s opinion that all costs to date should be absorbed by Norfolk County as this project has been driven to obtain a legal and adequate outlet for the reconstruction of Old Hill Road. Staff will utilize any information gathered to date to try to streamline the reconstruction of Old Hill Road.

Once this project has been concluded under the *Drainage Act*, the storm water in the area will be address through the existing reconstruction project for Old Hill Road.

Quaker Street Drain

Engineer:	G. Douglas Vallee Engineering, John Vallee, P. Eng.
Appointment Date:	2006 – PW 06-10
Number of Petitioners:	13
Roads Petition:	Yes
Lifetime Costs to Date:	\$43,306.18
Estimated Project Costs	Approximate \$450,000 (March 2016)

The *Drainage Act* Petition was initiated by both Landowners and the Road Authority to address drainage issues in the areas of Walter Street, Quaker Street, Head Street and Hillview Crescent in Turkey Point, see Attachment No. 3. As described in Vallee’s report, “The individual petitioners are not the majority in number, or representative of 60% of the lands in the drainage area. Therefore, staff expect the petition relies upon the signature of the road authority to be valid”. Therefore, the engineer proceeded on

the basis of the road authority signature alone making the petition valid. Without the road authority’s signature on the petition, staff anticipate the petition would no longer be valid, and the project would no longer proceeded with.

Staff received a report from G. Douglas Vallee Ltd. which identified an estimated project cost of \$450,251 (2016), and recommended additional studies be undertaken, which would have further increased the overall project costs. The description of the drainage works within the report includes a proposal to “simply clean out and incorporate the existing drainage systems into a municipal drain. This results in a marginal system that will deliver mediocre performance to the area.” Staff have reviewed the current report and recommend the County not proceed with the drainage works any further due to the costs making the project impractical, especially for an incorporation with a marginal outlet.

Therefore, staff are recommending Council instruct staff to prepare a letter advising G. Douglas Vallee of Norfolk County’s intent to withdraw their signature on the current petition as the road authority, should a final report be submitted to Council, and recommend that G. Douglas Vallee file a Section 40 report under the *Drainage Act* if the petition is no longer valid. Based on the current report, staff anticipate this will result in an invalid petition, and subsequently conclude the project. It is staff’s opinion that all costs to date should be absorbed by Norfolk County as this project has been pushed to obtain a legal and adequate outlet for roads in the area requiring drainage.

Once this project is concluded under the *Drainage Act*, staff will not be pursuing any further improvements for storm water in the area. If Council, staff, or private landowners wish, they could bring forward, or submit a subsequent drainage petition for another alternative in the future.

Ferris Street Drain

Engineer:	G. Douglas Vallee Engineering, John Vallee, P.Eng.
Appointment Date:	2006 – PW 06-10
Number of Petitioners:	11
Roads Petition:	Yes
Lifetime Costs to Date:	\$45,224.78
Estimated Project Costs	Approximately \$300,000 (October 2015)

The *Drainage Act* Petition was initiated by both landowners and the road authority to address drainage issues in the areas between Cedar Street and Ordnance Avenue, from Ferris Street to Reserve Street in Turkey Point, see Attachment No 4. Within the previous report submitted by the Engineer, it considered the petition valid based on a road authority signature being present. Therefore, staff expect the Engineer proceeded on the basis of the road authority signature alone making the current petition valid. Without the road authority’s signature on the petition, staff anticipate the petition would no longer be valid, and the project would no longer proceed. Staff have reached out to the original petitioning properties on this project and received little to no response on what they desired for the project. The majority of the responses received were verbal in nature and supported cancelling the project.

The Ferris Street Drain Report was originally submitted to Council under Staff Report PW-15-79 in late 2015. At that time there was significant landowner opposition to the project, mostly due to the proposed costs and related assessments to lands in the area. At the meeting to consider the report, Council referred the report back to the engineer, and directed staff to schedule an open house with the affected landowners in attempt to address the concerns brought forward. Following that meeting, it was clear that there were numerous drainage concerns in the area, but the majority of the landowners felt the assessments were excessive, and unfair due to the assessment method chosen. There are properties within the current watershed paying into the drain that are not currently connected to the proposed drainage works and would not be unless significant road work was undertaken by the County.

Subsequent to that meeting, staff and the Engineer realized that the methodology used to calculate the assessments was no longer appropriate. The assessments were calculated using “block assessment” which was previously recommended by staff, and endorsed by Council. Staff attempted working with G. Douglas Vallee to revise the Ferris Street Drain Report; however, this was not completed, largely due to the additional engineering work required and anticipated increase in costs to conclude the project.

Currently, K. Smart Associates Limited have been appointed to deal with a road authority drainage petition in an area adjacent to the aforementioned project. K. Smart Associates have established and identified a recommended route which directs the storm water adjacent to the wetland area to the west of Clubhouse Road in a southerly direction to the lake. This proposal runs in parallel to the Ferris Street Drain proposed by G. Douglas Vallee.

In order to look at these projects in an inclusive manner, staff authorized K. Smart Associates to complete a survey of the areas adjacent to the Cedar Ordnance project. It was determined that many of the streets and low-lying areas could be served by the proposed drainage route outlined by K. Smart Associates, including areas involved with the Ferris Street Drain. K. Smart Associates findings are fully outlined below within the “Cedar Ordnance Petition Update”.

Therefore, staff are recommending Council instruct staff to prepare a letter advising G. Douglas Vallee of the County’s intent to withdraw their signature on the current petition as the road authority, should a final report be submitted to Council. The letter should further recommend that G. Douglas Vallee file a Section 40 report under the Drainage Act if the petition is no longer valid. Based on the current report, staff anticipate this will result in an invalid petition, and subsequently conclude the project. It is staff’s opinion that there is no need for duplication in work, engineering, or two outlets serving the same relative area. It is staff’s opinion that all costs to date should be absorbed by Norfolk County as this project has been driven to obtain a legal and adequate outlet for roads in the area requiring drainage. By doing this, it provides a clean slate for one project to move forward.

Once the Ferris Street Drain project is concluded under the *Drainage Act*, staff are suggesting that any further improvements to this area be addressed through a separate

subsequent petition signed by the road authority, as directed by Council, under one inclusive project.

Old Hill Road Drain, Quaker Street Drain, Ferris Street Drain – Moving Forward

In summary, for the above three projects, being the Old Hill Road Drain, the Quaker Street Drain and the Ferris Street Drain, staff are recommending that Council instruct staff to prepare a letter advising G. Douglas Vallee of the County's intent to withdraw its signature on the current petitions, if final reports are brought forward to Council. Staff further suggest Council recommend G. Douglas Vallee file a single or multiple Section 40 reports under the Drainage Act, if the petitions are no longer valid as a result of the notice.

Based on the current knowledge and understanding of the reports submitted to date, staff anticipate this will result in the current petitions being invalid, and subsequently conclude the projects. This is required when an Engineer finds that the Drainage Works is no longer required, or has become impractical. The report should include the reasons for the project failing, the costs to date, and should outline how the project costs should be assessed. A large portion of the costs to date are related to the initial comprehensive plan for all of Turkey Point, including the public meetings, multiple site visits addressing road design/drainage issues, topographic surveys, lake level surveys, and meetings with the Turkey Point Rate Payers Association. If the project were to fail or proceed, many of these costs would be assessed to Norfolk County. Therefore, staff are of the opinion that all costs to date on these projects should be absorbed by Norfolk County. Staff will utilize any material or information that can be to assist with the other related projects.

Staff would strongly recommend that the Engineer complete the Section 40 report(s) at no additional cost to Norfolk County. If all costs to date are assessed to Norfolk County, staff are in support of all three projects being concluded within one report. This recommendation is due to the lack of progress and cooperation on these projects over the years, each entity taking their loss and moving on. It should take no longer than two (2) hours of the Engineer's time to complete the report(s). Staff would be happy to provide examples to assist the Engineer with this task.

Once the Section 40 report(s) have been filed with the Clerk, the Clerk is required to send a notice and a copy of the report to all of the properties identified on the petition. There is an opportunity for landowners to appeal the conclusion of the Section 40 report; however, it is unlikely the decision could be reversed. It would take substantial landowner interest and a new petition in order to revive the projects. If that were to occur, although unlikely, staff would recommend this be initiated as a new project.

Cedar Ordnance Petition Update

Engineer:	K Smart Associates Limited, Neal Morris, P. Eng.
Appointment Date:	2019 – PW 19-05
Number of Petitioners:	1 – Road Authority
Roads Petition:	Yes
Lifetime Costs to Date:	\$457.92 – Approximately \$30,000 not invoiced
Estimated Project Costs	Alternative No. 2 \$422,400 (June 2020)

K. Smart Associates Limited was appointed by Council to address a petition signed by the road authority to deal with on-going drainage issues surrounding the intersection of Cedar Drive, Ordnance Avenue, and Pellum Street, see Attachment No. 5. The primary purpose of this petition is to provide a sustainable sufficient legal outlet for road water in the area.

Through the Engineer's investigations, it was determined there are three (3) potential options to establish an outlet for storm water in the area, which are all outlined within the attached memo and related drawings, see Attachment No. 6. The conclusion of the memo identifies Alternative No. 2 to be the preferred route. This is for multiple reasons, including stability, protection from wave, wind, and ice damage, along with the ability to service other adjacent roads and lands should Norfolk County choose to undertake more work now, or in the future. The challenges with this alternative will be completing the environmental mitigation measures that will be necessary to obtain permits and approvals, completing an Environmental Assessment of the adjacent wetlands, and the ability to recover the costs incurred for completing the Environmental Assessment. The primary reason for this report is to provide Council with an update on this project and staff will continue working towards Alternative No. 2 as quickly as possible, unless Council directs staff otherwise.

K. Smart Associates Limited memo identifies areas north and south of the intersection of Cedar Drive, Ordnance Avenue and Pellum Street that could be serviced by the proposed drain. It is anticipated Alternative No. 2 could provide positive drainage from lands as far north as Lochmoor Avenue and would be able to provide an outlet to deal with the worst of our drainage issues along Cedar Drive between Lochmoor Avenue and Reserve Street, see Attachment No. 5. This illustration outlines the approximate drainage limits that could be drained with the current proposal.

If additional drainage works are requested, the primary purpose of these minor drainage systems would be to provide an outlet for road water in attempt to eliminate the standing water within the roadways throughout this area. The road network in this area has deteriorated rapidly in recent years due to high water levels and standing water. The area along and adjacent to Cedar Drive is known for being one of the worst areas for complaints in all of Norfolk County for roads and drainage combined. If the drainage was improved within this area it would greatly improve road health, reduce, or eliminate the public safety issues surrounding these flooded roadways, and substantially reduce the number of complaints that roads and drainage staff respond to in Turkey Point.

Staff are recommending that Council proceed with Alternative #2 as outlined within K. Smart Associates memo, and that the Engineer's authority be expanded to consider all side streets along the defined route. It is recommended any areas requiring improved drainage that could be served by the existing proposal, be addressed and constructed under the same project, which will be referred to as the "Southern Turkey Point Drainage System", should it go ahead. This would allow for the Engineer to take comprehensive review of the drainage needs for the area and provide the most cost effective and suitable solution all in one report instead of taking a piece meal approach.

For K. Smart Associates Limited to provide this additional engineering work, a subsequent Petition would need to be signed by the road authority identifying the areas requiring improved drainage. To promote efficiency, we have provided Council with a Petition for Drainage Works by Road Authority signed by the General Manager, Environment and Infrastructure Services. This petition outlines the general areas from Lochmoor Avenue – Reserve Street, see Attachment No. 7. Staff would aim to address as many of the drainage issues as practical, within reason, in the affected area. Once the preliminary design work/cost estimates are developed, staff could bring another report back to Council to provide an update seeking further direction, if necessary.

Should Council decide against extending the Engineer's scope of work, they do not have to accept the petition as presented within this report. If this is the route chosen by Council, the Engineer would continue to proceed with the proposed Alternative No. 2, which would allow for future improvements to be drained to this outlet. Should additional lands be drained towards the new drainage system in the future and not included as part of the future drainage report, the drainage report would have to be updated to reflect those changes and assess any new lands contributing to the system.

K. Smart Associates Limited is already hired within the existing drainage area for this project and extending their appointment to carry out this work would improve the function and service to all stakeholders involved. As such, staff are requesting approval to permit a single source supply as outlined in Section 4.8.4 of the Norfolk County Purchasing Policy ECS-02 for the purpose of appointing K. Smart Associates Limited under the *Drainage Act* for the "Southern Turkey Point Drainage System".

Staff are recommending that Council appoint K. Smart Associates Limited. This would remove conflicts, eliminate duplicate work, and ultimately save the municipality and other stakeholders' money. In addition to staff's recommendation, Section 8(4) of the *Drainage Act* states that Council, when dealing with the appointment of an Engineer, may instruct an Engineer to address two or more petitions within one report. Staff are recommending Council direct K. Smart Associates Limited to consider the new petition in conjunction with the existing Cedar Ordnance Petition under Section 8(4) of the *Drainage Act*.

The engineering firm appointed by Council shall hold an on-site meeting to examine the area requiring drainage, determine the validity of the petition and, if the petition is determined to be valid, proceed with preparing a drainage report. The signature of the road authority alone is a valid petition under Section 4(1)(c) of the *Drainage Act*.

Council, when in receipt of a *Drainage Act* petition, must decide whether to accept the petition and proceed with the drainage works. If Council decides to accept the petition

and proceed with the drainage works, Council shall by by-law or resolution appoint an engineer. Staff are recommending that Council proceed with the drainage works and appoint K. Smart Associates Limited.

Finally, Council could also decide not to proceed with any of the drainage works being proposed. As mentioned above, Council would be responsible for all costs incurred to date on these projects. Once the costs to date were dealt with, no further improvements within the areas identified would be undertaken. However, Landowners within these areas could initiate the process again by circulating a Petition for Drainage Works by Owners. If this were to happen, it would force a resolution using the *Drainage Act* whether Council and/or staff were in support or not. Should Council decide to not proceed, it should be noted that the road conditions in the area will continue to degrade, and the ponding within the road allowance will continue to cause a public safety issue.

Financial Services Comments:

Should Council approve the recommendation to fail petitions for Old Hill Road Drain, Quaker Street Drain and Ferris Street Drain with all costs allocated to Norfolk County, the approximately \$168,000 will be charged to the Levy as an unbudgeted write-off in 2021. This write-off will have a negative impact on 2021 overall surplus/deficit.

Based on discussions with Environment and Infrastructure Services, there would be additional Engineering costs to bring the projects to a point in which a cost breakdown to petitioners could be provided, an estimate of these costs was not available at this time.

As noted within the report the Old Hill Road Drain engineering may have some usage within the road reconstruction project, which is currently approved for a budget of \$950,000 with \$27,877 spent to date. A future report is expected to address this project and costs will be examined further within this report.

The Cedar Street Ordinance is an active drainage project and when completed with cost breakdown between petitioners, Norfolk County's portion will be allocated under the Drainage Engineering & Construction Program in the year it is completed. The 2021 Budget for this program was \$968,000.

Interdepartmental Implications:

All expenses related to work under the *Drainage Act* are financed through Norfolk County. Upon completion these costs are then assessed to lands, roads and utilities in accordance with the *Drainage Act* and the Engineer's reports. Assessments are calculated based on actual costs and are applicable to the owner(s) of lands and roads according to the tax roll at the time of the bill preparation.

CAO Comments:

Due to a number of factors there continues to be issues with the execution of some drainage projects. The broader tax base absorbs the write-offs requested here. This was not the intention of the original petitions and purpose of the drainage act. This

creates an increased burden to taxpayers across the County. Additionally, the length of time for some of these projects that are outstanding also does not meet the intention of solving drainage issues.

Due to the this, the CAO is requesting that if Council approves the staff recommendation that Council approve an additional \$30,000 to provide for an outside review of the procedures of the drainage department. This review should include items related to:

- Contract and project management
- Vendor management
- Interim billing or notification to the landowners of costs.
- Development of clear guidelines as to when the Road Authority should sign a petition.

Funding for this initiative will be funded from the Municipal Drain Contingency.

Consultation(s):

The General Manager, Environment and Infrastructure Services, the Director, Engineering, the Director, Roads and the General Manager, Corporate Services, and the County Solicitor were consulted during this process. The *Drainage Act* is a public process and all owners of lands affected by this project will be notified and consulted in accordance with the *Act*.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priorities "Build and Maintain Reliable, Quality Infrastructure".

Explanation:

A Municipal Drain once adopted under By-law will provide a legal and adequate outlet for storm water on private and public lands and will be maintained by Norfolk County in accordance with the By-Law through the Drainage Superintendent(s).

Conclusion:

Staff are recommending that Council instruct staff to prepare a letter advising G. Douglas Vallee of Norfolk County's intent to withdraw their signature on the petitions relating to the Old Hill Road Drain, the Quaker Street Drain, and the Ferris Street Drain, if final reports are brought forward to Council.

Further, staff are recommending Council recommend G. Douglas Vallee to file a Section 40 reports under the *Drainage Act*, if the petitions are no longer valid as a result of the notice sent by staff. Based on the current knowledge and understanding of the reports submitted to date by G. Douglas Vallee, staff anticipate this will result in the current petitions being invalid, and subsequently will conclude all three projects under the *Drainage Act*.

Staff recommends that Council by resolution accept the Petition for Drainage Works by Road Authority as received and appoint the engineering firm of K. Smart Associates Limited in response to the petition received. Staff are recommending Council direct K. Smart Associates Limited to consider the new petition in conjunction with the existing Cedar Ordnance Petition under Section 8(4) of the *Drainage Act*.

Recommendation(s):

THAT Staff Report PW 21-08, Turkey Point Drainage Projects, be received as information;

AND THAT Council direct staff to prepare a letter advising G. Douglas Vallee of Norfolk County's intent to withdraw their signature on the petitions relating to the Old Hill Road Drain, the Quaker Street Drain, and the Ferris Street Drain;

AND THAT Council direct G. Douglas Vallee to file drainage reports for the Old Hill Road Drain, Quaker Street Drain, and the Ferris Street Drain pursuant to Section 40 of the *Drainage Act*, if the petitions are no longer valid as a result of the letter sent by staff, with all costs to date being assessed to Norfolk County;

AND THAT Council request that G. Douglas Vallee to prepare drainage reports for the Old Hill Road Drain, Quaker Street Drain, and the Ferris Street Drain pursuant to Section 40 of the *Drainage Act*, at no additional cost to Norfolk County;

AND THAT Council permit a single source supply as outlined in Norfolk County Purchasing Policy ECS-02, Section 4.8.4 for the purpose of appointing a drainage engineering firm under the *Drainage Act* for the Southern Turkey Point Drainage System Road Authority Petition;

AND THAT Council by resolution, accept the Petition, appoint, and direct K. Smart Associates Limited under Section 8 (4) of the *Drainage Act* to address the Petition for Drainage Works by Road Authority received in conjunction with their current appointment on the Cedar Ordnance Petition within one report;

AND THAT Council approve staff to write-off the costs associated with the failed petitions as outlined in this report;

AND FURTHER THAT Council direct staff to undertake an independent review of some of the functions of the department, the funding for this third party review will come from internally identified sources.

