

Minutes of a regular meeting of the Amherstburg Municipal Council held Monday, May 17, 2004.

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: David Mailloux, Clerk
Paul Beneteau, Treasurer
Lou Zarlenga, Public Works Manager
Steve Brown, Chief Building Official

PRAYER

Rev. John Burkhart said prayer.

DECLARATIONS OF PECUNIARY INTEREST

There were no declarations of pecuniary interest.

MINUTES

Moved by A. Leardi, seconded by G. Freeman that the minutes of a regular meeting of the Amherstburg Municipal Council held Monday, May 10, 2004, be adopted.

Motion Carried

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

Motion Carried

PETITIONS & DEPUTATIONS

Mike Angileri, Peter Olivito, Sam Yaladoo and their Architect Joe Toth gave a presentation of the King's Navy Yard Restaurant Building.

A Power Point presentation of the proposed building took place. The following points were included as part of their presentation:

- The Building must come down, it is a safety hazard the way it is. There are too many structural problems and cannot be restored. Financially, restoration is not feasible.
- Parking is very limited and must be underground. This will create approximately 22 parking spaces, 18 underground and 4 outside.
- The cost of this project from start to finish is approximately 4 million dollars and will create jobs within the community.
- In the downtown quarter the project will introduce a possible new 14 families plus 2 retail stores which means growth within the community.
- This project will be the first facelift of the downtown area and will make the residents of Amherstburg proud to have this new structure standing beside their picturesque public park.
- Above all this building will generate approximately 50,000.00 or more annually in property taxes.
- The present lintels and sills will be used in the proposed building.
- Will incorporate existing stone where they can.
- Will reproduce original brick colours.
- Slate roof in front of building.
- No encroachment on the adjacent park.

A report from Steve Brown, dated May 17, 2004 regarding the Salmoni Building had been distributed for Council's information.

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

Motion Carried

CORRESPONDENCE

Items #1 to 5

Moved by R. White, seconded by R. Bailey that the following correspondence be received.

1. Letter from Amherstburg Historic Sites Association, dated May 11, 2004 thanking Council for their help;
2. Letter from Association of Ontario Road Supervisors, regarding the 2004 Municipal trade Show being held in Aylmer, Ontario.
3. Letter from Hon. Susan Whelan, dated May 7, 2004, regarding support of a resolution concerning Federal Gas Tax.
4. Invitation to a conference concerning road safety to be held in Grand Bend;
5. Letter from Eva Guthrie, Chairperson, Amherstburg Municipal Events Committee advising of the first annual Amherstburg Wine Festival.

Motion Carried

Item #6

Moved by G. Freeman, seconded by P. Renaud that the letter from Elio Del Col regarding renovation and expansion of the Navy Yard Restaurant building, be received and we request comments from the Chief Building Official and L.A.C.A.C. regarding his concerns, for the next Council meeting.

Motion Carried

Item #7

Moved by R. White, seconded by R. Bailey that the resolution from the Township of Alfred and Plantagenet regarding enumeration in election years, be received.

Motion Carried

Item #8

Moved by P. Renaud, seconded by R. Bailey that the resolution from Loyalist Township regarding requesting the Province for financial relief to smaller municipalities facing increased costs for water and sewer services, be received and that Council support the resolution.

Motion Carried

Item #9

Moved by P. Renaud, seconded by R. White that the resolution from the Regional Municipality of Niagara regarding request for Provincial Action in the areas of Diversion and Environmental Assessment, be received.

Motion Carried

BUSINESS LICENCES

Moved by A. Leardi, seconded by R. White that the Business Licence Application from Anna Fiorito to open a Physical Therapy office at 38 Victoria St. S. be received and approved subject to compliance with all agencies and regulations.

Motion Carried

REPORTS OF SPECIAL COMMITTEES

Moved by R. White, seconded by C. Gibb that the minutes of a meeting of the Amherstburg Police Services Board held April 20, 2004, be received.

Motion Carried

REPORTS OF COMMITTEES

Moved by A. Leardi, seconded by R. White that the minutes of a Public Meeting of the Amherstburg Municipal Council held Monday, May 3, 2004 at 5:00 p.m. to consider a proposed Zoning By-law Amendment, be adopted.

Motion Carried

Moved by P. Renaud, seconded by A. Leardi that the minutes of a Public Meeting of the Amherstburg Municipal Council held Monday, May 3, 2004 at 5:50 p.m. to consider a proposed Zoning By-law Amendment, be received and adopted.

Motion Carried

REPORTS OF MUNICIPAL OFFICERS

Report #1

Moved by R. Bailey, seconded by R. White that the report from Lou Zarlenga, dated May 11, 2004 regarding Tender Results for New Farm Access Culvert over Shaw Drain for Jeanne Laframboise, be received and that Council concur with the recommendation that the contract be awarded to the low tenderer – Hayes Bros. Excavating.

Motion Carried

Lou Zarlenga stated that the tender was higher than engineering estimates however less than 133% of engineering estimates which would require taking the matter back to the ratepayer.

Report #2

Moved by C. Gibb, seconded by P. Renaud that the memo from Police Chief R. Marentette, dated May 6, 2004 regarding Dirt Bike/ATV Complaint, be received.

