

Minutes of a regular meeting of the Amherstburg Municipal Council held Monday, February 14, 2005 at 7:00 p.m.

PRESENT: Mayor Wayne Hurst
Deputy Mayor Anthony Leardi
Councillor Robert Bailey
Councillor Gord Freeman
Councillor Carl Gibb
Councillor Paul Renaud
Councillor Rosa White

ALSO PRESENT: Hilary Payne, CAO
David Mailloux, Clerk
Paul Beneteau, Treasurer
Lou Zarlenga, Public Works Manager
Lory Bratt, Planning Coordinator
Richard Murray, Fire Chief

PRAYER

Pastor Val Salvati said prayer.

DECLARATIONS OF PECUNIARY INTEREST

Deputy Mayor Leardi declared a conflict of interest with supplementary agenda item regarding Shoppers Drug Mart. To avoid the perception of a conflict he will vacate his chair for that item.

Councillor White declared a conflict of interest with report #3 from Lory Bratt regarding Minor Variance A 21/04 – Lepain.

Councillor Gibb declared a conflict of interest with By-law 2004-82 regarding Beaudoin Drain & Pump and Item #26 Letter from John McDonald and Phil Kasurak of LACAC regarding Salmoni property.

MINUTES

Moved by P. Renaud, seconded by R. Bailey that the minutes of a regular meeting of the Amherstburg Municipal Council held January 24, 2005, be adopted.

Motion Carried

ACCOUNTS

Moved by R. White, seconded by R. Bailey that the accounts as submitted by the Treasurer for the period ending February 10, 2005, be approved for payment.

Motion Carried

Moved by G. Freeman, seconded by R. White that we waive rules of order to hear the delegations.

Motion Carried

PETITIONS & DEPUTATIONS

Opportunity for Residents of Middle Side Road to speak in relation to by-law regarding change of name to South Side Road.

No one requested to speak in regard to the Middle Side Road name change.

PETITIONS & DEPUTATIONS CONT'D.

Report from Fire Chief Rick Murray, dated Feb. 11, 2005 regarding the Fire Protection Survey.

Fire Protection Advisor Herb Clements of the Ontario Fire Marshall's Office presented Mayor Hurst with a "Certificate of Compliance" as a result of the recent survey that was conducted by the Ontario Fire Marshall's Office under the authority of the Fire Protection & Prevention Act 1997 (FPPA). The Town of Amherstburg has been meeting and continues to meet the required minimum requirements of the FPPA.

Moved by R. White, seconded by R. Bailey that the meeting resume.

Motion Carried

CORRESPONDENCE

Item #1 to 15

Moved by R. Bailey, seconded by C. Gibb that the following items of Correspondence be received.

1. Letter from Communities in Bloom, dated Jan. 31, 2005.
2. Letter from Price Waterhouse Coopers, dated Jan. 26, 2005 regarding General Chemical Canada Ltd.
3. Letter from Min. of Agriculture & Food, dated Jan. 20, 2005, regarding Drainage Act Grants Program, Upcoming Drainage Courses, and Tile Loan Program.
4. Letter from Min. of Agriculture & Food, dated Jan. 25, 2005 regarding Extension of Deadline for Claiming Grant for Terminated Drainage Projects.
5. Letter from Ontario Municipal Board, dated Jan. 12, 2005 regarding Brian Preddy and Shirley Preddy and William Lepain.
6. Letter from AMO regarding Bulk Electricity Procurement Program & 311 Initiative.
7. Letter from Jerry Ouellette, dated Jan. 24, 2005 regarding Bill 165, The Elected Officials Immunity Act 2004.
8. Letter from Essex County Agricultural Hall of Fame, dated Jan. 24, 2005 regarding Annual Meeting/Induction.
9. Letter from Federation of Canadian Municipalities, dated Feb. 1, 2005 regarding Government takes major step toward New Deal.
10. Letter from Min. of Public Infrastructure Renewal, dated Jan. 19, 2005 regarding Status Update on the Affordable Housing Program.
11. Letter from Town of Goderich, dated Feb. 2005, regarding 52nd OSUM Conference.
12. Notice from AMO, dated Jan. 27, 2005 regarding Province Reduces Property Tax Pass – Through for Recreational Uses Along Hydro Corridors to 50% from 100%.
13. Notice from AMO, dated Jan. 28, 2005 regarding CRF Update.
14. Notice from AMO, dated Feb. 1, 2005 regarding Federal Gas Tax Allocation Announcement.
15. Notice from AMO, dated Feb. 1, 2005 regarding AMO Presentation on Accessibility for Ontarians with Disabilities Act.