Attachment(s):

1. Attachment No. 1 – Staff Report PW-06-10
2. Attachment No. 2 – Old Hill Road Drain Map
3. Attachment No. 3 – Quaker Street Drain Map
4. Attachment No. 4 – Ferris Street Drain Map

5. Attachment No. 5 – Cedar Ordnance Petition Map
6. Attachment No. 6 – K. Smart Memo/Maps
7. Attachment No. 7 – Petition for Drainage Works by Road authority

Submitted By:

Jason Godby, B.A., C.E.T.
General Manager, Environmental and
Infrastructure Services
For more information, call:
519-426-5870 ext.1200

Reviewed By:

Mike King, C.E.T.
Director, Engineering
For more information, call:
519-426-5870 ext.1600

Prepared By:

Christopher Dunn, C.E.T.
Drainage Superintendent
For more information, call:
519-426-5870 ext.1601



"IN CAMERA"

BUDGET AMENDMENT

DEPARTMENT: Public Works & Environmental Services DATE PREPARED: January 18, 2006 "COUNCIL-IN-COMMITTEE" MEETING DATE: February 7, 2006	PAGE 1 OF 2 REPORT NO. P.W. 06-10
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SUBJECT: TURKEY POINT DRAINAGE ISSUES




INTRODUCTION/BACKGROUND:

This report refers to several areas within Turkey Point located in Lots 10, 11,12,13,14 of Concession A within the former Township of Charlotteville. (Refer to Attachment No. 1)

Staff reviewed documentation that dates back to the 1960's related to several attempts to resolve drainage issues experienced in this area. Most of the resolutions require private land access. Over the years as the properties changed hands these systems have been altered. Some issues arised as a result of regulations surrounding septic beds and holding tanks and as a result more and more properties are experiencing drainage problems. Pressures for answers have increased due to the ever increasing permanent residences allowed. There is also a demand for better roadways serving the area. Without a proper drainage scheme the roads cannot be repaired properly.

As a result, three public meetings were held in July, 2002 (Refer to Attachment No. 2) to disclose the use of the Drainage Act and its procedures to resolve the issues at hand. Following this, a four day session was held from July 11 to July 14, 2003 inviting individuals to come and discuss the issues and possibly support a petition. A summary letter was sent out August 25, 2004. (Refer to Attachment No. 3)

After analysising the outcome of those meetings and support of resolving the drainage problems, another letter was sent by staff targeting the known problem areas identified since 1960. (Refer to Attachment No. 4). This resulted in petitions being circulated by Tom Millar to seek support in resolving those drainage problems.

Respectfully submitted by:  Eric. R. D'Hondt, P.Eng., General Manager Public Works & Environmental Services	Reviewed by:  Doug Gunton, C.E.T. Manager of Engineering Public Works & Environmental Services	Prepared by:  Peter Bryan-Pulham, CET Senior Drainage Superintendent For more information call: 582-2100 Ext. 601
COUNCIL-IN-COMMITTEE: RES. NO. <u> Feb 7/06 </u> <u> 14 </u>	COUNCIL: RES. NO. <u> Feb 14/06 </u> <u> 10 </u>	
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved with Amendments <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved with Amendments <input type="checkbox"/> Other	

DISCUSSION/ANALYSIS:

As a result, this office is in receipt of seven petitions signed by multiple landowners.
(Refer to Attachments No. 5)

The Engineering firm hired by the County will have to determine the validity of the petitions and the areas requiring drainage. This takes place at on-site meetings.

INTERDEPARTMENTAL IMPLICATIONS:

Where possible, Engineering staff will be utilized in the surveying and inspection work in order to reduce the overall costs of the project.

TREASURY / FINANCIAL COMMENTS:

All applicable costs associated with the drain will be recovered from the affected landowners.

STAFFING / LEGAL IMPLICATIONS:

Once the new drainage systems are completed, the County will be responsible for the maintenance of the drains through the County's Drainage Superintendents.

CORPORATE PLAN LINKAGE:

N/A

CONCLUSION:

Staff recommend that an Engineer be hired to prepare a plan and report to respond to the petitions.

RECOMMENDATIONS:

THAT the General Manager of Public Works & Environmental Services be authorized to retain the firm of G. Douglas Vallee Limited under Section 4(1), of the Drainage Act R.S.O. 1990 to establish a reports for the new drainage systems.

ATTACHMENTS:

1. Site Plan
2. Letter for Public Meetings Dated July 11, 2002
3. Summary Letter Dated August 25, 2004
4. Follow up Letters Addressed to Specific Landowners Dated May 30, 2005
5. Petitions Received



Inner Bay

Turkey Point Drainage Issues
Report No: P.W. 06-10
Date: February 7, 2006



July 11, 2002

Dear Sir or Madam;

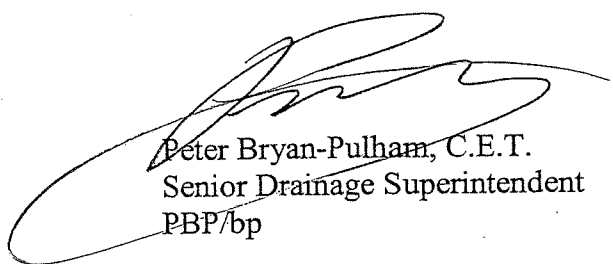
There are identified drainage issues facing Turkey Point area. These we have looked at with Tom Millar and decided to initiate public meetings in order to begin to come up with a possible solution.

The public meeting is designed to present you the landowner with our background knowledge to date and the process that can be utilized to resolve all issues. Collectively the resolution can be cost effective through co-operation amongst the residents of Turkey Point and the County.

We have decided to hold three separate meetings which you are invited to one as we have identified three specific areas of concern. By doing this, we can save money if all areas agree to collectively proceed under the Drainage Act Legislation to come to resolutions.

You are invited to attend the meeting set for Wednesday, July 24, 2002 at 4PM. The location of the meeting is to be held at the Vittoria & District Community Centre at 35 Oakes Blvd., Vittoria. The success of the meeting requires your attendance however if you cannot attend, please send a representative in your place.

Thank you,



Peter Bryan-Pulham, C.E.T.
Senior Drainage Superintendent
PBP/bp

c.c. Chris Baird
c.c. Bill Cridland
c.c. Scott Boughner



August 25, 2004

RE: TURKEY POINT DRAINAGE SCHEME

Dear Sir/Madam:

We have finalized a summary of the responses received as a result of our meetings and open house at the OPP station. Basically, it is clear that there is not, at this time, enough support to warrant a long-term resolution to the drainage issues involving an overall plan. The petitions signed though do warrant investigating the existing drainage systems that have been installed over the years (We are presently working with Tom Millar in order to appraise these systems now).

In the future, we will be in contact with those landowners that we feel are part of these existing systems in an attempt to up grade them to today's standards.

We appreciate the interest and support. If you have any questions or concerns or if you are experiencing any drainage problems, please do not hesitate to contact myself at (519) 582-2100 ext. 601, Shawn Vanacker at ext. 602 or Tom Miller at (519) 426-8429.

Yours truly,

A handwritten signature in black ink, appearing to read "Peter Bryan-Pulham", written over a horizontal line.

Peter Bryan-Pulham, C.E.T.
Senior Drainage Superintendent
PBP/do

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May 20, 2005

RE: Turkey Point Drainage Issue

Dear Sir/Madam:

You may recall that in 2003, the Drainage Division staff held three public meetings to explore resolving the drainage problems being experienced through use of the Drainage Act. Following this, we set walk-in sessions over a weekend at the police trailer in Turkey Point. Follow-up correspondence has since been sent.

We now feel comfortable to initiate progress towards legalizing at least the existing drainage systems in certain areas of Turkey Point. As such, we have determined that your property at one time was determined to be benefiting from the proposed negotiation of a mutual agreement drain.

A series of meetings are now set to go over the process to legalizing these existing systems, which will benefit you, and perhaps others not identified originally.

As Senior Drainage Superintendent for the County, I invite you to a meeting to be held on Thursday, June 9th, 2005 at 5:30 p.m. at the Vittoria & District Community Centre, 35 Oakes Blvd., Vittoria ON N0E 1W0. Please arrange to be present so that a step-by-step plan can be discussed to legalize the existing drainage systems.

Thank you,

A handwritten signature in black ink, appearing to read "Peter Bryan-Pulham". The signature is written in a cursive style and is positioned above the typed name.

Peter Bryan-Pulham, C.E.T.
Senior Drainage Superintendent
PBP/kl

cc: John Hamilton
Bill Cridland

G:\Drainage\Turkey Point\Turkey Point Legalizing Systems.doc

Public Works & Environmental Services
183 Main Street, Delhi, Ontario N4B 2M3
519-582-2100 519-428-0020
Fax: 519-582-4571

PETITION FOR DRAINAGE WORKS BY OWNERS (A)

We, being owners, as shown by the last revised assessment roll, of lands in the

Norfolk County
Turkey Point Area

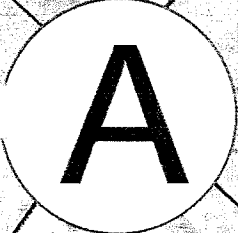
(Insert name of municipality or names of municipalities)

requiring drainage, hereby petition that the area more particularly described as follows:

(Describe the area by metes and bounds, giving each lot and part of lot, number of concession or street, and hectares in each lot or part of lot. Attach extra sheet if required.)

Between Old Hill Road and Cedar Drive

may be drained by means of a drainage works.



PETITION FOR DRAINAGE WORKS BY OWNERS

(B)

We, being owners, as shown by the last revised assessment roll, of lands in the

Norfolk County
Turkey Point Area

(Insert name of municipality or names of municipalities)

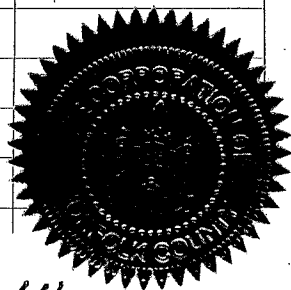
requiring drainage, hereby petition that the area more particularly described as follows:

(Describe the area by metes and bounds, giving each lot and part of lot, number of concession or street, and hectares in each lot or part of lot. Attach extra sheet if required.)

Along Cedar Drive, From Harold Street
and Old Hill Road

may be drained by means of a drainage works.

DATE SIGNED	SIGNATURE OF PETITIONERS	PART	LOT	CONCESSION OR PLAN	MUNICIPALITY
June 15	<i>[Signature]</i>				Hampden County
June 15	Jackie Mac, Lena		29	226	
June 15	Chelton Colley		18	226	
June 21	Mary L. Brodie	Chr Con A Pt	Lot 13	in	
		front	sub to	ROW	

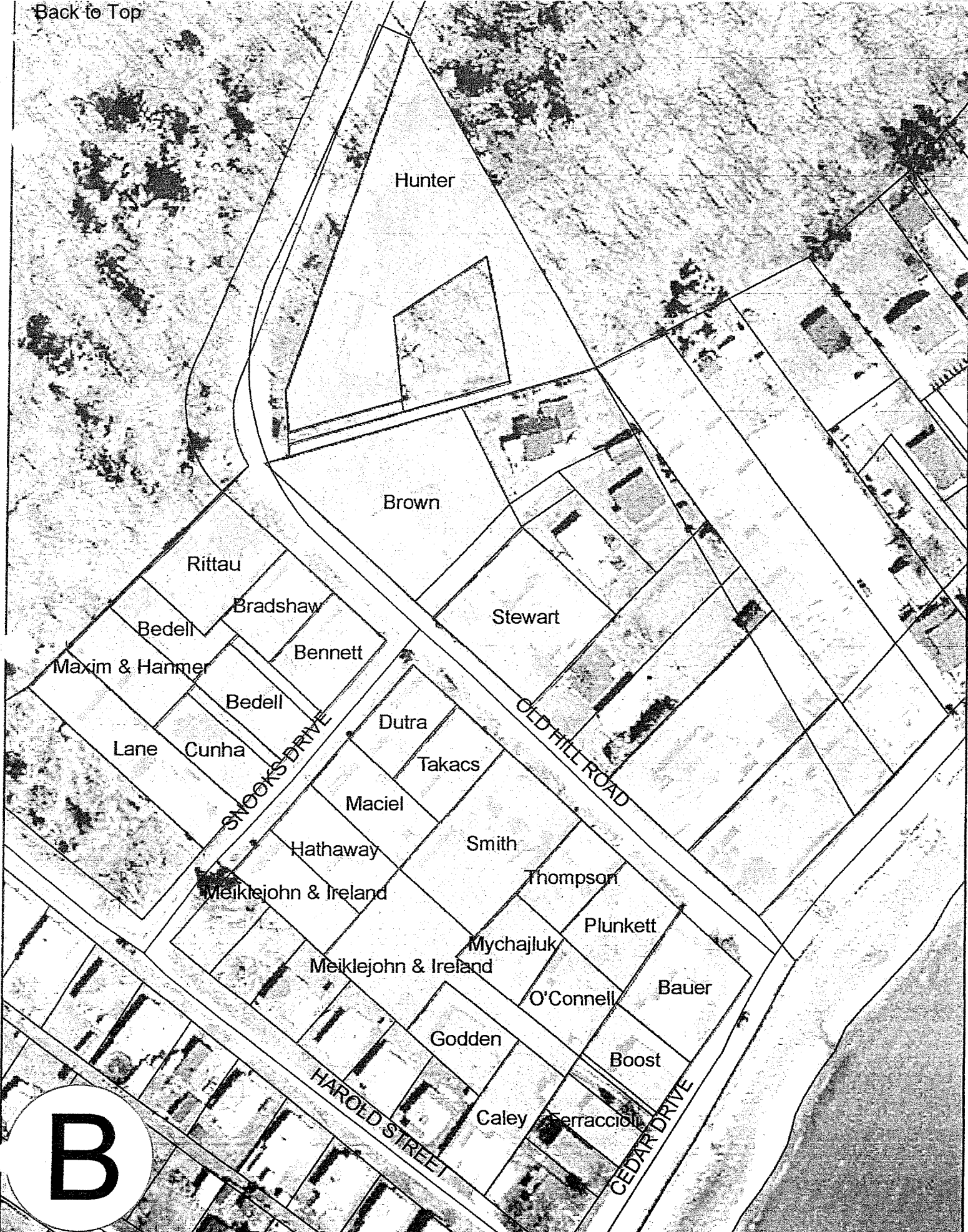


Severly D Word

Signature of Clerk

Petition filed this ... 8th ... day of August, xx. 2005

LIABILITY OF ORIGINAL PETITIONERS – If, after striking out the names of the persons withdrawing, the names remaining on the petition, including the names, if any, added as provided by section 42 do not comply with section 4, the original petitioners on their respective assessments in the report are chargeable proportionately with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and report and the sum with which each of such petitioners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the person liable, and shall be collected in the same manner as real property taxes. *Drainage Act*, R.S.O. 1990. c. D.17. s. 43.



PETITION FOR DRAINAGE WORKS BY OWNERS

(C)

We, being owners, as shown by the last revised assessment roll, of lands in the

Norfolk County
Turkey Point Area

(Insert name of municipality or names of municipalities)

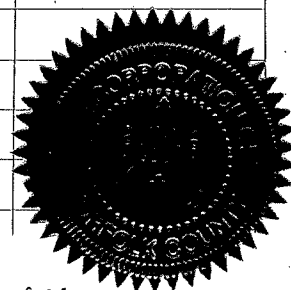
requiring drainage, hereby petition that the area more particularly described as follows:

(Describe the area by metes and bounds, giving each lot and part of lot, number of concession or street, and hectares in each lot or part of lot. Attach extra sheet if required.)

Along Cedar Drive, within Head Street,
Quaker Street, Hill Street and Regional
Road #10, area.

may be drained by means of a drainage works.

DATE SIGNED	SIGNATURE OF PETITIONERS	PART	LOT	CONCESSION OR PLAN	MUNICIPALITY
June 11/05	J. Hammett				Norfolk County
June 17/05	Caroline Utter	346	7		
June 17/05	Marion Felbot	346	7		
June 17/05	Betty Davis	346	7		
June 19	Pat Japlan	346	10		
June 19	Ray Jeffrey PS.	346	10		
June 20	Doreen Turnbull CT	117	3		
June 21	Sydney Cummings	346	6		
June 27	Margaret P. Lutyw.	346	11		
June 27	Donald McHenry	346	11		
July 4	Joe Soren	346	8		
"	April Soren	346	8		
July 6	Hanna Linn	343	6		
July 6	Peter Lagnon	343	6		
July 6	Peter Lagnon	343	1		



Petition filed this 8th
 day of ... August 2005

Suzanne D Wood

Signature of Clerk

LIABILITY OF ORIGINAL PETITIONERS - If, after striking out the names of the persons withdrawing, the names remaining on the petition, including the names, if any, added as provided by section 42 do not comply with section 4, the original petitioners on their respective assessments in the report are chargeable proportionately with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and report and the sum with which each of such petitioners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the person liable, and shall be collected in the same manner as real property taxes. Drainage Act, R.S.O. 1990. c. D.17. s. 43.

PETITION FOR DRAINAGE WORKS BY OWNERS (D)

We, being owners, as shown by the last revised assessment roll, of lands in the

Norfolk County
Turkey Point Area

(Insert name of municipality or names of municipalities)

requiring drainage, hereby petition that the area more particularly described as follows:

(Describe the area by metes and bounds, giving each lot and part of lot, number of concession or street, and hectares in each lot or part of lot. Attach extra sheet if required.)

Along Cedar Drive, within Elm Street,
Pine Street, Ordnance Avenue and Ralph
Street area.

may be drained by means of a drainage works.

ELM STREET

Miller & Prowse

Regan

Boswell

Owens

PINE STREET

Cervini

Cortellini

Biro

Flanagan

ORDNANCE AVENUE

Kosler

CEDAR DRIVE

RALPH STREET

D

PETITION FOR DRAINAGE WORKS BY OWNERS (E)

We, being owners, as shown by the last revised assessment roll, of lands in the

Norfolk County
Turkey Point Area

(Insert name of municipality or names of municipalities)

requiring drainage, hereby petition that the area more particularly described as follows:

(Describe the area by metes and bounds, giving each lot and part of lot, number of concession or street, and hectares in each lot or part of lot. Attach extra sheet if required.)

Along Clubhouse Road and Arnold Street.

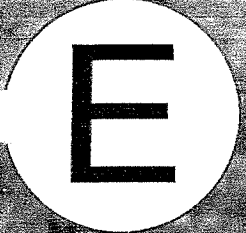
may be drained by means of a drainage works.

Gowdy & McLaren

ARNOLD STREET

Millar

CLUBHOUSE ROAD



PETITION FOR DRAINAGE WORKS BY OWNERS

We, being owners, as shown by the last revised assessment roll, of lands in the

(Insert name of municipality or names of municipalities)

requiring drainage, hereby petition that the area more particularly described as follows:

(Describe the area by metes and bounds, giving each lot and part of lot, number of concession or street, and hectares in each lot or part of lot. Attach extra sheet if required.)

may be drained by means of a drainage works.

Back to Top
Please sign & print your name(s)

DATE SIGNED	SIGNATURE OF PETITIONERS	PART	LOT	CONCESSION OR PLAN	MUNICIPALITY
July 27/05	John Hamilton				Norfolk County
July 27/05	Mary W. Funk		23	304	
Sept 15/05	Tina Canonico		14 & 15	304	
Sept 19/05	Troy C Wagner		18	304	
Sept 19/05	Jean St. Louis		3 & 4	346	
Sept 20/05	Marg Levey		16	304	



Petition filed this 21st
day of September 2005

Severley D Wood

Signature of Clerk

LIABILITY OF ORIGINAL PETITIONERS – If, after striking out the names of the persons withdrawing, the names remaining on the petition, including the names, if any, added as provided by section 42 do not comply with section 4, the original petitioners on their respective assessments in the report are chargeable proportionately with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and report and the sum with which each of such petitioners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the person liable, and shall be collected in the same manner as real property taxes. *Drainage Act*, R.S.O. 1990, c. D.17, s. 43.

