

Minutes of a regular meeting of the Amherstburg Municipal Council held Monday, April 19, 2004 at 7:00 p.m. in the Council Chambers.

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
Rick Murray, Fire Chief
Armando Deluca, Solicitor

PRAYER

Reverend Kirby Breithaupt of Wesley United Church said prayer.

DECLARATIONS OF PECUNIARY INTEREST

There were no declarations of pecuniary interest.

MINUTES

Moved by P. Renaud, seconded by R. Bailey that the minutes of a regular meeting of the Amherstburg Municipal Council held Monday, April 5, 2004, be adopted.

Motion Carried

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

Motion Carried

PETITIONS & DEPUTATIONS

1. 2004 Budget – Public Comments
According to the Municipal Act Council is to provide for public comment prior to adoption of the Budget. It was advertised in the local media that there would be an opportunity to give comments at the April 19th Council Meeting. There were no written comments received and no one came forward with verbal comments, when given the opportunity.
2. Proposed change of Street Name from Middle Side Road to County Road 10
The change is being proposed because of confusion in Emergency Response with two Middle Side Roads within the Municipality. There was written comments from the following: John R. Reiner, Rick Rickeard, John Charlton, Lawrence Barrette, Lynn Dukelow.

The following people also gave verbal comments: Mr. Lawrence Barrette gave Council a comparison of the # of homes (123) on Middle Side Road in former Anderdon to the number of homes (22) on Middle Side Road in former Malden. He stated that it would be inconveniencing less people if the change was made to Middle Side Road in the former Malden Township.

Rick Rickeard stated that everyone knows the road as Middle Side Road. Why do we have to change.

John Charlton compared the number of voters on Middle Side Road in former Anderdon (240) and Middle Side Road in former Malden (42). The majority should not have to change their addresses.

Dale Natywary 7570 Middle Side Road suggested that North and South be used to differentiate between the two roads.

3. Drainage Report for the New Farm Access Culvert on the Shaw Drain – Jeanne Laframboise.

Lou Zarlenga reviewed the report prepared by Bruce D. Crozier Engineering and dated March 4, 2004. The cost is to be paid totally by Mrs. Laframboise the owner. Matt Souchereau, agent for Mrs. Laframboise, advised that he is willing to sign a waiver of appeal rights.

4. Stan Taylor of ERCA gave a presentation to Council on 1) Sanitary Sewer project at Holiday Beach; 2) Prothonotary Warbler Habitat Creation.

In regards to the sanitary sewer connections at Holiday Beach, Mr. Taylor advised that all facilities (except the gatehouse) will be tied into the Malden Sanitary Sewer system this year.

The Prothonotary Warbler habitat creation will be further enlarged with the elimination of some roads and other improvements.

In the 3 year period from 2002-2004 there will be a total investment in improvements of \$432,000. This is from all outside funding or HBCA revenues – no levy.

Councillor Freeman confirmed from Mr. Taylor that Holiday Beach Park is self sufficient.

5. Neil McKenzie of the Windsor Essex County Health Unit was not able to attend however Richard Kokovai and Dennis Pare were present primarily to provide information in relation to the Councillor White Notice of Motion regarding Smoking By-law.

Councillor White advised that she initiated the notice of motion to request the County to amend the present by-laws because City of Windsor did not join the County in prohibiting smoking in Public Places and Workplaces and the County Businesses were in prejudiced position. The Province initially stated that they were not going to deal with the Smoking Issue until 2006. It now appears that the Province is planning on acting a little quicker. She stated that if her notice of motion did anything to speed up the Province, that was good. She confirmed that she would not be bringing forward her notice of motion at this time, however she will leave the notice in the records.

Richard Kokovai and Dennis Pare advised Council that they were available to answer any questions related to the Smoking issue. Mayor Hurst stated that the Smoking By-law is a very contentious issue and will remain so. He went on to say that we should concentrate on convincing the young to not start smoking. Mr. Pare stated that there is a growing trend toward non smoking.

Moved by A. Leardi, seconded by R. White that Council resume.

Motion Carried

BUSINESS ARISING FROM PETITIONS & DEPUTATIONS

Moved by G. Freeman, seconded by R. Bailey that we receive the written and verbal presentations from the residents and the Fire Chief and that we stop the process to change the Middle Side Road in former Anderdon to County Road 10.

