MUNICIPALITY OF LEAMINGTON
AGENDA

COUNCIL MEETING

MONDAY, FEBRUARY 8, 2010
COMMENCING AT 7:00 P.M.
IN THE COUNCIL CHAMBERS

SPECIAL COUNCIL MEETING AT 6:30 P.M.
In the Downstairs Committee Room
to consider two Confidential Reports

(A) CALL TO ORDER:

(B) PRAYER:

(C) DISCLOSURES OF PECUNIARY INTEREST:

(D) ADOPTION OF COUNCIL MINUTES:

1. Minutes of the Council Meeting (including the Minutes of the Public Meeting re: the Clark Drain) held February 1, 2010.
   Pages 3-12

(E) BUSINESS ARISING OUT OF THE MINUTES:

(F) PUBLIC MEETINGS/COURT OF REVISION:

1. Public Meeting – Zoning By-law Amendment – Housekeeping Matters

(G) REPORTS OF STAFF & DELEGATIONS:

1. Update on Economic Developers Council of Ontario Annual Conference
   - Anne Miskovsky, Economic Development Officer

2. Report PLA 05/10 dated January 26, 2010 re: Zoning By-law Amendment – Proposed Agricultural Zoning – 1711 Mersea Road 5 (Nagy)
   Pages 13-16

3. Report PLA 06/10 dated January 26, 2010 re: Zoning By-law Amendment – proposed Agricultural Zoning – 1124 Highway 77 (Collard)
   Pages 17-20

4. Report PLA 07/10 dated January 26, 2010 re: Zoning By-law Amendment – proposed Agricultural Zoning - S/S Mersea Road 6 (1544846 Ontario Inc)
   Pages 21-24

(H) MATTERS FOR APPROVAL:

1. Minutes of the Kingsville Leamington Municipal Animal Control Advisory Committee Annual Meeting held January 27, 2010.
   Pages 25-28

(I) OTHER MATTERS FOR CONSIDERATION:

1. Correspondence from the Union Water Supply System dated February 1, 2010 re: Union Water Supply System Annual Report for 2008 in accordance with Section 11 O.Reg. 170/03.
   Pages 29-36

2. Essex Region Conservation Authority Report BD 04/10 dated February 1, 2010 re: Southeast Leamington Sustainable Management Study – Special Meeting Request
   Pages 37-43

(J) CONSIDERATION OF BY-LAWS:

By-law 9-10, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held February 8, 2010.

(K) NOTICES OF MOTION:

(L) OPEN SESSION - Council – Administration

(M) NEW BUSINESS:

(N) ANNOUNCEMENT OF UPCOMING MEETINGS/EVENTS:

THURSDAY, FEBRUARY 11, 2010
ERCA Board of Directors' Meeting – 7:00 p.m. – Essex Civic Centre

MONDAY, FEBRUARY 15, 2010
Southeast Leamington Stakeholders' Committee Meeting – 5:30 p.m. – Council Chambers
Council Meeting – 7:00 p.m. – Council Chambers

(O) STATEMENT OF MEMBERS: non-debatable

(P) ADJOURNMENT:

JB

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - COUNCIL MEETING

HELD MONDAY, FEBRUARY 1, 2010 - COMMENCING AT 7:00 P.M.
IN LEAMINGTON COUNCIL CHAMBERS

MEMBERS PRESENT: Mayor Adams
Deputy Mayor Schmidt
Councillors: Atkin, Derbyshire, Enns, MacDonald, Paterson

STAFF PRESENT: Bill Marck, Chief Administrative Officer
John Tofflemire, Director of Community Services
Allan Botham, Manager of Engineering Services
Kim Siddall, Manager of Corporate Services
Paul Anthony, Manager of Culture and Recreation Services
Lu-Ann Barreto, Drainage Superintendent
Denise McGregor, Planning Technician
Jennifer Bavetta, Corporate Assistant

DISCLOSURES OF PECUNIARY INTEREST: None.

ADOPTION OF COUNCIL MINUTES:

No. C-29-10

Moved by: Councillor Derbyshire **Seconded by:** Councillor Paterson

That the Minutes of the Council Meeting held January 18, 2010 be approved.

"CARRIED"

BUSINESS ARISING OUT OF THE MINUTES: None.

PUBLIC MEETINGS/COURT OF REVISION:

A Public Meeting re: Repairs and Improvements to the Clark Drain was held. A copy of the minutes of the Public Meeting are attached.

No. C-30-10

Moved by: Deputy Mayor Schmidt **Seconded by:** Councillor Atkin

That consideration of Report DR-2-10 and the Engineer's Report dated January 11, 2010 as prepared by Bruce D. Crozier Engineering Inc., re: Clark Drain Repairs & Improvements, be deferred to a Public Meeting to be re-scheduled on Monday, February 15, 2010.

"CARRIED"

REPORTS OF STAFF & DELEGATIONS:

ENGINEERING SERVICES - Report ENG 28/09 dated November 27, 2009 re: Wheatley Area Sanitary Sewer Extension – Follow-up to ENG 3/09

Allan Botham, Manager of Engineering Services, reviewed the report, noting the construction estimates are fair and reasonable in today's market.

With regard to cost contribution from the Municipality of Chatham-Kent, Mr. Botham explained they have indicated their belief they have no obligation to participate in the project, however, they specified that $80,000.00 should be considered their upset limit for their share of the project.

Mr. Botham noted staff are unaware of any senior government funding program to assist with the project.

Mr. Botham provided an overview of the proposed works, including the need for landowners to submit a petition for a new municipal drain. He noted the landowners would be responsible for the cost of the creation of the new drain as well as possible costs for faulty septic systems.

Mr. Botham noted that if council agrees with the recommended option, landowners with working septic systems would only have to pay approximately $5,800.00 towards the upgrading of the existing sewer.

John Tofflemire, Director of Community Services, confirmed the recommended remedy results in a long term solution. He explained the municipality was informed of the existence of the storm sewer following the original report to council. Mr. Tofflemire noted the recommended option is deemed to be much fairer to landowners.

In response to an inquiry from council, Mr. Botham explained residents must petition for the municipal drain, which would in turn become a municipal drainage project administered by municipal staff.

Mr. Tofflemire explained the septic component of the works will be a matter of compliance with municipal policies and Provincial standards. He noted the municipality's Development Services department will be responsible for permits for the work required and inspections of the septic systems.

Mr. Botham noted it has been confirmed that sewage is being released by at least half of the homes in the subject area and that the homes have been identified.

With respect to the Municipality of Chatham-Kent, Mr. Botham explained it is hoped they would contribute to upfront costs and they would be responsible for maintenance costs in the future as the road authority for the area, Chatham-Kent and which will be reflected in the assessment schedule from the engineer.

Mr. Botham noted Chatham-Kent is not planning on installing any toilets at Two Creeks Conservation Area as they are satisfied with the use of porta-potties.

Ms. Barreto explained that in order to create a municipal drain, a majority of landowners must agree with the petition. She further explained an engineer will be appointed by council, who would determine the watershed boundaries. Ms. Barreto confirmed the cost for the preparation of the engineer's report will be assessed to the benefitting landowners.

It was noted that if a sanitary sewer is constructed, residents will be required to pay ongoing costs to the Wheatley Pollution Control Centre.

In response to an inquiry from council, Mr. Botham explained the Finance and Business Services department does not recommend financing of the project for longer than ten years.

Brad Cobby, 735 Kent Road 1, stated the drain behind his property is hard plastic tile and does not provide drainage from his yard. He inquired why he will be required to pay any costs as his septic system is working and properly maintained. Mr. Cobby further stated he is willing to accept minor repairs to the existing storm sewer.

Mr. Cobby stated those who maintain the weeping beds on their properties should not be responsible for sharing the cost to make other properties compliant.

Bill McCracken, 725 Kent Road 1, stated he received permission to connect to the storm sewer in front of his property years ago, and that his garage eavestroughs and one eavestrough from his house drain into the storm sewer. He further stated he does not believe his property is comprised of heavy clay. Mr. McCracken inquired where the tile drain behind his home will be disconnected, as he has connected into the drain in order to provide drainage for his lands.

Mr. Botham noted it is recommended the tile be cut and grouted at each property line, in order to avoid confusion about which properties have been cut off.

Mr. McCracken noted he does not have a septic system, however, he is willing to install one. He stated he is in favour of utilizing the storm sewer, however he requires some type of rear yard drainage. He stated he was informed the Julien Drain is not a drain, and requested is be cleaned and used to provide drainage.

Mr. Botham explained the Julien Drain is less than three feet deep and in bad shape. He further explained the drain does not have legal status as a municipal drain, and has not been translated into a municipal drain.

The Drainage Superintendent confirmed another Public Meeting would be held if a petition is submitted by the landowners.

Wilbert Cranston, 711 Kent Road 1, stated he did not understand why the municipality is concerned about the existing storm drain. He further stated it was constructed many years ago, and that residents did not want nor pay for it. Mr. Cranston explained at the time it was constructed he inquired whether he could drain his eaves into it, and was informed if he did so it would be disconnected at his cost and he would be levied a one thousand dollar ($1,000.00) fine.

Mr. Cranston stated he does not have a weeping bed and that at the time he constructed his home he was informed he did not need to install one. He further stated his understanding that he now requires one and that he is willing to install one if need be. Mr. Cranston inquired what he is supposed to do about the drainage of his eaves.

Mr. Botham informed Mr. Cranston the eaves may drain into the storm sewer.

Mr. Botham clarified for those in attendance the storm drain is not being replaced, but rather cleaned and repaired in order to give it legal status. Mr. Botham confirmed landowners may drain their eaves and sump pumps into the storm drain.

In response to an inquiry from Mr. Cranston, the Manager of Engineering Services confirmed he may connect his eavestroughs to the storm sewer prior to the existing system being disconnected.

With regard to costs to the municipality to date, Mr. Botham explained approximately $32,000.00 has been spent prior to 2009, which has been paid for through previous sewer and drainage budgets. He further explained that since 2009 another $30,000.00 has been spent, which he recommended be absorbed by the municipality's sewer budget.

Bill Marck, Chief Administrative Officer, explained such costs and the manner in which they were funded are an anomaly, as it was originally expected the work would be completed as part of a local improvement initiative, however, as it will be done as part of a drainage project, the municipality cannot do so.

No. C-31-10

Moved by: Deputy Mayor Schmidt **Seconded by:** Councillor Atkin

That Council abandon the Local Improvement project to install sanitary sewers along Kent Road 1 between Mersea Road 7 and Wheatley, per Council Resolution 268-08, wherein Council authorized the local improvement to proceed, subject to the successful petition for drainage works by owners pursuant to the Drainage Act, R.S.O., 1990;

And that the project expenditure to date be charged to the Sewers budget (Acct # 2-610-8870-7630) as an over expenditure, and that the project be included in the 2010 Drainage Capital Budget request for Council consideration;

All as described in Report ENG 28/09 dated November 27, 2009.