Con. B , Lot 13 , Charlotteville



F

PETITION FOR DRAINAGE WORKS BY OWNERS

We, being owners, as shown by the last revised assessment roll, of lands in the

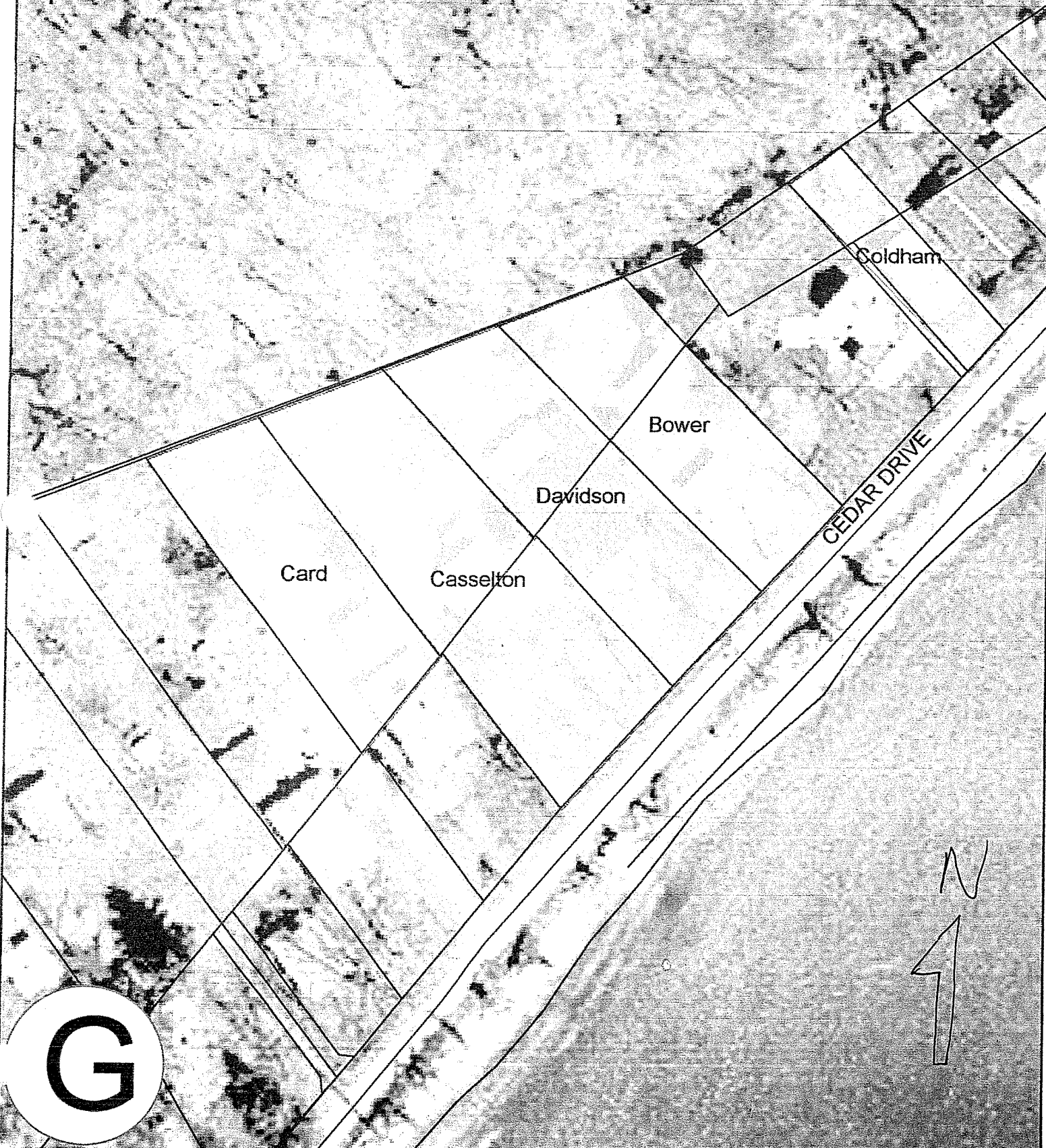
(Insert name of municipality or names of municipalities)

requiring drainage, hereby petition that the area more particularly described as follows:

(Describe the area by metes and bounds, giving each lot and part of lot, number of concession or street, and hectares in each lot or part of lot. Attach extra sheet if required.)

may be drained by means of a drainage works.

Con. B, Lot 14, Charlottesville



G

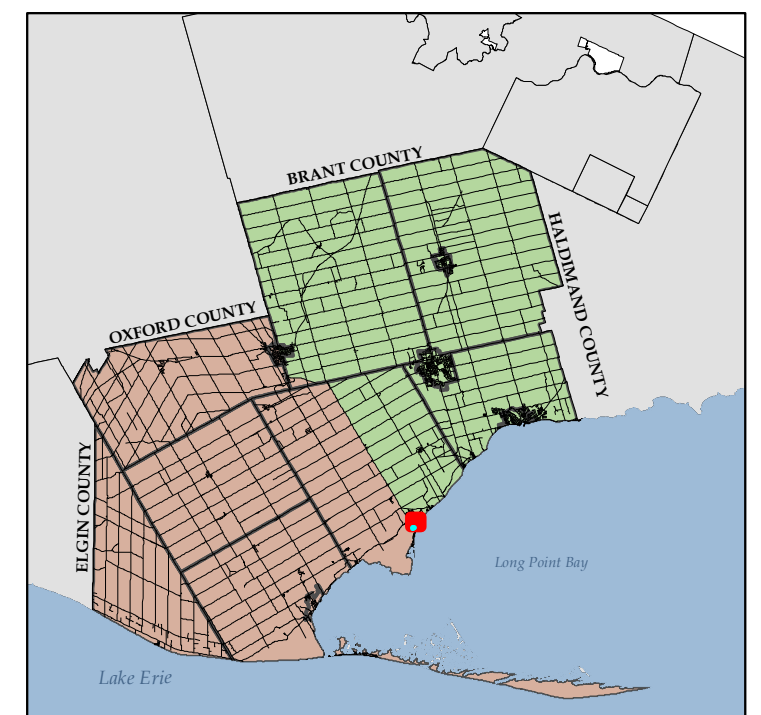
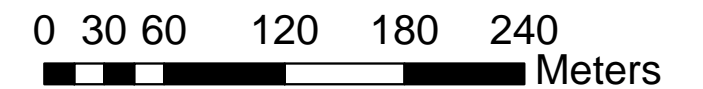




Attachment No. 2

Turkey Point Drainage Projects
 Report No. EIS 21-08
 Date: April 13, 2021

- Proposed Drain
- Proposed Watershed
- Parcels

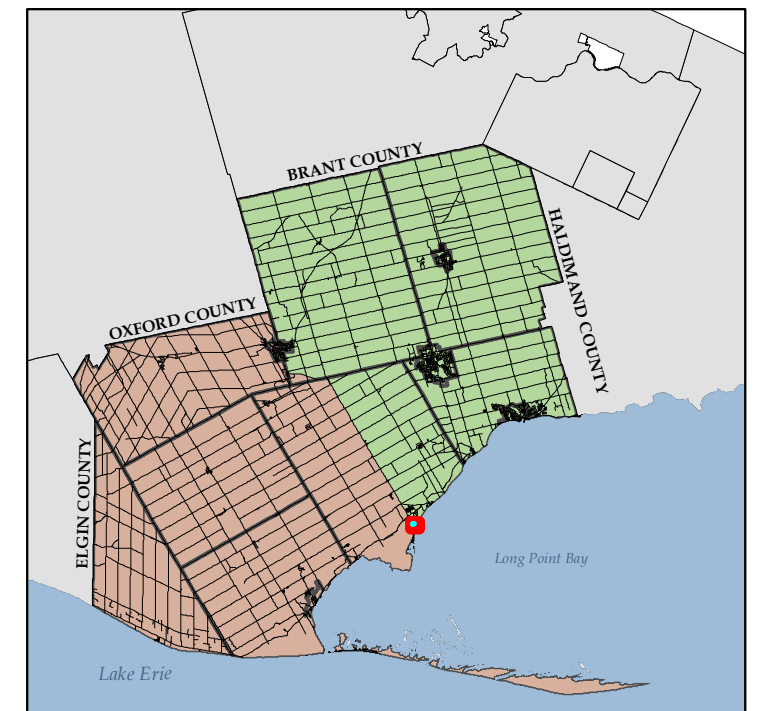
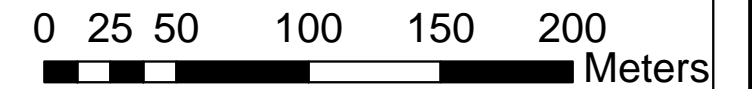




Attachment No. 3

Turkey Point Drainage Projects
Report No. EIS 21-08
Date: April 13, 2021




- Proposed Drain
- Proposed Watershed
- Parcels

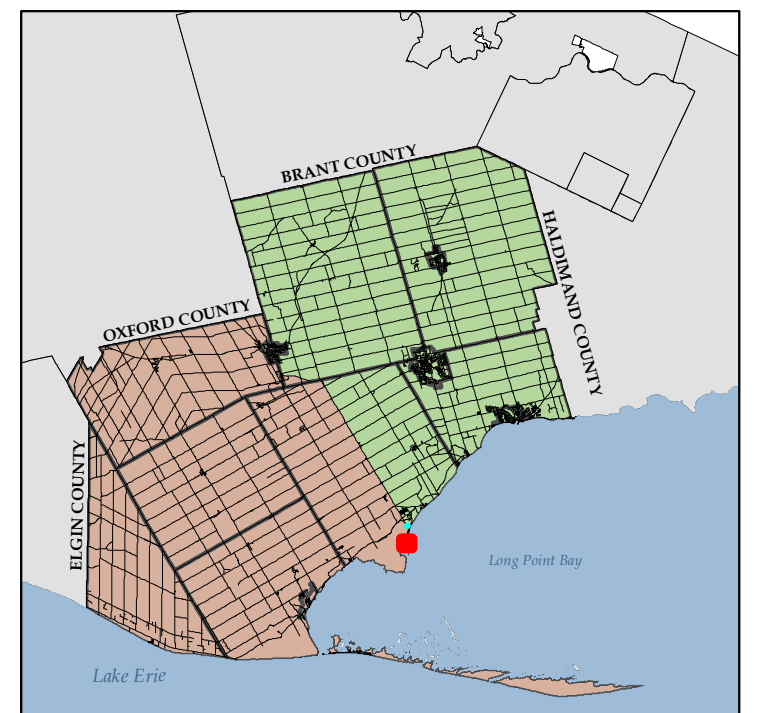
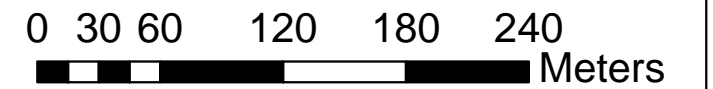




Attachment No. 4

Turkey Point Drainage Projects
 Report No. EIS 21-08
 Date: April 13, 2021

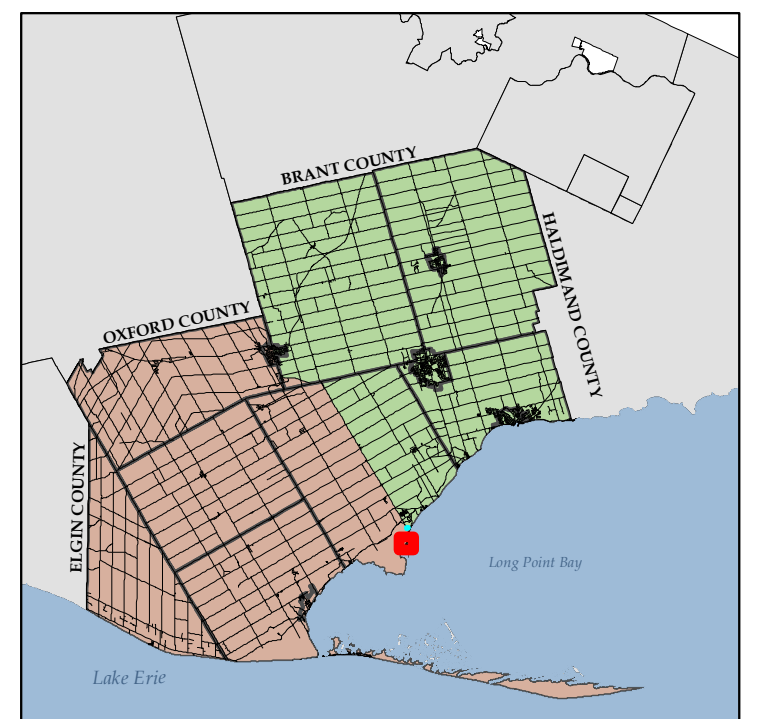
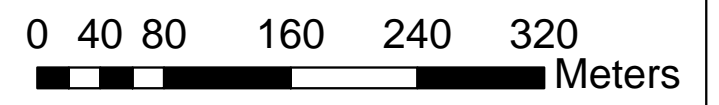
-  Proposed Drain
-  Proposed Watershed
-  Parcels





Attachment No. 5
 Turkey Point Drainage Projects
 Report No. EIS 21-08
 Date: April 13, 2021

- Proposed Drain
- Future Drainage Potential
- Parcels



**K. SMART ASSOCIATES LIMITED**

CONSULTING ENGINEERS AND PLANNERS

85 McIntyre Drive
Kitchener ON N2R 1H6

Tel: (519) 748-1199

Fax: (519) 748-6100

www.ksmart.ca

File No. 19-152

June 4, 2020

M E M O

To: Norfolk County Council

From: Neal Morris, P.Eng. – K. Smart Associates Limited

Re: Cedar Drive/Ordinance Avenue

Dear Council/Petitioner:

On September 21, 2018, Norfolk County filed a petition for drainage improvements under Section 4 of the Drainage Act for the intersection of Cedar Drive and Ordinance Avenue. K. Smart Associates was appointed as the drainage engineer after the County undertook a public bid process. On August 30, 2019, after the engineer was appointed, an on-site public meeting was held with the landowners adjacent to the intersection. The engineer then surveyed three alternative outlets for the road intersection. Another meeting was held with Provincial Park staff and Long Point Conservation Authority staff on January 21, 2020, to discuss the two primary alternatives. From the meeting, a refined cost estimate was determined.

The purpose of this memo is to outline the alternatives reviewed and the recommended solution of the engineer based on numerous factors such as legal, environmental and cost implications with each of the alternatives. Considerations have been made, allowing all stakeholders to provide input while also still achieving the petitioner requirements.

ALTERNATIVE 1**Details:**

Alternative 1 uses the route of the existing outlet and starts at the existing catch basins at the corners of Ordinance Avenue, Cedar Drive and Pellum Street. The current outlet is a 250mm steel pipe that fills with sand. The proposed drain would replace the existing tile with 256m of 300mm high-density polyethylene (HDPE) pipe, and replace the existing 600x600mm catchbasin (CB) at the corners of the intersection at Cedar Drive and Ordinance Avenue. A 1200mm dia. Maintenance Hole (MH) on the leeward side of the dunes would also be proposed for clean-out purposes. The pipe would be extended 30m into the lake away from the shoreline wave forces. See Drawings 1 for details.

Environmental Discussions:

In consultation with provincial park staff, it was noted that an Environmental Assessment would be required, and a biologist will have to be retained. Park staff were concerned about the dune and shoreline. The shoreline is known as Fowler's Toad, Eastern Pondmussel and Rainbow Mussel habitat. A Shoreline Engineer will also be required for the design at the outlet.

Costs Estimate:

Based on a Tribunal decision of Darnar-Tamlin Drain, it is my opinion that any request for an Environmental Assessment is the same as an Environmental Appraisal under the Drainage Act and will be assessed in the same way in Section 6 (Environmental Appraisal). Therefore any agencies requesting additional environmental investigation above that for which the appointed engineer can perform will be assessed to that agency.

The following is a breakdown of the costs of this alternative:

Allowances:

-	Damages – 5,120m ² x \$0.413/m ²	\$ 2,100	
-	Right-of-Way – 5,120m ² x \$12/m ²	<u>61,400</u>	
	Sub Total		\$ 63,500

Construction Cost Estimate

-	300mm dia. HDPE pipe – 256m x \$110.00/m	\$ 28,160	
-	600 x 600mm concrete CB – 3 x \$2,000 each	6,000	
-	Road Restoration – 100m ² x \$30/m ²	3,000	
-	Landscape Restoration – 500m ² x \$2/m ²	1,000	
-	Contingencies	<u>13,200</u>	
	Sub Total		\$ 57,500

Additional Estimated Costs

-	Shoreline Study	\$ 20,000	
-	Environmental Assessment	60,000	
-	Legal Fees	<u>10,000</u>	
	Sub Total		\$ 90,000

Total Estimated Costs for Alternative 1:

-	Allowances	\$ 63,500	
-	Construction	57,500	
-	Engineering	70,000	
-	Administration	<u>90,000</u>	
	TOTAL ALTERNATIVE 1:		\$ 281,000

Concerns:

It is the opinion of the Provincial Park staff that they will not pay any assessment made to them under the Drainage Act and that all works under the Drainage Act must comply with their requirements. Provincial Park staff informed the engineer and county staff that they would require two full designs of alternatives and why they are not practical before approving this alternative. The Conservation Authority prefers this alternative, while the Provincial Park staff do not.

While this is the existing route, high costs may be placed on the County for this alternative, and the only way to enforce payment to the Provincial Park is through the courts.

Due to the shoreline winter forces, the outlet would be constructed about 40m into the lake. A small backup pump station might be required to pump water during lake seiche. The shoreline work and pump station would increase the cost and complexity of the project.

Due to the distance of the outlet and size of the pipe, it would be difficult for additional lands into this system.

This alternative has a special assessment of \$75,000 to the County due to the increased cost to cross the roads and the environmental assessment costs required by the Provincial Park. There would be additional regular assessments on the county roads.

ALTERNATIVE 2

Details:

Alternative 2 starts at the existing CB's at the corner of Ordnance Avenue, Cedar Drive and Pellum Street. New catch basins will be installed at the intersection similar to Alternative 1, and a new 375mm HDPE pipe will be taken to the west along Pellum Street. At the end of Pellum Street, the pipe outlet will be to a new channel to the west with an approximate 3m bottom width and about 0.6m of permanent water in the new channel. The new channel will be dug through the wetland beside the cottages for approximately 980m to the south. See Drawing 2 for details.

Environmental Discussions:

This alternative would include alterations to the "Ramsar" wetland. The wetland is predominantly a soft maple forest. Due to the Conservation Authority policy, an Environmental Assessment is required. The cost of the Environmental Assessment will be assessed back to the Conservation Authority. The outlet site is known habitat for Pugnose Shiner, Eastern Sand Darter, Lake Chubsucker, Spotted Gar, Eastern Pondmussel, Warmouth, Grass Pickerel, Cucumber Tree, King rail, Least Bittern, Bird' s-foot Violet, Prothonotary Warbler, Piping Plover, Bald Eagle, Blanding Turtle, Eastern Flowering Dogwood, American Chestnut and Eastern Wood-pewee. This alternative would create new permanent aquatic habitat to the end of Pellum Street. Additional animal crossings may be required to allow passage of terrestrial species.