Motion Carried

Discussion took place on adding “south” to Middle Side Road in former Malden. It was agreed that some change had to be made to avoid possible confusion for emergency response.

Moved by P. Renaud, seconded by A. Leardi that we adopt the Drainage report for the New Farm Access Culvert on the Shaw Drain – Jeanne Laframboise dated Mar. 4, 2004 prepared by Bruce D. Crozier and that we authorize the Public Works Manager to obtain quotes for the work.

Motion Carried

Moved by R. Bailey, seconded by R. White that we receive the presentation from Mr. Stan Taylor on the Sanitary Sewer project and the Prothonotary Warbler Habitat creation at Holiday Beach.

Motion Carried

CORRESPONDENCE

Item #1

Moved by P. Renaud, seconded by R. White that the letter from Parks Canada, dated Mar. 29, 2004, regarding Fort Malden National Historic Site of Canada, be received.

Motion Carried

Item #2

Moved by C. Gibb, seconded by R. Bailey that the letter from Municipal Property Assessment Corporation, dated Mar. 22, 2004, regarding Ontario’s property assessment system, be received.

Motion Carried

Item #3

Moved by P. Renaud, seconded by A. Leardi that the letter from Essex Community Futures Development Corporation, dated Mar. 8, 2004, regarding Community Membership, be received and that we concur with the request to appoint two standing members to the Board and that we advertise for potential members.

Motion Carried

Item #4

Moved by R. White, seconded by R. Bailey that the letter from the Township of Adelaide Metcalfe, requesting support of their resolution regarding Access to Births and Deaths Records for Property Assessment Purposes, be received.

Motion Carried

Item #5

Moved by R. White, seconded by C. Gibb that the notice from the Town of Lakeshore regarding their Annual Golf Tournament, be received and those Council members that are able to attend be encouraged to do so.

Motion Carried

CORRESPONDENCE CONT'D.

Item #6

Moved by A. Leardi, seconded by R. White that the information regarding 2004 National Symposium on Parks and Grounds and Communities in Bloom Award Ceremony, be received.

Motion Carried

Item #7

Moved by R. White, seconded by P. Renaud that the letter from Communities in Bloom, dated Mar. 31, 2004 regarding Municipal Gateways Competition 2004, be received.

Motion Carried

Item #8

Moved by P. Renaud, seconded by C. Gibb that the letter from the County of Essex, dated April 5, 2004 to Hon. John Gerretsen regarding Provincial Funding of Land Ambulance Services, be received and that Council support the resolution.

Motion Carried

Item #9

Moved by A. Leardi, seconded by R. White that the letter from Skills Link “Growth Through Participation” requesting that Council waive the rental fee for the Toddy Jones Park for their Family Fun Day event, be received and that Council concur with the request to hold a parade and that the Park fee be waived.

Motion Carried

Item #10

Moved by R. Bailey, seconded by P. Renaud that the letter from Skills Link “Growth Through Participation, dated Mar. 30, 2004 requesting permission to hold a Bike, Board and Blade competition at the Amherstburg Skate Park be received and that any fees be waived, and that the letter be referred to Administration for comments.

Motion Carried

Item #11

Moved by G. Freeman, seconded by R. White that the resolution from the City of Peterborough regarding funding costs for the County-City Health Unit, be received and that Council support the resolution.

Motion Carried

Item #12

Moved by R. Bailey, seconded by R. White that the letter from Amherstburg Minor Baseball Inc. advising of their annual parade route, be received and that we concur with the request.

Motion Carried

Item #13

Moved by G. Freeman, seconded by R. White that the memo from Chief Marentette, dated Apr. 1, 2004, regarding “No Stopping Signs” – Amherstburg Public School, be received and that we concur with recommended changes.

Motion Carried

CORRESPONDENCE CONT'D

Mayor Hurst stated that parents should be encouraged to drive into parking area that has been provided.

Item #14

Moved by R. White, seconded by P. Renaud that the letter from Amherstburg Police Service, dated April, regarding Traffic Concern – 80 Sandwich St. – Sobey's Entrance, be received and that the matter be deferred pending information from the Planning Coordinator.