"CARRIED"

DRAINAGE - Report DR 01/10 dated January 15, 2010 re: Lebo Creek – North West Branch – Subsequent Connection – Ashley Gardens – 525 Mersea Road 7, Part Lot 5, Concession 7, Municipality of Leamington

Lu-Ann Barreto, Drainage Superintendent, presented the report, noting the property owner wishes drain the property into an existing storm water management pond that drains into the North West Branch of the Lebo Creek Drain. The Drainage Superintendent explained that by doing so, the property will no longer be assessed to the 7th Concession Road Drain.

It was noted the subsequent connection is required to move forward with a site plan control approval application.

No. C-32-10

Moved by: Councillor Enns **Seconded by:** Councillor MacDonald

That Leamington Council, adopt the Subsequent Connection for the Northwest Branch of the Lebo Creek Drain report as filed N.J. Peralta Engineering Inc. dated January 12, 2010;

And that a subsequent connection charge be levied against the owner in the amount of $711.55 for parcels 760-00100 and 760-00300 with the fee credited towards future maintenance of the drain;

And further, that the cost of the engineer's report, approximately $2,474.00 be charged to Account #2-680-8805-7630 and invoiced to the owner;

And further, that new Assessment Schedules be created for both the 7th Concession Road Branch of Lebo Creek Drain and the Northwest Branch of Lebo Creek Drain;

And further, that all cost associated with this project be charged to account Lebo Creek Drain – Northwest Branch – Ashley Gardens #2-680-8805-7630;

And further, that the Essex Region Conservation Authority be advised of the subsequent connection to the drainage works as outlined in Report DR 1-10.

"CARRIED"

PLANNING SERVICES - Report PLA 03/10 dated January 15, 2010 re: Application for Site Plan Control Approval – Proposed Expansion – Leonard and Janet Flaming – 523-525 Mersea Road 7 (Ashley Gardens)

Denise McGregor, Planning Technician, reviewed the report, confirming that all required documentation and securities have been submitted to the municipality.

The Planning Technician confirmed the applicant received approval for a Minor Variance to reduce setbacks on the subject property.

No. C-33-10

Moved by: Councillor Atkin **Seconded by:** Councillor Paterson

That the site plan be approved for a proposed greenhouse development located at 523-525 Mersea Road 7 (Ashley Gardens) as outlined in Report PLA 03/10;

And that the Mayor and Clerk be authorized to execute the site plan agreement.

"CARRIED"

PLANNING SERVIES - Report PLA 04/10 dated January 22, 2010 re: Application for Site Plan Control Approval – Proposed Greenhouse Expansion – Gabriele Mancini – 1102 Mersea Road 5 (Via Verde Hydroponics)

Denise McGregor, Planning Technician, reviewed the report, noting all setbacks comply with the municipality's zoning regulations.

No. C-34-10

Moved by: Councillor Enns **Seconded by:** Councillor Derbyshire

That the site plan be approved for a proposed greenhouse expansion located at 1102 Mersea Road 5 (Via Verde Hydroponics) as outlined in Report PLA 04/10;

And that the Mayor and Clerk be authorized to execute the site plan agreement.

"CARRIED"

CULTURE AND RECREATION SERVICES - Report REC 01/10 dated January 14, 2010 re: Erie Quest "Nessen Memorial Location"

Paul Anthony, Manager of Culture and Recreation Services, reviewed the report, noting the proposed location is deemed to be the most appropriate.

Mr. Anthony explained no structure may be erected that will obstruct the adjacent landowner's view of the waterfront. He further explained many attempts have been made to contact the adjacent landowners, and that they were requested to provide any comments or questions to the municipality. He confirmed no communications were received by the municipality by adjacent landowners.

Mr. Anthony explained a future report will be provided to council regarding a Trillium grant application and the design of the structure. He further explained confirmation of the location is required in order to complete the grant application.

In response to an inquiry from council, Mr. Anthony explained further details regarding the memorial project will be provided in a future report to council. He further explained the vessel will be housed in a greenhouse style structure with a humidistat. With regard to how the vessel will be placed in the location, Mr. Anthony explained Cobby Marine will utilize a barge with a crane or a boom truck to do so.

In response to an inquiry from council, Mr. Anthony explained the existing cactus bed will be removed in order to accommodate the display and that all healthy plants will be replanted in other beds.

Councillor Atkin informed council the location of the proposed Nessen Memorial is the approximate location as where the vessel ran aground.

No. C-35-10

Moved by: Councillor Paterson **Seconded by:** Councillor Atkin

That council authorize the Nessen Memorial display and structure to be permanently located in the cactus bed along the municipal waterfront walkway;

And further, that administration is directed by council to bring back a detailed report outlining all stages of the proposed ErieQuest Nessen Memorial Display, final design of the structure, possible funding partners and a detailed costing for council approval. (REC 01/10)

"CARRIED"

ENGINEERING SERVICES - Report ENG 01/10 dated January 13, 2010 re: Nancy/Grace Subdivision Development Phase 1 – Assumption of Services

Allan Botham, Manager of Engineering Services, reviewed the report, noting an outstanding utility easement issue has been resolved.

No. C-36-10

Moved by: Councillor MacDonald **Seconded by:** Councillor Enns

That The Corporation of the Municipality of Leamington hereby assumes the municipal services installed within the Nancy/Grace Subdivision Development Phase 1 in accordance with Section 34 of the Development Agreement dated June 19, 2000 with 1037193 Ontario Ltd. for public purpose and use (ENG 01/10).

"CARRIED"

ENGINEERING SERVICES - Report ENG 02/10 dated January 13, 2010 re: Nancy/Grace Subdivision Development Phase 2 – Assumption of Services

Allan Botham, Manager of Engineering Services, provided a brief summary of the report, which pertains to the northern half of the subdivision.

No. C-37-10

Moved by: Deputy Mayor Schmidt **Seconded by:** Councillor Derbyshire

That The Corporation of the Municipality of Leamington hereby assumes the municipal services installed within the Nancy/Grace Subdivision Development Phase 2 in accordance with Section 34 of the Development Agreement dated December 5, 2002 with 1037193 Ontario Ltd. for public purpose and use (ENG 02/10).

"CARRIED"

ENGINEERING SERVICES - Report ENG 03/10 dated January 16, 2010 re: Seacliff Drive West Improvements – Drop-Off Bay at Seacliff Park

Allan Botham, Manager of Engineering Services, reviewed the report, noting the proposed drop-off bay is large enough to accommodate a bus and that no trees will be affected by the construction of same.
Mr. Botham informed council the estimated cost of ten thousand dollars ($10,000.00) to construct the drop-off bay was included in the successful funding application for improvements to Seacliff Drive.

No. C-38-10

Moved by: Deputy Mayor Schmidt **Seconded by:** Councillor Enns

That Council receive report ENG 03-10 for information;

And that Council approve the construction of a drop off as described on attached Schedule 'A' as part of the Erie/Seacliff Intersection and Seacliff Drive West Improvement project, as funded through the Infrastructure Stimulus Fund.

"CARRIED"

MATTERS FOR APPROVAL: None.

OTHER MATTERS FOR CONSIDERATION:

Paul Anthony, Manager of Culture and Recreation Services, reviewed correspondence from the Association of Municipalities of Ontario (AMO) requesting council support of the need for affordable access to recreation for all Ontarians.

Mr. Anthony explained programs have existed in Essex County for some time, and that Leamington has secured funding for ninety thousand dollars ($90,000.00) over three years to assist low income families in registering in organized sport programs. He further explained families are informed of the program and its requirements through sport organizations such as minor soccer.

Deputy Mayor Schmidt noted the program is administered through Social Services in Windsor.

No. C-39-10

Moved by: Deputy Mayor Schmidt **Seconded by:** Councillor Derbyshire

That the Council for The Corporation of the Municipality of Leamington receive correspondence from AMO dated December 1, 2009 re: AMO Recognizes the Need for Affordable Access to Recreation for Ontarians;

And that the Municipality of Leamington support the commitment by AMO to provide affordable access to recreation for all Ontarians;

And further, that the Municipality of Leamington support the Policy Framework on Affordable Access to Recreation for Ontarians;

And further, that a copy of this resolution be forwarded to AMO, The Ontario Task Group on Affordable Access to Recreation, M.P. Dave VanKesteren and M.P.P. Pat Hoy.

"CARRIED"

Councillor Enns requested further information about a reference on page three of the Police Services Board minutes to the seizure of more than one hundred firearms at a local gunsmith shop.

Deputy Mayor Schmidt explained the seizure was the result of a federal investigation with which the Leamington Police Service assisted.

No. C-40-10

Moved by: Deputy Mayor Schmdit **Seconded by:** Councillor Enns

That the Minutes of the Leamington Police Services Board Meeting held December 22, 2009 be received.

"CARRIED"

CONSIDERATION OF BY-LAWS:

No. C-41-10

Moved by: Councillor MacDonald **Seconded by:** Councillor Enns

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

By-law 8-10, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held February 1, 2010.

"CARRIED"

NOTICES OF MOTION: None.

OPEN SESSION - Council – Administration

Councillor Atkin requested an update from Deputy Mayor Schmidt regarding the possible closure of daycares operated by the City of Windsor.

Deputy Mayor Schmidt informed those in attendance a Special Meeting of County Council was held regarding the possible closures, and that the County put forth a motion requesting the City of Windsor defer a decision pending consideration by County Council. He noted the County of Essex pays a portion of the costs for the daycares located within the County. Deputy Mayor Schmidt further noted the possible closures should not affect Leamington residents as a city run daycare was closed in Leamington a couple of years ago. Deputy Mayor Schmidt noted City Council was currently considering the issue, and that a response is expected.

Mayor Adams informed those in attendance highlights of the Olympic Torch Relay Celebration held in Leamington on December 23, 2009 will be aired on TVCogeco Cable 11, on February 5, 2010 at 1:00 p.m., February 7, 2010 at 10:30 p.m. and on February 9, 2010 at 9:00 p.m.

NEW BUSINESS: None.

STATEMENT OF MEMBERS: non-debatable

Councillor Paterson announced his submission of forms to be a candidate for Mayor in the 2010 municipal election.

ADJOURNMENT:

No. C-42-10

Moved by: Councillor MacDonald **Seconded by:** Councillor Derbyshire

That the meeting adjourn at 8:24 p.m.

"CARRIED"

John Adams, Mayor

Kim Siddall, Deputy Clerk

JB

MUNICIPALITY OF LEAMINGTON
MINUTES - PUBLIC MEETING

Clark Drain
Repairs and Improvements
Part of Lot 19, Concession B, Municipality of Leamington

HELD MONDAY, FEBRUARY 1, 2010 AT 7:02 P.M.
IN THE COUNCIL CHAMBERS

MEMBERS PRESENT:	Mayor Adams Deputy Mayor Schmidt Councillors: Atkin, Derbyshire, Enns, MacDonald, Paterson
STAFF PRESENT:	Bill Marck, Chief Administrative Officer John Tofflemire, Director of Community Services Allan Botham, Manager of Engineering Services Kim Siddall, Manager of Corporate Services Paul Anthony, Manager of Culture and Recreation Services Lu-Ann Barreto, Drainage Superintendent Denise McGregor, Planning Technician Jennifer Bavetta, Corporate Assistant
ALSO PRESENT:	Bruce Crozier, P.Eng., Bruce D. Crozier Engineering Inc.