Cost Estimate:

The following is a breakdown of the costs of this alternative:

Allowances:

- Damages – 5,780m ² x \$0.413/m ²	\$ 7,200	
- Right-of-Way – 8,670m ² x \$5/m ²	<u>131,300</u>	
Sub Total		\$ 138,500

Construction Cost Estimate

- Excavate new ditch – 875m x \$35/m	\$ 30,600
- Haul materials – 4,950m ³ x \$3.00/m ³	14,900
- Power brushing - 24,750m ² x 1.5/m ²	37,100
- Place 20m ² of rip-rap	1,600
- 375mm dia. HDPE pipe – 94m x \$150/m	14,100
- 600 x 600mm concrete CB – 3 x \$2,000 each	6,000
- 2 culvert crossing 900mm HDPE	\$6,000

-	Road Restoration – 265m ² x \$30/m ²	8,000	
-	Landscape Restoration – 50m ² x \$2/m ²	100	
-	Contingencies	<u>35,500</u>	
	Sub Total		\$ 153,900

Additional Estimated Costs

-	Shoreline Study	\$ 0	
-	Environmental Assessment	60,000	
-	Legal Fees	<u>0</u>	
	Sub Total		\$ 60,000

Total Estimated Costs for Alternative 2:

-	Allowances	\$ 138,500	
-	Construction	153,900	
-	Engineering	70,000	
-	Administration	<u>60,000</u>	
	TOTAL ALTERNATIVE 2:		\$ 422,400

Concerns:

This alternative is the preferred alternative for the Provincial Park staff. It is not clear if the County will be able to enforce payment from the Conservation Authority. Environmental mitigation may increase the cost of this alternative. The Engineer and Norfolk County Staff will work with the Conservation Authority to complete an environmental survey of the proposed route shortly. This alternative would create a permanent, stable outlet that is protected from alterations along the shoreline, including damage from wave action and ice buildup, and the outlet could be used for drainage lands outside the existing area requiring drainage. For these reasons, shoreline engineering costs would not be anticipated for this alternative. This alternative could prove an outlet for additional lands to the north and south of the existing intersection and would require a petition and further investigation.

This alternative has a Special Assessment of \$18,000 to the County due to the increased cost to cross the roads. There would be additional regular assessments on the county roads. At this preliminary stage, I am not prepared to develop how the remaining costs would be assessed.

ALTERNATIVE 3

Details:

Alternative 3 starts at the existing catch basins at the corners of Ordnance Avenue, Cedar Drive and Pellum Street. New catch basins will be installed at the intersection similar to the other alternatives with 90m of new 300mm HDPE pipe and 96m of new 375mm HDPE taken to the south along Cedar Drive to a vacant lot beside Landon Street. At this location, a 531m long channel will be dug to the south along the back yard with a 3m bottom width and 3:1 side slopes. See Drawing 3 for details.

Environmental Discussions:

The majority of the alternative is through existing developed lands, and the outlet is into a protected bay on Lake Erie. The outlet site is a known habitat for Pugnose Shiner, Eastern Sand Darter, Lake Chubsucker, Spotted Gar, Eastern Pondmussel, Warmouth, Grass Pickerel, King

Rail, Piping Plover, Bald Eagle and Blanding Turtle. Similar to alternative 2, we would be creating new permanent aquatic habitat to Cedar Drive.

Cost Estimate:

The following is a breakdown of the costs of this alternative:

Allowances:

- Damages – 10,620m ² x \$0.413/m ²	\$ 4,400	
- Right-of-Way – 10,6270m ² x \$28.5/m ²	<u>302,700</u>	
Sub Total		\$ 307,100

Construction Cost Estimate

- Excavate new ditch – 531m x \$35/m	\$ 18,600	
- Haul materials – 4,300m ³ x \$3.00/m ³	12,900	
- 300mm dia. HDPE pipe – 94m x \$110/m	10,300	
- Riprap – 20m ² x \$80/m ²	1,600	
- 9m lengths of 900mm HDPE culvert – 8 x \$3,000	24,000	
- 300mm dia. HDPE pipe – 90m x \$110/m	9,900	
- 375mm dia. HDPE pipe – 96m x \$150/m	14,400	
- 600 x 600mm concrete CB – 9 x \$2,000 each	18,000	
- Road Restoration – 490m ² x \$30/m ²	14,700	
- Landscape Restoration – 5,310m ² x \$2/m ²	10,600	
- Contingencies	<u>37,400</u>	
Sub Total		\$ 162,100

Additional Estimated Costs

- Shoreline Study	\$ 0	
- Environmental Assessment	20,000	
- Legal Fees	<u>40,000</u>	
Sub Total		\$ 60,000

Total Estimated Costs for Alternative 3:

- Allowances	\$ 307,100	
- Construction	162,100	
- Engineering	70,000	
- Administration	<u>60,000</u>	
TOTAL ALTERNATIVE 3:		\$ 599,200

Concerns:

This alternative will involve crossing approximately 30 plus properties. While the Drainage Act can be used to force this alternative, it is the most expensive alternative, and a significant amount of public opposition is anticipated. This alternative also involves another open Drainage Act Petition, where another engineering firm has been appointed. Potential conflicts in regards

to the scope of work could complicate this alternative and could cause unnecessary delays for both projects.

SUMMARY

As the engineer is obligated to go with the most cost-effective and long term stable route for the municipal drain. If a landowner(s) requests a different alternative or a deviation from the most cost-effective alternative, they would be liable for any increase in cost; therefore, the increased cost would be assessed to the landowner(s) making the request. In this case, if Norfolk County requests a deviation from the recommended approach, the County will be responsible for the increased costs above that of the other alternatives. The same would apply for another landowner other than Norfolk County.

The recommended alternative is Alternative #2, which would take the water to the southwest through the wetland. The engineer is proceeding with this option and establishing an outlet from Cedar Drive, Ordnance Avenue and Pellum Street through "Ramsar Wetland" before the water exits into Lake Erie to the south. The outlet will be designed to allow for future connections, whether via petition or capital projects outside of the Drainage Act.

Public Works staff have stated that these are the most highly noted areas of Turkey Point for complaints and water ponding within the road allowance, causing public safety issues. Therefore, it would be advantageous to address as many of the problems as possible within the immediately adjacent area under one project. If a subsequent Petition(s) is signed, the additional branches could be included as part of this project. The cost for the additional branches would be determined at that time, and the costs would be assessed in the standard matter.

Alternative 1 is the next preferred alternative, which would take the water to the east along the existing pipe route. As a protected outlet may be more challenging in this area, additional lands would be hard to bring into this system. Alternative 1 would be a more complex route.

Alternative 3 is the least preferred alternative, which would take the water to the south along Cedar Drive. Through approximately 30 private properties before across Reserve Street into a Bay of Lake Erie.

If these initial costs are deemed to be too costly for the County to undertake, the last action would be to request the engineer to stop the process. Pay the engineering costs to date (approximately \$30,000), and not conduct any further improvements to the area identified within the petition. If the Council decides to go this route, Landowners could potentially sign the petition or sign a new petition, which would start the process back up and force a resolution using the Drainage Act.

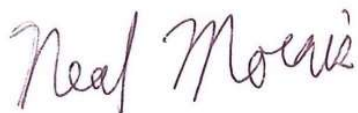
Next Steps:

- Meet with Conservation Authority regarding the on-site survey and requirements for the Environmental Assessment. Discussion of cost and future assessment. The on-site studies could be done in the next few months.

- Apply for permits and approvals from various environmental agencies with the assistance of Norfolk County. Environmental consultation and studies will take some time.
- Approach landowners regarding the construction of the outlet through their property to get an idea of landowner wants/needs. Landowners would be approached at the same time as the environmental consultation and studies are done.
- Finalize preliminary design, estimates and assessment schedules.
- Hold a Landowner Information Meeting with the landowners affected by this project. The timelines for this meeting may be delayed if an additional Petition is received to address adjacent areas.
- Finalize report, design, assessment schedules based on public, staff, and environmental agency and file report with the municipality.

If you have any questions, please contact the undersigned.

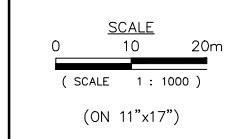
Yours truly,


A handwritten signature in dark ink that reads "Neal Morris". The signature is written in a cursive, slightly slanted style.

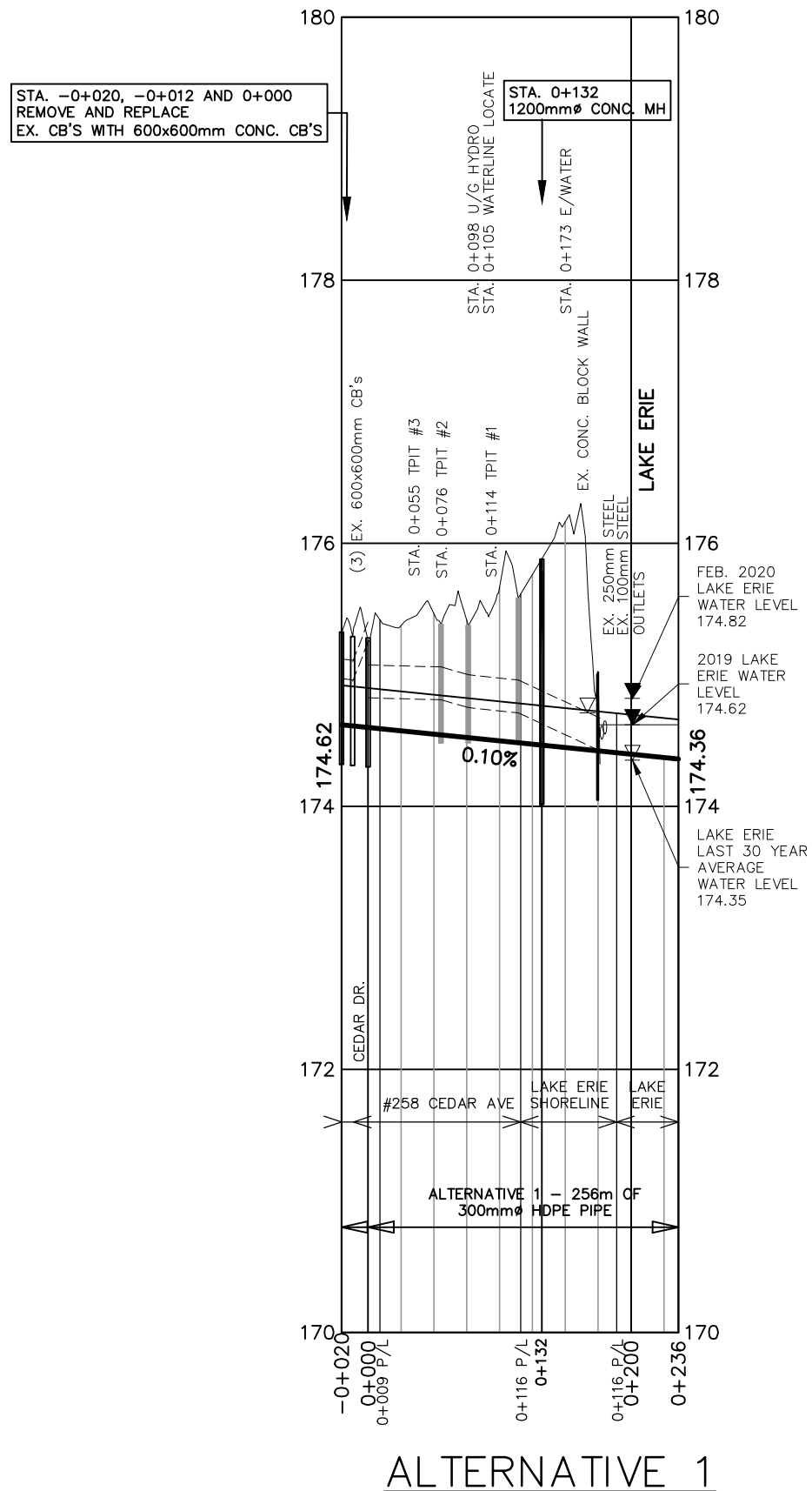
Neal Morris, P. Eng.



DESIGNED BY: N.W.M.
CHECKED BY: N.W.M.
DRAWN BY: N.M.B.
CHECKED BY: N.W.M.



CEDAR ORDNANCE DRAIN	
COUNTY OF NORFOLK VILLAGE OF TURKEY POINT	
ALTERNATIVE 1 DETAIL	JUNE 2020
 K. SMART ASSOCIATES LIMITED CONSULTING ENGINEERS AND PLANNERS KITCHENER SUDBURY	REVISED:
	JOB NUMBER: 19-152
DRAWING 1 OF 3	



DESIGNED BY: N.W.M.	<p>SCALE</p> <p>0 50 100m</p> <p>(SCALE 1 : 5000)</p> <p>HORZ.</p> <p>0 0.5 1m</p> <p>(SCALE 1 : 50)</p> <p>VERT.</p> <p>(ON 11"x17")</p>
CHECKED BY: N.W.M.	
DRAWN BY: N.M.B.	
CHECKED BY: N.W.M.	

CEDAR ORDNANCE DRAIN	
COUNTY OF NORFOLK VILLAGE OF TURKEY POINT	
OPTION 1 PROFILE	JAN. 15, 2021
<p>K. SMART ASSOCIATES LIMITED CONSULTING ENGINEERS AND PLANNERS KITCHENER SUDBURY</p>	REVISED:
	JOB NUMBER: 19-152
	DRAWING
2 OF	



ALTERNATIVE 2
REMOVE EX. 150mm ϕ CSP
AT CEDAR DR. AND
CONSTRUCT 94m OF
300mm ϕ HDPE PIPE

ALTERNATIVE 2
REMOVE AND REPLACE
THREE (3) EX. CB'S WITH
600x600mm CONC. CB'S.
CONSTRUCT 20m 300mm ϕ
HDPE PIPE ACROSS CEDAR DR.
AND PELLUM ST.

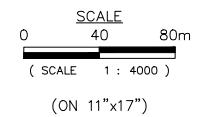
ALTERNATIVE 2
STA. 0+096 TO 0+925
825m OF POWER
BRUSHING, 30m WIDTH

ALTERNATIVE 2
STA. 0+096 TO 0+971
EXCAVATE 875m DITCH WITH
3m BOTTOM, 3:1 SIDE SLOPES

ALTERNATIVE 2
STA. 0+931 TO 0+940
9m OF TWIN (2)
900mm ϕ HDPE CULVERTS
U/S INV.'S 173.81
D/S INV.'S 173.81




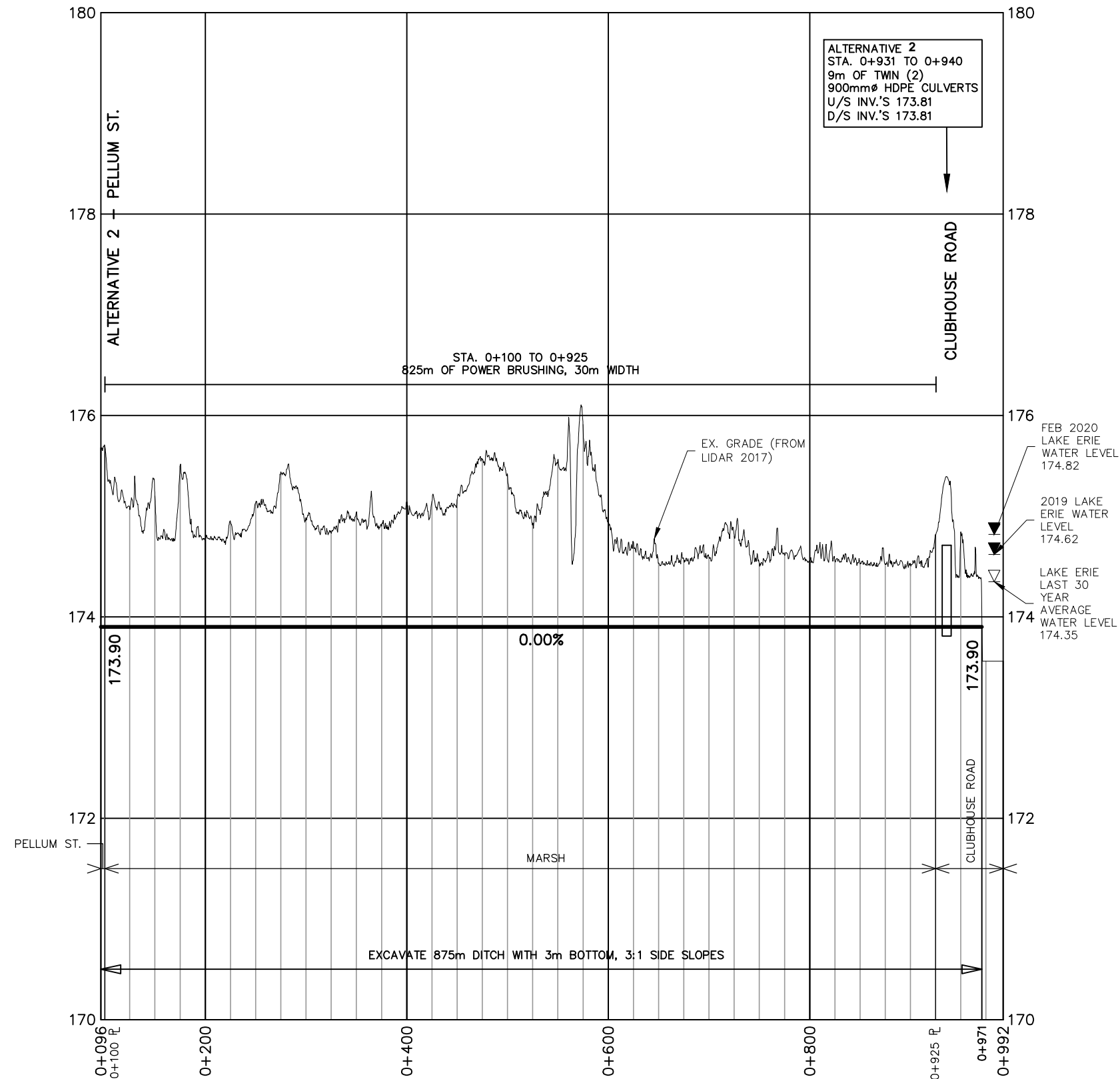
DESIGNED BY: N.W.M.
CHECKED BY: N.W.M.
DRAWN BY: A.M.P.
CHECKED BY: N.W.M.



CEDAR ORDNANCE DRAIN
COUNTY OF NORFOLK VILLAGE OF TURKEY POINT


ALTERNATIVE 2 DETAIL JUNE 2020

 K. SMART ASSOCIATES LIMITED CONSULTING ENGINEERS AND PLANNERS KITCHENER SUDBURY	REVISED:
	JOB NUMBER: 19-152
	DRAWING 2 OF 3



ALTERNATIVE 2

DESIGNED BY: N.W.M.	<p>SCALE</p> <p>0 50 100m</p> <p>(SCALE 1 : 5000)</p> <p>HORZ.</p> <p>0 0.5 1m</p> <p>(SCALE 1 : 50)</p> <p>VERT.</p> <p>(ON 11"x17")</p>
CHECKED BY: N.W.M.	
DRAWN BY: A.M.P.	
CHECKED BY: N.W.M.	

CEDAR ORDNANCE DRAIN	
COUNTY OF NORFOLK VILLAGE OF TURKEY POINT	
ALTERNATIVE 2 PROFILE	MAY 2020
 <p>K. SMART ASSOCIATES LIMITED CONSULTING ENGINEERS AND PLANNERS KITCHENER SUDBURY</p>	REVISED:
	JOB NUMBER: 19-152
	DRAWING
	OF



ALTERNATIVE 3
STA. 0+000 TO 0+090
90m OF 300mmØ HDPE PIPE

ALTERNATIVE 3
STA. 0+090
CONSTRUCT 600x600mm CB
& TWO (2) OFFSET CB'S.
30m OF 300mmØ HDPE PIPE
ACROSS CEDAR DR.
AND RAPHL ST.

ALTERNATIVE 3
STA. 0+090 TO 0+186
96m OF 375mmØ HDPE PIPE

ALTERNATIVE 3
STA. 0+186
CONSTRUCT 600x600mm CB
AND TWO (2) OFFSET CB'S.
24m OF 300mmØ HDPE PIPE
ACROSS CEDAR DR. &
LANDON ST.

ALTERNATIVE 3
STA. 0+000
REMOVE & REPLACE THREE (3) EX. CB'S
WITH 600x600mm CONC. CB'S.
CONSTRUCT 20m 300mmØ HDPE PIPE
ACROSS CEDAR DR. AND PELLUM ST.