Motion Carried

Item #16

Moved by R. White, seconded by R. Bailey that the letter from the Town of Essex, dated Feb. 1, 2005, regarding Municipal Hunting Licenses, be received.

Motion Carried

CORRESPONDENCE CONT'D.

Item #17

Moved by C. Gibb, seconded by R. Bailey that the letter from Rick Murray, dated Feb. 1, 2005 regarding 16 Annual Volleyball Tournament, be received and that Council refer the requests back to the Firefighters and the Fort Malden Horticultural Society to come to a mutual agreement on the banner request.

Moved by C. Gibb that we table the above resolution for further details.

Motion Carried

Item #18

Moved by A. Leardi, seconded by P. Renaud that the unsigned letter dated Jan. 30, 2005, regarding an un-shoveled sidewalk, be received.

Motion Carried

Item #19

Moved by R. Bailey, seconded by P. Renaud that the Notice from the Royal Canadian Legion Branch 157, regarding Special Olympics, be received.

Motion Carried

Item #20

Moved by R. White, seconded by R. Bailey that the report from the Dog Pound Committee, dated Jan. 10, 2005, be received and that Council concur with the proposed 2005 Budget.

Motion Carried

Item #21

Moved by A. Leardi, seconded by R. White that the letter from Kinsmen and Kinettes, dated Jan. 13, 2005 regarding their 'Message-of-Support' campaign, be received.

Motion Carried

Item #22

Moved by R. White, seconded by P. Renaud that the notice from Pitch-in Canada, regarding the 2005 Pitch-In Canada week be received.

Motion Carried

Item #23

Moved by P. Renaud, seconded by A. Leardi that the letter from ERCA, dated Jan. 19, 2005 regarding 2005 ERCA Budget/Municipal Levy, be received and that we concur.

Motion Carried

Item #24

Moved by P. Renaud, seconded by R. Bailey that the letter from The Kidney Foundation, dated Jan. 26, 2005, requesting Council declare the month of March as Kidney Health Month and asking Council's permission to canvas in the Town, be received and that Council concur with the request.

Motion Carried

CORRESPONDENCE CONT'D.

MAYOR HURST PROCLAIMED THE MONTH OF MARCH AS KIDNEY HEALTH MONTH AND CALL UPON ALL LOYAL CITIZENS TO SO OBSERVE.

Item #25

Moved by C. Gibb, seconded by P. Renaud that the letter from the Town of Kingsville, dated Jan. 28, 2005 regarding Response of Volunteer Firefighters on Closed Roads, be received and that we concur and that a letter of support be sent to the Town of Kingsville and the Minister of Transportation.

Motion Carried

Item #26

Councillor Gibb vacated his chair for this item.

Moved by P. Renaud, seconded by R. White that the letter from John McDonald and Phil Kasurak of LACAC, be received.

Motion Carried

Item #27

Moved by R. Bailey, seconded by A. Leardi that the letter from the Town of Midland, dated Jan. 31, 2005, regarding Veterans License Plate Program, be received.

Motion Carried

Item #28

Moved by P. Renaud, seconded by A. Leardi that the letter from Linda Saxon, dated Jan. 19, 2005, regarding actions taken by the Amherstburg Accessibility Committee, be received and that the letter be forwarded to the AAAC for their consideration.

Motion Carried

Item #29

Moved by R. White, seconded by G. Freeman that the letter from Ria Smith, of the Fort Malden Horticultural Society, dated Jan. 31, 2005 regarding a cheque in the amount of \$2000.00 to be applied towards the Laird Avenue Reforestation project be received and we send a thank you letter for their efforts in beautifying the community.

Motion Carried

Item #30

Moved by P. Renaud, seconded by R. Bailey that the letter from Town of Tecumseh, dated Feb. 1, 2005 regarding Provincial Nuclear Response Plan, be received and forwarded to Emergency Plan Coordinator Richard Murray for a report.

Motion Carried

Item #31

Moved by C. Gibb, seconded by P. Renaud that the letter from Steven Piper, on behalf of the Crossing Guards, dated Jan. 8, 2005 requesting a pay raise, be received and referred to budget.

Motion Carried

CORRESPONDENCE CONT'D

Item #32

Moved by P. Renaud, seconded by R. White that the letter from General Amherst High School requesting permission to use Toddy Jones Park on June 3, 2005 from 5 to 9 p.m. for a fundraiser and further that the park user fee be waived for this event, be received and that Council concur with the request.