Lu-Ann Baretto, Drainage, Superintendent, informed council the Schedule of Assessment was not included in the Engineer's Report that was circulated to affected owners, and requested the report be re-circulated the Public Meeting be re-scheduled for Monday, February 15, 2010.

Moved by: Deputy Mayor Schmidt **Seconded by:** Councillor Atkin

That consideration of Report DR-2-10 and the Engineer's Report dated January 11th, 2010 as prepared by Bruce D. Crozier Engineering Inc., re: Clark Drain Repairs & Improvements, be deferred to a Public Meeting to be re-scheduled on Monday, February 15, 2010.

"CARRIED"

The meeting was adjourned at 7:03 p.m.

/jb T:\Corporate\C00-Council&By-laws\C04-CouncilMeetings\2010 Council\020110-PM-Clark Drain-Minutes.doc

PLA 05/10

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES

DATE: JANUARY 26, 2010

SUBJECT: ZONING BY-LAW AMENDMENT
PROPOSED AGRICULTURAL ZONING
1711 MERSEA ROAD 5 (NAGY)

AIM:

To report upon a request to schedule the required public meeting to consider a proposed zoning by-law amendment for property located at 1711 Mersea Road 5.

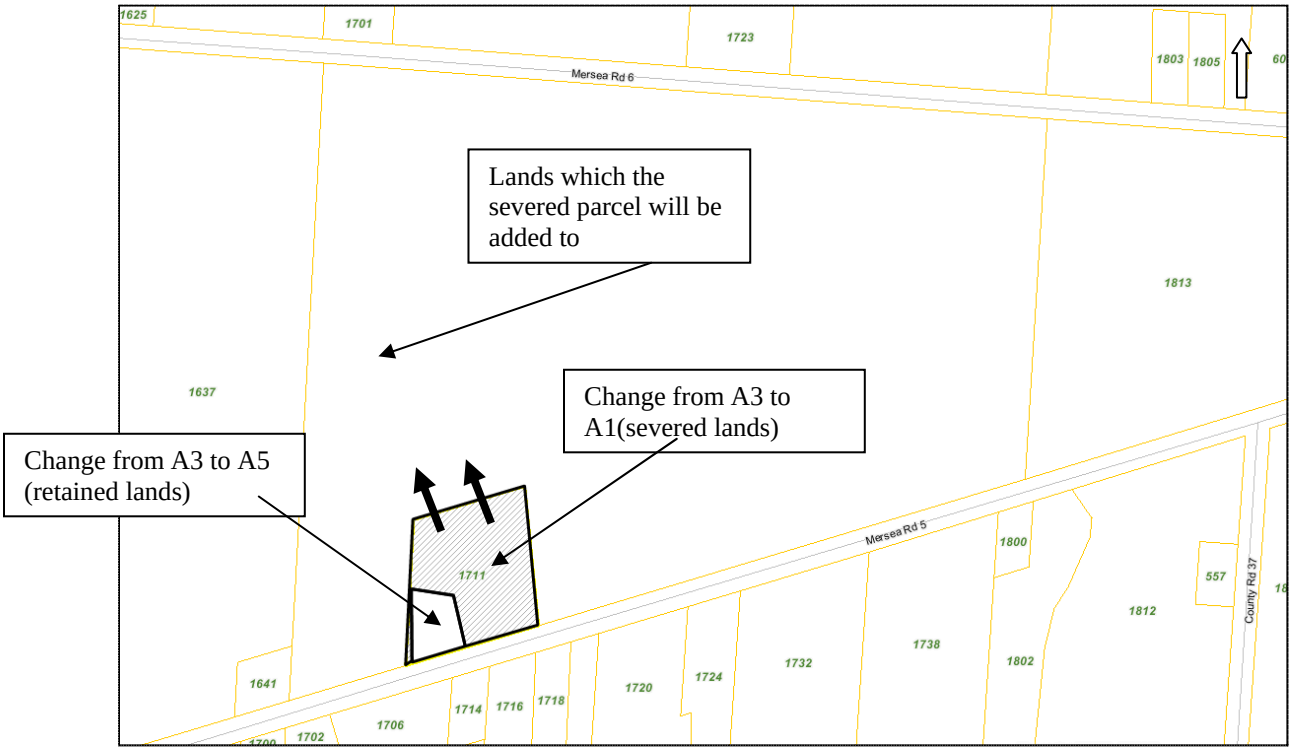
BACKGROUND:

Purpose of Application:

Staff has received an application for re-zoning by the owner(s) of the property, to amend the agricultural zoning for the subject lands as part of a condition of approval for a consent (B/04/10) application on the subject lands.

Property Description:

The subject property is described as Concession 5, Part Lot 17, Registered Plan 12R-21780 Part 1 and locally known as 1711 Mersea Road 5 in the former Township of Mersea, now a portion of the Municipality of Leamington (see key map).



Currently, the subject property has 2 large barns and some accessory buildings. The property has access to municipal water along with private sanitary and storm sewers. Frontage is on Mersea Road 5. There is a mix of residential and agricultural uses abutting the land.

COMMENTS AND ANALYSIS:

Provincial Policy Statement (PPS):

According to section 2.3.3.1 of the PPS, in prime agricultural areas, permitted uses and activities include agricultural uses, secondary uses and agriculture-related uses.

County of Essex Official Plan 2005 (OP):

The subject land is designated within the County of Essex Agricultural Area on Schedule "A" in the County OP. The goal is to protect prime agricultural areas for agricultural purposes to ensure the continued long term availability of this resource;

Leamington Official Plan, 2008 (OP):

The subject property is designated Agricultural on Schedule "A-4" the Leamington OP. The goal is to preserve prime agricultural land for agricultural purposes and to restrict the type and amount of non-farm development.

Leamington Zoning:

The subject property is currently zoned Agricultural Hobby Farm (A3) on Map 26 in Zoning By-law #890-09.

The property owner requested that the Committee of Adjustment consider a lot line adjustment to sever a .977 ha irregular shaped lot to be added to the adjacent farm N/S Mersea Road 5 (Roll 3706 670 0000 0200) and retain a 41.91m x irregular shaped lot (.243 ha) existing residential lot.

Lot adjustments may be permitted for legal or technical reasons provided that:

1. both parcels (severed and retained) comply with the provisions of the implementing Zoning By-law. **As submitted, the proposed severed lot will not comply with the minimum lot area of the Agricultural Hobby Farm (A3) Zone and the retained lot will not comply with the minimum lot area or frontage of the Agricultural Hobby Farm (A3) Zone. However, the severed parcel will comply if re-zoned to the Agricultural General (A1) Zone and the retained parcel will comply if re-zone to the Agricultural Residential Zone (A5).**
2. the lot adjustment does not result in the creation of a 'residential lot' that would not have otherwise been allowed. **No new residential lot is being created.**

Therefore, the application was supported on condition that:

1. a favourable rezoning amendment shall be processed to change the zoning classification of the severed lands from Agricultural Hobby Farm (A3) to Agricultural General Zone (A1) and the retained lands from Agricultural Hobby Farm (A3) to Agricultural Residential Zone (A5).

CONSULTATION:

Administration has completed their review of the proposed application as part of the pre-consultation process.

As set out in the Planning Act, a complete application includes any 'prescribed information' identified in the regulations of the Planning Act and any 'additional information' required by the municipality, as identified in its official plan.

Due to the nature of the proposed zoning change it is Administration's position that additional information is not required.

CONCLUSION:

As part of the new Bill 51 regulations of the Planning Act, pre-consultation was used to review all the 'prescribed information' and any 'additional information' required in order to consider the application complete. Prior to deeming the application complete, Section 34 (10.3) of the Act sets out that Council must receive all the information or material it needs to make a decision.

Administration suggests that this matter should now proceed to a public meeting. The date for the required public meeting is requested to be scheduled for **Monday, March 8, 2010 at 7:00 pm.**

Notice of public meeting will be circulated to all commenting agencies, municipal departments and abutting landowners within 120 m (400 ft) of the subject property. Notice will also be posted on site. As part of the new Bill 51, all information will be made available to the public and commenting agencies.

A report by Administration will not be presented to Council after the public meeting, unless there are concerns raised at the public meeting. It is requested that Council consider the amending by-law for the zoning by-law amendment approval the same night as the public meeting.

Therefore, it is administration's opinion that;

i) The application is consistent with the policy statements issued under subsection 3 (1) of the Planning Act.
ii) The application conforms to or does not conflict with any applicable provincial plan or plans.
iii) The development proposed is in keeping with the overall goals and policies of the Official Plan.
iv) The proposed amendment does meet the criteria used when considering applications to amend the zoning by-law.

Once a decision for Zoning By-Law amendment has been made and notices sent out, there would be an appeal period in the case that there are any objections to the Ontario Municipal Board (OMB).

As set out under Bill 51 of the Planning Act, the OMB is required not only to have regard to Council's decision, but the basis on which the decision is made. In order to ensure that the OMB has regard to Council's decision, Council should be able to demonstrate that its decision was fully supported by relevant information and that the information was considered by Council.

RECOMMENDATION:

THAT Council declare that the application was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act* to consider a zoning by-law amendment for property located at 1711 Mersea Road 5 to amend the severed lands from Agricultural Hobby Farm (A3) to Agricultural General Zone (A1) and the retained lands from Agricultural Hobby Farm (A3) to Agricultural Residential Zone (A5), as outlined in Report PLA 05/10;

AND that Administration be directed to schedule the required public meeting for Monday, March 8, 2010 at 7:00 pm.

AND further, if no concerns are raised at the public meeting, that the Clerk be directed to forward the amending by-law for the zoning by-law amendment approval to Council for its consideration.

Respectfully submitted,

Tracey Pillon-Abbs, Manager of Planning Services	Douglas E. Morrish, Director of Development Services

/tpa

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PLA 06/10

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES

DATE: JANUARY 26, 2010

SUBJECT: ZONING BY-LAW AMENDMENT
PROPOSED AGRICULTURAL ZONING
1124 HIGHWAY 77 (COLLARD & WILL)

AIM:

To report upon a request to schedule the required public meeting to consider a proposed zoning by-law amendment for property located at 1124 Highway 77.