ALTERNATIVE 3
STA. 0+343 TO 0+352
9m OF TWIN (2)
900mmØ HDPE CULVERTS

ALTERNATIVE 3
STA. 0+426 TO 0+435
9m OF TWIN (2)
900mmØ HDPE CULVERTS

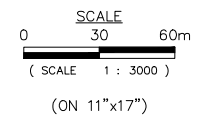
ALTERNATIVE 3
STA. 0+456 TO 0+465
9m OF TWIN (2)
900mmØ HDPE CULVERTS

ALTERNATIVE 3
STA. 0+186 TO 0+717
EXCAVATE 531m OF DITCH
WITH 3m BOTTOM,
3:1 SIDE SLOPES

ALTERNATIVE 3
STA. 0+700 TO 0+709
9m OF TWIN (2)
900mmØ HDPE CULVERTS



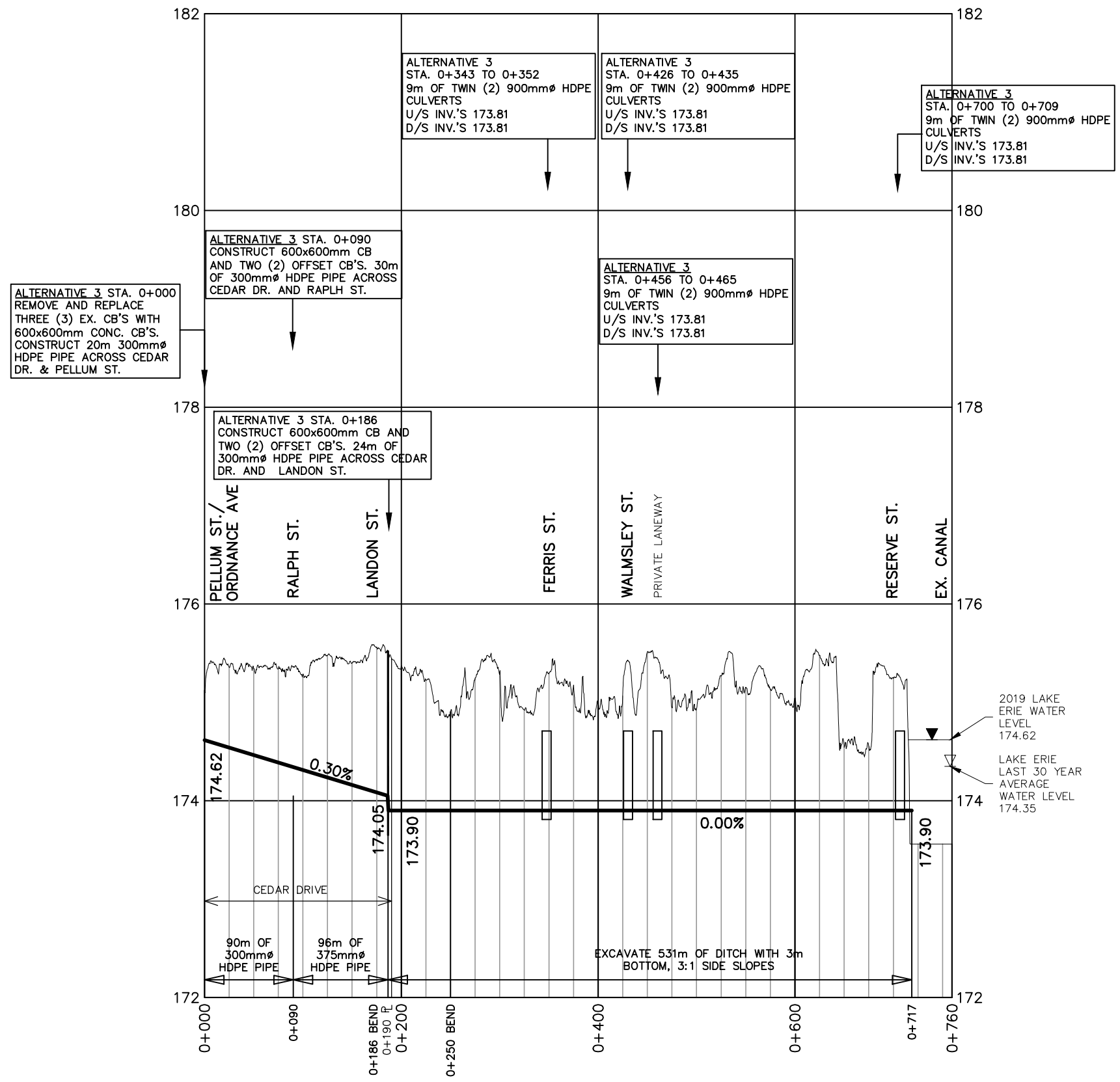
DESIGNED BY: N.W.M.
CHECKED BY: N.W.M.
DRAWN BY: N.M.B.
CHECKED BY: N.W.M.



CEDAR ORDNANCE DRAIN
COUNTY OF NORFOLK VILLAGE OF TURKEY POINT

ALTERNATIVE 3 DETAIL JUNE 2020

	K. SMART ASSOCIATES LIMITED CONSULTING ENGINEERS AND PLANNERS KITCHENER SUDBURY	REVISED: JOB NUMBER: 19-152 DRAWING 3 OF 3
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ALTERNATIVE 3 STA. 0+000
REMOVE AND REPLACE
THREE (3) EX. CB'S WITH
600x600mm CONC. CB'S.
CONSTRUCT 20m 300mm ϕ
HDPE PIPE ACROSS CEDAR
DR. & PELLUM ST.

ALTERNATIVE 3 STA. 0+090
CONSTRUCT 600x600mm CB
AND TWO (2) OFFSET CB'S. 30m
OF 300mm ϕ HDPE PIPE ACROSS
CEDAR DR. AND RALPH ST.

ALTERNATIVE 3 STA. 0+186
CONSTRUCT 600x600mm CB AND
TWO (2) OFFSET CB'S. 24m OF
300mm ϕ HDPE PIPE ACROSS CEDAR
DR. AND LONDON ST.

ALTERNATIVE 3
STA. 0+343 TO 0+352
9m OF TWIN (2) 900mm ϕ HDPE
CULVERTS
U/S INV.'S 173.81
D/S INV.'S 173.81

ALTERNATIVE 3
STA. 0+426 TO 0+435
9m OF TWIN (2) 900mm ϕ HDPE
CULVERTS
U/S INV.'S 173.81
D/S INV.'S 173.81

ALTERNATIVE 3
STA. 0+456 TO 0+465
9m OF TWIN (2) 900mm ϕ HDPE
CULVERTS
U/S INV.'S 173.81
D/S INV.'S 173.81

ALTERNATIVE 3
STA. 0+700 TO 0+709
9m OF TWIN (2) 900mm ϕ HDPE
CULVERTS
U/S INV.'S 173.81
D/S INV.'S 173.81

ALTERNATIVE 3

DESIGNED BY: N.W.M.	<p>SCALE</p> <p>0 50 100m</p> <p>(SCALE 1 : 5000)</p> <p>HORZ.</p> <p>0 0.5 1m</p> <p>(SCALE 1 : 50)</p> <p>VERT.</p> <p>(ON 11"x17")</p>
CHECKED BY: N.W.M.	
DRAWN BY: N.M.B.	
CHECKED BY: N.W.M.	

CEDAR ORDNANCE DRAIN	
COUNTY OF NORFOLK VILLAGE OF TURKEY POINT	
ALTERNATIVE 3 PROFILE	JUNE 2020
<p>K. SMART ASSOCIATES LIMITED CONSULTING ENGINEERS AND PLANNERS KITCHENER SUDBURY</p>	REVISED:
	JOB NUMBER: 19-152
	DRAWING 3 OF



Petition for Drainage Works by Road Authority – Form 2

Drainage Act, R.S.O. 1990, c. D.17, subs. 4(1)(c)

To: The Council of the Corporation of the Municipality of Norfolk County

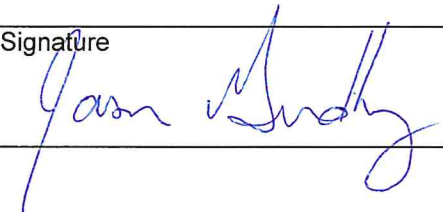
Re: Road name and road location (provide description of road or section of road that requires drainage)
The general area in Turkey Point Ontario from Lochmoor Avenue to Reserve Street, including any side streets within these limits that can be easily and cost effectively drained in conjunction with the current project at the intersection of Cedar Drive, Ordnance Avenue and Pellum Street.

I, Godby, Jason, as an individual having jurisdiction over
(Last, first name)

the above road system for the Municipality of Norfolk County

declare that the road described above requires drainage and hereby petition under subsection 4(1)(c) of the *Drainage Act* that this area be drained by means of a drainage works.

Organization
Norfolk County

Position Title	Signature	Date (yyyy/mm/dd)
General Manager, Environmental and Infrastructure Services Division		2020/04/08

Petitioners become financially responsible as soon as they sign a petition:

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the road authority is responsible for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the road authority is responsible for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.



Working together with our community

Council-In-Committee Meeting – April 13, 2021

Subject: James Street Reconstruction, PW-E-21-39-Budget Amendment
Report Number: EIS 21-18
Division: Environmental and Infrastructure Services
Department: Engineering
Purpose: For Decision

Executive Summary:

The purpose of this report is to advise Council of the results of the request for tender issued for the James Street Reconstruction, PW-E-21-39, in Delhi. This information is being provided to Council to direct staff how to proceed in awarding PW-E-21-39. This report shall also inform Council of the revised scope of the project to exclude the intersection of James Street and Church Street.

Discussion:

A request for tender was issued for the James Street Reconstruction in Delhi. The scope of work included in the request for tender varied from the originally approved scope of work. Originally, the scope of work encompassed James Street from the limits of King Street reconstruction completed in 2020 south to Argyle Avenue. This included reconstructing the James Street and Church Street intersection.

Through the engineering process, staff revised the scope of work for the following reasons.

- The primary storm drainage outlet for the east half of Delhi is located along James Street from Argyle Avenue north and continues through the James Street and Church Street intersection down Swimming Pool Road and outlets to the watercourse on the west side of Swimming Pool Road, just north of the town limits. This storm sewer is currently undersized, and the infrastructure quality is deteriorating. Budgetary and construction timing constraints did not facilitate this to be addressed as part of this project.
- The intersection of James Street and Church Street is a main intersection in Delhi. The configuration of this intersection is unique. The traffic infrastructure in this intersection is outdated and does not conform with current standards. The complexity of this intersection warrants a targeted intersection study to provide

recommendations for a rebuild. Budgetary and construction timing constraints did not facilitate this to be addressed as part of this project.

- The rebuild of a main intersection requires a more detailed public consultation and feedback process. Due to the current COVID-19 restrictions, facilitating the appropriate level of public consultation is challenging in accordance with public health guidelines.

It is the intent of staff to identify a future project in the 10-year Capital Budget to complete the reconstruction of this intersection as well as the storm outlet down Swimming Pool Road. A portion of this project would be eligible for future Ministry connecting link funding opportunities.

In order to endeavor to stay within budgetary limits, Engineering staff issued the request for tender for the James Street Reconstruction with the project broken down into a base bid and a provisional bid. The limits for the base bid commence approximately seventy-five (75) meters south of the Church Street intersection and continue south to Connaught Avenue. The provisional bid consists of James Street from Connaught Avenue to Argyle Avenue. This was included in the request for tender as a provisional to provide Council with options in awarding this project.

Norfolk County is in receipt of Connecting Link funding in the amount of \$1,336,000 for this project with a deadline for construction at the end of 2021. Connecting Link funding is administered through the Ministry of Transportation (MTO). Finance staff consulted with MTO staff and confirmed the reduced scope does not impact this funding. The amount of this funding is considered an upset limit, however the deadlines on the funding agreement remain.

This tender approach was taken to ensure Council is in a position to award part of or all of the tendered works upon closing of this request for tender to ensure the Connecting Link funding is used by the end of 2021.

Sierra Infrastructure Inc. is the low bidder with a total bid of \$3,166,855.35, excluding HST. Staff have reviewed the submission and the breakdown for the base bid is \$2,538,330.55, excluding HST. The bid price for provisional block of James Street from Connaught Avenue to Argyle Avenue being an additional \$612,374.80, excluding HST. The removal of the rail crossing on James Street between Argyle Avenue and Imperial Street was included as a provisional item in this tender as well. The bid price for this work is \$16,150.00, excluding HST.

Based on the breakdown of the bid, Council has two (2) options to consider for the award of this project.

- Option 1: Award the base bid, including the removal of the rail crossing, in the amount of \$2,554,480.55, excluding HST. This will require a budget amendment

of approximately \$118,000 and a reduction in the scope of the original planned work

- Option 2: Award the base bid, including the removal of the rail crossing, and the provisional bid in the amount of \$3,166,855.35, excluding HST. This will require a budget amendment to complete the provisional block of James Street from Connaught to Argyle of approximately \$742,000 and a reduction in the scope of the original planned work. It should be noted, the provisional item included in the tender is work that was part of the original scope of the project, however, was identified as provisional due to the anticipated budget shortfall that would occur to complete Option 2.

Both options will utilize all of the Connecting Link funding allocated to this project. Engineering staff is recommending Option 2, in order to maintain the majority of the initial scope of the project.

Council choosing Option 1 will require the provisional item for James Street from Connaught to Argyle to be added to the Capital Plan in a future year, which will likely incur inflationary construction costs of approximately 4 to 8% per year it is moved out in the plan.

Financial Services Comments:

The Approved 2019 Capital Plan included an allocation for the James Street – King to Argyle Street project of \$2,795,000 of which \$330,000 is related to engineering and \$2,465,000 is related to construction. Based on discussion with EIS staff the full budget for engineering will be required.

Both options outlined above represent a reduction in scope from the original project approved in the Capital Plan. As noted by EIS staff, discussion with the MTO was taken in early 2021 to confirm that a reduced scope would not impact the Connecting Links grant funding as long as total costs of the road construction portion exceed the budget submitted during the application phase (water and wastewater infrastructure are not an eligible component of this funding).

The budgetary impacts have been outlined below for both options.

Option 1:

This would represent a significant reduction in scope from the original intended project budget as the block from Connaught to Argyle would be removed from the existing project. As the cost to maintain the original scope was significantly higher than budget a portion was included as a provisional item (Connaught to Argyle). However, under this option a Budget amendment of \$118,000 would still be required in order to accommodate bid.

EIS staff do not recommend moving forward with this option to ensure the project aligns more closely with the original intent/scope.

If this option is selected, the following items would be required to be rebudgeted in future projects in the 2022 Capital Plan: the intersection of Church St and James St and James St from Connaught to Argyle.

Option 2:

This option closely aligns with the initial scope of the budget. However the intersection of Church St and James St is also not included in this option and thus there will still be a reduction in scope from the approved project and a future project will be required in the 2022 Capital Plan.

This is the recommended option by EIS staff, as described above, with a total budget amendment required of \$743,000. The detailed budget amendment required is outlined in the table below.

James Street Reconstruction Project King Street to Argyle Avenue	Approved Budget \$	Recommended Option 2 \$	Proposed Budget Amendment \$
<i>Expenses</i>			
Engineering	330,000	330,000	-
Road Construction	1,600,000	2,459,000	859,000
Water Construction	460,000	393,000	(67,000)
Wastewater Construction	405,000	356,000	(49,000)
Total	2,795,000	3,538,000	743,000
<i>Funding</i>			
Connecting Links Grant	(1,336,000)	(1,336,000)	-
Roadway Construct Res	(282,000)	(1,003,000)	(721,000)
Road & Related DC	(193,000)	(279,000)	(86,000)
Water Capital Replacement RF	(477,000)	(444,000)	33,000
Wastewater Capital Replacement RF	(420,000)	(401,000)	19,000
Water Development Charges	(46,000)	(39,000)	7,000
Wastewater Development Charges	(41,000)	(36,000)	5,000
Total	(2,795,000)	(3,538,000)	(743,000)

In summary, both options require a budget amendment to address budget shortfalls and to reduce the overall project scope. In addition, either option will require additional projects to be added to the 10-year Capital Plan in order to complete the reconstruction of the James Street and Argyle Street intersection and the storm outlet along Swimming Pool Road.

This budget shortfall will have an overall negative impact on forecasted reserve fund balances. However, it should be noted that there have been positive capital variances that will offset this negative impact.

Once Council approves staff recommendations the appropriate budget amendments will be completed.

Interdepartmental Implications:

Not Applicable

Consultation(s):

Corporate Services Division
Environmental and Infrastructure Services Division

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Build and Maintain Reliable, Quality Infrastructure".

Explanation:

The full reconstruction of James Street is required to address deteriorating infrastructure and will serve to improve this corridor in accordance with current guidelines and standards.

Conclusion:

Staff is recommending that the provisional block of James Street from Argyle Avenue to Connaught Avenue be included in the 2021 project.

Staff are recommending that Council endorse the revised project scope and award the full scope of PW-E-21-39 to Sierra Infrastructure Inc.

Recommendation(s):

THAT Report EIS 21-18 – James Street Reconstruction, PW-E-21-39 be received as information.

AND THAT Council authorizes the General Manager of Environmental and Infrastructure Services to execute a contract with Sierra Infrastructure Inc. in the amount of \$3,166,855.35, excluding HST;

AND FURTHER THAT the Approved 2019 Capital Budget for the James Street Reconstruction – King Street to Argyle Avenue Project be increased from \$2,795,000 to \$3,538,000 to be funded as outlined within this report;

AND FURTHER THAT the James Street Reconstruction – King Street to Argyle Avenue Project scope be reduced as outlined within this report:

AND FURTHER THAT the reconstruction of the James Street and Argyle Street intersection and the storm outlet along Swimming Pool Road be included in the 10-Year 2022 Capital Plan for Council's consideration.