Motion Carried

Report #3

Moved by R. Bailey, seconded by G. Freeman that the report from Lou Zarlenga, dated May 12, 2004 regarding Edgewater Beach Sewage Lagoons – Dirt Bike/ATV Complaint be received and that Council concur with correction measures being taken.

Motion Carried

Councillor White commented that she would rather see entire area fenced this year. Discussion took place concerning the item not being in the 2004 budget. Treasurer to prepare report on possibility of money being available from Reserves.

Report #4

Moved by R. White, seconded by R. Bailey that the report from Lou Zarlenga, dated May 10, 2004 regarding Response to CQ 69/04 – Outlet culverts at the Golfview Subdivision Stormwater Management Ponds, be received.

Motion Carried

Report #5

Moved by R. White, seconded by P. Renaud that the report from Hilary Payne, dated May 12, 2004 and Lou Zarlenga, dated May 13, 2004 regarding Infrastructure Funding, be received and that Council agrees with requesting assistance from MP and MPP.

Motion Carried

Report #6

Moved by P. Renaud, seconded by C. Gibb that the report from Lou Zarlenga, dated May 10, 2004 regarding Response to CQ 84/04 – Townline Road Signage, be received and that we concur with the suggestion to change the road name to Smith Road for the length of the Townline Road from Pike Road southerly to the intersection with the 4th Concession of Essex subject to contact with Emergency Planners, residents and Essex Council.

Motion Carried

Report #7

Moved by R. White, seconded by A. Leardi that the report from David Mailloux, dated May 10, 2004 regarding Amendment to Sign By-law – CQ #2004-48, be received and that Council concur with the recommendations therein.

Motion Carried

Report #8

Moved by P. Renaud, seconded by R. Bailey that the report from David Mailloux, dated May 12, 2004 regarding Union Gas Franchise Agreement, be received and be it resolved that:

- 1) This Council approves the form of draft by-law and franchise agreement attached hereto and authorizes the submission thereof to the Ontario Energy Board for approval pursuant to the provisions of Section 9 of The Municipal Franchises Act.
- 2) This Council requests that the Ontario Energy Board make an Order declaring and directing that the assent of the municipal electors to the attached draft by-law and franchise agreement pertaining to the Corporation of the Town of Amherstburg is not necessary pursuant to the provisions of Section 9(4) of the Municipal Franchise Act.

Motion Carried

Report #9

Moved by R. White, seconded by P. Renaud that the reports from Bob Smith, Animal Control Officer, for the months of March and April 2004, be received

Motion Carried

Report #10

Moved by P. Renaud, seconded by C. Gibb that the report from Hilary Payne, dated May 12, 2004 regarding Wine and Food Festival, Fort Malden – September 18, 2004, be received and that Council concur with the recommendation to authorize the Clerk to issue a letter designating the event as a Community Festival.

Motion Carried

Report #11

Moved by P. Renaud, seconded by R. White that the memo from Bart DiPasquale, dated May 7, 2004 regarding No Parking Bylaw and Signs on Front Road South between County Road 20 and McCloud Road, be received and that we concur with the recommendations therein and that administration prepare a by-law for Council consideration.

Motion Carried

Report #12

Moved by P. Renaud, seconded by R. White that the report from Pamela Malott, dated May 17, 2004 regarding Tile Loan Application – Richard Paquette Lot #40 Concession 4 – 42 Acres Roll #630 000 01000, be received and that Council concur with the recommendation that the application be approved.

Motion Carried

UNFINISHED BUSINESS

- lack of Street Name signage at intersection of Middle Side Road and Walker Road.
- Potential for Public Transportation to and from Windsor – in progress.
- From April 1st Council Meeting – requested a copy of the regulation regarding electronic recording of calls and the cost of 1 GPS unit.
- Illumination of intersections at various locations.
- Report of Treasurer regarding Malden Sewer – Treasurer advised that report should be presented at the beginning of June.

NEW BUSINESS

Moved by C. Gibb that the following motion made on May 10, 2004 be rescinded.

“Moved by A. Leardi, seconded by P. Renaud that we defer the above motion until Project HMS Detroit makes public their Audited Financial reports for the last five years and the details of the agreement with Hike Metal”

The above motion was ruled “out of order”.

Moved by P. Renaud, seconded by R. White that we reconsider the following motion made on May 10, 2004.

“Moved by A. Leardi, seconded by P. Renaud that we defer the above motion until Project HMS Detroit makes public their Audited Financial reports for the last five years and the details of the agreement with Hike Metal”

A Recorded Vote was Requested

	<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 C. Gibb, seconded by R. Bailey that we rescind the following motion.

“Moved by A. Leardi, seconded by P. Renaud that we defer the above motion until Project HMS Detroit makes public their Audited Financial reports for the last five years and the details of the agreement with Hike Metal”

Motion Carried

Moved by C. Gibb, seconded by R. White that we pay \$10,000 to the HMS Detroit Project which is the remainder of the \$710,000 granted to the HMS Detroit Project by the previous Council.

During discussion Deputy Mayor indicated that he had further information from the Court file that he wished Council to consider.

<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

BY-LAWS

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

By-law No. 2004-40; 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

ADJOURNMENT

Moved by P. Renaud, seconded by C. Gibb that the meeting adjourn.

Motion Carried

MAYOR

CLERK