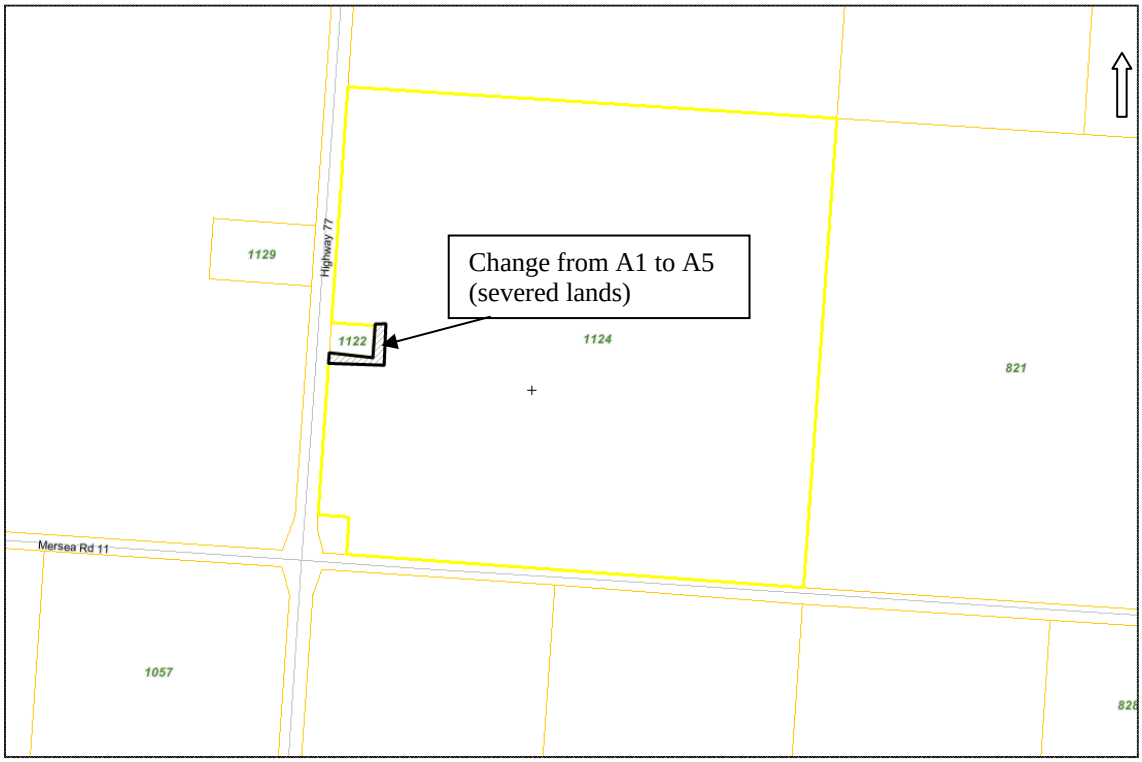
BACKGROUND:

Purpose of Application:

Staff has received an application for re-zoning by the owner(s) of the property, to amend the agricultural zoning for the subject lands as part of a condition of approval for a consent (B/123/09) application on the subject lands.

Property Description:

The subject property is described as Concession 11, Part Lot 7, Registered Plan 12R-6315 Parts 1 and 5 and locally known as 1124 Highway 77 in the former Township of Mersea, now a portion of the Municipality of Leamington (see key map).



Currently, the subject property is vacant. Frontage is on Highway 77. There is a mix of residential and agricultural uses abutting the land.

COMMENTS AND ANALYSIS:

Provincial Policy Statement (PPS):

According to section 2.3.3.1 of the PPS, in prime agricultural areas, permitted uses and activities include agricultural uses, secondary uses and agriculture-related uses.

County of Essex Official Plan 2005 (OP):

The subject land is designated within the County of Essex Agricultural Area on Schedule "A" in the County OP. The goal is to protect prime agricultural areas for agricultural purposes to ensure the continued long term availability of this resource;

Leamington Official Plan, 2008 (OP):

The subject property is designated Agricultural on Schedule "A-1" the Leamington OP. The goal is to preserve prime agricultural land for agricultural purposes and to restrict the type and amount of non-farm development.

Leamington Zoning:

The subject property is currently zoned Agricultural General (A1) on Map 2 in Zoning By-law #890-09.

The property owner requested that the Committee of Adjustment consider a lot line adjustment to sever a 0.09 ha (.226 acre) irregular shaped parcel to be added to the adjacent existing residential lot to the west at 1122 Highway 77 (Roll 3706 910 0000 00600) and retain approximately 33.58 ha (83 acre) farm parcel.

Lot adjustments may be permitted for legal or technical reasons provided that:

1. both parcels (severed and retained) comply with the provisions of the implementing Zoning By-law. **As submitted, the proposed severed lot will not comply with the minimum lot area of the Agricultural General (A1) Zone. However, the severed parcel will comply if re-zoned to the Agricultural Residential (A5) Zone.**
2. the lot adjustment does not result in the creation of a 'residential lot' that would not have otherwise been allowed. **No new residential lot is being created.**

Therefore, the application was supported on condition that:

1. a favourable rezoning amendment shall be processed to change the zoning classification of the severed lands from Agricultural General (A1) to Agricultural Residential Zone (A5).

CONSULTATION:

Administration has completed their review of the proposed application as part of the pre-consultation process.

As set out in the Planning Act, a complete application includes any 'prescribed information' identified in the regulations of the Planning Act and any 'additional information' required by the municipality, as identified in its official plan.

Due to the nature of the proposed zoning change it is Administration's position that additional information is not required.

CONCLUSION:

As part of the new Bill 51 regulations of the Planning Act, pre-consultation was used to review all the 'prescribed information' and any 'additional information' required in order to consider the application complete. Prior to deeming the application complete, Section 34 (10.3) of the Act sets out that Council must receive all the information or material it needs to make a decision.

Administration suggests that this matter should now proceed to a public meeting. The date for the required public meeting is requested to be scheduled for **Monday, March 8, 2010 at 7:00 pm.**

Notice of public meeting will be circulated to all commenting agencies, municipal departments and abutting landowners within 120 m (400 ft) of the subject property. Notice will also be posted on site. As part of the new Bill 51, all information will be made available to the public and commenting agencies.

A report by Administration will not be presented to Council after the public meeting, unless there are concerns raised at the public meeting. It is requested that Council consider the amending by-law for the zoning by-law amendment approval the same night as the public meeting.

Therefore, it is administration's opinion that;

i) The application is consistent with the policy statements issued under subsection 3 (1) of the Planning Act.
ii) The application conforms to or does not conflict with any applicable provincial plan or plans.
iii) The development proposed is in keeping with the overall goals and policies of the Official Plan.
iv) The proposed amendment does meet the criteria used when considering applications to amend the zoning by-law.

Once a decision for Zoning By-Law amendment has been made and notices sent out, there would be an appeal period in the case that there are any objections to the Ontario Municipal Board (OMB).

As set out under Bill 51 of the Planning Act, the OMB is required not only to have regard to Council's decision, but the basis on which the decision is made. In order to ensure that the OMB has regard to Council's decision, Council should be able to demonstrate that its decision was fully supported by relevant information and that the information was considered by Council.

RECOMMENDATION:

THAT Council declare that the application was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act* to consider a zoning by-law amendment for property located at 1124 Highway 77 to amend the severed lands from Agricultural General (A1) to Agricultural Residential Zone (A5), as outlined in Report PLA 06/10;

AND that Administration be directed to schedule the required public meeting for Monday, March 8, 2010 at 7:00 pm.

AND further, if no concerns are raised at the public meeting, that the Clerk be directed to forward the amending by-law for the zoning by-law amendment approval to Council for its consideration.

Respectfully submitted,

_____	_____
Tracey Pillon-Abbs,	Douglas E. Morrish,
Manager of Planning Services	Director of Development Services

/tpa

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PLA 07/10

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: TRACEY PILLON-ABBS, MANAGER OF PLANNING SERVICES

DATE: JANUARY 26, 2010

SUBJECT: ZONING BY-LAW AMENDMENT
PROPOSED AGRICULTURAL ZONING
S/S MERSEA ROAD 6 (1544846 ONTARIO INC)

AIM:

To report upon a request to schedule the required public meeting to consider a proposed zoning by-law amendment for property located on the S/S Mersea Road 6.

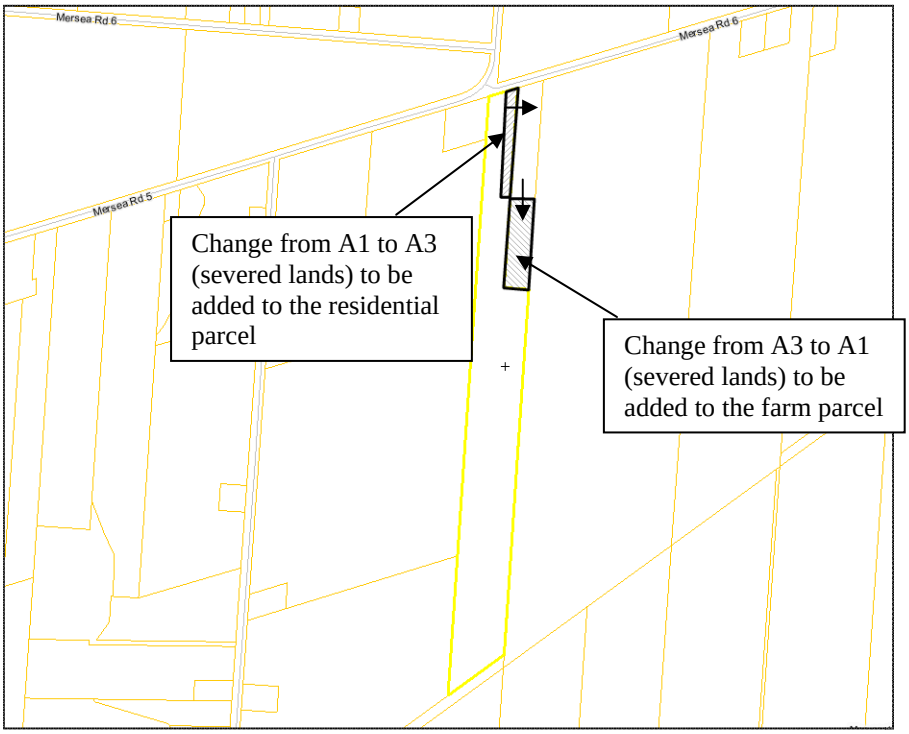
BACKGROUND:

Purpose of Application:

Staff has received an application for re-zoning by the owner(s) of the property, to amend the agricultural zoning for the subject lands as part of a condition of approval for consent applications (B/01/10 and B/02/10) on the subject lands. There are two (2) parcels part of the application.

Property Description:

The subject property is described as Concession NTR, Lot 226, Registered Plan 12R-2592 Part 2 and Registered Plan 12R-19988 Part 1 and locally known as S/S Mersea Road 6 in the former Township of Mersea, now a portion of the Municipality of Leamington (see key map).



Currently, the subject property is vacant with frontage on Mersea Road 6. There is a mix of residential and agricultural uses abutting the land.

COMMENTS AND ANALYSIS:

Provincial Policy Statement (PPS):

According to section 2.3.3.1 of the PPS, in prime agricultural areas, permitted uses and activities include agricultural uses, secondary uses and agriculture-related uses.

County of Essex Official Plan 2005 (OP):

The subject land is designated within the County of Essex Agricultural Area on Schedule "A" in the County OP. The goal is to protect prime agricultural areas for agricultural purposes to ensure the continued long term availability of this resource;

Leamington Official Plan, 2008 (OP):

The subject property is designated Agricultural on Schedule "A-5" the Leamington OP. The goal is to preserve prime agricultural land for agricultural purposes and to restrict the type and amount of non-farm development.