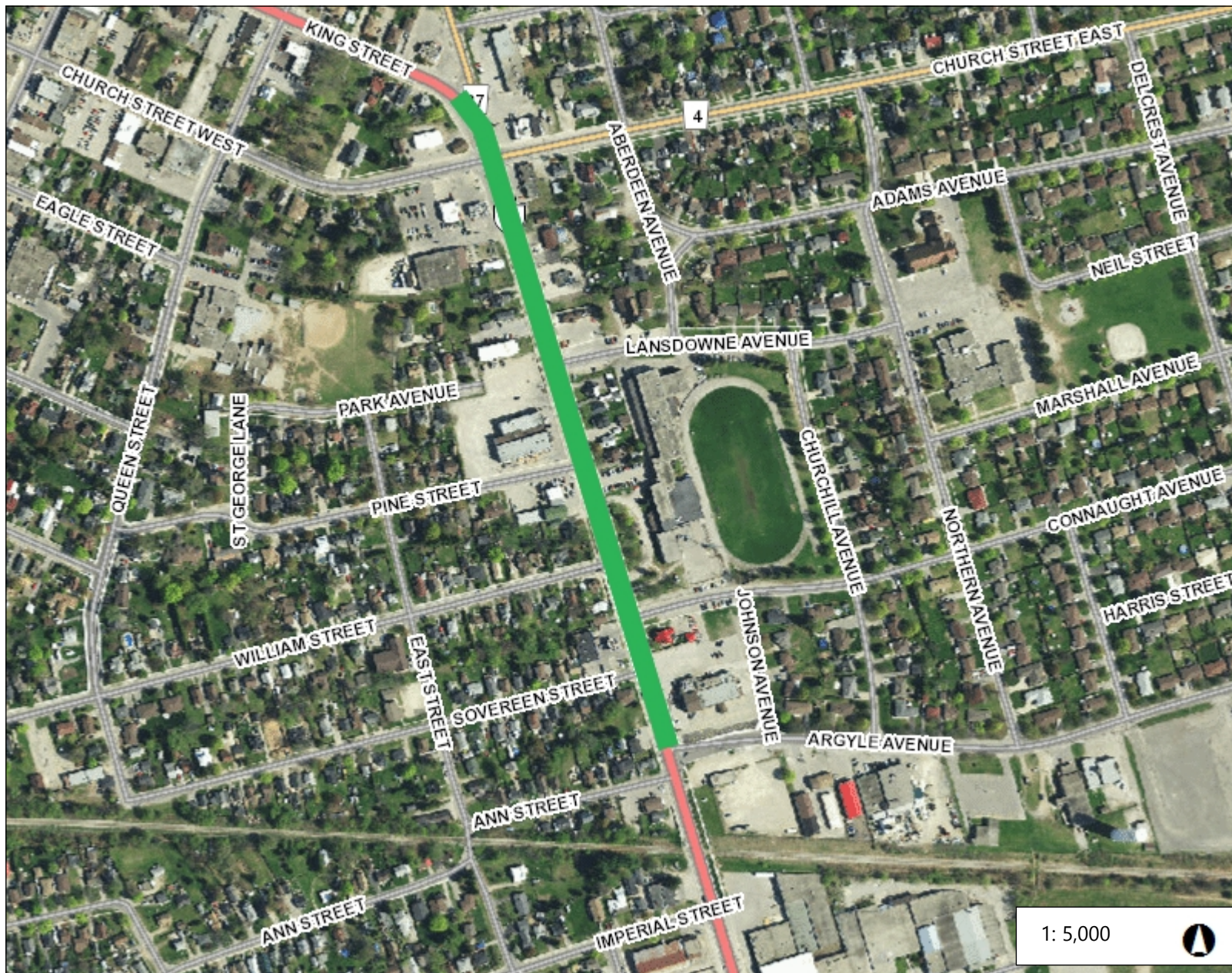
Attachment(s):

Attachment 1 – Original Scope of James St project
Attachment 2 – Tender Approach of James St project

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Legend

- Roads
- Norfolk_10000-500

Notes

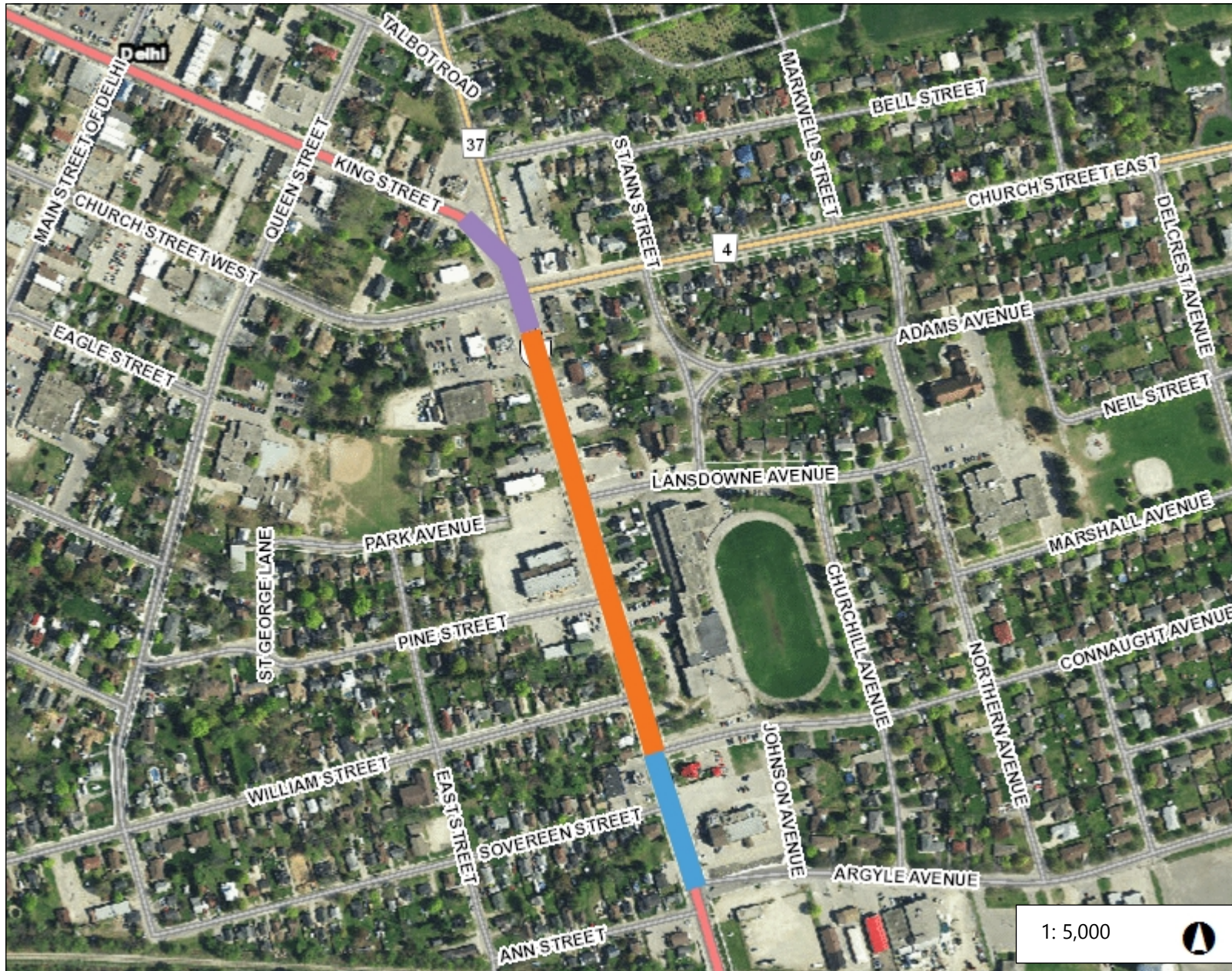
PW-E-21-39 - James Street Reconstruction;
 -Original scope of work from the limits of the King Street reconstruction to Argyle Avenue

0.3 0 0.13 0.3 Kilometers



NAD_1983_UTM_Zone_17N
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Legend

Roads

Norfolk_10000-500

Notes

- To be redefined as a future project
- PW-E-21-39 Base Bid
- PW-E-21-39 Provisional Bid

0.3 0 0.13 0.3 Kilometers



NAD_1983_UTM_Zone_17N
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Advisory Committee Meeting – March 15, 2021

Council-In-Committee – April 13, 2021

Subject: Del Gold Villa – Transfer of Assets
Report Number: HSS 21-03
Division: Health and Social Services
Department: Haldimand Norfolk Social Services and Housing
Purpose: For Decision

Executive Summary:

A request has been received from the Board of Directors of Del Gold Villa Non-Profit Housing to transfer their assets to the Haldimand Norfolk Housing Corporation (HNHC). According to the *Housing Services Act (HSA)* this request requires Service Manager consent. Staff have reviewed this request and have determined that there are benefits to Del Gold Villa amalgamating with the HNHC and that this request meets the requirements under the *HSA*, therefore approval is being recommended. After Service Manager consent is received, the HNHC and Del Gold Villa will need to engage independent legal counsel to undertake the transfer of assets and amalgamation in accordance with all applicable legislation related to not for profit corporations. The Acting General Manager of Health & Social Services will report this Service Manager consent decision to the Ministry of Municipal Affairs and Housing.

Discussion:

Del Gold Villa is a seniors' social housing provider located on William Street in Delhi. The building is a mix of market rent and rent-geared-to-income (RGI) housing units; there are twenty-five (25) RGI units in the building.

Del Gold Villa was originally built under the federal funding formula for social housing, whereby the operating subsidy is calculated based solely on the mortgage payment. This funding model does not take into account any other operating costs and created some financial instability for the housing provider. In 2013, by way of a new budget initiative, Norfolk Council approved to change the funding formula of Del Gold Villa to the provincial funding formula which incorporates the mortgage payment, property taxes, operating expenses and rent revenues into the operating subsidy calculation. This resulted in a more stable and sustainable level of funding for the housing provider. In exchange, Del Gold Villa agreed to continue to operate as a social housing provider for a period of ten years after their mortgage was fully paid in September, 2020. This is

significant as federally funded housing providers are permitted to cease operations as a social housing provider after the conclusion of their mortgage which would mean the loss of these social housing units. As part of the operating agreement executed on October 24, 2013, the County, as Consolidated Municipal Services Manager for housing, agreed that if Del Gold Villa decided to transfer its assets to another organization that agreed to operate as a social housing provider, then the County would enter into an operating agreement with the new operator and would absolve Del Gold Villa of any obligations under the agreement.

The Haldimand Norfolk Housing Corporation, through a competitive request for proposal process, has been the contracted property manager for Del Gold Villa since 2014. The two organizations also share one Board of Directors, with the exception that the Haldimand Councillor does not sit on the Del-Gold Villa Board. On April 15, 2020, the Del-Gold Villa Board passed a resolution to seek approval for the transfer of the assets of Del-Gold Villa Non-Profit Housing Corporation, namely the property located at 283 William Street, Delhi, to the Haldimand Norfolk Housing Corporation, and the subsequent dissolution of the Del-Gold Villa Non-Profit Housing Corporation. HNHC would continue to run the Del-Gold Building as senior housing with no changes in services provided to the tenants.

According to the *Housing Services Act* this transfer of assets requires consent of the Consolidated Municipal Services Manager. To consider approval of this request, the following requirements must be met: the assets being transferred must continue to be used for the purposes of social housing, there must be a plan to communicate this transfer to the tenants and there cannot be adverse effects for the tenants. Once Service Manager consent is given, the decision must be communicated to the Ministry of Municipal Affairs and Housing.

It is the assessment of the Acting General Manager of Health & Social Services that there are benefits to this transfer of assets for the housing provider, and that there will be no adverse impacts on existing or future tenants. As a smaller housing provider, Del Gold Villa can benefit from the experience, resources and economies of scale of the HNHC. As part of the request to transfer assets, the HNHC has included a tenant communication plan which includes written notification to the tenants and a tenants' meeting once it is safe to do so given COVID-19. Assurance has been provided that there will be no changes in service to the tenants and that Del Gold Villa will continue to operate as a seniors' community housing building.

From the perspective of HNHC, this transfer of assets will increase the overall value of assets that are held by the HNHC. Financially, the operating subsidy will continue to be calculated using the provincial funding formula, in accordance with Del Gold Villa's operating agreement with the Service Manager. This operating subsidy is included in the municipal social housing budget and is paid by Norfolk County in accordance with the arbitrated agreement for the division of social housing costs between Norfolk and Haldimand as Del Gold Villa is located in Norfolk County. The decision for Del Gold

Villa to amalgamate with HNHC does not increase the amount of operating subsidy for which they are eligible.

The responsibility to execute the transfer of assets, and any associated costs will be borne by the HNHC and Del Gold Villa. The two housing providers are encouraged by the Consolidated Municipal Services Manager to seek out legal counsel to facilitate this process. Once the transfer of assets is complete, a new operating agreement will be executed between Norfolk County and the HNHC for the operation of the RGI units at Del Gold Villa until September, 2030 which is ten years past the end of their mortgage.

Although this is the first amalgamation of housing providers in Norfolk and Haldimand Counties, this is a process that has been occurring in other municipalities as smaller housing providers reach their end of mortgage and operating agreements in order to ensure long term sustainability.

Financial Services Comments:

Norfolk

The Approved 2021 Levy Supported Operating Budget does not include a subsidy for Del Gold Villa, with the mortgage having matured in September, 2020. Housing Provider subsidies are calculated using the Ministry's Social Housing Budget form, per the HSA.

While it is possible for a Housing Provider to continue to receive a subsidy after their mortgage has matured, the Provider must show that a subsidy is required. This does not occur often, with RGI and market rents covering the cost of operations. However, forms are completed each year and subsidy could be provided if the rent structure changes (from market to RGI) or other expenditure indices change substantially.

The HNHC receives a subsidy based on their prior year allocation plus economic and property tax projected increases. Due to this, the transfer of assets is not anticipated to have a financial impact to the funds flowed directly to HNHC. Housing Providers and the HNHC are required to contribute to Capital Replacement reserves, per the HSA.

Housing Provider subsidies are levied from the County the property is located in. The HNHC subsidy is shared per the cost sharing agreement. Both are reconciled on an annual basis.

Cost Share Implications:

Though total Social Housing costs are not expected to change as a result of this agreement, Norfolk County's share of Social Housing costs is estimated to increase by approximately 0.05% (or \$12,000) as a result of this transition. This is based on the cost sharing agreement between Haldimand and Norfolk Counties, and has been

estimated using the 2019 actual shared services cost reconciliation. This would be offset by a reduction in cost savings from Haldimand County.

It is important to note that the actual cost share fluctuates annually between the two Counties, and the fluctuation outlined above is not considered a material impact based on total program costs (total combined costs were \$3.3M).

This financial impact will be taken into consideration when preparing the 2022 budget, and staff will look to reduce operating costs in order to offset this impact.

Details on the Cost Share Calculation:

When calculating the costs to be borne by Haldimand and Norfolk Counties, Social Housing costs are allocated to each county by using two methods:

1. Identifiable Costs – When it is possible to identify the actual service location of costs or funding, these net costs are borne by the County in which the service relates.
2. Allocation based on % share of Identifiable Costs – When it is not possible to identify the actual service location of the cost, these are referred to as unidentifiable costs. For example, administrative salaries are not identifiable to a service location, as staff support housing located in both counties. Total costs identified under method 1 are used to prorate the unidentifiable costs between the two counties.

Since the payment to the HNHC is unable to be linked to specific service locations, figures from the HNHC's audited income statement are used in the calculation of the identifiable costs. On a statement provided by the HNHC auditors, expenses are identified as Haldimand or Norfolk County by the location of the Social Housing facility and are included in the identifiable cost calculation. Though Del Gold Villa operates in a surplus, the revenue figures from HNHC's statements are not considered in the cost sharing calculation between the two Counties based on historical practice.

Therefore, after the transfer of Del Gold Villa assets, Del Gold Villa's expenses will be included in the identifiable cost information on HNHC's financial statements, which will increase the Norfolk's % share of identifiable costs. As a result, Norfolk's share of the unidentifiable costs will increase by approximately \$12,000.

The main items which are allocated by the % share of Identifiable Costs for Social Housing include: actual payment flowed to HNHC, administration costs, as well as federal funding.

Haldimand

Haldimand Finance staff have reviewed this report and agree with the information as identified by Norfolk Finance staff. Although the 2021 impact is noted to be minimal, any future levy implications should be ranked and evaluated during the appropriate

budget process, and would be cost shared based on the applicable cost sharing agreement, if applicable

Interdepartmental Implications:

Norfolk

Haldimand

Although this 25 unit building, being a mix of market rent and rent-geared-to-income (RGI) housing units is located in Norfolk County, staff recognize the importance of the continuance of providing this housing; and also note that as units become available, Haldimand residents have ability to access this housing opportunity.

Consultation(s):

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Build and Maintain Reliable, Quality Infrastructure".

Explanation:

As social housing providers reach the end of their mortgages and operating agreements there is a risk that they will leave the program and cease being a social housing provider. In order to maintain service level standards and the current level of social housing within the community, it is important that alternate ways of operating housing are considered, including the amalgamation of smaller housing providers with larger providers, including the Local Housing Corporation, the HNHC.

Conclusion:

A request has been received by the Acting General Manager of Health & Social Services from the Board of Directors of Del Gold Villa to transfer their assets and amalgamate with the Haldimand Norfolk Housing Corporation. These two housing providers already share one Board of Directors and the HNHC has been the contracted property manager of Del Gold Villa since 2014. As such, they are very familiar with the tenants and the operations of the building. This request has been reviewed by the Acting General Manager and assessed to be in compliance with the *Housing Services Act*. Staff are recommending that Norfolk Council give Service Manager consent to this request. After consent is given, a new operating agreement for Del Gold Villa will be executed with the HNHC and the consent decision will be communicated to the Ministry of Municipal Affairs and Housing in accordance with the *HSA*.

Recommendation(s) of Health and Social Services Advisory Committee:

Recommendation(s):

THAT Report HSS 21-03, Del Gold Villa – Transfer of Assets, be received as information;

AND THAT Norfolk County Council, as Consolidated Municipal Services Manager, give consent to the request from the Del Gold Villa Board of Directors to transfer their assets to the Haldimand Norfolk Housing Corporation;

AND FURTHER THAT Norfolk County Council authorize the Mayor and County Clerk to enter into an operating agreement with the Haldimand Norfolk Housing Corporation for the operations of Del Gold Villa for a term ending September 30, 2030, under the same terms and conditions of the operating agreement signed and executed on October 24, 2013;

AND FURTHER THAT the Acting General Manager of Health & Social Services be directed to communicate this Service Manager consent decision to the Ministry of Municipal Affairs and Housing in accordance with the *Housing Services Act*.

Attachment(s):

HNHC Report 2020-14, dated December 15, 2020.

Submitted By:

Heidy Van Dyk-Ellis
Acting General Manager, Health and
Social Services

For more information, call:
519-426-6170 ext. 3120

Prepared By:

Heidy Van Dyk-Ellis
Acting General Manager, Health & Social Services

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Date:	December 15, 2020	Report#	2020-14
Report to:	Heidy VanDyk-Ellis Director, HN Social Services and Housing		
Submitted by:	Matt Bowen CEO, Haldimand Norfolk Housing Corporation		
Subject:	Del-Gold Villa – Board Request to Dissolve the Corporation		

EXECUTIVE SUMMARY:

HNHC has been providing full property management services to Del-Gold Villa since June 2013. The final Del-Gold Villa mortgage payment was made in September 2020. Currently, Del-Gold Villa is governed by the same Board of Directors as the Haldimand Norfolk Housing Corporation. Five times per year, two board meetings are held back to back for Del-Gold Villa and HNHC.

At the request of the Board of Directors, an internal review of the corporation and the asset was undertaken that included a full financial review, a technical review, and a risk assessment by the CEO and Board of Directors. On April 15, 2020, the Del-Gold Villa Board passed a resolution to seek approval for the transfer of the assets of Del-Gold Villa Non-Profit Housing Corporation, namely the property located at 283 William Street, Delhi, to the Haldimand Norfolk Housing Corporation, and the subsequent dissolution of the Del-Gold Villa Non-Profit Housing Corporation. HNHC would continue to run the Del-Gold Building as senior housing with no changes in services provided to the tenants.

This report provided to the Consolidated Municipal Services Manager formally requests permission to move forward with the transfer of assets and dissolution of the corporation and provides information and justification to assist the CMSM in preparing a report for Council approval.

DISCUSSION:

Background

Del-Gold Villa was incorporated and sponsored by the Rotary Club of Delhi in the early 1980s. It was funded by the federal government and operated as a federal non-profit housing corporation until December 31, 2012.

By 2010-2011 the operating budget of Del-Gold Villa became challenging and Norfolk County and the Del-Gold Villa Board of Directors entered into negotiations to move the housing corporation from the federal funding agreement to the provincial/municipal funding agreement to provide more operational funding and to provide 12 RGI units for another 10 years. This agreement was successfully negotiated and effective January 1, 2013, Del-Gold Villa moved to the new funding model with a new budget, including funding for a property management company.

Del-Gold Villa had been self-managed by the Board of Directors, a working board, since the corporation's inception. Tasks taken on by the volunteer board members were becoming more difficult and the members were seeking a change to a Governance model. These issues as well as the budgeting challenges were putting Del-Gold Villa at risk.

After consultation with the board in June of 2013, Norfolk County requested that the HNHC provide property management services to the corporation on an interim basis, pending an RFP process to award a 3-year contract.

The contract was awarded by Del-Gold Villa to the HNHC after a competitive process in the fall of 2013 and became effective January 1, 2014. HNHC has continued to be awarded the contract for full property management services for subsequent tenders in 2016 and 2019.