Motion Carried

BUSINESS LICENCES

Moved by A. Leardi, seconded by P. Renaud that the Business License Application from Justin White to open a Tea Room at 57 Murray Street, be received and be held in abeyance at the applicants request.

Motion Carried

REPORTS OF SPECIAL COMMITTEES

Moved by R. White, seconded by P. Renaud that the minutes of meetings of the Shores of Erie International Wine Festival Committee held November 16, 2004, November 30, 2004, January 11, 2005 and January 18, 2005, be received.

Motion Carried

Moved by R. Bailey, seconded by R. White that the minutes of the Amherstburg Emergency Preparedness Committee meeting held January 18, 2005, be received.

Motion Carried

REPORTS OF COMMITTEES

Moved by R. White, seconded by R. Bailey that the minutes of an Amherstburg Municipal Council Public Meeting held December 6, 2004, be adopted.

Motion Carried

Moved by P. Renaud, seconded by A. Leardi that the minutes of a special meeting of the Amherstburg Municipal Council held January 26, 2005, be adopted.

Motion Carried

REPORTS OF MUNICIPAL OFFICERS

Report #1

Moved by R. White, seconded by P. Renaud that the report from Lou Zarlenga, dated Feb. 9, 2005, regarding Public Works Department Overtime for January 2005, be received.

Motion Carried

Report #2

Moved by A. Leardi, seconded by R. White that the report from Lory Bratt, dated Feb. 9, 2005, regarding McGregor Settlement Area Sewage Allotments Status Report, be received and that we concur with the recommendation that Council direct Administration to continue to allocate the remaining McGregor Sewage Allocation as a percentage of designated residential lands for those properties who currently have active planning applications and further a 12 month sunset clause will apply and further that a notice be sent to the property owners who are being eliminated from the allotments (18 months with no activity).

Motion Carried

Report #3

Councillor White vacated the Council Chamber for this item.

Moved by A. Leardi, seconded by C. Freeman that the report from Lory Bratt, dated Feb. 7, 2005, regarding Ontario Municipal Board Appointment for Hearing March 22, 2005, Application for Minor Variance A21/04-Lepain, be received and that Ms. Bratt be requested to provide further options for Council's consideration on the matter.

Motion Carried

Report #4

Moved by P. Renaud, seconded by R. Bailey that the report from Lory Bratt, dated Jan. 24, 2005 regarding Removal of Part Lot Control Tofflemire Court, be received and that we concur with the recommendation that by-law 2005-14 be given three readings and passed on Feb. 14, 2005.

Motion Carried

Deputy Mayor Leardi asked if the drain behind the D'Amore property can be closed in now - Public Works Manager Lou Zarlenga will check.

Report #5

Moved by R. Bailey, seconded by R. White that the report from Lou Zarlenga, dated Feb. 9, 2005, regarding Monthly Reports from OCWA for January 2005, be received.

Motion Carried

Report #6

Moved by P. Renaud, seconded by C. Gibb that the report from Lou Zarlenga, dated Dec. 9, 2004 regarding Reconsidered Pike Road Drainage Report for Enclosure of Open Drain at 560 Simcoe Street, be received and that Council concur with the recommendation that Council adopt the engineer's re-considered drainage report dated Jan. 31, 2005 pursuant to the Drainage Act with the added provision that this action not be precedent setting.

Motion Carried

Report #7

Moved by R. Bailey, seconded by G. Freeman that the report from Lou Zarlenga, dated Feb. 9, 2005 regarding Endorsement of Best Practices Under the National Guide for Sustainable Municipal Infrastructure, be received and that Council concur with the recommendation that the Town endorse the best practice concept from the National Guide to Sustainable Municipal Infrastructure and apply the practices when deemed appropriate.

Motion Carried

Report #8

Moved by C. Gibb, seconded by P. Renaud that the report from Lou Zarlenga, dated Feb. 9, 2005 regarding Chamber of Commerce Banner Program, be received and that Council concur with the selected locations for the Chamber of Commerce scroll banners and further that Council send a letter to the Coast Guard and Essex Power requesting use of poles and further that 6 banners be placed in McGregor on the West Side of Walker Road.

Motion Carried

Report #9

Moved by A. Leardi, seconded by P. Renaud that the report from Lou Zarlenga, dated Feb. 9, 2005 regarding Salt Management Plans – Environment Canada, be received and that Council concur with the recommendation that Council comply with this requirement from Environment Canada when Environment Canada absolves the Municipality from liability in maintaining highways under the Municipal Act.