Motion Carried

Item #15

Moved by C. Gibb, seconded by R. Bailey that the letter from Essex Power, dated Mar. 25, 2004 regarding Municipal Appointee on the Essex Power Corporation Board of Directors be received and that Council concur with the request to maintain an 18 month overlap with the elected appointees and that we advertise for potential appointees.

Motion Carried

Item #16

Moved by A. Leardi, seconded by G. Freeman that the e-mail from Alison Baldwin and letter from the Ministry of Energy regarding Electricity Conservation and Supply Task Force, be received and that we request the soon to be appointed Environmental Advisory Committee to comment on possible energy saving initiatives for the town.

Motion Carried

Item #17

Moved by P. Renaud, seconded by R. White that the e-mail from Mark Restoule stating his resignation from the Amherstburg LACAC, be received.

Motion Carried

BUSINESS LICENCES

Moved by C. Gibb, seconded by R. White that the Hawker Peddler License application from Jeannette & Brad Martin to operate a vegetable stand at 324 Sandwich St. S., be received and approved subject to compliance with all agencies and regulations.

Motion Carried

REPORTS OF SPECIAL COMMITTEES

Moved by P. Renaud, seconded by R. White that the minutes of the Amherstburg Parks Committee held March 17, 2004, be received.

Motion Carried

Moved by R. White, seconded by R. Bailey that the minutes of the Co-An Park Committee held March 9, 2004, be received.

Motion Carried

REPORTS OF COMMITTEES

Moved by P. Renaud, seconded by R. White that the minutes of a Special meeting of the Amherstburg Municipal Council held March 29, 2004 to consider the Preliminary Drainage Report for the Beaudoin Drain and Pump, be adopted.

Motion Carried

REPORTS OF COMMITTEES

Moved by R. Bailey, seconded by R. White that the minutes of the Amherstburg Municipal Council Budget meeting held April 1, 2004, be adopted.

Motion Carried

REPORTS OF MUNICIPAL OFFICERS

Report #1

Moved by P. Renaud, seconded by R. White that the report from Lory Bratt, dated April 14, 2004 regarding Knapp Property (Dobrowolsky) Texas Road – 20 lots – Draft Subdivision Agreement, be received and that Council concur with the recommendation that the Subdivision Agreement for Knapp Subdivision be approved and Council consider By-law 2004-23 for passage.

Motion Carried

Report #2

Moved by R. Bailey, seconded by R. White that the report from Lory Bratt, dated April 14, 2004 regarding Canard Developments (Dragicevic) County Road 10 – 5 lots – Draft Consent Agreement, be received and that Council concur with the recommendation that the Consent Agreement for Canard Developments Inc. be approved and Council consider By-law 2004-29 for passage.

Motion Carried

Report #3

Moved by C. Gibb, seconded by A. Leardi that the report from Ralph Barnwell, dated April 13, 2004, regarding Arena Rates for the 2004-2005 Operating Season, be received and that Council concur with the recommendation.

Motion Carried

Report #4

Moved by A. Leardi, seconded by R. White that the report from Pamela Malott, dated April 19, 2004 regarding By-law 2004-26 adopting assessments for 2004 Tax Year be received.

Motion Carried

Report #5

Moved by R. Bailey, seconded by R. White that the report from Pamela Malott, dated April 19, 2004 regarding Open House Attendance March 3, 2004, be received.

Motion Carried

Report #6

Moved by P. Renaud, seconded by R. White that the report from Hilary Payne, dated April 7, 2004 regarding Kingsbridge/Golfview Parks Development Plans be received.

Motion Carried

Report #7

Moved by G. Freeman, seconded by R. White that the Report from Lou Zarlenga, dated April 14, 2004 and the letter from AMEC dated April 19, 2004 regarding Groundwater Monitoring Wells – Request from Specialty Chemicals Honeywell, be received and that we approve the installation of 6 ground monitoring wells subject to the installation being completed under Public Works direction.

Motion Carried

REPORTS OF MUNICIPAL OFFICERS CONT'D.

Report #8

Moved by P. Renaud, seconded by R. White that the report from Lou Zarlenga, dated April 13, 2004, regarding Fort Malden Horticultural Society – Request to Use Town Facilities to Host Annual Plant Sale, be received and that Council concur with the request.