At a meeting held on April 27, 2016, the Del-Gold Villa Board directed the management agent to formally request that the Board of Directors of the Haldimand Norfolk Housing Corporation consider becoming nominated as the new Board of Directors of Del-Gold Villa Non-Profit Housing Corporation. The existing board had been in place for several years and these members wished to retire from these duties. At an in-camera meeting of the HNHC Board on May 18, 2016, a resolution was passed that all members of the HNHC Board, except the Haldimand County Council representative, would accept a nomination by the Del-Gold Villa Board, to become the Board of Del-Gold Villa.

At the Del-Gold Villa AGM on June 22, 2016, the Del-Gold Villa Board of Directors by a unanimous vote, elected HNHC Board members (other than the Haldimand Rep) to the Board of Del-Gold Villa and then resigned their posts.

The new Del-Gold Villa Board continued to hold 5 board meetings per month on dates coinciding with the HNHC Meetings, so two board meetings were held on each of those dates.

Del-Gold Villa Mortgage

The final payment of the Del-Gold Villa mortgage was paid in September 2020. Typically, mortgage satisfaction coincides with end of operating agreement; however, the 10-year operating agreement signed in 2013 extended end of operating until 2023.



Included in the 2013 Operating Agreement is the following clause:

“Should Del-Gold Villa decide to dissolve their non-profit corporation and transfer their social housing project, as per their Letters Patent, before the end of the ten (10) year post mortgage timeframe to another non-profit housing provider or charitable organization who will enter an agreement with Norfolk County for the provision of social housing and assume the obligations of Del-Gold Villa under this agreement, then Norfolk County will enter into such an agreement and relieve Del-Gold Villa of their obligations under this agreement.”

Board Resolution

After much discussion over several months, at a meeting held of the Del-Gold Villa Non-Profit Housing Corporation on April 15, 2020, the following resolution was approved:

Whereas Del-Gold Villa Non-Profit Housing Corporation is approaching their End of Operating Agreement.

On motion by Ian Rabbitts , seconded by Jean Montgomery

Be it resolved that:

Upon written permission from Consolidated Service manager,

That the Board of Directors of Del-Gold Villa Non-Profit Housing Corporation approve the transfer of this social housing project and all of it’s assets to the Haldimand Norfolk Housing Corporation effective December 31, 2020.

And, after the transfer is complete,

That the Board of Directors approves to the voluntary dissolution of the Del-Gold Villa Non-Profit Housing Corporation and directs the Haldimand Norfolk Housing Corporation to prepare the proper documents to process this voluntary dissolution as per the Corporations Business Act.

Dated this 15th day of April, 2020 at Simcoe, Ontario.

Several reasons were cited for this decision:

- HNHC is providing the same services to the residents of Del-Gold Villa as are provided to HNHC owned portfolios.
- Streamlining and cost savings – eliminates 5 board meetings plus an AGM each year which requires staff to write separate reports, a separate year-end, separate annual audit, tenders, insurance, and all other costs and requirements necessary to run a Non-Profit Housing Corporation – for one building.
- Benefits of consolidation – better align and utilize resources.
- HNHC has a proven track record with Asset Management, including conducting Building Condition Assessments, Building Automation, and Energy Auditing which would benefit the asset.



- Sustainability – as a single-building Non-Profit, operational costs under a benchmarked budget can be difficult to sustain long-term. Under the HNHC umbrella, the building would have access to more funding opportunities.
- Increased organizational capacity.
- Under the HNHC, an LHC that is share-owned by Norfolk County, the County would benefit by the addition of a well-maintained and valuable asset, the building benefits with the increased oversight and protections that are afforded under the recently approved Shareholder Agreement.

ACCOUNTABILITY:

To satisfy the requirements of the Ontario Ministry of Housing, the following steps will be taken upon approval of this transfer.

Tenant Notification

HNHC will undertake a tenant communication process to notify tenants of the change in ownership of the Del-Gold Villa building. Upon approval, a building meeting will be scheduled (if COVID-19 guidelines permit), followed by written communication in the form of a letter to tenants. Tenants will be notified that there will be no change in the mandate of Del-Gold Villa, their tenancy, services provided, or how the building is maintained and managed. Staff will answer questions and provide any necessary follow-up that may be needed. Should an in-person tenant meeting not be possible due to COVID-19 restrictions, tenants will be contacted individually by telephone follow-up by written communication.

CMSM Assurance

The Ministry of Housing can be assured that the proceeds of the transfer are being used to provide social housing. As a Local Housing Corporation that is share-owned by Norfolk County (60%) and Haldimand County (40%), and who operates under the requirements of the Housing Services Act (HSA 2011) and the Residential Tenancies Act (RTA 2006), has its own Operating Agreement with the CMSM, and is governed by a Board of Directors as well as a Joint Shareholder Agreement.

Through communication and operational transparency, the CMSM will be fully cognizant of the management of this building and the residents who have been under our care since mid-2013.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial

- A small fee will be required for the application to dissolve the corporation once approved through the Business Corporations Act.
- The Corporation will request that the Service Manager seek a Land Transfer Tax Exemption through the Ministry.

Legal

- The Board and CEO conducted a risk assessment which included a financial review and a technical review, and in consultation with the HNHC Leadership Team concluded that there was an appropriate level of risk to absorb the asset into the HNHC portfolio.

APPENDICES:

- Appendix No. 1. Del-Gold Villa Operating Agreement with Norfolk County, signed October 24, 2013
- Appendix No. 2. Board Minutes of the Meeting held April 15, 2020



Appendix 1

THIS Social Housing Operating Subsidy Agreement made this 24 day of October, 2013.

BETWEEN

The Corporation of Norfolk County (Norfolk County)

AND

Del-Gold Villa

The Corporation of Norfolk County operating as the Consolidated Municipal Services Manager for Haldimand and Norfolk Counties, and Del-Gold Villa, an Ontario not for profit corporation operating a seniors housing project in the Town of Delhi, Norfolk County; have agreed to the following terms and conditions under which financial subsidies will be provided by Norfolk County to Del-Gold Villa for the operation of their subsidized seniors housing units.

Norfolk County Responsibilities:

1. Norfolk County will pay to Del-Gold Villa an additional financial subsidy, calculated annually according to the provincial benchmark funding formula outlined in the *Housing Services Act*;
2. Norfolk County will pay this subsidy monthly, by direct deposit, on or about the final day of the month, for the month preceding;
3. Norfolk County will pay to Del-Gold Villa, an additional one time subsidy payment in the amount of one thousand five hundred dollars (\$1,500) for additional auditing expenses to change their fiscal year end to December 31. This payment will be made to Del-Gold Villa by December 31, 2013, at their request.

Del-Gold Villa Responsibilities:

1. Del-Gold Villa agrees to have their financial subsidy calculated according to the provincial benchmark funding formula;
2. Del-Gold Villa agrees to operate as a seniors' social housing project at least until the time of their mortgage payout (on or about September 1, 2020);
3. If, at the time of mortgage payout, Del-Gold Villa decides not to remain in the social housing program for a minimum of ten (10) additional years (on or about September 1, 2030), Del-Gold Villa agrees to pay to Norfolk County the aggregate difference between the subsidy they received according to the benchmark funding formula and the subsidy they would have received according to the federal funding formula, calculated from the first additional payment up to the date of mortgage payout. Interest charges shall not be applied to the amount to be repaid;
4. If, at the time of mortgage payout, Del-Gold Villa decides to remain in the social housing program for a minimum of ten (10) additional years, they will continue to receive a financial subsidy from Norfolk County, calculated annually according to the provincial funding formula, using the 2013 Service Manager provided budget as the base, and paid monthly;

5. At the end of each year of the ten (10) year post mortgage timeframe that Del-Gold Villa operates as a seniors' social housing project, the amount repayable to Norfolk County will be reduced by ten percent (10%). At the end of these (10) years, Norfolk County will consider Del-Gold Villa to have fulfilled their obligation outlined in this agreement, and no repayment of subsidy to Norfolk County will be required;
6. Should, during the ten (10) year timeframe, financial subsidies cease to become available to Del-Gold Villa due to a change in provincial and/or municipal policy related to the funding of social housing, then no repayment of subsidy to Norfolk County will be required;
7. Should Del-Gold Villa decide to dissolve their non-profit corporation and transfer their social housing project, as per their Letters Patent, before the end of the ten (10) year post mortgage timeframe to another non-profit housing provider or charitable organization who will enter into an agreement with Norfolk County for the provision of social housing and assume the obligations of Del-Gold Villa under this agreement, then Norfolk County will enter into such an agreement and relieve Del-Gold Villa of their obligations under this agreement;
8. Should Del-Gold Villa decide to continue to operate as a seniors' social housing project after the fulfillment of their obligation as outlined in this agreement, Del-Gold Villa will receive a financial subsidy for the operation of social housing, calculated annually in accordance with the provincial funding formula for social housing, and paid monthly. This funding arrangement will continue as long as Del-Gold Villa is operating as a seniors' social housing project and as long as a provincial funding formula for social housing exists;
9. Del-Gold Villa agrees to work with their auditor to change their fiscal year to end December 31;
10. Del-Gold Villa agrees to submit to Norfolk County all required financial and annual reporting as outlined in the Housing Services Act;
11. Del-Gold Villa agrees to be bound by all legislative requirements as outlined in the Housing Services Act;
12. Del-Gold Villa agrees that this Social Housing Operating Subsidy Agreement will be registered on title, at the expense of Norfolk County.

Any notice or other communication required, desired or permitted to be given by this Agreement shall be in writing and shall be effectively given if:

- (a) Delivered personally;
- (b) Sent by prepaid courier service, or
- (c) Sent by facsimile communication, and confirmed by mailing the original documents so sent by prepaid mail on the same or following day, addressed as follows:

- i. In the case of notice to Norfolk County:

Manager, Social Housing
12 Gilbertson Drive
P.O. Box 570
Simcoe, ON N3Y 4N5

ii. In the case of notice to Del-Gold Villa:

Board President, Del-Gold Villa
283 William Street
P.O. Box 45
Delhi, ON N4B 2W8

IN WITNESS WHEREOF this agreement has been executed by the Parties.

The Corporation of Norfolk County:

Per:



Mayor, Norfolk County

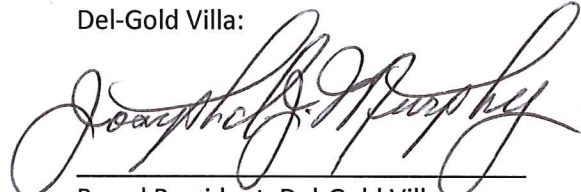


Clerk, Norfolk County

We have the authority to bind the corporation.

Per:

Del-Gold Villa:



Board President, Del-Gold Villa
JOSEPH MURPHY



Board Member, Del-Gold Villa
BOB DEMEESTER - VICE - PRESIDENT



We have the authority to bind the corporation.

BOARD MEETING JUNE 17, 2020 - ITEM 3.2

**MINUTES OF THE MEETING OF
Del-Gold Villa**

Wednesday, April 15, 2019

Meeting Time: 11:00 a.m.

2-25 Kent Street North, Simcoe, Ontario

DIRECTORS IN ATTENDANCE

Jeff Miller – President

Brian Snyder – Vice-President

Jean Montgomery – Secretary/Treasurer

Ken Lishman – Director

Ian Rabbitts – Director

REGRETS

* Wayne Thomas – Director

STAFF MEMBERS IN ATTENDANCE

Matt Bowen – Management Agent – Chief Executive Officer, HNHC

Louise Jones – Management Agent – Business Services Supervisor / Recording Secretary

NOTE: Due to the COVID-19 Pandemic, the regular April Board Meeting was postponed and an abridged “special” meeting was held by Zoom Web Conference.

*Wayne Thomas was not in attendance, but voted by proxy prior to the meeting.

1.0 Welcome and Opening Remarks

The President welcomed the Members and called the meeting to order at 11:13 a.m.

1.1 Declarations of Conflict of Interest

The Chairman requested if any Directors had any declarations of “Conflict of Interest”, and received no such declarations.

2.0 Additions to the Agenda

There were no additions to the agenda brought forward.

3.0 New Business

3.1 HNHC Report 2020-07 End of Operating Agreements

Members reviewed HNHC Report 2020-07 End of Operating Agreements and the Corporate Resolution attached.

“Whereas Del-Gold Villa Non-Profit Housing Corporation is approaching their End of Operating Agreement.

On motion by Jan Rabbitts, seconded by Jean Montgomery

Be it resolved that:

Upon written permission from Consolidated Service manager,

That the Board of Directors of Del-Gold Villa Non-Profit Housing Corporation approve the transfer of this social housing project and all of it’s assets to the Haldimand Norfolk Housing Corporation.

And, after the transfer is complete,

That the Board of Directors approves to the voluntary dissolution of the Del-Gold Villa Non-Profit Housing Corporation and directs the Haldimand Norfolk Housing Corporation to prepare the proper documents to process this voluntary dissolution as per the Corporations Business Act.

Dated this 15th day of April, 2020 at Simcoe, Ontario.” Carried.

4.0 Next Meeting Date

The next meeting date of the Del-Gold Villa Non-Profit Housing Corporation will be held on Wednesday, June 17, 2020, time: tbd.

10.0 Adjournment

On “motion” by Brian Snyder the meeting was adjourned at 11:18 a.m.



Jeff Miller
President



Matt Bowen, Chief Executive Officer/HNHC
Management Agent



Working together with our community

Council in Committee Meeting – April 13, 2021

Subject: Patio Process and Fees 2021
Report Number: CD 21-28
Division: Community Development Division
Department: Economic Development Department
Purpose: For Decision

Executive Summary:

This report seeks to extend and expand on exemptions and various supportive measures that aim to enable establishment of patios during the ongoing COVID-19 pandemic.

Discussion:

Enabling Business – Patio's During COVID-19

In 2020 Norfolk County Council was quick to respond to calls from businesses to support patios. The Health-Unit, Public Works, By-Law, Fire, Planning, Building and Clerks all worked together to review and issue encroachments agreements with the majority being completed within two weeks of application. It is important to note that of the twenty-one patios reviewed and approved in 2020, the majority did not require encroachments but still required review and approval from the County for AGCO licensing.

Prior to the COVID-19 related exemptions, new patio application were required to either be submitted with a letter of support from the local BIA, or where a local BIA is not established, a Public Notice of the application for a patio would need to be posted for a thirty day period at any business seeking a patio. One significant advantage of the 2020 process is that Council had the foresight to approve an exemption to Policy PD 21, which suspended the requirement for a public process and approved those patios for a two year period. As a result, encroaching patios approved in 2020 are only required to submit new insurance and the established fee in 2021. Notwithstanding, inspections may be required prior to patios opening in 2021.

Additionally, for any new patios requiring encroachment in 2021, staff are establishing a lean process for submission, review and tracking.

Extension of Patio Program Exemptions

With businesses continuing to be adversely affected by the ongoing global pandemic, including uncertainties ranging from possible additional provincial lockdowns to limits being placed on the number of persons allowed to dine indoors, patios provide a way for establishments to allow for social distancing in the outdoors resulting in increased patronage. Given the importance of patios during the ongoing pandemic, staff are proposing that Council considers extending the existing patio exemptions that were approved in Council Report CAO 20-06, which include the following:

- (a) That the requirement in policy PD-21 respecting public notice be suspended for 2021 due to the COVID-19 Emergency, and
- (b) That approvals granted in 2021 to patios that would have otherwise required public notice be limited to two-years in duration.

The extension of these exemptions will allow for faster processing turnaround time of patio applications, and will reduce the paperwork required to include a renewal application with an updated insurance certificate, relevant health and safety assessment, and health requirements.

Adjustment of Patio Fees

Patio fees approved by Council in June of 2020 are shown in the table below. While the one time application fee was left at \$214, the rental “price per square metre per day” (based on the amount of public land being “leased” and utilized by the patio) was reduced from \$0.30 for seasonal patios (\$0.18 for year round patios) to \$0.06. This reduced amount was established by Council in recognition of the fact that patios would not be able to operate at full capacity due to public health requirements.

Given the ongoing uncertainties related to the pandemic, and the possibility that additional public health measures may be required during the patio season that would further reduce (or even close) some of the patios, staff are recommending that these fees remain unchanged for 2021, and that the possibility of returning to a full “price per square meter per day” cost be re-evaluated prior to the 2022 patio season.

Table 1: Patio Fees

	One time application fee	Price per square metre per day
2020	\$214	\$0.06
2021	\$214 (proposed)	\$0.06 (proposed)

Economic Recovery Offset

Since the sit-down food & beverage retail industry was, and continues to be, amongst the most significantly impacted by the COVID-19 pandemic, staff propose to utilize a portion of the funding allocated to the Economic Recovery Plan to offset both the one-time patio application fees for 2021, as well as the “price per square metre per day”

rental fee for the land. Funds would not be paid directly to establishments, but rather all costs would still be paid through an internal recovery from the Economic Recovery Plan budget.

Estimated costs for this offset, based on 15 net new patio applications in 2021 (new net applications are those that had not already paid the one-time application fee last year, as part of a multiyear approval), as well as 35 total active patios in 2021 that would utilize and average of 1 parking spot for 6 months, would result in an approximate offset of between \$8800 to \$10,000 for the year. Should this effort result in a larger number of patios being established, the offset total amount would be higher. However, staff view a larger number of patios as a positive outcome for food and beverage establishments in Norfolk County.

Business Feedback

The Simcoe BIA conducted an informal survey of local restaurants to gather feedback about their experience with participating in the patio program. Of the 11 restaurants that responded, 7 were definitely interested in continuing with, or signing up for, the patio program while 4 respondents could not commit for the following reasons:

- Limited space (not willing to give up parking spots)
- Traffic line of sight issue (health and safety),
- Prohibitive cost (affordability)
- Loitering on the patio (suitability to business).

Staff spoke to 2 businesses that set-up a patio for the first time in 2020 due to pandemic-related challenges. Both businesses indicated significant benefits from the use of the patio and reported that without the patio their sales would have been severely affected. Both are once again interested in utilizing the patio program for 2021. The patios allow for outdoor dining and social distancing when there are limitations on the number of patrons that are permitted to dine indoors.

Financial Services Comments:

Budget Implications:

The Approved 2021 Levy Supported Operating Budget does not contain a budgeted amount for the use of County lands for the purpose of patio encroachments. Budgets for specific patio encroachment fees were removed following the expiration of a pilot project prior to 2020. Due to uncertain circumstances related to COVID-19 guidelines in 2020 and the timing of the proposed policy and fee changes, minimal revenue was collected during 2020. As prior activity was minimal and conditions related to COVID-19 were expected to persist, staff did not budget for any revenue related to these fees within the 2021 Levy Budget to be conservative.

If the recommendations within this report are approved, and these fees are covered through the Economic Recovery Plan, total revenue generated is anticipated to be between \$8,800 and \$10,000, which would result in a positive variance in 2021.

Economic Recovery Plan:

Per staff report PD 20-73 (December 8, 2020 CIC meeting – resolution #9), Council approved an allocation of \$250,000 from the Council Initiative Reserve to fund the implementation of portions of the proposed Economic Recovery plan. Finance staff will work with the Economic Recovery Taskforce to update Council in the coming months on the use and commitment of funds to date, which would include the \$10,000 outlined in this report should Council approve staff's recommendation to subsidize these patio encroachment fees in support of local businesses during the pandemic.

User Fee Implications:

The 2021 user fee by-law included the full-rate seasonal (\$0.31 per sq. metre per day) and full-year (\$0.18 per sq. metre per day) space rental fees as well as the application fee of \$218 all adjusted for inflationary increases. Based on the recommendations within this report, the user fee by-law will be required to be amended if approved by Council. The proposed rates are outlined in Table 1 of the body of the report.

Finance staff previously committed to a full review of patio encroachment user fees, which is expected to occur post pandemic when resources allow and conditions return to normal.

Interdepartmental Implications:

Approval of patio encroachments requires a coordinated multi-departmental response.