Motion Carried

Report #10

Moved by A. Leardi, seconded by P. Renaud that the report from Hilary Payne, dated Jan. 24, 2005, regarding Erie Avenue property lines, be received and that Administration determine if there are any encroachments on Municipal Property.

Motion Carried

Report #11

Moved by A. Leardi, seconded by R. White that the report from Hilary Payne, dated Feb. 3, 2005 regarding Fermi 2 Incident – January 24, 2005, be received.

Motion Carried

Mayor Hurst expressed his displeasure with the timing of the notification in this incident and other incidents. Rick Murray reviewed the time of the incident and the time that various bodies were notified. The notification was carried out in accordance with the procedures that are in place. Mayor Hurst stated that the American Media received the information prior to the Canadian Emergency personnel and media. This creates havoc when residents hear about an incident on US news.

Report #12

Moved by A. Leardi, seconded by G. Freeman that the report from Hilary Payne, dated Feb. 9, 2005, regarding Visitor Information Centre Operation, be received and that the responsibilities be taken care of “in house”.

Motion Carried

Report #13

Moved by R. White, seconded by R. Bailey that the reports from Bob Smith, for the months of November and December 2004, be received.

Motion Carried

Report #14

Moved by P. Renaud, seconded by C. Gibb that the report from David Mailloux, dated Feb. 10, 2005 regarding Replacement Members for the Accessibility Advisory Committee, be received and that we appoint the following individuals to the AAAC.

1. Jeff Pillon
2. Kathy Hay
3. Phyllis Thomas Court – alternative or replacement

Motion Carried

Report #15

Moved by P. Renaud, seconded by R. Bailey that the report from David Mailloux, dated Feb. 10, 2005 regarding Water System Planning Public Session, be received and further that Council receive the report from Terry Hearn of CH2M Hill, dated Feb. 2, 2005 and that we concur with the recommendation that Council propose the following items at the PIC on the understanding that Council would like to take into account any input the public may wish to provide prior to implementing any change to the charges; and on the understanding that any changes to the charges would be considered at a subsequent meeting of Town Council, notice of which would be posted in the local paper.

1. A new billing rate comprised of:
A base monthly charge for recovery of fixed costs associated with billing/collection/administration (Based on water service meter size with a typical residential base charge of \$12.00/month in 2005 with subsequent increases indexed to inflation).
A constant rate charge for water used (based on metered water at \$0.56/m³ in 2005 with subsequent increases in future years, i.e. 2006 - \$0.65, 2007 - \$0.66, 2008 - \$0.87).

Typical Residential Charge at Current Rate - \$208/year
Typical Residential Charge at Proposed 2005 Rate - \$284/year

2. The proposed new rate includes the funding of long-term replacement costs of water system infrastructure (lifecycle costing which will be required by the Province under Sustainable Water and Sewage Systems Act, 2002).
3. The inclusion of predicted reductions in the peak day water use by the Implementation of the Water Use Efficiency Plan (Alternate Day Lawn Watering and the Promotion of Water Conservation).
4. Provisions for permitting limited greenhouse development on a case by case basis subject to regulation by specific agreement, depending on the surplus water capacity available and any other relevant circumstance determined by Council.

Motion Carried

UNFINISHED BUSINESS

Councillor White requested that the following resolution passed on December 18, 2004 be brought before Council.

Moved by R. White, seconded by R. Bailey that we rescind the following resolution

“Moved by R. White, seconded by G. Freeman that Council hold regular meetings every Monday excepting Holidays for the balance of the term.”

<u>A Recorded Vote Was Requested</u>	<u>AYE</u>	<u>NAY</u>
Councillor Bailey	X	
Councillor Freeman		X
Councillor Gibb	X	
Deputy Mayor Leardi		X
Councillor Renaud	X	
Councillor White	X	
Mayor Hurst	X	

Motion Carried

NEW BUSINESS

Moved by R. White, seconded by A. Leardi that Council will be conducting Municipal business every Monday with Regular Council meetings being held the 2nd and 4th Mondays of the month and further that if a Holiday falls on Monday the meeting will be held on Tuesday the following day.

<u>A Recorded Vote Was Requested</u>	<u>AYE</u>	<u>NAY</u>
Councillor Bailey	X	
Councillor Freeman		X
Councillor Gibb		X
Deputy Mayor Leardi	X	
Councillor Renaud		X
Councillor White	X	
Mayor Hurst	X	

Motion Carried

Deputy Mayor Leardi vacated his chair for the next item.