Motion Carried

Report #9

A Power Point presentation was provided to give Council an overview of the report that was prepared by Mr. Colthurst of Riverside Tree Care.

Moved by P. Renaud, seconded by R. White that the report from Lou Zarlenga, dated April 13, 2004, regarding Amherstburg Tree Inventory Prepared by Riverside Tree Care, be received.

Motion Carried

Report #10

Moved by C. Gibb, seconded by P. Renaud that the report from Lou Zarlenga, dated April 14, 2004 regarding Drainage Report Summary, be received.

Motion Carried

Report #11

Moved by G. Freeman, seconded by A. Leardi that the report from Lou Zarlenga, dated April 14, 2004 regarding Sidewalk Snow Removal, be received and that we concur with the recommendation to accept Option 4 and that we request Mr. Zarlenga to tender for the work.

Motion Carried

UNFINISHED BUSINESS

- Speed Limit changes – 2nd Concession and Fox Road. Report and/or by-law being prepared for May 3rd meeting.
- Potential for Public Transportation to and from Windsor – in progress.

Moved by A. Leardi, seconded by G. Freeman that the 2004 budget be increased by \$20,000 to allow for the ERCA levy plus clean Water Green Spaces to increase from \$78,000.00 to \$98,000.00.

Motion Carried

Mayor Hurst requested that for the next meeting we have a timetable for hookups in the Malden Sewer area.

CQ – Deputy Mayor Leardi provided Council members with costs associated with the Arena for the last 5 years.

Moved by C. Gibb, seconded by P. Renaud that the citations issued under the Sign By-law (2003-32) particularly in regards to the portable sign section be held in abeyance until further information is received.

Motion Carried

NEW BUSINESS

Moved by P. Renaud, seconded by R. Bailey that Public Works check signage on the Amherstburg/Essex Boundary south of County Road 18.

Motion Carried

Moved by A. Leardi, seconded by R. White that direction be given to Public Works & Planning that in Subdividers Agreement tree planting requirements, special consideration be given to the 15 species identified in the report prepared by Casey Colthurst of Riverside Tree Care.

Motion Carried

Mayor Hurst requested that the Parking lines be redone in the Municipal Building parking Lot and that Cigarette Butt containers be placed in proper locations.

A letter from Harrow High School, dated April 19, 2004 advising that a Video Conferencing demonstration scheduled for General Amherst and Harrow High Schools on Friday, April 29th is cancelled, was received.

BY-LAWS

Moved by A. Leardi that:

By-law No. 2004-21; being a by-law to establish a water rate to recover a portion of the cost of the construction of water works in the Town of Amherstburg be given a 3rd and final reading.

Motion Defeated due to lack of a seconder

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

By-law No. 2004-21; being a by-law to establish a water rate to recover a portion of the cost of the construction of water works in the Town of Amherstburg be deferred to a future Council meeting to be determined by Council.

Motion Carried

Moved by A. Leardi, seconded by P. Renaud that:

By-law No. 2004-23; being a by-law to authorize the execution of a Subdivision Agreement (Knapp Subdivision – Texas Road); and 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 C. Gibb, seconded by R. Bailey that:

By-law No. 2004-26; being a by-law to adopt the 2003 assessments as amended on which taxes shall be levied for the year 2004 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 P. Renaud that:

By-law No. 2004-27; 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

By-law No. 2004-28 being a by-law to provide for the changing of the name of a certain highway within the Town of Amherstburg – withdrawn.

BY-LAWS CONT'D.

Moved by A. Leardi, seconded by R. White that:

By-law No. 2004-29; being a by-law to authorize the execution of a Consent Agreement (Canard Developments Inc.) 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 P. Renaud that we move In-Camera.

Motion Carried

Moved by A. Leardi, seconded by P. Renaud that we rise into open session.

Motion Carried

Moved by R. White, seconded by P. Renaud that we authorize Administration to call for tenders for the Waterline from the mainland to Bob-lo Island.

Motion Carried

Administration was requested to do a report on when the lights would be installed at intersections as approved in the 2004 Budget.

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

MAYOR

CLERK