Consultation(s):**Strategic Plan Linkage:**

This report aligns with the 2019-2022 Council Strategic Priority "Create an Optimal Place for Business".

Explanation:

This report builds upon Council's 2020 efforts to support local business.

Conclusion:

With the continuing uncertainties surrounding the ongoing pandemic and concern regarding the possibility of another wave due to virulent strains of COVID-19, and the fact that patios have proven to be a significant benefit to restaurants and an added factor in affording businesses the ability to implement social distancing, staff are recommending that Council approve extending the public notice and 2 year approval exemptions to Policy PD-21 that were implemented in June 2020, continuing the reduced "Price per square metre per day" cost for patios that encroach on municipal land, and offsetting patio fees and "Price per square metre per day" costs through funding available via the Economic Recovery Plan, for patios in the 2021 season.

Recommendation(s):

THAT Staff report CD 21-28 respecting Patio Process and Fees for 2021, be received as information;

AND THAT Council exempt patios from the public notification requirements outlined in policy PD-21 for 2021;

AND THAT Council permit new patios approved in 2021, which would have otherwise required public notice, to operate in 2022 given that fees are paid in full and insurance is in place;

AND THAT due to the ongoing pandemic and uncertainties, Council permit the price per square metre per day rental rate for 2021 to remain at \$0.06 per square meter, and the one-time application fee to remain at \$214;

AND THAT in support of economic recovery within the sit-down food & beverage retail industry, that the patio price per square metre per day rental rate and the one-time application fee be offset in 2021 through funding available via the Economic Recovery Plan;

Attachment(s):

Appendix A - Patio Encroachment Application form and Policy PD-21

Submitted By:
Brandon Sloan
General Manager
Community Development
For more information, call:
519-426-5870 ext. 1348

Reviewed By:
Zvi Lifshiz
Director, Strategic Innovation and
Economic Development
Economic Development Department
For more information call 519-426-5870
ext. 1238

Prepared By:
Chris Garwood
Economic Development Supervisor
Economic Development Department
For more information, call:
519-426-5870 ext. 1264



Form FO 87 – Application for an Encroachment for Outdoor Patio

1. Patio encroachments will only be permitted in the Central Business District Zone
2. Generally only for seasonal operation (May 1st – Oct 31st), subject to General Manager or Planning's discretion to permit otherwise.
3. Term may be valid either on an annual or indefinite basis, at the option of the applicant, subject to termination provisions. There will be an application fee for initial permit plus the annual fees associated with the use of County property for the patio. Should the applicant elect to seek an annual permit, then a new application will be required for subsequent years. Any proposed change in patio configuration or location will require a new application.
4. A maximum of two non-accessible parking spaces may be used, but patio encroachments are prohibited in accessible parking spaces.
5. Blocking access to a fire hydrant is prohibited.
6. 1.5 metre unobstructed pedestrian pathway is required.
7. Lighting, plant material and landscaping are encouraged. Lighting not to be directed towards residential areas, other properties and streets.
8. Signage is not permitted on County property or the Patio.
9. Patio must be compliant with the Integrated Accessibility Standards Regulation (O. Reg. 191/11) and Norfolk County's Accessibility Design Guidelines.
10. Applicant responsible to construct, install, remove, and store all patio materials unless a year-round permission is granted.
11. All patios and bump-outs must be compatible with the character of the surrounding streetscape.
12. Eligible businesses include:
 - a. Bar or Nightclub
 - b. Restaurant
 - c. Restaurant, Fast Food
13. The Applicant shall at its expense obtain and keep in force, during the term of this Agreement, Commercial General Liability satisfactory to the County, with a limit of liability of not less than Two Million Dollars (\$2,000,000.00) per occurrence; the Corporation of Norfolk County shall be named as an additional insured; and the policy shall contain a provision for cross liability in respect of the named insured and for each year the encroachment agreement is in effect.
14. Agreements may be suspended or terminated prior to the date of expiry for: 1) failure to adhere to the terms of the agreement, including non-payment of fees or failure to provide the required insurance certificate; 2) failure to adhere to the Patio Encroachment Policy PD-21; 3) for public safety or nuisance concerns; 4) if the County requires the land or access to it for its purposes. Appeal rights may exist to the By-law Appeals Committee for certain suspensions or terminations, in accordance with a By-law passed for that purpose.



15. A complete application includes:
- a. Drawings (Example attached)
 - b. Completed application form (attached)

Definitions:

“BAR OR NIGHT CLUB” shall mean an establishment which supplies alcoholic drinks, food and/or entertainment and contains a walk-up bar or counter where patrons may order, obtain and pay for food and alcoholic drinks. A bar or night club may contain an outdoor patio or cafe. This definition includes business enterprises commonly known as a tavern, pub or drinking establishment.

“OUTDOOR PATIO OR CAFE” shall mean an outdoor area enclosed by a fence, ropes, gates or other means of delineating such area wherein food and drinks are offered for sale or sold to the public for immediate consumption within the enclosed outdoor area;

“RESTAURANT” shall mean a building or part of a building wherein food is offered for sale or sold to the public for immediate consumption either within the building or elsewhere. This definition includes a licensed dining room and a tea room. A restaurant may contain an outdoor patio or cafe.

“RESTAURANT, FAST FOOD” shall mean a building or part of a building wherein food is offered for sale or sold to the public for immediate consumption either within the building or elsewhere and where patrons order, obtain and pay for their food from a counter and/or a drive through window. This definition includes a cafeteria, a lunch counter and a coffee shop.

Example:



Bump-out Patio (Amigas) in Simcoe.



Application for Patio

Date of Request: _____

Term: 1 year indefinite other _____

Duration: Seasonal Year-round

Applicant Information

Name: _____

Address: _____

Town/Postal Code: _____

Phone number: _____

Email address: _____

Proposed Patio Location (s) [please provide additional sheets if necessary]

Name: _____

Address: _____

Town/Postal Code: _____

Patio Information

Proposed number of parking spots required, if any: _____

Current Occupancy: _____ Patio Seats Proposed: _____

Applications will be reviewed on a case by case basis. Preference will be given to patios that do not require a bump out. Applications will be circulated to relevant County departments. Applications must be received prior to February 1st for consideration.



Declaration

I hereby declare that all of the above statements are accurate and true, and that I have submitted this request with the knowledge and consent of the owner, if such consent is required.

Applicant Signature _____ Date _____

Name: _____

Sketch

Please attach a drawing(s)

For Office Use Only:

A patio(s) is permitted at the above location(s).

Approved By: _____

Signature: _____

Date: _____

File Number: _____

Contact Us

For additional information or assistance in completing this application, please contact a planner at 519-426-5870 ext 0 or planning@norfolkcounty.ca

Please submit the completed application and fees to:

185 Robinson Street, Suite 200, Simcoe, ON N3Y 5L6



POLICY PD - 21: Encroachments for Outdoor Patios

Planning and Development

Approval Date: February 11, 2020
Approval Authority: Council
Effective Date: February 18, 2020
Revision Date/s: June 24, 2008, June 9, 2020

Purpose:

The purpose of this policy is to establish procedures for the approval process and operational guidelines for the use of sidewalks and boulevards for outdoor patios within Norfolk County.

Policy Statement

It is the general policy of the County that encroachments not be allowed on County-owned lands. If an encroachment has been identified it must be removed and the lands returned to their original state to the satisfaction of the County. All related costs shall be at the expense of the encroaching party.

Council may, however, approve encroachments under special circumstances. Permission to allow an encroachment shall be by written agreement between the property owner or Business Improvement Area (BIA) and the County. Failure on the part of the encroaching party to agree to this process will result in the refusal of the encroachment request.

General

Sidewalks and boulevards are being used to provide areas where merchants might establish an ambient atmosphere in the form of seasonal outdoor cafes and/or food concessions.

There may be times that these areas may wish to be used to serve alcoholic beverages. The Liquor Control Board of Ontario is the government body and sets the requirements to establish this type of operation. Any necessary approvals from the LCBO must accompany any application.

Definitions

“Outdoor patio” means an encroachment on a sidewalk or boulevard outside of or immediately adjacent to a building or other structure providing services in the nature of a restaurant or tavern or like business, and within or on which may be included objects such as tables, chairs, temporary entrance shelters, canopies, umbrellas, parasols and decorative planters.

Insurance

In cases of an approved encroachment for an Outdoor Patio, it will be required that the landowner or BIA maintain general liability insurance in the amount of \$2,000,000 and the Corporation of Norfolk County must be named as an additional insured. The onus is on the landowner to carry the insurance in perpetuity and to provide the County with a certificate of insurance at renewal.

Implementation Procedure

The BIA, owner or tenant of a property requesting to establish an Outdoor Patio with intent to encroach on the municipality's property will require an application to the County following the process as outlined below.

Application Process

The following information must be submitted before Council will consider any encroachment upon municipal property:

1. The application must be fully completed and submitted to the County Clerk's office.
2. Accompanying the application must be a series of legible sketches, plans and/or drawings showing all relevant information including but not limited to dimensions, construction material, location of signs, railings, trees, awnings, planters, enclosure, etc. The drawings must also take in the sidewalk and/or boulevard where pedestrian traffic would be re-routed. All drawings/plans/sketches are to be "to scale" and measured in metric. Any incomplete or poor quality drawings/plans/sketches will be rejected until such time as they are deemed acceptable by County staff.
3. An application fee as established by Council.

Once a completed application is received it will be circulated for comment to various County departments, the Downtown Business Improvement Area (Downtown BIA, if applicable), the Board of Trade (if applicable), Chamber of Commerce (if applicable), the Norfolk County Accessibility Advisory Committee, the Mayor and Ward Councillor(s)

Where a local BIA is not established, a Public Notice of the application for a patio shall be posted for a thirty day period at any business seeking a patio encroachment. This Notice shall be posted in an area that is generally visible to the public on the exterior of the business in the prescribed form provided by the County, which Notice will advise interested persons how they may submit comments on the proposal. No public notice is required for an application within a BIA area that is submitted with a letter of support from the BIA.

Once the comment period has closed, any comments received will be shared with the Mayor and Ward Councillor(s). These may be provided in summary form if a significant number of comments are received. Comments in support or issues of concern from the

Mayor and Ward Councillor(s) will be considered when determining whether to grant the encroachment.

Council grants authority to the General Manager of Planning and Development, or designate, to approve patio encroachments and enter into encroachment agreements on behalf of the County. This extends to allow the General Manager to consider and approve unique sites such as parking spots or periods of patio structures remaining outside of the normal date range of May 1st to October 31st.

Subject to the Director of Road's delegated authority to deny any closure of parking spots or roads for the purposes of a patio, the General Manager of of Planning and Development, at their sole discretion, may approve or deny a patio application, or may deem it incomplete. Denials made by the General Manager represent a final decision that is only reviewable upon appeal by the applicant to the Norfolk County By-Law Appeals Committee.

It is within the sole discretion of the General Manager of Planning and Development to decline to decide the matter and instead bring a report forward to Council-In-Committee for its review and consideration. In such instances, the decision of Council represents the final decision of Norfolk County and is not appealable to the Norfolk County By-Law Appeals Committee.

If approved, the applicant will be required to enter into an agreement with the County, fulfill insurance requirements and pay the required fee in full on an annual basis, due on approval in the first year and no later than January 1 of each year thereafter, for so long as the agreement is in effect. Any multi-year application that is approved will also require an annual report, due by January 1, regarding continue compliance with the terms of the encroachment agreement and a report on any complaints or conflicts that have arisen.

Guidelines

Patio encroachments upon County land will only be permitted in Business Districts.

If the application is approved, the applicant will be required to pay all costs associated with the approval and construction of the patio.

All approved applications are subject to the provisions of all By-laws of Norfolk County, and any other by-laws that may be applicable.

Consistent with these guidelines, the application form will outline the terms and conditions of the encroachment agreement, including rights of suspension or termination and appeal rights from such decisions. Additional terms and conditions may also be included in an encroachment agreement if appropriate.

The installation of a patio must provide for a minimum 1.5 meter unobstructed pedestrian pathway.

The enclosed area must have a stable, secure barrier system which clearly delineates the patio area from pedestrian traffic. The requirement for a barrier may be waived in

appropriate circumstances, at the discretion of the General Manager of Planning and Development .

The style of the barrier encompassing the enclosure, such as railings, stanchions, partitions, etc., must be in keeping with the character of the area and approved by the Building Department.

Pennants, flags and any other type of sign is prohibited from being installed on the barriers.

The playing of amplified music from an outdoor patio is prohibited.

Any and all lighting associated with the outdoor patio must be directed away from residential areas, other properties and streets.

Every patio shall be kept in good repair and in a safe and secure condition. It shall be the duty and responsibility of the Applicant to maintain the immediate premises occupied by the patio in a neat and tidy condition.

Unless otherwise approved by the General Manager of Planning and Development, the use of County sidewalks and boulevards for outdoor patios will be limited to the period of May 1st to October 31st.

Once all conditions have been met and a final inspection is completed by the County approval will be issued by the General Manager of Planning and Development who will consult with both planning, roads and building department

Failure to comply with the provisions of this policy or any provisions of the encroachment terms will result in the termination of an encroachment.

No patio occupying a Parking Space may:

- be located in through traffic lanes, rush hour routes or lanes marked as no parking/no stopping/accessible parking
- permit smoking, pursuant to the Smoke-Free Act and 'no smoking' signage shall be posted at the entrance/exit
- permit advertising, banners or signage on them, including on patio umbrellas, other than reflective or traffic safety related signage
- permit outdoor food preparation
- permit electrical power cords or any device that cross the travelled portion of the boulevard (sidewalk)
- permit obstruction of stormwater flows or block stormwater drains. The applicant shall be responsible for clearance of any debris and overall maintenance to ensure free flow.

All patios occupying a Parking Space or Road Allowance are required to comply with Book 7 of the Ontario Traffic Manual.

Attachment:

Form FO 87 – Application for an Encroachment for Outdoor Patio



The Corporation of Norfolk County

By-Law 2020-16

Being a By-Law to Amend By-Law 2004-211, To Prohibit the Obstruction of Highways, to Amend By-Law 2019-119, To Establish User Fees and Service Charges, to Delegate Authority to the General Manager of Planning and Development respecting the Review and Decision Making of Patio Encroachments upon Municipal Lands.

WHEREAS Section 10 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that the power of a Municipality under the Municipal Act to provide any service or thing that the municipality considers necessary or desirable for the public.

WHEREAS Section 391 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass By-Laws imposing fees or charges for services or activities provided, for costs payable by it for services or activities provided or done by or on behalf of the municipality and for the use of its property including property under its control;

AND WHEREAS Section 23.1 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality may delegate certain powers and duties;

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1. AMENDMENT TO OBSTRUCTION BY-LAW 2004-211

THAT Section 3.5 of By-Law 2004-211 be deleted in its entirety and replaced with the following therein:

“3.5 Notwithstanding the provisions of Section 3 “General Provisions”, this by-law shall not apply to any conditions or obstructions

- i) permitted under a valid and binding encroachment agreement, permit, a road closure approved under the County’s Special Event process, or other valid and in-force permission granted by the County; or
- ii) created by police vehicles, emergency vehicles, County vehicles, Provincial or Federal government vehicles, utility vehicles, such as hydro, gas, telephone and cable, while such vehicles are in use by persons engaged in the performance of their duties.”

2. AMENDMENT TO USER FEE BY-LAW 2019-119

THAT the Section entitled “Council Services” of Schedule “A” By-Law 2019-119 be amended through the addition of the following fees for “\$214 for Patio Encroachment or Permit Applications”

3. FEES PATIO ENCROACHMENTS

- i) THAT a land rental rate of \$0.30 per square metre per day be charged for seasonal (May to October) patio encroachments or permits and \$0.18 per square metre per day be charged for full-year patio encroachments or permits;
- ii) AND THAT patio encroachment land use fees or permit fees are to be paid in full upon an annual basis.

4. DELEGATION OF DECISION MAKING PATIOS

- i) THAT Council delegates authority to review and issue approvals or denials respecting Patio Encroachments to the General Manager of Planning and Development or their designate.
- ii) THAT Council delegates authority to the General Manager of Planning and Development, or their designate, to modify patio encroachment agreements or permits, terms and land fees in a manner that allows staff to address unique circumstances not considered in policy while still conforming to the general intent of Council’s policy direction.

5. PATIO ENCROACHMENT/PERMIT APPEAL PROCESSES:

- i) Subject to the terms of this this provision, the Norfolk County By-Law Appeals Committee is appointed by Council to hear appeals and make final decisions on behalf of Norfolk County upon:
 - a) Denial of application or renewal;
 - b) Suspension, termination or revocation of existing patio agreements or permits.
- ii) No aspects aside from those mention in 5 i) are appealable in respect to patio encroachment agreements or permits;
- iii) Refusal to enter into an encroachment agreement or issue a permit due to incomplete application or an applicant’s failure to respond to inquiries or requests from County staff is not appealable;
- iv) Refusal to renew a permit or agreement or continue a permit or agreement due to non-payment of outstanding fees or failure to provide the required insurance certificate is not appealable;

- v) Termination or revocation on the basis that Norfolk County requires the land or access to it is not appealable.
- vi) Appeals under Section 5 i) a) must be filed within thirty (30) days of the date of the notice of denial using the required prescribed appeal form to the office of the County Clerk with the accompanying appeal fee;
- vii) Appeals under Section 5 i) b) must be filed within five (5) days using the required appeal form with the accompanying appeal fee;
- viii) Suspensions may be used when, in the opinion of By-Law Enforcement Officers or the Road Authority, continuation of the encroachment agreement or permit poses a public risk and/or if nuisances are occurring, or any other requirements of an encroachment agreement or permit are breached (“Infractions”).
 - a) Notwithstanding Section 5 viii), By-Law Officers may allow a patio to continue to operate but require a patio encroachment or permit holder, or their representative, to appear or make submissions to a By-Law Appeals Committee hearing, to be held within forty-five (45) days of the notice provided, for the purposes of addressing any nuisance issues;
 - b) Failure to appear as required under Section 5 viii) a) will result in an automatic non-appealable fourteen (14) day suspension of the patio agreement or permit.
- ix) Suspensions may be immediately effective upon identification of Infractions. The suspension will end if identified Infractions are corrected within the period identified in any suspension order. Failure to correct the Infractions as required will result in an automatic revocation of the permit or termination of the encroachment agreement, unless the suspension is under appeal.
- x) Subject to an automatic revocation or termination in accordance with any agreement or permit, revocation or termination occurs when the County issues a letter revoking or terminating the encroachment agreement or permit. This may be done with or without notice in accordance with any agreement or permit terms. In addition, revocation or termination may occur immediately if the operator continues to operate while a suspension is in effect.

- xi) At an appeal, the By-Law Appeals Committee may
 - a) Terminate a suspended agreement or revoke a suspended permit, either immediately or with notice; additional terms may be imposed if termination or revocation is not immediate;
 - b) Reinstate a suspended or terminated agreement or permit, with or without terms; or
 - c) Overturn denials, revocations or terminations, with or without terms;

The By-Law Appeals committee may refund appeal fees when it deems it appropriate to do so.

ENACTED AND PASSED this 16th day of June, 2020.

Mayor

County Clerk



THE CORPORATION OF NORFOLK COUNTY

RESOLUTION #

DATE: April 20, 2021

MOVED BY Councillor Martin _____ .

SECONDED BY Councillor _____.

THAT the Norfolk County Procedural By-Law section 14.10* be amended to count speaking to a motion only once it is moved and seconded;

AND THAT the necessary amendment to By-Law 2017-83 be prepared.

*By-law 2017-83 Section 14.10:

PART 14: RULES OF DEBATE

14.10 A Member shall not speak more than twice to any motion unless otherwise decided by a majority vote of the members present, except the Member who made a motion who shall be allowed to reply for a maximum of five (5) minutes.

Defeated

Carried