Leamington Zoning:

The subject property is currently zoned Agricultural General (A1) and Agricultural Hobby Farm (A3) on Map 32 in Zoning By-law #890-09.

The property owner requested that the Committee of Adjustment consider two lot line adjustments. The first is to sever a 15.24m x 277.6m (4,230 sq m) parcel of land to be added to the existing vacant residential lot to the east (Roll 3706 610 000 02815) and retain approximately 9.6 ha (23.72 acre) farm parcel. The second is to sever a 49.61m x 120.7m (5,987 sq m) parcel of land to be added to the farm to the south (Roll 3706 610 000 02809) and retain approximately 52.99m x 314.8 m (15,695 sq m) existing vacant residential lot.

Lot adjustments may be permitted for legal or technical reasons provided that both parcels (severed and retained) comply with the provisions of the implementing Zoning By-law and the lot adjustment does not result in the creation of a 'residential lot' that would not have otherwise been allowed.

Therefore, the applications were supported on condition that:

1. B/01/10 - a favourable rezoning amendment shall be processed to change the zoning classification of the severed lands from Agricultural General (A1) to Agricultural Hobby Farm Zone (A3).
2. B/02/10 - a favourable rezoning amendment shall be processed to change the zoning classification of the severed lands from Agricultural Hobby Farm (A3) to Agricultural General Zone (A1).

CONSULTATION:

Administration has completed their review of the proposed application as part of the pre-consultation process.

As set out in the Planning Act, a complete application includes any 'prescribed information' identified in the regulations of the Planning Act and any 'additional information' required by the municipality, as identified in its official plan.

Due to the nature of the proposed zoning change it is Administration's position that additional information is not required.

CONCLUSION:

As part of the new Bill 51 regulations of the Planning Act, pre-consultation was used to review all the 'prescribed information' and any 'additional information' required in order to consider the application complete. Prior to deeming the application complete, Section 34 (10.3) of the Act sets out that Council must receive all the information or material it needs to make a decision.

Administration suggests that this matter should now proceed to a public meeting. The date for the required public meeting is requested to be scheduled for **Monday, March 8, 2010 at 7:00 pm.**

Notice of public meeting will be circulated to all commenting agencies, municipal departments and abutting landowners within 120 m (400 ft) of the subject property. Notice will also be posted on site. As part of the new Bill 51, all information will be made available to the public and commenting agencies.

A report by Administration will not be presented to Council after the public meeting, unless there are concerns raised at the public meeting. It is requested that Council consider the amending by-law for the zoning by-law amendment approval the same night as the public meeting.

Therefore, it is administration's opinion that;

i) The application is consistent with the policy statements issued under subsection 3 (1) of the Planning Act.
ii) The application conforms to or does not conflict with any applicable provincial plan or plans.
iii) The development proposed is in keeping with the overall goals and policies of the Official Plan.
iv) The proposed amendment does meet the criteria used when considering applications to amend the zoning by-law.

Once a decision for Zoning By-Law amendment has been made and notices sent out, there would be an appeal period in the case that there are any objections to the Ontario Municipal Board (OMB).

As set out under Bill 51 of the Planning Act, the OMB is required not only to have regard to Council's decision, but the basis on which the decision is made. In order to ensure that the OMB has regard to Council's decision, Council should be able to demonstrate that its decision was fully supported by relevant information and that the information was considered by Council.

RECOMMENDATION:

THAT Council declare that the application was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act* to consider a zoning by-law amendment for property located at S/S Mersea Road 6 to amend the severed lands for B/01/10 from Agricultural General

(A1) to Agricultural Hobby Farm Zone (A3) and for B/02/10 from Agricultural Hobby Farm (A3) to Agricultural General Zone (A1), as outlined in Report PLA 07/10;

AND that Administration be directed to schedule the required public meeting for Monday, March 8, 2010 at 7:00 pm.

AND further, if no concerns are raised at the public meeting, that the Clerk be directed to forward the amending by-law for the zoning by-law amendment approval to Council for its consideration.

Respectfully submitted,

Tracey Pillon-Abbs, Manager of Planning Services	Douglas E. Morrish, Director of Development Services

/tpa

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THE KINGSVILLE LEAMINGTON
MUNICIPAL ANIMAL CONTROL ADVISORY COMMITTEE
ANNUAL MEETING

MINUTES

Wednesday, January 27, 2010
Leamington Council Chambers – 38 Erie Street North, Leamington

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MEMBERS PRESENT: Kingsville – Councillors Bob Peterson and Brad Stevenson
Leamington – Councillors Bill Derbyshire and John Paterson

STAFF PRESENT: Larry Wood, Animal Control Officer
Kim Siddall, Manager of Corporate Services, Leamington

Prior to the meeting, the Committee members were invited to attend the Animal Control Dog Pound, 1931 Road 4 East, Kingsville, at 8:30 a.m.

Election of Chairperson:

Kim Siddall, Secretary to the Animal Control Advisory Committee called the meeting to order at 9:00 a.m. She requested nominations for the 2010 Chairperson to the committee.

Moved by: Councillor Peterson **Seconded by:** Councillor Paterson

That Councillor Brad Stevenson be appointed as Chairperson of the Kingsville Leamington Municipal Animal Control Advisory Committee for the year 2010.

Councillor Stevenson declined the nomination.

Moved by: Councillor Peterson **Seconded by:** Councillor Stevenson

That Councillor Bill Derbyshire be appointed as Chairperson of the Kingsville Leamington Municipal Animal Control Advisory Committee for the year 2010.

CARRIED

Minutes:

Moved by: Councillor Peterson **Seconded by:** Councillor Stevenson

That the Minutes of the Kingsville Leamington Municipal Animal Control Advisory Committee Meeting held Monday, February 3, 2009 be adopted.

CARRIED

2009 Call Summary:

Moved by: Councillor Peterson **Seconded by:** Councillor Paterson

That the Kingsville Leamington Municipal Animal Control Advisory Committee's 2009 Call Summary be approved (attached and form part of these minutes).

CARRIED

2010 Budget Apportionment:

The Secretary reviewed the 2010 Budget Apportionment noting that it was calculated by averaging the call summary over the past three years (2007, 2008 and 2009).

Moved by: Councillor Peterson **Seconded by:** Councillor Paterson

That the Kingsville Leamington Municipal Animal Control Advisory Committee's 2010 Budget Apportionment calculation be approved and recommended to Kingsville and Leamington Councils, Leamington 53%, Kingsville 47% (attached and form part of these minutes).

CARRIED

2009 Budget:

The Animal Control Officer and Secretary commented and reviewed items in the 2009 actual and 2010 budget for the committee.

The 2010 Building Maintenance account reflected a new hot water tank and new front screen door required for the pound. The Committee discussed replacing the furnace and requested a price be brought forward for consideration in the 2011 proposed budget.

The Secretary reviewed the Animal Control Officer's contract request of 3% for 2010.

Moved by: Councillor Peterson **Seconded by:** Councillor Stevenson

That the Kingsville Leamington Municipal Animal Control Advisory Committee's 2010 Budget/2009 Actual Budget be approved and be recommended to the Kingsville and Leamington Councils (attached and form a part of these minutes);

And further that Schedule "B" of the agreement between the Town of Kingsville, Municipality of Leamington, and the Animal Control Officer reflect the 3% increase for 2010 in the Yearly Animal Control Officer Contract Fee as requested.

CARRIED

Adjournment:

Moved by: Councillor Peterson **Seconded by:** Councillor Paterson

The 2010 annual meeting of the Kingsville Leamington Municipal Animal Control Advisory Committee adjourned at 9:45 a.m.

CARRIED

/ks

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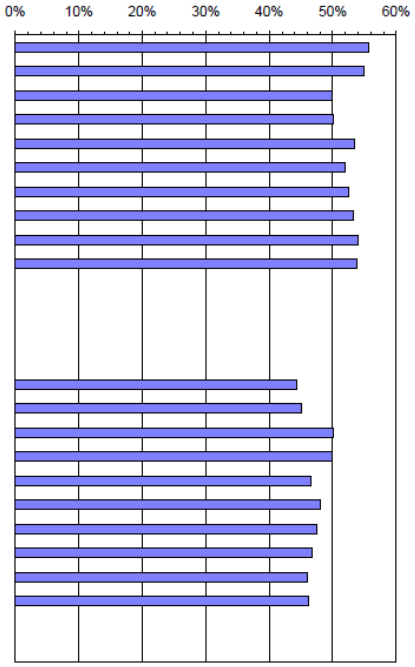
JOINT ANIMAL CONTROL **CALL SUMMARY - 2009**

	YEAR	UNCLAIMED	CLAIMED	SOLD	OTHER	WILDLIFE	TOTAL	
LEAMINGTON	2009	44	37		57	65	203	55.62%
	2008	41	32	2	42	57	174	54.89%
	2007	43	23	4	50	72	192	49.87%
	2006	83	30	1	36	75	225	50.11%
	2005	68	37	8	32	61	206	53.37%
	2004	73	27	7	38	89	234	52.00%
	2003	67	25	2	29	73	196	52.55%
	2002	85	28		35	86	234	53.18%
	2001	88	37	4	36	98	263	54.00%
	2000	106	30	5	25	92	258	53.86%
KINGSVILLE	2009	42	23	4	46	47	162	44.38%
	2008	28	19	4	38	54	143	45.11%
	2007	39	31	2	47	74	193	50.13%
	2006	58	28	1	31	106	224	49.89%
	2005	54	35	4	32	55	180	46.63%
	2004	67	18	7	30	94	216	48.00%
	2003	63	22		28	64	177	47.45%
	2002	67	26	4	31	78	206	46.82%
	2001	78	25	4	31	86	224	46.00%
	2000	80	28	3	26	84	221	46.14%
TOTALS	2009	86	60	4	103	112	365	
	2008	69	51	6	80	111	317	
	2007	82	54	6	97	146	385	
	2006	141	58	2	67	181	449	
	2005	122	72	12	64	116	386	
	2004	140	45	14	68	183	450	
	2003	130	47	2	57	137	373	
	2002	152	54	4	66	164	440	
	2001	166	62	8	67	184	487	
	2000	186	58	8	51	176	479	



Other - is animals found dead along roadways

Wildlife - is calls taken to trap or remove wildlife
Cats - included in basic categories already

3 YEAR AVERAGE USE:

LEAMINGTON	53%
KINGSVILLE	47%
TOTAL	100%

JOINT ANIMAL CONTROL **BUDGET APPORTIONMENT - 2010**

	prior 3 yr avg % of Use	2010	2009	change	2008	2007	2006	2005	2004	2003	2002
LEAMINGTON	53%	45,137	44,445	1.56%	42,020	40,956	37,980	40,952	36,575	39,786	37,108
KINGSVILLE	47%	39,504	42,702	-7.49%	40,178	38,064	34,170	36,938	29,925	32,554	30,362
TOTALS	100%	84,641	87,147		82,198	79,020	72,150	77,890	66,500	72,340	67,470