The following items were reviewed:

1. Supplementary Agenda report from Hilary Payne dated Feb. 14 – Shoppers Drug Mart – rear access.
2. Hilary Payne report provided at meeting to Council dated Feb. 14. Shoppers Drug Mart – Rear Access – Replacement motion for Rosa White resolution.
3. A Map of the Shopper’s Drug Mart area, dated Feb. 14, 2005 showing Councillor White’s proposal.
4. Copy of easement agreement between Amherstburg HEC and Gosfield Land Company Limited.

Moved by R. White, seconded by P. Renaud that we remove the existing “No Exit” sign at the east end of the Shoppers Drug Mart property and replace it with a new sign “Exit for Customers of Shoppers Only” and that a new sign be placed at the Shoppers entrance on Sandwich Stating “No Through Traffic” and that this be enforced by the Police Department. No traffic would be permitted from Richmond Street except for deliveries to Shoppers and Gibson Gallery Patrons.

Moved by C. Gibb, seconded by G. Freeman that the above motion be tabled pending a meeting with representatives from Gibson Gallery.

Motion Carried

Moved by C. Gibb, seconded by P. Renaud that we send a letter of support regarding the Family Health Team initiative.

Motion Carried

Moved by R. White, seconded by A. Leardi that Administration prepare a By-law to change the name of Fox Road to 3rd Concession North.

Motion Carried

Moved by A. Leardi, seconded by G. Freeman that Administration prepare a by-law to change the name of Old Front Road to Dalhousie Street.

Motion Carried

Moved by A. Leardi, seconded by P. Renaud that any member who is able be authorized to attend the Lion’s Club event at the Pointe West Golf Club on February 19, 2005.

Motion Carried

BY-LAWS

Moved by R. Bailey, seconded by R. White that:

By-law No. 2004-61; being a by-law to provide for the repair and improvement of the Faucher Drain in the Town of Amherstburg and for the borrowing on the credit on the Town the sum of \$88,700.00 to complete said works, be taken as having been read a third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

Moved by R. White, seconded by R. Bailey that:

By-law No. 2004-62; being a by-law to provide for the construction of a new farm access bridge on the Albert McGee Drain, be taken as having been read a third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

Councillor White declared a Conflict of Interest on the next item.

Moved by R. Bailey, seconded by P. Renaud that:

By-law No. 2004-81; being a by-law to provide for the repair and improvement of the Warren Drain in the Town of Amherstburg and for the borrowing on the credit of the Town the sum of \$46,800.00 to complete said works, be taken as having been read a third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

Councillor Gibb declared a Conflict of Interest on the following item.

Moved by Leardi, seconded by P. Renaud that:

By-law No. 2004-82; being a by-law to provide for the repair and improvement of the Leo Beaudoin Drain & Pump in the Town of Amherstburg and for the borrowing on the credit of the Town the sum of \$39,500.00 to complete said works, be taken as having been read a third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

Moved by G. Freeman, seconded by P. Renaud

By-law No. 2004-108 being a by-law to authorize the signing of an Agreement for the Landscape Maintenance of the King's Navy Yard Park and other Municipal Facilities, be taken as having been read a first, second and third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

<u>A Recorded Vote was Requested</u>	<u>AYE</u>	<u>NAY</u>
Councillor Bailey		X
Councillor Freeman	X	
Councillor Gibb	X	
Deputy Mayor Leardi		X
Councillor Renaud	X	
Councillor White	X	
Mayor Hurst	X	

Motion Carried

Moved by P. Renaud, seconded by R. White that:

By-law No. 2005-09; Being a by-law to provide for the changing of the name of a certain highway within the Town of Amherstburg, be taken as having been read a first, second and third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

BY-LAWS CONT'D.

Moved by P. Renaud, seconded by A. Leardi that the effective date for the name change from Middle Side Road to South Side Road be March 31, 2005.

Motion Carried

Moved by R. White, seconded by P. Renaud that

By-law No. 2005-14; being a by-law to remove certain lands from Part Lot Control (12M-483); be taken as having been read a first, second and third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

Moved by A. Leardi, seconded by G. Freeman that:

By-law No. 2005-15; being a by-law to confirm all resolutions of the Municipal Council, be taken as having been read a first, second and third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

NOTICE OF MOTION

Deputy Mayor Leardi gave notice of the following “that we make a request to the Province that Amherstburg be placed at a higher lever in the Emergency Notification List”.

ADJOURNMENT

Moved by A. Leardi, seconded by R. White that the meeting adjourn.

Motion Carried

MAYOR

CLERK