MUNICIPALITY OF LEAMINGTON
2010 BUDGET - Draft

DEPARTMENT # 436 JOINT ANIMAL CONTROL

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	2008 Y-T-D 31-Dec-08	2009 BUDGET	2009 Y-T-D 21-Jan-10	2010 BUDGET	BUDGET CHANGE $ +/-	BUDGET CHANGE % +/-
REVENUE ACCOUNTS							
FEES AND SERVICE CHARGES							
1-436-2200-2030	Municipal recoveries	-82,198	-87,147	-87,147	-84,641	2,506	-2.88%
1-436-3000-3480	Reclaim fees	-3,150	-3,150	-3,100	-3,150	0	0.00%
1-436-4800-4810	Prior year cwfd	-5,076	-5,805	-5,805	-1,267	4,538	-78.17%
		-90,424	-96,102	-96,052	-89,058	7,044	-7.33%
TOTAL REVENUES		-90,424	-96,102	-96,052	-89,058	7,044	-7.33%
EXPENDITURE ACCOUNTS							
RENTS AND SERVICES							
1-436-7000-5203	Health benefits	0	0	0	0	0	
1-436-7000-7090	Sundry expenses	700	1,000	847	1,000	0	0.00%
OFFICE OVERHEAD							
1-436-7100-7010	Food	748	1,000	1,427	1,100		10.00%
1-436-7100-7110	Telephone	1,874	1,150	1,029	1,150	0	0.00%
1-436-7100-7140	Liability insurance	1,227	1,630	1,436	1,970	340	20.86%
1-436-7100-7190	Admin fee	1,000	1,030	1,030	1,060		2.91%
BUILDING MAINTENANCE							
1-436-7400-7405	Utilities	1,390	1,500	1,650	1,600	100	6.67%
1-436-7400-7410	Gas	1,216	1,050	1,317	1,100	50	4.76%
1-436-7400-7440	Building maintenance	1,110	11,870	10,166	2,000	-9,870	-83.15%
1-436-7400-7460	Property insurance	511	490	483	480	-10	-2.04%
OTHER RENTS AND SERVICES							
1-436-7900-7938	Veterinary services	1,562	1,500	1,519	1,500	0	0.00%
1-436-7900-7944	Control Officer contract	73,280	73,882	73,882	76,098	2,216	3.00%
TOTAL EXPENDITURES		84,619	96,102	94,785	89,058	-7,044	-7.33%
NET OPERATIONAL COST		-5,805	0	-1,267	0	0	
NET DEPARTMENTAL COST		-5,805	0	-1,267	0	0	

Union Water Supply System

P.O. Box 340, 1615 Union Avenue, Ruthven, Ontario, N0P 2G0
Tele: 519-326-1668 Fax: 519-326-0450

SENT BY: EMAIL
February 1, 2010

Municipality of Leamington
38 Erie St. N.
Leamington, Ontario N8H 2Z3
Attention: Mr. William Marck, Chief Administrative Officer

Town of Kingsville
2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Attention: Mr. Dan DiGiovanni, Chief Administrative Officer

Town of Essex
33 Talbot Street South
Essex, Ontario N8M 1A8
Attention: Mr. Wayne Miller, Chief Administrative Officer

Town of Lakeshore
419 Notre Dame Street
Belle River, Ontario N0R 1A0
Attention: Mrs. Ruth Coursey, Chief Administrative Officer

RE: Union Water Supply System Annual Report for 2008 in accordance with Section 11 O. Reg. 170/03

At its meeting on March 17, 2010, the Joint Board of Management of the UWSS will review the Annual Report for 2009 prepared in accordance with Section 11 of O. Reg. 170/03. By this letter I am providing the owners of the drinking water systems that obtain water from the UWSS with a copy of the UWSS Annual Report for 2009.

I request that you do the following:

1. Provide each member of your municipal council with the report on or before February 28, 2010. If the report is received by motion of council I would be grateful to receive a copy of that motion.
2. Provide a copy of the report to anyone who requests it, free of charge (Section 11 (8) O. Reg. 170/03) (Copies will also be made available free of charge at the Ruthven WTP).
3. Post a copy of the report on your municipal website (Section 11(10), O. Reg. 170/03).
4. Include a notice that the report is available at your municipal office and at the Ruthven Water Treatment Plant in any newsletter or other notice that you issue to your residents (Section 11(9.1) O. Reg. 170/03).

Please call me if you have any questions.

Yours truly,

John Kehoe, P.Eng, Manager
Union Water Supply System Joint Board of Management
JMK/kmj

CC: John Tofflemire, Kit Woods, Gary Foisy, Nelson Carvalho, Andrew Plancke, Chris Nepszy, Andy Graf, Dan Piescic, Tom Touralias, Tony Francisco, Dale Dillen, Gary Johnson
File: C:\Documents and Settings\kjohnson\My Documents\1Correspondence\A letters\February 2010\01-02-10 Ltr to CAOs re-UWSS Annual Rpt.docx

ANNUAL REPORT

Drinking-Water System Number:	**210000853**
Drinking-Water System Name:	Union Water Supply System
Drinking-Water System Owner:	Union Water Supply System Joint Board of Management (Municipality of Leamington, Town of Kingsville, Town of Essex, Town of Lakeshore)
Drinking-Water System Category:	Large Municipal Residential
Period being reported:	01-January-2009 to 31-December-2009

Complete if system is Large Municipal Residential or Small Municipal Residential

Does your Drinking-Water System serve more than 10,000 people? Yes [X] No [ ]

Is your annual report available to the public at no charge on a web site on the Internet?
Yes [X] No [ ]

Location where Summary Report required under O. Reg. 170/03 Schedule 22 will be available for inspection.

Union Water Treatment Plant
P.O. Box 340,
1615 Union Ave.,
Ruthven, Ont.
N0P 2G0

Complete for all other Categories.

Number of Designated Facilities served:

N/A

Did you provide a copy of your annual report to all Designated Facilities you serve?
Yes [ ] No [ ]

Number of Interested Authorities you report to: N/A

Did you provide a copy of your annual report to all Interested Authorities you report to for each Designated Facility?
Yes [ ] No [ ]

List all Drinking-Water Systems (if any), which receive all of their drinking water from your system:

Drinking Water System Name	Drinking Water System Number
Municipality of Leamington	220004992
Town of Kingsville	220003403
Town of Essex	220003680
Town of Lakeshore	260004995

Did you provide a copy of your annual report to all Drinking-Water System owners that are connected to you and to whom you provide all of its drinking water?
Yes [X] No [ ]

Indicate how you notified system users that your annual report is available, and is free of charge.

[X] Public access/notice via the web
[ ] Public access/notice via Government Office
[ ] Public access/notice via a newspaper
[X] Public access/notice via Public Request
[ ] Public access/notice via a Public Library
[X] Public access/notice via other method: Municipal Offices

Describe your Drinking-Water System

The Union Water Treatment Plant (UWTP) is a chemically assisted conventional filtration plant, which draws water from Lake Erie.
The UWTP supplies potable water to the Town of Kingsville, Municipality of Leamington, a portion of the Town of Essex and a portion of the Town of Lakeshore with an estimated service population of 56,000.
The treatment process includes chemically assisted up-flow clarification, filtration with dual media filters, primary disinfection using chlorine gas and secondary disinfection using chloramination.
Seasonally, the UWTP uses sodium hypochlorite at its intakes to control Zebra Mussel formation.
There are also three water towers and a booster/storage station located on the Union Water Supply System.

List all water treatment chemicals used over this reporting period

Zebra Mussel Control:
Sodium Hypochlorite – (Seasonal),
Clarification Chemicals:
Aluminum Sulfate – Coagulant
Nalclear 8181 (polymer) – Coagulant Aid
Magnafloc LT22 (polymer)-Coagulant Aid
Powdered Activated Carbon – Taste and Odor Control
Filtration:
Cat-Floc 8103 Plus (polymer) – Filter Aid (Seasonal)
Disinfection:
Primary: Chlorine Gas
Secondary: Aqua Ammonia & Chlorine (to form chloramines)

Were any significant expenses incurred to?

[ ] Install required equipment
[ ] Repair required equipment
[ ] Replace required equipment

Please provide a brief description and a breakdown of monetary expenses incurred

None

Provide details on the notices submitted in accordance with subsection 18(1) of the Safe Drinking-Water Act or section 16-4 of Schedule 16 of O.Reg.170/03 and reported to Spills Action Centre

Incident Date	Parameter	Result	Unit of Measure	Corrective Action	Corrective Action Date

Note: Corrective action Date is Date of resolution.

Microbiological testing done under the Schedule 10, 11 or 12 of Regulation 170/03, during this reporting period.

	Number of Samples	Range of Ecoli Or Fecal Results (min #)-(max #) (ct/100 mL)	Range of Total Coliform Results (min #)-(max #) (ct/100 mL)	Number of HPC Samples	Range of HPC Results (min #)-(max #) (ct/mL)
Raw	52	1 - 50	1 - 3250	N/A	N/A
Treated	52	0 - 0	0 - 0	52	0-14
Distribution	**Please See Individual Annual Reports for Distribution System Information:** Leamington (220004992), Kingsville (220003403), Essex (220003680), and Lakeshore (260004995).				

Operational testing done under Schedule 7, 8 or 9 of Regulation 170/03 during the period covered by this Annual Report.

	Number of Grab Samples	Range of Results (min #)-(max #)
Turbidity	**8760**	**.08-1.48 NTU**
Chlorine	**8760**	**1.41-2.48**
Fluoride (If the DWS provides fluoridation)	**N/A**	

***NOTE**: For continuous monitors use 8760 as the number of samples.*

Summary of additional testing and sampling carried out in accordance with the requirement of an approval, order or other legal instrument.

Date of legal instrument issued	Parameter: (Suspended Solids)	Date Sampled	Result	Unit of Measure
To 11/1/2009 5-Nov-2007 C of A 4854-77PHL7 From 11/2/2009	North Settling Pond	Jan 20/09	< 2.0	mg/L
	North Settling Pond	Feb 17/09	2.0	mg/L
	North Settling Pond	Mar 15/09	2.0	mg/L
	North Settling Pond	Apr 14/09	2.0	mg/L
	North Settling Pond	May 11/09	< 2.0	mg/L
	North Settling Pond	Jun 15/09	< 2.0	mg/L

2-Nov-2009 Municipal Drinking Water Licence Licence Number: 041-101, Issue Number: 1	North Settling Pond	Jul 13/09	< 2.0	mg/L
	North Settling Pond	Aug 19/09	< 2.0	mg/L
	North Settling Pond	Sep 14/09	< 2.0	mg/L
	North Settling Pond	Oct 19/09	7.0	mg/L
	North Settling Pond	Nov 17/09	< 2.0	mg/L
	South Settling Pond	Nov 17/09	2.0	mg/L
	South Settling Pond	Dec 16/09	2.0	mg/L

Summary of Inorganic parameters tested during this reporting period or the most recent sample results

Parameter	Sample Date	Result Value	Unit of Measure	Exceedance
Antimony	January 7, 2009	0.14	µg/L	No
Arsenic	January 7, 2009	0.30	µg/L	No
Barium	January 7, 2009	15.1	µg/L	No
Boron	January 7, 2009	18.8	µg/L	No
Cadmium	January 7, 2009	0.009	µg/L	No
Chromium	January 7, 2009	0.5	µg/L	No
***Lead**	N/A			
Mercury	January 7, 2009	0.02	µg/L	No
Selenium	January 7, 2009	1.0	µg/L	No
Sodium	January 7, 2009	0.047	mg/L	No
Uranium	January 7, 2009	0.37	µg/L	No
Fluoride	N/A	N/A	mg/L	No
Nitrite	December 29, 09	< 0.005	mg/L	No
Nitrate	December 29, 09	0.376	mg/L	No

*See below for details of lead sampling and testing results.

Summary of lead testing under Schedule 15.1 during this reporting period
(applicable to the following drinking water systems; large municipal residential systems**,** small municipal residential systems, and non-municipal year-round residential systems)

Location Type	Number of Samples	Range of Lead Results (min#) – (max #)	Number of Exceedances
Plumbing	**Please See Individual Annual Reports for Distribution System Information:** Leamington (220004992), Kingsville (220003403), Essex (220003680), and Lakeshore (260004995).		
Distribution	**Please See Individual Annual Reports for Distribution System Information:** Leamington (220004992), Kingsville (220003403), Essex (220003680), and Lakeshore (260004995).		

Summary of Organic parameters sampled during this reporting period or the most recent sample results

Parameter	Sample Date	Result Value	Unit of Measure	Exceedance
Alachlor	January 7, 09	0.11	µg/L	No
Aldicarb	January 7, 09	0.30	µg/L	No
Aldrin + Dieldrin	January 7, 09	0.067	µg/L	No
Atrazine + N-dealkylated metobolites	January 7, 09	0.12	µg/L	No
Azinphos-methyl	January 7, 09	0.21	µg/L	No
Bendiocarb	January 7, 09	0.13	µg/L	No
Benzene	January 7, 09	0.37	µg/L	No
Benzo(a)pyrene	January 7, 09	0.004	µg/L	No
Bromoxynil	January 7, 09	0.33	µg/L	No
Carbaryl	January 7, 09	0.16	µg/L	No
Carbofuran	January 7, 09	0.37	µg/L	No
Carbon Tetrachloride	January 7, 09	0.41	µg/L	No
Chlordane (Total)	January 7, 09	0.11	µg/L	No
Chlorpyrifos	January 7, 09	0.18	µg/L	No
Cyanazine	January 7, 09	0.18	µg/L	No
Diazinon	January 7, 09	0.081	µg/L	No
Dicamba	January 7, 09	0.20	µg/L	No
1,2-Dichlorobenzene	January 7, 09	0.50	µg/L	No
1,4-Dichlorobenzene	January 7, 09	0.21	µg/L	No
Dichlorodiphenyltrichloroethane (DDT) + metabolites	January 7, 09	0.14	µg/L	No
1,2-Dichloroethane	January 7, 09	0.43	µg/L	No
1,1-Dichloroethylene (vinylidene chloride)	January 7, 09	0.41	µg/L	No
Dichloromethane	January 7, 09	0.34	µg/L	No
2-4 Dichlorophenol	January 7, 09	0.15	µg/L	No
2,4-Dichlorophenoxy acetic acid (2,4-D)	January 7, 09	0.19	µg/L	No
Diclofop-methyl	January 7, 09	0.40	µg/L	No
Dimethoate	January 7, 09	0.12	µg/L	No
Dinoseb	January 7, 09	0.36	µg/L	No
Diquat	January 7, 09	1.0	µg/L	No
Diuron	January 7, 09	0.087	µg/L	No
Glyphosate	January 7, 09	6.0	µg/L	No
Heptachlor + Heptachlor Epoxide	January 7, 09	0.11	µg/L	No
Lindane (Total)	January 7, 09	0.056	µg/L	No
Malathion	January 7, 09	0.091	µg/L	No
Methoxychlor	January 7, 09	0.14	µg/L	No
Metolachlor	January 7, 09	0.092	µg/L	No
Metribuzin	January 7, 09	0.12	µg/L	No
Monochlorobenzene	January 7, 09	0.58	µg/L	No
Paraquat	January 7, 09	1.0	µg/L	No

Parathion	January 7, 09	0.18	µg/L	No
Pentachlorophenol	January 7, 09	0.15	µg/L	No
Phorate	January 7, 09	0.11	µg/L	No
Picloram	January 7, 09	0.25	µg/L	No
Polychlorinated Biphenyls(PCB)	January 7, 09	0.04	µg/L	No
Prometryne	January 7, 09	0.23	µg/L	No
Simazine	January 7, 09	0.15	µg/L	No
THM	Please See Individual Annual Reports for Distribution System Information : **Leamington (220004992), Kingsville (220003403), Essex (220003680), Lakeshore (260004995).**			
Temephos	January 7, 09	0.31	µg/L	No
Terbufos	January 7, 09	0.12	µg/L	No
Tetrachloroethylene	January 7, 09	0.45	µg/L	No
2,3,4,6-Tetrachlorophenol	January 7, 09	0.14	µg/L	No
Triallate	January 7, 09	0.10	µg/L	No
Trichloroethylene	January 7, 09	0.38	µg/L	No
2,4,6-Trichlorophenol	January 7, 09	0.25	µg/L	No
2,4,5-Trichlorophenoxy acetic acid (2,4,5-T)	January 7, 09	0.22	µg/L	No
Trifluralin	January 7, 09	0.12	µg/L	No
Vinyl Chloride	January 7, 09	0.17	µg/L	No

List any Inorganic or Organic parameter(s) that exceeded half the standard prescribed in Schedule 2 of Ontario Drinking Water Quality Standards.

Parameter	Result Value	Unit of Measure	Date of Sample
None			

Essex Region Conservation Authority

Board of Directors

REPORT BD 04/10 – to the Board of Directors

FROM: Jeremy Wychreschuk, P.Eng., Director of Watershed Engineering
Richard Wyma, General Manager/Secretary-Treasurer

SUBJECT: Southeast Leamington Sustainable Management Strategy – Special Meeting Request

DATE: February 1, 2010

PURPOSE

To request a special meeting for the Southeast (SE) Leamington Sustainable Management Strategy on Thursday, February 18, 2010.

BACKGROUND

ERCA administration was directed by the ERCA Board of Directors to provide a report updating the stakeholder consultations for Concept E of the SE Leamington Sustainable Management Strategy, as per the resolution from the ERCA Board of Director Report BD 48/09 (attached) from the December 10, 2009 Board of Director meeting, which states:

THAT a further update report be provided at the February ERCA Board of Director meeting.

During these consultations, several organizations and individuals have requested significant time to present comments to the ERCA Board of Directors on this initiative. To be responsive to these residents and to allow for adequate opportunity for these voices to be heard, it is recommended that a special meeting be scheduled. Parks Canada has recently hired a consultant to review and assess the situation in SE Leamington, which is expected to be complete by the end of February 2010. To ensure that all of the feedback and comments can be included with the consultant's report to Parks Canada, it is recommended that this special ERCA meeting take place on Thursday, February 18, 2010.

In addition to the delegate presentations, information updates will be provided to the ERCA Board of Directors by ERCA administration. The tentative agenda items for this proposed special meeting would be as shown below.

- Stakeholder consultation update
- Review of the Southeast Leamington Sustainable Management Strategy initiative
- Presentation of Concept E Addendum information
- Delegate presentations (at least 3, possibly 6 or more)

Recommendations

THAT a special meeting of the ERCA Board of Directors be scheduled to receive updated information, discussion and multiple delegate presentations on a single item: Southeast Leamington Sustainable Management Strategy on Thursday, February 18, 2010 at 7:00 p.m. at the Essex Civic Centre, Council Chambers.

Jeremy Wychreschuk, P.Eng.,
Director of Watershed Engineering

Richard Wyma,
General Manager/Secretary-Treasurer

Essex Region Conservation Authority

Board of Directors

REPORT BD 48/09 – to the Board of Directors

FROM: Jeremy Wychreschuk, P.Eng., Director of Watershed Engineering
Stan Taylor, P.Eng, Director of Source Water Protection
Matthew Child, Director of Watershed Restoration
Tim Byrne, Coordinator of Flood and Erosion Control
Danielle Stuebing, Director of Communications & Education
Ken Schmidt, General Manager/Secretary Treasurer

SUBJECT: Southeast Leamington Sustainable Management Strategy Update – Stakeholder Consultation and Initiative Overview

DATE: December 3, 2009

PURPOSE

To provide updated information to the ERCA Board of Directors with respect to stakeholder consultation and an overview of the initiative pertaining to the Southeast Leamington Sustainable Management Strategy.

BACKGROUND

Sustainable Management Strategy Initiative Overview

The infrastructure within the Southeast (SE) Leamington area has serious problems with respect to flood and erosion hazards. The current land uses are not sustainable, the local residents and the Municipality of Leamington have indicated that they cannot afford the needed repairs, and the Provincial and Federal government agencies have been clear that no significant funding would be provided unless there is a long-term and sustainable plan in place. If the infrastructure cannot be adequately repaired and upgraded, the residents will continue to be subject to very serious flood threats, which are creating significant liabilities for the Municipality. Without funding support to maintaining the current land-uses, an alternative land-use should be considered as we move forward.

The best alternative land-use solution should maximize the benefits for all stakeholders, including all residents in the Municipality. One possible alternative land use solution can include the naturalization of the interior properties of the East Marsh, Marentette and Lloyd Drainage Schemes, which will also benefit Point Pelee National Park and Hillman Marsh in terms of biodiversity. The biodiversity benefit from this solution is the main reason why the Provincial and Federal governments are very interested in this concept, and have indicated the potential of significant funding. It must be clear, however, that ERCA's primary objective is to reduce the flood and erosion hazards and that the benefits derived from a new natural area are secondary.

The alternative land use proposed in the Concept E Report is one of many solutions developed by the consultant to maximize the benefits realized by the local residents and the Municipality. The Provincial and Federal governments have been clear that they will only proceed towards a solution once local support is received. The Municipality of Leamington and the local residents must decide what direction they wish to take. There are essentially two options currently available for Leamington. The first option includes maintaining the existing land uses (residential and agricultural) and will most likely result in the Municipality and the landowners being responsible for the majority of the associated costs. The second

option is for an alternative land use solution, which would maximize the potential funding and interest from the senior levels of government and reduce the costs and liabilities locally. An alternative land use can include an option similar to Concept E, but the final solution may be somewhat different in the end. The ultimate solution will be shaped based on local feedback so the maximum benefits to all stakeholders can be realized.

Stakeholder Consultation to Date

ERCA has begun to conduct consultations with all stakeholders with respect to the hybrid solution for the SE Leamington Sustainable Management Strategy (Concept E) as directed by the ERCA Board of Directors resolution from Report BD 46/09 (attached), which states:

THAT the Report be referred back to the Municipality of Leamington and all Stakeholders and a Report be brought back to the Board with all comments and recommendations

ERCA held three open houses (two on November 23 and one on November 25) at the Hillman Marsh Conservation Area. The total attendance at these open houses was 118 not including the people who attended multiple sessions. Comment sheets were provided at these sessions and a total number of 22 have been received to date. Many attendees took comment sheets without filling them in and indicated their intention to provide comments at a later date.

A number of staff members have also received a total of 15 additional comments by other means such as by phone or email. Below is a summary of the type of comments provided to date. Please note that these are interim results only.

- Positive for Concept E: 54%
- Negative for Concept E: 22%
- Maybe/Neutral/Comments or questions provided only: 24%

In addition to the local resident feedback, we have received a letter of support from the Ontario Ministry of Natural Resources (attached). This letter indicates that they are very supportive of developing a long-term and sustainable solution for the SE Leamington area which will minimize the existing flood and erosion hazards.

A full list of comments will be provided once more feedback has been received.

Common Comments and Questions

A number of comments and questions were brought forward as a result of the open house sessions and other contact with the public. The below points are provided in respond to many of the more common comments or questions received.

1) *The primary goal of the Southeast Leamington Sustainable Management Strategy is to expand the natural area in ERCA's jurisdiction.*

   This initiative started and has always remained a flood and erosion hazard initiative for ERCA. One of our key mandates from the Province of Ontario is to deal with the local flood and erosion issues, and one of ERCA's strategic priorities is to protect people and property. The accelerated shoreline erosion and nearshore deepening, along with the poor state of the drainage scheme infrastructure will always be of primary concern. There are currently about 190 homes in the low lying areas that would be severely affected by a dyke breach. Following the major 2004 rainfall that caused damage to the drainage schemes, the Municipality commissioned drainage reports for the East Marsh, Marentette and Lloyd drains, which recommended repairs and provided cost estimates. Following these results,

both the local residents and the Municipality of Leamington indicated that the repairs were unaffordable without significant funding assistance from the Federal and Provincial governments. ERCA has been presenting recommendations developed by a consultant that deal with some of these long-standing flood and erosion issues by proposing the removal of many residents from the interior flood hazard area and creating a secondary inland barrier for the remaining homes. Should this (or a similar concept) proceed, governance and management will be resolved between all partners and stakeholders following funding commitments.

2) *Point Pelee National Park is the real driving force behind this initiative.*

   As mentioned above, this initiative started and has always remained a flood and erosion hazard initiative for ERCA. The primary reason to explore alternative land uses and for involving other government agencies (such as Parks Canada) is to maximize the outside funding that would achieve this goal such that the liabilities of the Municipality and the local residents are minimized and the benefits are maximized.

3) *Why are the Provincial and Federal governments not providing major funding to fix the problems? Why was this done in the past and not now?*

   The senior levels of government have funded many of the past repairs by up to 90% in the past. They have, however, been clear that they have no intention of continuing to fund unsustainable infrastructure in this area, and will only fund infrastructure that is long-term and sustainable.

4) *If most of the money will be coming from the Provincial and Federal governments, why is ERCA presenting these concepts? Why are the senior levels of government not at the table?*

   The Provincial and Federal government agencies routinely implement their policies and objectives by supporting the local agencies through partnerships. In this case, ERCA is the local agency with respect to flood and erosion issues, delegated by the Province. Both the Federal and Provincial government agencies have been very supportive of this initiative to date, primarily by providing the majority of the funding for most of the studies undertaken so far. Both levels of government have made it clear that they will only become a major part of the process once there is local support for a long-term sustainable solution.

5) *Why is ERCA not doing anything to protect us now, and why haven't they done so in the past?*

   The repair and maintenance of the drainage schemes in the SE Leamington area are a municipal responsibility. ERCA does not dictate to the Municipality of Leamington what actions it must take, but does recommend actions. Since the local residents and the Municipality have indicated that they cannot proceed with the required repairs without significant senior levels of government funding, alternative land uses must be explored as a solution. As a result, ERCA has presented multiple alternative solutions developed by a consultant for consideration, such as the concept recently presented. These scenarios have been designed such that they would maximize the potential funding from the Provincial and Federal governments and minimize the liability to the local residents and the Municipality. In terms of the flood hazard, the most recent concept proposes the removal of many residents that live in the hazard area who would be affected by a primary dyke failure and protects the remaining residents with a secondary inland dyke.

6) *Why is specific information not available yet? When will we know more?*

More specific information will be developed if an alternative land use concept is supported at the local level. Once this support is in place, planning will begin with the Municipal, Provincial and Federal government agencies with respect to the implementation of such a plan, with continuous local stakeholder input. It should be noted that the ultimate solution has not yet been determined. The solutions presented to date are concepts that can be changed and molded as stakeholder input is received. What is needed right now to proceed to the next step is local direction as to whether the concept of an alternative land use is acceptable as part of the solution to the flood and erosion hazards in this area.

7) *Why are the shoreline properties allowed to stay? Are you saying that they are living in a sustainable manner?*

The shoreline properties will continue to experience nearshore deepening and shoreline erosion that will continue to cause problems for the residents. Slowing down these processes will continue to be the responsibility of the property owners, as it currently is today. These properties are not considered sustainable as it is expected that the erosion will continue to cause increasingly more serious problems. In an earlier sustainable management strategy concept, it was proposed that the shoreline properties be purchased on a willing buyer/willing seller basis so that the shoreline could be naturalized and the landowner's property investment would be compensated as fair as possible. The feedback from the shoreline property owners was clear that they did not want to be a part of this initiative. The senior levels of government have also indicated that they have higher interest in the naturalization of the interior lands of the East Marsh, Marentette and Lloyd drains and would like to continue discussions on these interior lands where the hazard is of greater concern. Concept E proposes many benefits for the shoreline properties, including the placement of a cobble blanket to reduce the nearshore downcutting and the construction of an ingress/egress route along Road C to Provincial standards. Additionally, ERCA continues to work with Small Craft Harbours of the Federal Department of Fisheries and Oceans to pursue appropriate sand by-passing around Wheatley Harbour in order to maintain the natural transport of sand along the shoreline. ERCA will also continue to recommend needed upgrades to these areas, such as an increase in the grade elevation of Marentette Beach Road, remain to be the responsibility of the private property owners.

8) *What is fair market value? How and when would this be determined?*

These types of details will be determined during the next steps as the ownership transition plan is developed if local support is received. It is expected that properties would be assessed by a certified appraiser based on fair market value during the ownership transition period. This is normally based on the highest and best use of the property, where highest and best use of a property are values directly related to the use of that property (in other words, the highest and best use is the reasonably probable use that produces the highest property value). The idea of the ownership transition plan in Concept E is to provide the local residents with the maximum benefit in the fairest way possible.

9) *One of the reasons why the First Concession Dyke is in such poor condition is the mis-management of Hillman Marsh by ERCA.*

ERCA does not manage the Hillman Marsh water levels outside of the three management cells. The outlet of the marsh is controlled as part of the barrier beach and outlets primarily through natural means. There are instances when the Municipality of Leamington wishes to release the water from the marsh by manipulating the outlet (usually by excavating out the beach) when requested by the local residents. When requested, ERCA has always allowed the Municipality to enter ERCA property

to manipulate the water levels in the Hillman/Lebo watershed.

10) *Why would money be spent on a project with higher costs? Why would the government be willing to pay for a higher cost concept?*

While the cost for Concept E is higher than the cost to maintain the current land uses, it is expected that the long-term costs through naturalization will be significantly less. It is further anticipated that the benefits will be greater with an alternative land use concept (such as Concept E) when compared to a scenario that maintains the current land uses. The Provincial and Federal government agencies have been clear that they will only fund infrastructure that is long-term and sustainable. Maintaining the current land uses is not a sustainable option, and no significant funding is expected to be available with this solution. An alternative land use, such as described with Concept E, is a long-term sustainable solution for the interior areas with major interest and funding potential from the senior levels of government.

11) *What if we decide to keep the current land uses and maintain the drainage schemes as they are today?*

If it is the decision of the Municipality of Leamington to proceed with a solution that maintains the current land uses, that decision would be respected. ERCA would further attempt to assist in any way possible to reduce the flood and erosion hazards that currently exist in this area. The solution to this problem must be supported locally. Is should be noted that no significant funding support is anticipated for unsustainable solutions, such as maintaining the current land uses. If the current land uses are to continue, the costs would most likely have to be borne primarily by the Municipality and the local residents.

12) *The farming activities in this area are very productive because of the muck soils. Has this been taken into account?*

The drainage schemes in this area were constructed to expose the muck soils in this part of the region, which are very productive farm land. Unfortunately, the muck soils have diminished over time to a point where it has disappeared from the East Marsh Drain and very little remains in the Lloyd Drain. The Marentette Drainage Scheme contains the most muck soil, but even this drain now has areas without muck soil. The muck farming will not last forever, and there are concerns that most of the muck soil will diminish significantly within a planning framework of 25 to 50 years. Even with this information, the benefit-cost calculations in both the Baird 2007 Report and the Concept E Report were conducted under the assumption that the farming productivity will remain constant over the next 25 years. In other words, it was assumed that the muck soils would not decrease at all over the next 25 years. By conducting the analysis with this assumption, the benefit-cost result of 1.7 has an additional layer of conservatism. If the muck soils continue to decline, however, there will be a decrease in farming productivity which will make it increasingly difficult for the property owners to afford the expensive drainage scheme upgrades, repairs and maintenance.

13) *Won't the Municipality of Leamington lose a lot of taxes if the people move from this area?*

The Municipality of Leamington currently collects about $400,000 per year (based on 2009 data) and has a liability estimated in the millions of dollars. While these taxes would no longer be collected with the Concept E scenario, it is expected that the Municipality would receive grants in lieu of taxes for the new natural area that would cover the lost taxes. At the same time, the millions of dollars in municipal liability would be removed. This is represents a significant net benefit for Leamington.

14) *If I am in support of the concept but am afraid of a back lash from my neighbours against it, how can I voice my opinion?*

The stakeholder consultation process is a confidential process which ensures that the people providing comments are kept in confidence. Only the comments themselves will be shared to our Board of Directors once adequate stakeholder consultation feedback is received. ERCA also recommends sharing your comments with local Leamington council members, Provincial MPPs and Federal MPs so all levels of government are well aware of your position. Local support is necessary for these long-standing problems to be resolved and for the initiative to move forward.

Next Steps and Ongoing Activities

ERCA will continue to receive feedback from as many stakeholders as possible, and provide a final report with the results to the ERCA Board of Directors. ERCA has also provided the Municipality of Leamington with copies of the Concept E Report and has requested a presentation to Leamington Council. In addition, the Point Pelee Peninsula Eastern Shoreline Mitigation Study is ongoing, with an expected completion in early 2010.

Recommendations

THAT Report BD 48/09 be received as information, and further,

THAT a further update report be provided at the February ERCA Board of Directors meeting.

Jeremy Wychreschuk, P.Eng., Director of Watershed Engineering

Stan Taylor, P.Eng, Director of Source Water Protection

Matthew Child, Director of Watershed Restoration

Tim Byrne, Coordinator of Flood and Erosion Control

Danielle Stuebing, Director of Communications & Education

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